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These Minutes were confirmed by City Council on April 14, 2002

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MINUTES OF THE COUNCIL OF THE CITY OF TORONTO

**TUESDAY, FEBRUARY 4, 2003,
WEDNESDAY, FEBRUARY 5, 2003,
THURSDAY, FEBRUARY 6, 2003, AND
SPECIAL MEETINGS HELD ON
FRIDAY, FEBRUARY 7, 2003,
MONDAY, FEBRUARY 10, 2003 AND
TUESDAY, FEBRUARY 11, 2003**

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

CALL TO ORDER - 9:40 a.m.

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

The meeting opened with O Canada.

1.2 CONFIRMATION OF MINUTES

Councillor Berardinetti, seconded by Councillor Sutherland, moved that the Minutes of the Council meetings held on the 26th, 27th and 28th, and the 29th days of November, 2002, be confirmed in the form supplied to the Members, which carried.

1.3 PETITIONS

- (i) Councillor Jones filed a petition signed by approximately 228 individuals in support of implementing traffic calming measures on Lake Promenade in the former City of Etobicoke.

This petition was filed with the City Clerk.

- (ii) Councillor Korwin-Kuczynski filed a petition containing the signatures of approximately 126 individuals respecting the Front Street Extension.
Council considered this petition with Clause No. 4 of Report No. 1 of The Policy and Finance Committee, headed "Front Street Extension Environmental Assessment and Preliminary Design Study Addendum Report".

PRESENTATION OF REPORTS

- 1.4 Councillor Disero presented the following Reports for consideration by Council:

Deferred Clauses:

Report No. 15 of The Policy and Finance Committee, Clause No. 25a
Report No. 14 of The Administration Committee, Clauses Nos. 1a, 4a and 32a
Report No. 9 of The Community Services Committee, Clause No. 10b
Report No. 10 of The Community Services Committee, Clause No. 5a
Report No. 10 of The Economic Development and Parks Committee, Clause No. 9a
Report No. 12 of The Works Committee, Clauses Nos. 7a and 10a

New Reports:

Report No. 1 of The Policy and Finance Committee
Report No. 1 of The Administration Committee
Report No. 2 of The Administration Committee
Report No. 1 of The Community Services Committee
Report No. 2 of The Community Services Committee
Report No. 1 of The Economic Development and Parks Committee
Report No. 2 of The Economic Development and Parks Committee
Report No. 1 of The Planning and Transportation Committee
Report No. 2 of The Planning and Transportation Committee
Report No. 3 of The Planning and Transportation Committee
Report No. 1 of The Works Committee
Report No. 2 of The Works Committee
Report No. 1 of The Etobicoke Community Council
Report No. 1 of The Humber York Community Council
Report No. 1 of The Midtown Community Council
Report No. 1 of The North York Community Council
Report No. 1 of The Scarborough Community Council
Report No. 1 of The Toronto East York Community Council

Report No. 1 of The Board of Health
Report No. 1 of The Nominating Committee
Report No. 1 of The Striking Committee

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

1.5 **DECLARATIONS OF INTEREST**

Councillor Ashton declared an interest in Clause No. 18 of Report No. 2 of The Administration Committee, headed "Request for Proposal for Legal and Actuarial Assistance to Evaluate the Amalgamation of Pension Plans", in that his father-in-law is a member of the subject pension plan.

Councillor Bussin declared an interest in Clause No. 19 of Report No. 1 of The Etobicoke Community Council, headed "Condition to Enactment of By-law - Fogh Sails Holdings Limited - 2245 and 2246 Lake Shore Boulevard West File No. TA CMB 2001 0017 (Ward 6 - Etobicoke-Lakeshore)", in that her spouse is a solicitor for the applicant.

Councillor Cho declared an interest in Clause No. 11 of Report No. 2 of The Community Services Committee, headed "Affordable and Transitional Housing at 20 Sewells Road by Wigwamen Inc.", in that he has volunteered to sit as a member of the Tenants Selection Committee of the subject development.

Councillor Chow declared an interest in Clause No. 46 of Report No. 1 of The Toronto East York Community Council, headed "Introduction of Permit Parking, east side of Glasgow Street, at Cecil Street (Trinity-Spadina, Ward 20)", in that she resides in the vicinity of the subject area.

Councillor Disero declared an interest in the following matters:

- (1) Clause No. 3 of Report No. 1 of The Toronto East York Community Council, headed "Draft By-law - Stop Up and Closure of the Below-Grade Portion of the Public Lane West of Yonge Street, Extending Southerly from Scollard Street, abutting Premises Nos. 11 and 21 Scollard Street (Toronto Centre-Rosedale, Ward 27)", in that she owns property in the immediate vicinity;
- (2) Clause No. 9 of Report No. 1 of The Toronto East York Community Council, headed "Draft By-law - Zoning By-law Amendment - 837 Yonge Street Canadian Tire Corporation Limited (Toronto Centre-Rosedale, Ward 27)", in that she owns property in the immediate vicinity;
- (3) Clause No. 31 of Report No. 1 of The Toronto East York Community Council, headed "Variance from Chapter 297, Signs, of the Former City of Toronto Municipal Code - 1252

Bay Street (Toronto Centre-Rosedale, Ward 27)”, in that she owns property in the immediate vicinity; and

- (4) Motion J(35) moved by Councillor Minnan-Wong, seconded by Councillor Moscoe, regarding a Request for a Status Report on the Legal Dispute with the Toronto Port Authority, in that she is one of the parties named in a litigation matter related to the Toronto Port Authority.

Councillor Flint declared an interest in Clause No. 37 of Report No. 1 of The Midtown Community Council, headed “Refusal Report: Application to Amend the Official Plan and Zoning By-law and for Site Plan Approval 58, 60, 64, 68 Orchard View Boulevard and 441 Duplex Avenue Brydale Developments (Orchard View) Inc. 202020, TD CMB 2002 0014 (Eglinton Lawrence - Ward 16)”, in that her son’s place of business is located within the boundary of the official notification area.

Councillor Hall declared an interest in Clause No. 18 of Report No. 2 of The Administration Committee, headed “Request for Proposal for Legal and Actuarial Assistance to Evaluate the Amalgamation of Pension Plans”, in that her husband works for the former City of North York.

Councillor Korwin-Kuczynski declared an interest in the following matters:

- (1) Clause No. 1 of Report No. 1 of The Board of Health, headed “Toronto's Environmental Tobacco Smoke (ETS) By-law - Implementation Update”, in that he has an interest in a restaurant/bar; and
- (2) the following Motions, in that he is a member of the Canadian Forces:
- J(8) moved by Councillor Chow, seconded by Councillor Mihevc, regarding the Proposed Opposition to Military Action Against Iraq;
 - J(12) moved by Councillor Mihevc, seconded by Councillor Johnston, regarding Opposition to Weapons in Space; and
 - J(25) moved by Councillor Cho, seconded by Councillor Pitfield, regarding Canadian Participation in Military Attack on Iraq.

Mayor Lastman declared an interest in the following matters:

- (1) Clause No. 1a of Report No. 14 of The Administration Committee, headed “Union Station Request for Proposals Status Report on Negotiations With Union Pearson Group (Ward 28 - Toronto Centre - Rosedale)”, in that his son was appointed to the Board of Directors of Borealis Capital Corporation, which has a financial interest in Enwave District Energy Limited and provides management services to some of OMERS assets;
- (2) Clause No. 2 of Report No. 1 of The Policy and Finance Committee, headed “Review of Toronto Waterfront Revitalization Corporation’s (TWRC) Proposed Business Strategy and Development Plan; Overview of Due Diligence Process; Results of City Input, Bill 151: The

Toronto Waterfront Revitalization Corporation Act; and Integrated Energy in the Central Waterfront”, with respect to Section No. 3.4, entitled “The Development Plan” of the Waterfront Business Plan as it relates to the precincts, in that the Toronto Waterfront Revitalization Corporation has retained a development lawyer at his son’s law firm for advice on development matters as they relate to these precincts;

- (3) Clause No. 7 of Report No. 1 of The Policy and Finance Committee, headed “The City’s Investment in Enwave District Energy Limited”, in that his son was appointed to the Board of Directors of Borealis Capital Corporation, which has a financial interest in Enwave District Energy Limited and provides management services to some of OMERS assets;
- (4) Clause No. 40 of Report No. 1 of The Policy and Finance Committee, headed “Precinct Agreements With Canadian Pacific Properties Inc.”, in that his son was appointed to the Board of Directors of Borealis Capital Corporation, which has a financial interest in Enwave District Energy Limited and provides management services to some of OMERS assets;
- (5) Clause No. 10 of Report No. 1 of The Toronto East York Community Council, headed “Draft By-laws - Official Plan Amendment and Rezoning - 311 Bay Street (Toronto-Centre Rosedale, Ward 28)”, in that his son’s firm is representing someone who is opposed to the application; and
- (6) Motion J(24) moved by Councillor Cho, seconded by Councillor Feldman, regarding an Expression of Appreciation to Mayor Lastman, in that he is the subject of the Motion.

Councillor Mammoliti declared an interest in Item (b), entitled “Donation of Community Waterplay Area at Fennimore Park (Ward 7 - York West)”, embodied in Clause No. 27 of Report No. 2 of The Administration Committee, headed “Other Items Considered by the Committee”, in that his parents own property in the immediate vicinity.

Councillor Mihevc declared an interest in Clause No. 10 of Report No. 2 of The Community Services Committee, headed “Final Allocations for the Federal Supporting Communities Partnership Initiative Funding”, in that his wife may be employed by one of the sub-groups within one of the funding envelopes under the Federal SCPI projects.

Councillor Miller declared an interest in Clause No. 7 of Report No. 2 of The Administration Committee, headed “Declaration as Surplus City-Owned Land at 20 Gothic Avenue (Ward 13 - Parkdale-High Park)”, in that he lives in the immediate vicinity.

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

Councillor Pitfield declared an interest in Clause No. 10 of Report No. 1 of The Toronto East York Community Council, headed "Draft By-laws - Official Plan Amendment and Rezoning - 311 Bay Street (Toronto-Centre Rosedale, Ward 28)", in that her husband works in a building adjacent to the subject property.

Councillor Shaw declared an interest in Clause No. 12 of Report No. 1 of The Scarborough Community Council, headed "Final Report Zoning By-law Amendment Application TF ZBL 2002 0008 Knightstone Capital Management Inc. (Formerly McCowan Centre Inc.), North-East Corner of McCowan Road and Ellesmere Road Progress Employment District (Ward 38 - Scarborough Centre)", in that she and her family own property in the immediate vicinity of the proposal.

Councillor Walker declared an interest in Motion J(35) moved by Councillor Minnan-Wong, seconded by Councillor Moscoe, regarding a Request for a Status Report on the Legal Dispute with the Toronto Port Authority, in that he is one of the parties named in a litigation matter related to the Toronto Port Authority.

CONSIDERATION OF REPORTS

CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION

1.6 The following Clauses were held by Council for further consideration:

Report No. 15 of The Policy and Finance Committee, Clause No. 25a

Report No. 14 of The Administration Committee, Clauses Nos. 1a, 4a and 32a

Report No. 9 of The Community Services Committee, Clause No. 10b

Report No. 10 of The Community Services Committee, Clause No. 5a

Report No. 10 of The Economic Development and Parks Committee, Clause No. 9a

Report No. 12 of The Works Committee, Clauses Nos. 7a and 10a

Report No. 1 of The Policy and Finance Committee, Clauses Nos. 1, 2, 3, 4, 5, 7, 14, 15, 16, 18, 19, 21, 22, 23, 24, 25, 32, 33, 34, 35, 38, 39 and 40

Report No. 1 of The Administration Committee, Clauses Nos. 1, 2, 3, 4, 5, 7, 8, 9, 13, 15, 16 and 19

Report No. 2 of The Administration Committee, Clauses Nos. 1, 2, 3, 7, 9, 11, 14, 15, 20, 21, 23 and 27

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

Report No. 2 of The Community Services Committee, Clauses Nos. 1, 5, 7, 8, 10, 12 and 13

Report No. 1 of The Economic Development and Parks Committee, Clauses Nos. 4, 5, 9, 10, 11 and 12

Report No. 2 of The Economic Development and Parks Committee, Clauses Nos. 5, 7, 9 and 13

Report No. 1 of The Planning and Transportation Committee, Clauses Nos. 2 and 5

Report No. 2 of The Planning and Transportation Committee, Clauses Nos. 2, 3 and 4

Report No. 3 of The Planning and Transportation Committee, Clause No. 1

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

Report No. 2 of The Works Committee, Clauses Nos. 3, 4 and 5

Report No. 1 of The Etobicoke Community Council, Clause No. 18

Report No. 1 of The Humber York Community Council, Clauses Nos. 1, 2, 10, 14, 26, 31, 39 and 44

Report No. 1 of The Midtown Community Council, Clauses Nos. 14, 21, 30, 31, 32, 33, 42, 43 and 45

Report No. 1 of The North York Community Council, Clauses Nos. 14, 15 and 18

Report No. 1 of The Scarborough Community Council, Clauses Nos. 5, 6, 10, 16, 19 and 20

Report No. 1 of The Toronto East York Community Council, Clauses Nos. 2, 9, 10, 13, 23, 25, 27, 38, 47 and 57

Report No. 1 of The Board of Health, Clause No. 1

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

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

Report No. 15 of The Policy and Finance Committee, Clause No. 25a

Report No. 10 of The Community Services Committee, Clause No. 5a

Report No. 12 of The Works Committee, Clause No. 7a

Report No. 1 of The Policy and Finance Committee, Clauses Nos. 19, 23, 34 and 39

Report No. 1 of The Administration Committee, Clauses Nos. 5, 7 and 9

Report No. 2 of The Administration Committee, Clauses Nos. 15, 20 and 23

Report No. 1 of The Community Services Committee, Clause No. 1

Report No. 2 of The Community Services Committee, Clauses Nos. 5 and 13

Report No. 1 of The Economic Development and Parks Committee, Clauses Nos. 4, 9

Report No. 2 of The Economic Development and Parks Committee, Clauses Nos. 5 and 9

Report No. 2 of The Works Committee, Clauses Nos. 3 and 5

Report No. 1 of The Humber York Community Council, Clause No. 2

Report No. 1 of The North York Community Council, Clauses Nos. 14, 15 and 18

Report No. 1 of The Scarborough Community Council, Clauses Nos. 10 and 16

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

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

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

- 1.7 **Clause No. 10b of Report No. 9 of The Community Services Committee, headed “Other Items Considered by the Committee”.**

Motion:

Councillor Sutherland moved that the Item, entitled “Emergency Homelessness Pilot Project - Process for Focus Group and Eligibility Criteria”, embodied in the Clause, be struck out and referred back to the Community Services Committee for further consideration.

Vote on Referral:

The motion by Councillor Sutherland carried.

1.8 **Clause No. 10a of Report No. 12 of The Works Committee, headed “Harmonized Policies and Procedures for Memorials on City Property”.**

Motion:

Councillor Pantalone moved that the Clause be amended in accordance with the following recommendations of the Economic Development and Parks Committee, embodied in the communication dated December 17, 2002, from the City Clerk:

- “(a) the adoption of the ‘Policy Framework for Memorials on City Parks and Open Spaces’, as outlined in Attachment ‘B’, embodied in the joint report (October 18, 2002), from the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Works and Emergency Services, subject to amending the fourth paragraph on Page 3 to read as follows:

‘Upon request for a permanent memorial within a road right-of-way, the City will advise of the benefits of the Tree Advocacy Planting Program. The City may approve the planting of a tree or trees within the road rights-of-way at, or near, the site of the tragic event, at full cost recovery to the requestor and subject to the approval of the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Works and Emergency Services, or his/her designates and any adjacent property owner(s). Where applicable, the full benefits of the Tree Advocacy Planting Program will apply to the planting of memorial trees.’;

- (b) all inquiries relating to memorials on City owned parkland or open spaces be directed to the Commissioner of Economic Development, Culture and Tourism or his/her designate;
- (c) that Section 3.3 of the proposed ‘Policy and Procedural Guidelines for Memorials on Public Road Rights-of-Way’, be amended to read as follows:

‘3.3 Upon request for a permanent memorial within a road right-of-way, the City will advise of the benefits of the Tree Advocacy Planting Program. The

City may approve the planting of a tree or trees within the road rights-of-way at, or near, the site of the tragic event, at full cost recovery to the requestor and subject to the approval of the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Works and Emergency Services, or his/her designates and any adjacent property owner(s). Where applicable, the full benefits of the Tree Advocacy Planting Program will apply to the planting of memorial trees.’; and

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

Votes:

The motion by Councillor Pantalone carried.

The Clause, as amended, carried.

1.9 **Clause No. 32 of Report No. 1 of The Policy and Finance Committee, headed “Using Tax Increment Financing as a Development Incentive within the Draft Etobicoke Centre Secondary Plan Area (Ward 5 - Etobicoke Lakeshore)”.**

Motion:

Councillor Milczyn moved that the Clause be struck out and referred to the Director of Community Planning, West District, for consideration with the Community Improvement Plan.

Vote on Referral:

The motion by Councillor Milczyn carried.

1.10 **Clause No. 38 of Report No. 1 of The Policy and Finance Committee, headed “Mandatory Sentencing for the Use of Firearms”.**

Motion:

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

“It is further recommended that a copy of this Clause be forwarded to the Federal Minister of Justice and Attorney General and the Federation of Canadian Municipalities, for their information and appropriate action.”

Votes:

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

1.11 Clause No. 3 of Report No. 1 of The Administration Committee, headed “West District Study - A Process Framework”.

Motion:

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

“It is further recommended that the Commissioner of Corporate Services be requested to enter into discussions with the Toronto District School Board respecting the future of the former Etobicoke Education Centre and the possibility of securing a school site on the Westwood Theatre property.”

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

1.12 Clause No. 21 of Report No. 1 of The Midtown Community Council, headed “Amendments to Parking Regulations Wicksteed Avenue, Between Laird Drive and Brentcliffe Road (Don Valley West - Ward 26)”.

Motion:

Councillor Pitfield moved that the Clause be amended by deleting from Recommendation No. (1) embodied in the report (November 19, 2002) from the Director, Transportation Services, District 1, the time “8:00 a.m.” and inserting in lieu thereof the time “9:00 a.m.”, so that such recommendation now reads as follows:

“(1) the existing ‘60 minute maximum, 9:00 a.m. to 4:00 p.m.’ parking regulation on the north side of Wicksteed Avenue, between Brentcliffe Road and a point 61 metres east of Laird Drive, be rescinded;”.

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

1.13 Clause No. 42 of Report No. 1 of The Midtown Community Council, headed “Final Report – Application to Amend Zoning By-law No. 1-83, 203, 205, 207 Raglan Avenue Owner: 1428823 Ontario Limited File Number: TD CMB 2002 0011 (St. Paul’s - Ward 21)”.

Motion:

Councillor Mihevc moved that the Clause be amended by:

- (1) deleting Recommendation No. (1) embodied in the report dated December 17, 2002, from the Acting Director, Community Planning, North District, and inserting in lieu thereof the following:

“(1) amend the City of York Zoning By-law No. 1-83 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6, subject to inserting the following new Provision (i), and re-ordering the original Provision (i) as Provision (j):

‘(i) the maximum floor space index shall be 0.8 on the Lands;’ ”; and

- (2) adding thereto the following:

“It is further recommended that, pursuant to Section 34(17) of the Planning Act, Council determine that no further notice to the public is required in respect of the proposed By-law.”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

1.14 Clause No. 45 of Report No. 1 of The Midtown Community Council, headed “Attendance of City Staff at The Ontario Municipal Board - 20 Lewes Crescent (Don Valley West - Ward 25)”.

Motion:

Councillor Flint moved that the Clause be received, having regard that on January 29, 2003, the Ontario Municipal Board denied the City’s request for adjournment, as outlined in the report dated February 3, 2003, from the City Solicitor.

Vote on Receipt:

The motion by Councillor Flint carried.

- 1.15 **Clause No. 6 of Report No. 1 of The Scarborough Community Council, headed “Proposed Stop Signs on Schooner Lane (Ward 44 - Scarborough East)”.**

Motion:

Councillor Moeser moved that the Clause be amended by adding to the end of the Recommendation of the Scarborough Community Council, the words “subject to deleting from Column 1 of Appendix 1, attached to such report, the words ‘Shoalhaven Road’ and inserting in lieu thereof the words ‘Shoalhaven Drive’ ”, so that such recommendation now reads as follows:

“The Scarborough Community Council recommends the adoption of the following report (January 6, 2003) from the Director, Transportation Services, District 4, subject to deleting from Column 1 of Appendix 1, attached to such report, the words ‘Shoalhaven Road’ and inserting in lieu thereof the words ‘Shoalhaven Drive’: ”.

Votes:

The motion by Councillor Moeser carried.

The Clause, as amended, carried.

- 1.16 **Clause No. 25 of Report No. 1 of The Toronto East York Community Council, headed “Ontario Municipal Board Hearing - 28 Rees Street (Trinity -Spadina, Ward 20)”.**

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Chow moved that Council adopt the confidential report dated January 31, 2003, from the City Solicitor, such report to remain confidential, in its entirety, in accordance with the provisions of the Municipal Act, having regard that it contains information that is subject to solicitor/client privilege.

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

1.17 **Clause No. 38 of Report No. 1 of The Toronto East York Community Council, headed “Construction and Maintenance of Portion of Building Associated with Expansion of Royal Ontario Museum - Bloor Street West Flank of 100 Queen’s Park Crescent (Trinity - Spadina, Ward 20)”.**

Motion:

Councillor Chow moved that the Clause be amended by adding to the preamble of Recommendation No. (1), embodied in the report dated December 30, 2002, from the Manager, Right-of-Way Management, Transportation Services, District 1, the words “subject to City Council enacting the associated Zoning By-law Amendment, and further subject to the applicant obtaining the requisite site plan approval, that”, so that the preamble of such recommendation now reads as follows:

- “(1) subject to City Council enacting the associated Zoning By-law Amendment, and further subject to the applicant obtaining the requisite site plan approval, that City Council approve the construction and maintenance of a portion of the building associated with the expansion of the Royal Ontario Museum that will encroach within the public right of way on the Bloor Street West flank of 100 Queen’s Park Crescent, subject to the property owners entering into an encroachment agreement with the City of Toronto, agreeing to:”.

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

1.18 **Clause No. 57 of Report No. 1 of The Toronto East York Community Council, headed “Amendments to Parking Regulations - Linsmore Crescent, between Mortimer Avenue and Memorial Park (Toronto -Danforth, Ward 29)”.**

Motion:

Councillor Rae moved that the Clause be amended by deleting from Recommendation No. (1) embodied in the report dated January 6, 2003, from the Director, Transportation Services, District 1, the first occurrence of the words “Mortimer Avenue”, and inserting in lieu thereof the words “Linsmore Crescent”, so that such recommendation now reads as follows:

- “(1) the existing ‘15 minute maximum, 8:30 a.m. to 11:00 p.m.’ parking regulation on the east side of Linsmore Crescent, between Mortimer Avenue and a point 27.5 north thereof, be rescinded; and”.

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

1.19 **Clause No. 1 of Report No. 1 of The Board of Health, headed “Toronto’s Environmental Tobacco Smoke (ETS) By-law - Implementation Update”.**

Motion:

Councillor Moscoe moved that a copy of this Clause be forwarded to the Association of Municipalities of Ontario (AMO).

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

1.20 **Clause No. 44 of Report No. 1 of The Humber York Community Council, headed “Other Items Considered by the Community Council”.**

Motion:

Councillor Moscoe moved that the Clause be received as information, subject to amending Item (i), entitled “Request for Speed Humps: (1) Regina Avenue between Ameer Avenue and Varna Avenue; (2) Miranda Avenue between Bowie Avenue and Schnell Avenue (Eglinton-Lawrence, Ward 15)”, embodied therein, notwithstanding the provisions of Chapter 27, Council Procedures, of the City of Toronto Municipal Code, to provide that Council adopt the following Motion:

“BE IT RESOLVED THAT the Commissioner of Works and Emergency Services be authorized to conduct polls of eligible residents on:

- (1) Regina Avenue, between Ameer Avenue and Varna Drive; and
- (2) Miranda Avenue, between Bowie Avenue and Schnell Avenue;

in accordance with the traffic calming policy to determine if the residents of these roadways support the installation of speed humps on their respective roadway;

AND BE IT FURTHER RESOLVED THAT, in the event the results of such polls indicate the support of the affected residents, the necessary by-laws be prepared and public

notices be given pursuant to the Municipal Act and the Municipal Class Environmental Assessment Act for the alterations of Miranda Avenue and Regina Avenue for the installation of speed humps;

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 Toronto Police Services and upon approval of the by-laws by Council, Notices of Completion be issued;

AND BE IT FURTHER RESOLVED THAT the speed limit be reduced from 40 kilometres per hour to 30 kilometres per hour on the following roads, coincident with the implementation of speed humps:

- (1) Regina Avenue between Ameer Avenue and Varna Drive; and
- (2) Miranda Avenue between Bowie Avenue and Schell Avenue;

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.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, was received as information.

1.21 **Clause No. 4a of Report No. 14 of The Administration Committee, headed “Establishing a City Lobbyist Registry Similar to Provincial and Federal Systems: Implementation Issues, Costs and Requirements”.**

Having regard that the Clause was submitted to Council without recommendation:

Motions:

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

“It is recommended that:

- (1) the City approve the establishment of a lobbyist registry system, as follows:
 - (i) the registry should be in place within three months;

- (ii) in the initial stages, the registry will take the form of a simple register in each Councillor's office, requiring all lobbyists to sign in;
 - (iii) a copy of the registry is to be made available at the end of each month in the office of the City Clerk; and
 - (iv) a budget of \$500.00 be established to cover the initial costs, with funding to be provided from within the existing budget of the City Clerk's Office;
 - (2) the Ethics Steering Committee be requested to refine the details of data collection and the definition to be applied to lobbyist activities, and submit a report thereon to Council, through the Administration Committee; and
 - (3) consideration be given to sustaining the system by charging professional lobbyists an amount for registration when a more permanent registration system is established.”
- (b) Councillor Miller moved that Council adopt the following recommendation:
- “It is recommended that the Chief Administrative Officer, in consultation with the Commissioner of Corporate Services, be requested to submit a report to the Administration Committee, on measures to strengthen the City's policies regarding the lobbying of civil servants, with a general goal of banning or implementing stronger controls on the lobbying of civil servants.”
- (c) Councillor Mihevc moved that:
- (1) Council adopt the following recommendation:

“It is recommended that:

 - (i) a permanent and formal City-wide lobbyist registry system be established;
 - (ii) the following Recommendations Nos. (3), (6) and (7), embodied in the joint report (October 30, 2002) from the Chief Administrative Officer and the City Solicitor, be adopted:
 - ‘(3) if Council decides to proceed with a City Lobbyist Registry by-law similar to that contained in Appendix 5 to this report, the City Clerk and Commissioners be consulted to ensure an effective City lobbyist registry that will address the applications, procedures and functions likely to attract a high degree of lobbyist activity, as well

- as be consistent with provincial and federal principles for the registration process;
- (6) after consultation with the City Clerk and Commissioners as per Recommendation No. (3) above, the Chief Administrative Officer and City Solicitor report to Administration Committee on a final form lobby registry by-law; and
 - (7) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’; and
- (iii) the Chief Administrative Officer and the City Solicitor be requested to submit a joint report to the Administration Committee:
 - (a) outlining a request to the Province of Ontario for enabling legislation for a permanent lobbyist registry system, within the context of the request for enabling legislation for a City Integrity Commissioner; and
 - (b) on the administrative aspects of the lobbyist registry system as it relates to the Office of the Integrity Commissioner.”; and
- (2) motion (a) by Councillor Moscoe be amended:
 - (i) to provide that the lobbyist registry outlined in Part (1) be approved as an interim, voluntary process; and
 - (ii) by adding the following words to Part (2):

“such report to also address the issue of lobbying by unions, developers, fundraisers and special interest groups”.
- (d) Councillor Walker moved that Council adopt a City Lobbyist Registry By-law as contained in Appendix 5 to the joint report dated October 30, 2002, from the Chief Administrative Officer and the City Solicitor, and that such by-law be applicable to City of Toronto senior staff holding positions from the Director level to the Chief Administrative Officer.
 - (e) Councillor Soknacki moved that Council adopt the following recommendations:

“It is recommended that:

 - (1) a permanent and formal City-wide lobbyist registry system, similar to the system

described in the joint report (October 30, 2002) from the Chief Administrative Officer and the City Solicitor (as embodied in the Clause), with estimated annual costs of \$300,000.00 and set-up costs of \$360,000.00, be established for the City of Toronto at such time as the Province of Ontario approves enabling legislation; and

- (2) in the meantime, the Chief Administrative Officer, in consultation with the City Solicitor, be requested to continue to develop policies and procedures, within the existing legislation, based on external industry and association policies, regulations and laws governing lobbyists, and other relevant policies, such as the Code of Conduct for Council Members and the Lobbying Disclosure Policy for certain competitive calls.”

Councillor Disero in the Chair.

- (f) Councillor Lindsay Luby moved that Council adopt the following recommendation:

“It is recommended that City Council also consider using the Office of the Auditor General as a repository for lobbyist disclosure information.”

- (g) Councillor Nunziata moved that Part (1)(ii) of motion (a) by Councillor Moscoe be amended by deleting all of the words after the word “register”, and inserting in lieu thereof the words “located at Council reception desks, such registry to include lobbyists’ names and signatures, the date, time and purpose of the visit, as well as the office visited”, so that such Part now reads as follows:

- “(ii) in the initial stages, the registry will take the form of a simple register located at Council reception desks, such registry to include lobbyists’ names and signatures, the date, time and purpose of the visit, as well as the office visited;”.

Votes:

Adoption of Part (2)(i) of motion (c) by Councillor Mihevc:

<p>Yes - 21 Councillors: Altobello, Berardinetti, DiGiorgio, Disero, Duguid, Filion, Hall, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moeser, Nunziata, Pantalone, Pitfield, Rae, Silva, Tziretas</p>
<p>No - 12</p>

Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Cho, Flint, Holyday, Johnston, Miller, Moscoe, Shaw, Walker
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Carried by a majority of 9.

Adoption of Part (2)(ii) of motion (c) by Councillor Mihevc:

Yes - 33 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Silva, Tziretas, Walker
No - 0	

Carried, without dissent.

Adoption of motion (g) by Councillor Nunziata:

Yes - 12 Councillors:	Cho, Disero, Duguid, Filion, Li Preti, Lindsay Luby, McConnell, Mihevc, Moeser, Nunziata, Pantalone, Tziretas
No - 21 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Di Giorgio, Flint, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Milczyn, Miller, Moscoe, Pitfield, Rae, Shaw, Silva, Walker

Lost by a majority of 9.

Adoption of Parts (1)(i), (1)(iii) and (2), as amended, and Part (3) of motion (a) by Councillor Moscoe:

Yes - 33 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Silva, Tziretas, Walker
No - 1 Councillor:	Holyday

Carried by a majority of 32.

Adoption of Part (1)(ii) of motion (a) by Councillor Moscoe, as amended:

Yes - 32	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Filion, Flint, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Silva, Tziretas, Walker
No - 2	
Councillors:	Duguid, Mammoliti

Carried by a majority of 30.

Adoption of Part (1)(iv) of motion (a) by Councillor Moscoe, as amended:

Yes - 26	
Councillors:	Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Filion, Holyday, Johnston, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Rae, Shaw, Silva, Tziretas, Walker
No - 8	
Councillors:	Altobello, Flint, Hall, Jones, Mammoliti, Moeser, Nunziata, Pitfield

Carried by a majority of 18.

Adoption of motion (b) by Councillor Miller:

Yes - 34	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Silva, Tziretas, Walker
No - 0	

Carried, without dissent.

Adoption of Part (1) of motion (e) by Councillor Soknacki, and in the absence of Councillor Soknacki, moved by Councillor Lindsay Luby:

Yes - 18 Councillors:	Altobello, Ashton, Di Giorgio, Disero, Duguid, Flint, Hall, Holyday, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Moeser, Nunziata, Pitfield, Rae, Tziretas
No - 16 Councillors:	Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Filion, Johnston, Jones, McConnell, Mihevc, Miller, Moscoe, Pantalone, Shaw, Silva, Walker

Carried by a majority of 2.

Adoption of Part (2) of motion (e) by Councillor Soknacki, and in the absence of Councillor Soknacki, moved by Councillor Lindsay Luby:

Yes - 29 Councillors:	Altobello, Ashton, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Rae, Shaw, Silva, Tziretas
No - 5 Councillors:	Augimeri, Balkissoon, Pantalone, Pitfield, Walker

Carried by a majority of 24.

Adoption of Part (1)(i) of motion (c) by Councillor Mihevc:

Yes - 30 Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Disero, Duguid, Filion, Flint, Hall, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Silva, Tziretas, Walker
No - 2 Councillors:	Di Giorgio, Holyday

Carried by a majority of 28.

Adoption of Part (1)(ii) of motion (c) by Councillor Mihevc:

Yes - 31 Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Silva, Tziretas, Walker
No - 1 Councillor:	Holyday

Carried by a majority of 30.

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

Yes - 30 Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Silva, Tziretas
No - 2 Councillors:	Holyday, Walker

Carried by a majority of 28.

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

Yes - 28 Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Filion, Flint, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Pantalone, Pitfield, Rae, Shaw, Silva, Tziretas, Walker
No - 4 Councillors:	Hall, Holyday, Moeser, Nunziata

Carried by a majority of 24.

Having regard to the foregoing decisions of Council, Acting Chair Disero ruled motion (d) by Councillor Walker, redundant.

Adoption of motion (f) by Councillor Lindsay Luby:

Yes - 13 Councillors: Altobello, Cho, Disero, Duguid, Hall, Holyday, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Moeser, Nunziata, Tziretas
No - 19 Councillors: Augimeri, Balkissoon, Berardinetti, Bussin, Di Giorgio, Filion, Flint, Johnston, Jones, McConnell, Mihevc, Miller, Moscoe, Pantalone, Pitfield, Rae, Shaw, Silva, Walker

Lost by a majority of 6.

The Clause, as amended, carried.

In summary, Council adopted the following recommendations:

“It is recommended that:

- (1) the City approve the establishment of an interim, voluntary lobbyist registry system, as follows:
 - (a) the registry should be in place within three months;
 - (b) in the initial stages, the registry will take the form of a simple register in each Councillor’s office, requiring all lobbyists to sign in;
 - (c) a copy of the registry is to be made available at the end of each month in the office of the City Clerk;
 - (d) a budget of \$500.00 be established to cover the initial costs, with funding to be provided from within the existing budget of the City Clerk’s Office;
- (2) a permanent and formal City-wide lobbyist registry system, similar to the system described in the joint report (October 30, 2002) from the Chief Administrative Officer and the City Solicitor (as embodied in the Clause), with estimated annual costs of \$300,000.00 and set-up costs of \$360,000.00, be established for the City of Toronto at such time as the Province of Ontario approves enabling legislation;

- (3) in the meantime, the Chief Administrative Officer, in consultation with the City Solicitor, be requested to continue to develop policies and procedures, within the existing legislation, based on external industry and association policies, regulations and laws governing lobbyists, and other relevant policies, such as the Code of Conduct for Council Members and the Lobbying Disclosure Policy for certain competitive calls;
- (4) the following Recommendations Nos. (3), (6) and (7), embodied in the joint report (October 30, 2002) from the Chief Administrative Officer and the City Solicitor, be adopted:
 - '(3) if Council decides to proceed with a City Lobbyist Registry by-law similar to that contained in Appendix 5 to this report, the City Clerk and Commissioners be consulted to ensure an effective City lobbyist registry that will address the applications, procedures and functions likely to attract a high degree of lobbyist activity, as well as be consistent with provincial and federal principles for the registration process;
 - (6) after consultation with the City Clerk and Commissioners as per Recommendation No. (3) above, the Chief Administrative Officer and City Solicitor report to Administration Committee on a final form lobby registry by-law; and
 - (7) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.';
- (5) the Chief Administrative Officer and the City Solicitor be requested to submit a joint report to the Administration Committee:
 - (a) outlining a request to the Province of Ontario for enabling legislation for a permanent lobbyist registry system, within the context of the request for enabling legislation for a City Integrity Commissioner; and
 - (b) on the administrative aspects of the lobbyist registry system as it relates to the Office of the Integrity Commissioner;
- (6) the Chief Administrative Officer, in consultation with the Commissioner of Corporate Services, be requested to submit a report to the Administration Committee on measures to strengthen the City's policies regarding the lobbying of civil servants, with a general goal of banning or implementing stronger controls on the lobbying of civil servants;

- (7) the Ethics Steering Committee be requested to refine the details of data collection and the definition to be applied to lobbyist activities, and submit a report thereon to Council, through the Administration Committee, such report to also address the issue of lobbying by unions, developers, fundraisers and special interest groups; and
- (8) consideration be given to sustaining the system by charging professional lobbyists an amount for registration when a more permanent registration system is established.”

1.22 **Clause No. 7 of Report No. 2 of The Economic Development and Parks Committee, headed “Request for Proposal No. 0613-02-0223 for the Operation of Concession Services for the North District of Parks and Recreation Division (Various Wards in the North District)”.**

Deputy Mayor Ootes in the Chair.

Motion:

Councillor Flint moved that the Clause be amended to provide that the concessions rights contract for the proponent at Don Mills Arena be awarded for a term not to exceed the approval of a potential redevelopment of this facility, or five years, whichever occurs first.

Votes:

The motion by Councillor Flint carried.

The Clause, as amended, carried.

1.23 **Clause No. 1 of Report No. 1 of The Humber York Community Council, headed “Final Report - 1040 Weston Road; Application to Amend former City of York Zoning By-law No. 1-83 Lenco Developments Corporation (York South-Weston, Ward 11)”.**

Motion:

Councillor Nunziata moved that the Clause be amended by striking out Recommendations Nos. (1) to (3) of the Humber York Community Council and inserting in lieu thereof the following:

“(1) that the owner be required to:

- (a) register on title of the donor site, the five parking spaces to be provided off-site within 300 metres;

- (b) convey to the City a 1-foot reserve across the access driveway to the parking lot;
 - (c) remove the existing canopy which extends into the Weston Road right-of-way; and
 - (d) ensure that the on-site garbage storage facility at the rear of the building is properly enclosed;
- (2) that all the requirements including the conditions contained in the adopted report be satisfied within a six-month period from City Council approval; and
- (3) that in the event of failure to comply with all the requirements, the Manager, West District, Municipal Licensing and Standards, be requested to take appropriate action.”

Votes:

The motion by Councillor Nunziata carried.

The Clause, as amended, carried.

1.24 **Clause No. 10 of Report No. 1 of The Humber York Community Council, headed “Proposed Installation of Traffic Control Signals and Turn Prohibitions; St. Clair Avenue West at Mould Avenue (York South-Weston, Ward 11)”.**

Motion:

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

“It is further recommended that a red warning flashing beacon light be installed at the intersection of Castleton Avenue and Henrietta Street.”

Votes:

The motion by Councillor Nunziata carried.

The Clause, as amended, carried.

1.25 **Clause No. 40 of Report No. 1 of The Policy and Finance Committee, headed ‘Precinct Agreements with Canadian Pacific Properties Inc.’.**

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Disero moved that Council adopt the joint report dated February 3, 2003, from the Chief Financial Officer and Treasurer and the Commissioner of Urban Development Services, embodying the following recommendation:

“It is recommended that the resolution embodied in the Notice of Motion submitted by Councillor Disero be approved, and that the City Solicitor be authorized to prepare the necessary documentation for execution by the City’s signing officers, subject to receipt of confirmation of the revised arrangement from Enwave.”

Votes:

The motion by Councillor Disero carried.

The Clause, as amended, carried.

1.26 **Clause No. 11 of Report No. 1 of The Economic Development and Parks Committee, headed ‘Stockyards Area Retail Market Adjustment Program - Final Fund Allocation (Ward 13 Parkdale High-Park, Ward 14 Parkdale High-Park and Ward 17 Davenport)’.**

Motion:

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

“It is further recommended that City Council appoint the following nominees to the Board of Management of the St. Clair Gardens Business Improvement Area, as elected by the BIA on January 13, 2003, for the balance of the 2001-2003 term, or until their successors are appointed:

- Councillor Betty Disero;
- Carmela Sturino;
- Connie Militello;
- Don Antious Panos;
- Rose Signorile; and
- Phillis Ferraro.”

Votes:

The motion by Councillor Disero carried.

The Clause, as amended, carried.

1.27 **Clause No. 26 of Report No. 1 of The Humber York Community Council, headed “Springmount Road at Regal Road; Installation of Northbound and Southbound ‘Stop’ Signs (Davenport, Ward 17)”.**

Motion:

Councillor Disero moved that the Clause be amended by deleting therefrom all instances of the words “Springmount Road” and inserting in lieu thereof the words “Springmount Avenue”.

Votes:

The motion by Councillor Disero carried.

The Clause, as amended, carried.

1.28 **Clause No. 31 of Report No. 1 of The Humber York Community Council, headed “Extension of Permit Parking Hours on Primrose Avenue between Brandon Avenue and the South End of Primrose Avenue (Davenport, Ward 17)”.**

Motion:

Councillor Disero, seconded by Councillor Silva, moved that the Clause be amended by deleting the recommendations embodied in the report dated December 27, 2002, from the Manager, Right-of-Way, Transportation Services, District 1, and inserting in lieu thereof the following:

- “(1) the permit parking hours of operation on Primrose Avenue, between Brandon Avenue and the south end of Primrose Avenue, be extended from 12:01 a.m. to 7:00 a.m., 7 days a week, to 12:01 a.m. to 7:00 p.m., Monday to Friday and from 12:01 a.m. to 7:00 a.m. on Saturday, Sunday and Public Holidays;
- (2) the newly created Part AJ of Schedule XXVI (Permit Parking), of Municipal Code Chapter 400, Traffic and Parking, of the former City of Toronto Municipal Code, be introduced to incorporate Primrose Avenue, between Brandon Avenue and the south end of Primrose Avenue, to operate between 12:01 a.m. to 7:00 p.m. Monday to Friday and 12:01 a.m. to 7:00 a.m., Saturday and Sunday and Public Holidays; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction of all necessary bills.”

Votes:

The motion by Councillor Disero, seconded by Councillor Silva, carried.

The Clause, as amended, carried.

1.29 **Clause No. 11 of Report No. 2 of The Administration Committee, headed “Release of City Interest in 261 Jarvis Street to the Toronto Community Housing Corporation (Ward 27 - Toronto Centre-Rosedale)”.**

Motion:

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

“It is further recommended that Council adopt the report dated February 3, 2003, from the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendations:

‘It is recommended that:

- (1) authority be granted to enter into a lease with 1433838 Ontario Limited, for the recreational space located at 261 Jarvis Street, Toronto, and into a sublease from 1433838 Ontario Limited in respect of community space, both on terms satisfactory to the Commissioner of Economic Development, Culture and Tourism, and in form satisfactory to the City Solicitor;
- (2) authority be granted to assign all of the City’s interest in the lease to the Toronto Community Housing Corporation; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

1.30 **Clause No. 10 of Report No. 1 of The Toronto East York Community Council, headed “Draft By-laws - Official Plan Amendment and Rezoning - 311 Bay Street (Toronto-Centre Rosedale, Ward 28)”.**

Motion:

Councillor Rae moved that the Clause be amended by deleting Recommendations Nos. (2) to (4) of the Toronto East York Community Council and inserting in lieu thereof the following:

- “(2) the applicant be required to design the building to be constructed at 311 Bay Street

in such a manner that future connections to the PATH System from the east and south can be accommodated;

- (3) should a PATH connection to 311 Bay Street be constructed from the east and/or south in the future, the owners of 311 Bay Street be required to provide and maintain a PATH system connection on their site and that it be constructed coincident with the PATH system connection from the east and/or south; and
- (4) daytime access from Bay Street to the underground loading area on the site be permitted for a period of 180 days from the time the first dwelling unit in the building is occupied and provided a police officer, paid for by the owner, supervises use of the Bay Street driveway between the hours 7:00 a.m. and 7:00 p.m., after which access into and out of the Bay Street driveway to the site be prohibited between 7:00 a.m. and 7:00 p.m.”

Votes:

The motion by Councillor Rae carried.

Adoption of the Clause, as amended:

Yes - 30	
Councillors:	Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Miller, Moeser, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki
No - 3	
Councillors:	Filion, Sutherland, Walker

Carried by a majority of 27.

1.31 **Clause No. 2 of Report No. 2 of The Planning and Transportation Committee, headed “Criteria and Process for Selecting Priority Avenue Studies”.**

Motion:

Councillor Ashton moved that the Clause be amended by amending Recommendation No. (2) embodied in the report dated January 6, 2003, from the Commissioner of Urban Development Services, to provide that economic development programs and initiatives be factors in identifying Avenue studies.

Votes:

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

1.32 **Clause No. 5 of Report No. 1 of The Scarborough Community Council, headed “Request for All-way Stop Controls on Hill Crescent at Brinloor Boulevard and at Duncombe Boulevard (Ward 36 - Scarborough Southwest) (Ward 43 - Scarborough East)”.**

Motion:

Councillor Ashton moved that the Clause be amended by striking out and referring the following Recommendation No. (3) of the Scarborough Community Council to the Director of Transportation Services, District 4, with a request that he submit a report thereon to the Scarborough Community Council in one year’s time:

“(3) that all-way stop controls be installed on Hill Crescent at Brinloor Boulevard;”.

Votes:

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

1.33 **Clause No. 3 of Report No. 2 of The Planning and Transportation Committee, headed “Sheppard Avenue Corridor Study - TF WPS 2002 0004”.**

Motion:

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

“It is further recommended that the Commissioner of Works and Emergency Services be requested to submit a report to City Council, through the Planning and Transportation Committee, on the option of creating a new access point onto the Victoria Park Avenue/Highway 401 ramp, directly from the Consumer’s Road business park area, taking into account the findings of the following current studies, once completed:

- (i) the Highway 401/404 Interchange Study; and
- (ii) the Don Valley Parkway Corridor Study.”

Votes:

The motion by Councillor Sutherland carried.

The Clause, as amended, carried.

1.34 Clause No. 8 of Report No. 1 of The Administration Committee, headed “Audio-Visual Linkage Between East York Civic Centre and City Hall”.

Motion:

Councillor Moscoe moved that Council adopt the following recommendation:

“It is recommended that City Council offer to the Cable Public Affairs Channel (CPAC) the opportunity to broadcast the MFP Inquiry, at no cost to the City of Toronto.”

Votes:

The motion by Councillor Moscoe carried.

Adoption of the Clause, as amended:

Yes - 34	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Holyday, Johnston, Jones, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Milczyn, Miller, Moeser, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 2	
Mayor:	Lastman
Councillor:	Li Preti

Carried by a majority of 32.

1.35 Clause No. 4 of Report No. 1 of The Administration Committee, headed “Performance Pay: Increment Progression Rate - Non-Union”.

Motion:

Councillor Pitfield moved that the Clause be amended by adding to Recommendation No. (2) of the Personnel Sub-Committee, the words “such report to include the total number of employees, by department and by job classification, who received exceptional performance ratings”, so that such recommendation now reads as follows:

“(2) that the Commissioner of Corporate Services, in one year’s time after the implementation of the performance pay program, be requested to submit a report back to the Personnel Sub-Committee, providing a further review on this program, such report to include the total

number of employees, by department and by job classification, who received exceptional performance ratings.”

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

1.36 **Clause No. 2 of Report No. 1 of The Toronto East York Community Council, headed “Draft By-law - Stop Up and Closure of the South and West Legs of the Public Highway Van de Water Crescent (Trinity-Spadina, Ward 20)”.**

Motion to Re-Open:

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

Motion:

Councillor Chow moved that the Clause be amended in accordance with the following recommendations embodied in the report dated February 3, 2003, from the Commissioner of Works and Emergency Services:

“It is recommended that:

- (1) the by-law to close the Highway not be passed at the meeting of City Council being held on February 4, 5 and 6, 2003 unless the Minister of the Environment denies the request for a Part II Order before the end of such meeting;
- (2) in the event that the Minister of the Environment denies the request for a Part II Order following the meeting of City Council being held on February 4, 5 and 6, 2003 but before the end of the Special Meeting of City Council to be held on February 24, 2003, the by-law to close the Highway be passed at the said Special Meeting; and
- (3) in the event that the by-law is not passed at the Special Meeting of City Council to be held on February 24, 2003, the by-law not be passed and the existing lease of the Highway not be surrendered before the City Solicitor submits a further report concerning enactment of the by-law.”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

1.37 **Clause No. 4 of Report No. 1 of The Policy and Finance Committee, headed “Front Street Extension Environmental Assessment and Preliminary Design Study Addendum Report”.**

Motions:

- (a) Councillor Pantalone moved that the Clause be amended in accordance with the following recommendations embodied in the report dated February 3, 2003, from the Commissioner of Works and Emergency Services:

“It is recommended that Front Street be extended from Jefferson Avenue to Dufferin Street as part of the overall project, subject to stipulations that:

- (i) the Addendum Report be amended to seek Environmental Assessment approval for a Front Street Extension alignment through to Dufferin Street;
 - (ii) Fraser Avenue and Mowat Avenue not be connected to Front Street at this time;
 - (iii) the approval be subject to the City putting in place suitable measures to minimize the potential for traffic infiltration into Parkdale at a cost not to exceed \$300,000.00;
 - (iv) the projected cashflow in the 2003-2007 Transportation Services Capital Budget be amended to reflect an additional expenditure of \$9.6 million in 2006 (for a total of \$42.6 million in 2006) and a total project cost of \$244.6 million; and
 - (v) the upset limit for the Front Street Extension Environmental Assessment and Preliminary Design Study be increased by \$20,000.00 to \$880,784.49 including all taxes and charges, subject to the approval of the TWRC.”
- (b) Councillor Korwin-Kuczynski moved that the Clause be amended:
- (1) by striking out the recommendation of the Policy and Finance Committee and inserting in lieu thereof the following:

“It is recommended that:

- (i) the Front Street Extension proposal not be supported; and
- (ii) a two-lane one-way eastbound road be constructed from Dufferin Street

to Hanna Avenue.”;

- (2) to provide that:
 - (i) the elimination of the Dufferin Street Jog at Queen Street take place prior to the construction of the proposed Front Street Extension;
 - (ii) the ramps, structures, bridges and tunnels for the proposed Front Street Extension be designed at a width that would prevent future widening of the road to six lanes;
 - (iii) there be no protection of a right-of-way to permit future widening of the Front Street Extension to six lanes; and
 - (iv) the land bridge, as described in the report on Fort York, entitled “Setting It Right”, be designed and built as part of a unified project with the Front Street Extension; and

- (3) by adding thereto the following:

“It is further recommended that staff revise the Environmental Assessment Study, in consultation with the proposed Front Street Extension Design and Construction Advisory Committee, to address outstanding issues including the following:

- the service road concept;
- the continuity and form of the Front Street Extension as a City street;
- streetscaping;
- trail connections;
- unified intersection at Strachan Avenue;
- public transportation; and
- community traffic flow.”

- (c) Councillor Moscoe moved that:

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

“It is further recommended that:

- (i) the Chief Administrative Officer, the Commissioner of Economic Development, Culture and Tourism, the Commissioner of Works and Emergency Services, and the Chief Planner be requested to submit a joint report to the Policy and Finance Committee, on an appropriate percentage

to be applied to this project for public art; and

- (ii) each component of the project, including the land bridge associated with Fort York, include an artist on the design team.”; and

- (2) motion (b) by Councillor Korwin-Kuczynski be amended by inserting in Part (2)(ii) thereof, the words “accommodate the proposed profile of the road but would”, after the words “at a width that would”, so that such part now reads as follows:

“(ii) the ramps, structures, bridges and tunnels for the proposed Front Street Extension be designed at a width that would accommodate the proposed profile of the road but would prevent future widening of the road to six lanes;”; and

- (3) the Clause be amended to provide that the land bridge, as described in the report on Fort York, entitled “Setting it Right”, be designated as part of the next set of priority projects for the Toronto Waterfront Revitalization Corporation, so that after its Environmental Assessment is complete, it can be built as far as possible as part of the unified project with the Front Street Extension.

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

“It is further recommended that the Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services be requested to include, during the detailed design stage, a high level urban design criteria for the overall project, including an urban design competition to enhance key elements and promote urban form, and specifically the following urban design elements related to various components of the project:

- (i) Bathurst Area:
- the design of the intersection at Bathurst Street appears to be very suburban in character. This is an urban intersection and should therefore be enhanced with elements such as decorative pavers to mark the pedestrian crossing areas. The median in this area should either be eliminated (to make the intersection narrower and easier to cross, or widened and enhanced to provide a true refuge in the middle of the street for those who take two light-cycles to cross;
 - remove median/curves to make more urban street;
 - traffic calming: turn this into a City street - not an on/off ramp;
 - design of retaining walls to animate the street; there are many great precedents in Toronto - for example the new Fort York Boulevard; and
 - provide textured paving at crosswalks;

- (ii) Rail Tunnel Area:
 - design the bridge (or the edge of the bridge) as a major gateway element; the images presented so far look like the bridges are being designed to the lowest aesthetic standards;
 - plant trees in the median;
 - provide traffic calming;
 - create safe conditions for cyclists under the tunnel;
 - design and lighting of the tunnel needs to be illustrated and enhanced;
 - location of sidewalk under the tunnel is unclear; and
 - land settlement with Fort York is a major issue;

- (iii) Strachan Connector Ramp:
 - the design of this ramp occupies a large area with very shallow curves and high retaining walls;
 - explore possible connection to Ordinance Avenue;
 - create a pedestrian connection from the on-ramp to the north;
 - provide for future land-bridge connection; and
 - provide details of streetscaping and treatment of the retaining wall;

- (iv) Front Street:
 - must connect all the way to Dufferin Street with all north-south streets (except Fraser Avenue and Mowat Avenue at this time) connecting to Front Street; and
 - requires streetscaping particularly on the south side and provision for pedestrians, cyclists and on-street parking; and

- (v) West of Strachan:
 - on ramp flyover creates a major visual barrier;
 - show details of streetscaping; and
 - show design of all retaining walls.”

- (e) Councillor Chow moved that Recommendation No. (2) of the Works Committee be amended to provide that the Advisory Committee also consider streetscaping, trail connections and a unified intersection at Strachan Avenue.

- (f) Councillor Kelly moved that Part (1)(i) of motion (c) by Councillor Moscoe be amended to provide that the percentage to be applied to the Front Street Extension project for public art, not exceed one percent.

Ruling by Deputy Mayor:

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

Councillor Korwin-Kuczynski challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 37	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Jones, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Soknacki, Sutherland, Tziretas
No - 5	
Councillors:	Korwin-Kuczynski, Mihevc, Miller, Silva, Walker

Carried by a majority of 32.

Votes:

Adoption of Part (3) of motion (b) by Councillor Korwin-Kuczynski:

Yes - 4	
Councillors:	Balkissoon, Chow, Korwin-Kuczynski, Walker
No - 38	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Jones, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 34.

Adoption of Part (1) of motion (b) by Councillor Korwin-Kuczynski:

Yes - 5 Councillors:	Balkissoon, Chow, Korwin-Kuczynski, Rae, Walker
No - 36 Mayor: Councillors:	Lastman Altobello, Ashton, Augimeri, Berardinetti, Bussin, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Jones, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 31.

Adoption of Parts (i), (iv) and (v) of motion (a) by Councillor Pantalone:

Yes - 38 Mayor: Councillors:	Lastman Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Jones, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas
No - 4 Councillors:	Chow, Ford, Korwin-Kuczynski, Walker

Carried by a majority of 34.

Adoption of Parts (ii) and (iii) of motion (a) by Councillor Pantalone:

Yes - 39 Mayor: Councillors:	Lastman Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 3	

Councillors: Chow, Ford, Kelly

Carried by a majority of 36.

Request to Speak:

Councillor Disero, with the permission of Council, moved that Council waive the necessary provisions of Chapter 27 of the City of Toronto Municipal Code, in order to allow her to now move a motion with respect to this matter, the vote upon which was taken as follows:

Yes - 32	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas
No - 10	
Councillors:	Ashton, Balkissoon, Chow, Flint, Ford, Jones, Korwin-Kuczynski, Miller, Moscoe, Walker

Carried, by a majority of 22.

Motion:

- (g) Councillor Disero moved that Part (3) of motion (c) by Councillor Moscoe be amended by deleting the words “designated as”, and inserting in lieu thereof the words “considered as”, so that such part now reads as follows:

“(3) the Clause be amended to provide that the land bridge, as described in the report on Fort York, entitled “Setting it Right”, be considered as part of the next set of priority projects for the Toronto Waterfront Revitalization Corporation, so that after its Environmental Assessment is complete, it can be built as far as possible as part of the unified project with the Front Street Extension.”

Votes:

Adoption of motion (g) by Councillor Disero:

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

Carried by a majority of 10.

Adoption of Part (3) of motion (c) by Councillor Moscoe, as amended:

Yes - 40	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 2	
Councillors:	Ford, Minnan-Wong

Carried by a majority of 38.

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

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

Lost by a majority of 12.

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of Parts (2)(iii) and (2)(iv) of motion (b) by Councillor Korwin-Kuczynski, declared such parts redundant.

Adoption of Part (2)(ii) of motion (b) by Councillor Korwin-Kuczynski, without amendment:

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

Lost by a majority of 16.

Adoption of motion (e) by Councillor Chow:

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

Lost by a majority of 4.

Adoption of motion (f) by Councillor Kelly:

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

Carried by a majority of 26.

Adoption of Part (1) of motion (c) by Councillor Moscoe, as amended:

Yes - 38	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Tziretas, Walker
No - 4	
Councillors:	Ford, Holyday, Minnan-Wong, Sutherland

Carried by a majority of 34.

Adoption of motion (d) by Councillor Rae:

Yes - 33	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Jones, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Tziretas
No - 9	
Councillors:	Altobello, Balkissoon, Ford, Holyday, Kelly, Korwin-Kuczynski, Minnan-Wong, Sutherland, Walker

Carried by a majority of 24.

Adoption of the Clause, as amended:

Yes - 36	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Jones, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas
No - 6	
Councillors:	Balkissoon, Chow, Korwin-Kuczynski, McConnell, Rae, Walker

Carried by a majority of 30.

In summary, Council amended the Clause:

- (1) in accordance with the following recommendations embodied in the report dated February 3, 2003, from the Commissioner of Works and Emergency Services:

“It is recommended that Front Street be extended from Jefferson Avenue to Dufferin Street as part of the overall project, subject to stipulations that:

- (i) the Addendum Report be amended to seek Environmental Assessment approval for a Front Street Extension alignment through to Dufferin Street;

- (ii) Fraser Avenue and Mowat Avenue not be connected to Front Street at this time;
 - (iii) the approval be subject to the City putting in place suitable measures to minimize the potential for traffic infiltration into Parkdale at a cost not to exceed \$300,000.00;
 - (iv) the projected cashflow in the 2003-2007 Transportation Services Capital Budget be amended to reflect an additional expenditure of \$9.6 million in 2006 (for a total of \$42.6 million in 2006) and a total project cost of \$244.6 million; and
 - (v) the upset limit for the Front Street Extension Environmental Assessment and Preliminary Design Study be increased by \$20,000.00 to \$880,784.49 including all taxes and charges, subject to the approval of the TWRC.”;
- (2) to provide that the land bridge, as described in the report on Fort York, entitled “Setting it Right”, be considered as part of the next set of priority projects for the Toronto Waterfront Revitalization Corporation, so that after its Environmental Assessment is complete, it can be built as far as possible as part of the unified project with the Front Street Extension; and
- (3) by adding thereto the following:
- “It is further recommended that:
- (a) the Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services be requested to include, during the detailed design stage, a high level urban design criteria for the overall project, including an urban design competition to enhance key elements and promote urban form, and specifically the following urban design elements related to various components of the project:
 - (i) Bathurst Area:
 - the design of the intersection at Bathurst Street appears to be very suburban in character. This is an urban intersection and should therefore be enhanced with elements such as decorative pavers to mark the pedestrian crossing areas. The median in this area should either be eliminated (to make the intersection narrower and easier to cross, or widened and enhanced to provide a true refuge in the middle of the street for those who take two light-cycles to cross;
 - remove median/curves to make more urban street;
 - traffic calming: turn this into a City street - not an on/off ramp;
 - design of retaining walls to animate the street; there are many great precedents in Toronto - for example the new Fort York Boulevard; and
 - provide textured paving at crosswalks;

- (ii) Rail Tunnel Area:
 - design the bridge (or the edge of the bridge) as a major gateway element; the images presented so far look like the bridges are being designed to the lowest aesthetic standards;
 - plant trees in the median;
 - provide traffic calming;
 - create safe conditions for cyclists under the tunnel;
 - design and lighting of the tunnel needs to be illustrated and enhanced;
 - location of sidewalk under the tunnel is unclear; and
 - land settlement with Fort York is a major issue;

- (iii) Strachan Connector Ramp:
 - the design of this ramp occupies a large area with very shallow curves and high retaining walls;
 - explore possible connection to Ordinance Avenue;
 - create a pedestrian connection from the on-ramp to the north;
 - provide for future land-bridge connection; and
 - provide details of streetscaping and treatment of the retaining wall;

- (iv) Front Street:
 - must connect all the way to Dufferin Street with all north-south streets (except Fraser Avenue and Mowat Avenue at this time) connecting to Front Street; and
 - requires streetscaping particularly on the south side and provision for pedestrians, cyclists and on-street parking; and

- (v) West of Strachan:
 - on ramp flyover creates a major visual barrier;
 - show details of streetscaping; and
 - show design of all retaining walls;

- (b) the Chief Administrative Officer, the Commissioner of Economic Development, Culture and Tourism, the Commissioner of Works and Emergency Services, and the Chief Planner be requested to submit a joint report to the Policy and Finance Committee on an appropriate percentage, not to exceed one percent, to be applied to this project for public art; and

- (c) each component of the project, including the land bridge associated with Fort York, include an artist on the design team.”

1.38 **Clause No. 8 of Report No. 2 of The Community Services Committee, headed “Financial Pressures Related to Local Service Realignment of Child Care, Social Housing and Ontario Works”.**

Motions:

- (a) Councillor Chow moved that Council adopt the report dated January 27, 2003, from the Commissioner of Community and Neighbourhood Services, embodying the following recommendations:

“It is recommended that:

- (i) this report and the document, entitled ‘Preserving Child Care in Toronto: The Case for New Ontario Government Funding’, be received by Council; and
- (ii) the document, entitled ‘Preserving Child Care in Toronto: The Case for New Ontario Government Funding’, be the foundation for action to obtain increased funds for child care from both the Ontario and federal governments.”

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

“It is recommended that the City of Toronto request the federal and provincial governments to ensure that in all future negotiations on programs of this type, the City have a seat at the table in designing such programs.”

Votes:

Motion (a) by Councillor Chow carried.

Motion (b) by Councillor Miller carried.

The Clause, as amended, carried.

1.39 **Clause No. 14 of Report No. 1 of The Policy and Finance Committee, headed “Section 65 of the Ontario Municipal Board Act”.**

Motion:

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

“It is further recommended that the Chief Administrative Officer and the Chief Financial Officer and Treasurer be requested to submit a further report on this matter to the first

regular meeting of the new term of City Council.”

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

1.40 Clause No. 20 of Report No. 1 of The Scarborough Community Council, headed “Adult Video Store By-law for the Former City of Scarborough”.

Motion:

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

“It is further recommended that the Commissioner of Urban Development Services and the City Solicitor be requested to submit a joint report to the Planning and Transportation Committee on the ability of Council to control adult video stores City-wide.”

Votes:

The motion by Councillor Jones carried.

The Clause, as amended, carried.

1.41 Clause No. 2 of Report No. 2 of The Administration Committee, headed “Technology Acquisition and Asset Management Dell Sole Source Acquisition/Computer Acquisition Process”.

Motion:

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

“It is further recommended that the following process be adopted and implemented for the purpose of acquisitions related to technology:

- (1) Technical standards, developed by the Information and Technology Division, will be posted on the City’s internet, along with City policies and terms and conditions for providing bids and selling to the City. In addition, the City website will have a ‘Selling Technology to Toronto’ area to include all City technology standards, purchasing processes, lists of current requests for quotations (RFQs), and electronic versions of current RFQs.

- (2) The Purchasing and Materials Management Division of the Finance Department will issue the RFQ in PDF format by electronic mail to all the firms on the bidder's list. The RFQ document will include a copy of the City's policies (i.e., Fair Wage, Canadian Content, etc.) which they have to abide by in supplying to the City and will be made aware that they have to comply with those policies.
- (3) Suppliers will be given four (4) business days to respond to each RFQ. All responses must be received by the Purchasing and Materials Management Division by noon on the fourth business day. The Purchasing and Materials Management Division is responsible for opening in public all responses received by the deadline.
- (4) Once the responses are provided to the Information and Technology Division, staff will review the requirements and determine the lowest bid meeting specifications. The Purchasing and Materials Management Division will be asked for their review of the evaluation and their concurrence with the recommendation.
- (5) The Purchasing Division will issue the open contract to the successful supplier."

Votes:

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

1.42 **Clause No. 12 of Report No. 2 of The Community Services Committee, headed "New Federally Funded Community Rental Housing Program".**

Motion:

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

"It is further recommended that the City of Toronto request the federal and provincial governments to ensure that when establishing new programs, such as the Community Rental Housing Program, the City have a seat at the table in helping to design such programs."

Votes:

The motion by Councillor Miller carried.

The Clause, as amended, carried.

1.43 **Clause No. 14 of Report No. 2 of The Administration Committee, headed “Initiation of Civil Action With Regard to Environmental Costs Relating to the Expropriation of 11R Hounslow Heath Road (Ward 17 - Davenport)”.**

Motion:

Councillor Disero moved that the Clause be amended in accordance with the following recommendations:

“It is recommended that:

- (1) once the civil suit has been started and the City’s consultants have identified potential remediation strategies, the Commissioner of Corporate Services be requested to report directly to Council on the options available for remediation; and
- (2) the Commissioner of Works and Emergency Services, in consultation with Public Health Officials, be requested to monitor the laneways around the site where exceedences have been found and to take the measures necessary to ensure that the laneway is left clean, and further, the cost of such action is to be included with damages for the purpose of the lawsuit authorized by this report.”

Votes:

The motion by Councillor Disero carried.

The Clause, as amended, carried.

1.44 **Clauses Nos. 2 and 3 of Report No. 1 of The Policy and Finance Committee, headed “Review of Toronto Waterfront Revitalization Corporation’s (TWRC) Proposed Business Strategy and Development Plan; Overview of Due Diligence Process; Results of City Input, Bill 151: The Toronto Waterfront Revitalization Corporation Act; and Integrated Energy in the Central Waterfront” and “Review of the Gardiner/Lake Shore Corridor Proposal Contained in the Central Waterfront Secondary Plan ”, respectively.**

Procedural Motion:

Councillor Holyday moved that Council consider Clauses Nos. 2 and 3 of Report 1 of The Policy and Finance Committee together, given that they both contain information pertaining to the Central Waterfront, which carried.

Motions:

- (a) Councillor Korwin-Kuczynski moved that Clause No. 2 be amended by adding thereto the following:

“It is further recommended that, recognizing the many significant opportunities for revitalization that exist along Toronto’s full 46-kilometres of waterfront, staff be requested to continue to work with representatives of the provincial and federal governments and with the Toronto Waterfront Revitalization Corporation to ensure that these opportunities continue to be identified and reflected in the annual business and implementation plans of the TWRC.”

- (b) Councillor Disero moved that Clause No. 2 be amended by adding thereto the following:

“It is further recommended that the Toronto Waterfront Revitalization Corporation be requested to consider the westward extension of the Harbourfront LRT (i.e. to Dufferin Street/Roncesvalles Avenue/The Queensway) as a priority project in the next phase of projects, and that the Chair of the TWRC be requested to submit a report to the Waterfront Reference Group in March 2003, on what approvals and/or actions by Council are necessary to achieve this.”

- (c) Councillor McConnell moved that:

- (1) Clause No. 3 be amended by striking out Recommendation No. (1) of the Waterfront Reference Group, and inserting in lieu thereof the following:

“(1) the report (October 17, 2002) from the Commissioner of Urban Development Services, be adopted (i.e. to proceed with a full Environmental Assessment on the dismantling of the elevated portion of the Gardiner Expressway);” and

- (2) Clause No. 2 be amended by deleting from Recommendation No. (7) of the Policy and Finance Committee, all of the words after the words “services plan”, so that such recommendation now reads as follows:

“(7) that funds allocated to ‘Studies’ in the ‘Staff Recommendations’ column of Table 1 in the body of this report be used to support preparation of Precinct Implementation Strategies and the Master Services Plan;”.

- (d) Councillor Bussin moved that Clause No. 2 be amended by adding thereto the following:
“It is further recommended that the Toronto Waterfront Revitalization Corporation be requested to submit a report to the Policy and Finance Committee, through the Waterfront Reference Group, on the potential for a light rapid transit line running from Union Station to Coxwell Avenue.”
- (e) Councillor Rae moved that Part (1) of motion (c) by Councillor McConnell be amended to provide that the cost of the Environmental Assessment not exceed \$12 million.
- (f) Councillor Ashton moved that Clause No. 3 be amended by:
- (1) striking out Recommendation No. (2) of the Waterfront Reference Group, and inserting in lieu thereof the following:
 - “(2) Council support undertaking a scoping study to identify terms of reference for a Gardiner/Lake Shore Corridor Environmental Assessment, including the option to retain and ameliorate the Gardiner Expressway, on condition that the scoping study is funded through the Toronto Waterfront Revitalization Corporation (TWRC) and includes public consultation, and further, the Chair of the TWRC be requested to submit a report on this matter to the appropriate Committee(s);” and
 - (2) inserting the word “early”, before the year “2004”, in the preamble of Recommendation No. (5) of the Waterfront Reference Group, so that such preamble now reads as follows:
 - “(5) when staff report on the results of the scoping study in early 2004, they also report on:”.

Votes:

Adoption of motion (e) by Councillor Rae:

Yes - 23	
Councillors:	Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Milczyn, Moeser, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Soknacki, Tziretas
No - 6	
Mayor:	Lastman
Councillors:	Ashton, Cho, Kelly, Mammoliti, Walker

Carried by a majority of 17.

Adoption of motion (c) by Councillor McConnell, as amended:

Yes - 6 Councillors:	Jones, Korwin-Kuczynski, McConnell, Milczyn, Moscoe, Rae
No - 23 Mayor: Councillors:	Lastman Ashton, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Moeser, Ootes, Pantalone, Pitfield, Shaw, Shiner, Soknacki, Tziretas, Walker

Lost by a majority of 17.

Adoption of motion (f) by Councillor Ashton:

Yes - 9 Councillors:	Ashton, Cho, Disero, Jones, McConnell, Milczyn, Moscoe, Rae, Shiner
No - 19 Mayor: Councillors:	Lastman Di Giorgio, Duguid, Feldman, Flint, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Moeser, Ootes, Pantalone, Pitfield, Shaw, Soknacki, Tziretas, Walker

Lost by a majority of 10.

Motion (a) by Councillor Korwin-Kuczynski carried.

Adoption of motion (b) by Councillor Disero:

Yes - 24 Mayor: Councillors:	Lastman Ashton, Cho, Di Giorgio, Disero, Duguid, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moeser, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shiner, Soknacki, Tziretas
No - 5 Councillors:	Feldman, Kelly, Li Preti, Shaw, Walker

Carried by a majority of 19.

Adoption of motion (d) by Councillor Bussin, and in the absence of Councillor Bussin, moved by Councillor Shiner:

Yes - 28	
Mayor:	Lastman
Councillors:	Ashton, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moeser, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Soknacki, Tziretas, Walker
No - 1	
Councillor:	Holyday

Carried by a majority of 27.

Adoption of Clause No. 2, as amended, save and except Recommendation No. (II)(7) of the Policy and Finance Committee:

Yes - 28	
Mayor:	Lastman
Councillors:	Ashton, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moeser, Moscoe, Ootes, Pantalone, Pitfield, Shaw, Shiner, Soknacki, Tziretas, Walker
No - 1	
Councillor:	Rae

Carried by a majority of 27.

Adoption of Recommendation No. (II)(7) of the Policy and Finance Committee, embodied in Clause No. 2:

Yes - 26	
Mayor:	Lastman
Councillors:	Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Moeser, Moscoe, Ootes, Pantalone, Pitfield, Shaw, Shiner, Soknacki, Tziretas, Walker
No - 3	
Councillors:	Ashton, McConnell, Rae

Carried by a majority of 23.

Adoption of Clause No. 3, without amendment:

Yes - 26	
Mayor:	Lastman
Councillors:	Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Moeser, Moscoe, Ootes, Pantalone, Pitfield, Shaw, Shiner, Soknacki, Tziretas, Walker
No - 3	
Councillors:	Ashton, McConnell, Rae

Carried by a majority of 23.

Motion to Re-Open:

Councillor Miller, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, these Clauses be re-opened for the purpose of allowing those Members of Council who were absent at the time the original vote was taken, to now have their vote recorded on the final adoption of each Clause, the vote upon which was taken as follows:

Yes - 29	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Di Giorgio, Feldman, Hall, Johnston, Jones, Korwin-Kuczynski, Li Preti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Sutherland, Tziretas
No - 6	
Councillors:	Duguid, Flint, Holyday, Lindsay Luby, Mammoliti, Walker

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

The following Members of Council indicated their vote on the adoption of Clause No. 2, as amended:

- Altobello - yes
- Balkissoon - yes
- Bussin - yes

- Nunziata - yes
- Silva - yes

- Augimeri - no
- Johnston - no
- Mihevc - no
- Miller - no
- Minnan-Wong - no
- Sutherland - no

Therefore, Clause No. 2, was adopted, as amended, in its entirety, on the following division of votes:

Yes - 33	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Shiner, Silva, Soknacki, Tziretas, Walker
No - 7	
Councillor:	Augimeri, Johnston, Mihevc, Miller, Minnan-Wong, Rae, Sutherland

Carried by a majority of 26.

The following Members of Council indicated their vote on the adoption of Clause No. 3, without amendment:

- Altobello - yes
- Balkissoon - yes
- Bussin - yes
- Minnan-Wong - yes
- Nunziata - yes
- Silva - yes
- Sutherland - yes

- Augimeri - no
- Johnston - no
- Mihevc - no
- Miller - no

Therefore, Clause No. 3, was adopted, without amendment, on the following division of votes:

Yes - 33	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 7	
Councillors:	Ashton, Augimeri, Johnston, McConnell, Mihevc, Miller, Rae

Carried by a majority of 26.

In summary, Council amended Clause No. 2, headed “Review of Toronto Waterfront Revitalization Corporation’s (TWRC) Proposed Business Strategy and Development Plan; Overview of Due Diligence Process; Results of City Input, Bill 151: The Toronto Waterfront Revitalization Corporation Act; and Integrated Energy in the Central Waterfront”, by adding thereto the following:

“It is further recommended that:

- (1) the Toronto Waterfront Revitalization Corporation (TWRC) be requested to:
 - (a) consider the westward extension of the Harbourfront LRT (i.e. to Dufferin Street/Roncesvalles Avenue/The Queensway) as a priority project in the next phase of projects, and that the Chair of the TWRC be requested to submit a report to the Waterfront Reference Group in March 2003, on what approvals and/or actions by Council are necessary to achieve this; and
 - (b) submit a report to the Policy and Finance Committee, through the Waterfront Reference Group, on the potential for a light rapid transit line running from Union Station to Coxwell Avenue; and
- (2) recognizing the many significant opportunities for revitalization that exist along Toronto’s full 46-kilometres of waterfront, staff be requested to continue to work with representatives of the provincial and federal governments and with the TWRC to ensure that these opportunities continue to be identified and reflected in the annual business and implementation plans of the TWRC.”

Council adopted Clause No. 3, headed “Review of the Gardiner/Lake Shore Corridor Proposal

Contained in the Central Waterfront Secondary Plan”, without amendment.

- 1.45 **Clause No. 10 of Report No. 1 of The Economic Development and Parks Committee, headed “Final Report: Archeological Master Plan of the Central Waterfront”.**

Motion:

- (a) Councillor Milczyn moved that the Clause be struck out and referred back to the Economic Development and Parks Committee, and the City Solicitor be requested to submit a report for consideration therewith on the legal implications of the November 1, 2002 report from the Commissioner of Economic Development, Culture and Tourism.

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

“It is recommended that:

- (1) Council reiterate its request to the Province of Ontario that the heritage preservation tax incentives presently written into the new Municipal Act be permitted to pierce the caps on commercial properties to encourage archeological preservation and data recovery on private property;
- (2) the Minister of Culture be requested to advocate for this on behalf of the City of Toronto; and
- (3) the Association of Municipalities of Ontario be so advised.”

Votes:

Motion (b) by Councillor Moscoe carried.

Motion (a) by Councillor Milczyn was not put.

The Clause, as amended, carried.

Motion to Re-Open:

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

Vote on Referral:

Motion (a) by Councillor Milczyn carried.

In addition, motion (b) by Councillor Moscoe carried.

In summary, Council struck out and referred this Clause back to the Economic Development and Parks Committee, and the City Solicitor was requested to submit a report for consideration therewith on the legal implications of the November 1, 2002 report from the Commissioner of Economic Development, Culture and Tourism.

In addition, Council adopted the following recommendations:

“It is recommended that:

- (1) Council reiterate its request to the Province of Ontario that the heritage preservation tax incentives presently written into the new Municipal Act be permitted to pierce the caps on commercial properties to encourage archeological preservation and data recovery on private property;
- (2) the Minister of Culture be requested to advocate for this on behalf of the City of Toronto; and
- (3) the Association of Municipalities of Ontario be so advised.”

1.46 **Clause No. 5 of Report No. 1 of The Economic Development and Parks Committee, headed “Marketing Toronto’s Discovery District, Ward 20 St. Paul’s and Ward 27 Toronto Centre-Rosedale”.**

Motion:

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

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee on the establishment of a Toronto Discovery District Steering Committee, such Committee to include two Members of Council as part of its membership.”

Votes:

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

1.47 **Clause No. 5 of Report No. 1 of The Planning and Transportation Committee, headed “Architecture Tourism Potential - All Wards”.**

Motion:

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

“It is further recommended that the following recommendations be referred to the Planning and Transportation Committee for consideration:

‘It is recommended that:

- (1) Council approve, in principle, the appointment of a City Architect; and
- (2) the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee on the establishment of an architectural award for a public and a private sector development, on an annual basis.’ ”

Votes:

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

1.48 **Clause No. 4 of Report No. 2 of The Planning and Transportation Committee, headed “Design Guidelines for Infill Townhouses”.**

Motion:

Councillor Moscoe moved that the Clause be amended in accordance with the following recommendations:

“It is recommended that:

- (1) the Design Guidelines provide for sufficient visitor parking, and the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee on this matter by April 2003; and
- (2) the appropriate by-laws be drafted on the premise that charges for visitor parking are prohibited.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

- 1.49 **Clause No. 47 of Report No. 1 of The Toronto East York Community Council, headed “Installation of Pedestrian Crossover (PXO) - Elizabeth Street, between College Street and Gerrard Street West (Toronto Centre-Rosedale, Ward 27)”.**

Motion to Re-Open:

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

Motion:

Councillor Rae moved that the Clause be amended by deleting from Recommendation No. (1) of the report dated January 6, 2003, from the Director, Transportation Services, District 1, the words “Gerrard Street East” and inserting in lieu thereof “Gerrard Street West”, so that such recommendation now reads as follows:

“(1) a pedestrian crossover be installed on Elizabeth Street at a point 130.0 metres north of Gerrard Street West; and”.

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

- 1.50 **Clause No. 39 of Report No. 1 of The Humber York Community Council, headed “All-Way Stop Control and 40 km/h Speed Limit Falstaff Avenue at Winsome Avenue (York South-Weston, Ward 12)”.**

Vote:

The Clause carried, without amendment.

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

1.51 **Clause No. 27 of Report No. 1 of The Toronto East York Community Council, headed “South Rosedale Heritage Conservation District Designation under Part V of the Ontario Heritage Act (Toronto Centre-Rosedale, Ward 27)”.**

Motion:

Councillor Rae moved that the Clause be amended by:

- (1) adding to the end of Recommendation No. (1) of the Toronto East York Community Council, the words “subject to replacing Attachment No. 1 to such report with the map entitled ‘South Rosedale Heritage Conservation District Boundary - REVISED Attachment No. 1’ ”, so that such recommendation now reads as follows:

“(1) the report (December 17, 2002) from the Commissioner of Economic Development, Culture and Tourism be adopted subject to replacing Attachment No. 1 to such report with the map, entitled ‘South Rosedale Heritage Conservation District Boundary - REVISED Attachment No. 1’;”;

- (2) amending Recommendation No. (2) embodied in the report (December 17, 2002) from the Commissioner of Economic Development, Culture and Tourism so that it now reads as follows:

“(2) Council adopt Attachment No. 2, the South Rosedale Heritage Conservation District Study, in principle, as a guide for property owners, City staff, advisory committees and Council when making decisions regarding matters set out in section 42 of the Ontario Heritage Act, subject to such amendments as are deemed necessary by the City Solicitor to reflect the current state of the law; and”.

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

Motion to Re-Open:

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

Motion:

Councillor Rae moved that his previous amendment to Recommendation No. (1) of the Toronto East York Community Council be struck out, and such Recommendation No. (1) be amended instead, by adding to the end thereof, the words “subject to replacing Attachment No. 1 to such report with the map entitled ‘South Rosedale Heritage Conservation District Boundary - Revised - February 7, 2003’ ”, so that such recommendation now reads as follows:

- “(1) the report (December 17, 2002) from the Commissioner of Economic Development, Culture and Tourism be adopted subject to replacing Attachment No. 1 to such report with the map, entitled ‘South Rosedale Heritage Conservation District Boundary - Revised - February 7, 2003’;”.

Votes:

The motion by Councillor Rae carried.

The Clause, as further amended, carried.

1.52 **Clause No. 14 of Report No. 1 of The Midtown Community Council, headed “Introduction of Permit Parking on the North Side of the East-West Leg of Minho Boulevard, Between Acores Avenue and Shaw Street (St. Paul’s - Ward 21)”.**

Motion:

Councillor Mihevc moved that the Clause be amended by amending the Recommendation of the Midtown Community Council to read as follows:

- “The Midtown Community Council recommends adoption of the report (December 27, 2002) from the Manager, Right of Way Management, Transportation Services, District 1, subject to the inclusion of the four houses south of Acores Avenue on Shaw Street.”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

1.53 **Clause No. 30 of Report No. 1 of The Midtown Community Council, headed “58 Lytton Boulevard - Removal of One Privately Owned Tree (Eglinton Lawrence - Ward 16)”.**

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Pantalone moved that Council adopt the following Recommendation No. (1) embodied in the report (December 31, 2002) from the Commissioner of Economic Development, Culture and Tourism:

“(1) that the Midtown Community Council deny the request for the removal of one privately owned tree at 58 Lytton Boulevard;”.

Votes:

The motion by Councillor Pantalone carried.

The Clause, as amended, carried.

1.54 **Clause No. 25 of Report No. 1 of The Policy and Finance Committee, headed “Requirements for Organizations Receiving a Grant from More Than One City Grant Program”.**

Motion:

Councillor Mihevc moved that the Clause be 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 Grants Sub-Committee on a simplified form for multi-year recipients, and for recipients of small grants.”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

1.55 Clause No. 13 of Report No. 2 of The Economic Development and Parks Committee, headed "First Parliament Site Options for Preservation (Ward 28 Toronto Centre-Rosedale)".

Motion:

Councillor McConnell moved that the Clause be amended in accordance with the recommendations embodied in the confidential report dated January 28, 2003, from the Commissioner of Economic Development, Culture and Tourism, such report to remain confidential in accordance with the provisions of the Municipal Act, having regard that it contains information respecting the proposed acquisition of land for municipal purposes, save and except the following recommendations embodied therein:

"It is recommended that:

- (1) the owner of the property at 265 Front Street East be advised that the City will not initiate further discussions to bring the property into City ownership; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

and further, such recommendations be consolidated with the recommendations contained in the confidential communication dated January 15, 2003, from the City Clerk.

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

1.56 Clause No. 21 of Report No. 2 of The Administration Committee, headed "Federal Court of Appeal Decision Respecting Canadian Radio-Television and Telecommunication Commission (CRTC) Decision 2001-23 (Terms and Conditions for Access to Municipal Property by Telecommunications Carriers) - Leave to Appeal to Supreme Court of Canada".

Motion:

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

"It is further recommended that Council adopt the confidential report dated February 3, 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 which is subject to solicitor-client privilege, save and except the following recommendations embodied therein:

‘It is recommended that:

- (1) City Council authorize the City Solicitor, in consultation with the Chief Administrative Officer and the Executive Lead on Telecommunications, to retain and instruct outside counsel in the filing of an application for leave to appeal to the Supreme Court of Canada from the decision (December 17, 2002) of the Federal Court of Appeal upholding Decision 2001-23 (January 25, 2001) of the Canadian Radio-television and Telecommunications Commission, and to take such other action as may be necessary to protect the interests of the City of Toronto;
- (2) in the event that leave to appeal is granted, City Council authorize staff to instruct outside counsel to prepare and present the City of Toronto’s case before the Supreme Court of Canada;
- (3) City Council ratify the previous action taken by City staff in initiating preparations for the filing of the leave to appeal application pending Council’s consideration of this matter;
- (4) City Council authorize funding of outside counsel, and other expertise as required for this proceeding, and the payment of any cost award which may arise from this proceeding, to a maximum of \$85,000.00 from the “Road and Sidewalk Repair, Maintenance, and Reconstruction Reserve Fund”, as a cost related to the use of the City’s roads by telecommunications carriers, on the basis that these expenses will be shared on a 50/50 basis with the City of Ottawa;
- (5) the 2003 Operating Budget for Legal Services be adjusted by \$40,000.00 gross and \$0.00 net to reflect the funding authorized in Recommendation No. (4), and the City Solicitor include \$45,000.00 on the same basis in the 2004 Operating Budget to be applied to the costs of this proceeding; and
- (6) City Council request staff to take all appropriate action to give effect hereto.’ ”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

1.57 **Clause No. 9 of Report No. 1 of The Toronto East York Community Council, headed “Draft By-law - Zoning By-law Amendment - 837 Yonge Street Canadian Tire Corporation Limited (Toronto Centre -Rosedale, Ward 27)”.**

Motion:

Councillor Jones moved that the Clause be amended by inserting in Recommendation No. (6) of the Toronto East York Community Council, the words “designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer” after the words “irrigation system be”, so that such recommendation now reads as follows:

“(6) an irrigation system with automatic timer be included, at the applicant’s expense and that the irrigation system be designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Commissioner of Works and Emergency Services, including requirements to maintain good order and operation; and”.

Votes:

The motion by Councillor Jones carried.

The Clause, as amended, carried.

1.58 **Clause No. 1 of Report No. 2 of The Community Services Committee, headed “Bill 148 - The Emergency Readiness Act, 2002”.**

Motion:

Councillor Sutherland moved that Council adopt the following recommendation:

“It is recommended that the Minister of Health and Long-Term Care be advised that Toronto hospitals are not prepared to handle decontamination of patients in the event of a terrorist event, and appropriate Ministerial attention is required.”

Votes:

The motion by Councillor Sutherland carried.

The Clause, as amended, carried.

1.59 **Clause No. 23 of Report No. 1 of The Toronto East York Community Council, headed “Rescission of Alternate Side Parking - Fairside Avenue between Mortimer Avenue and Barker Avenue (Beaches-East York, Ward 31)”.**

Motion to Re-Open:

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

Motion:

Councillor Rae moved that the Clause be amended by:

- (1) deleting Recommendations Nos. (1) and (2) of the Toronto East York Community Council, and inserting in lieu thereof the following:
 - “(1) the existing ‘No Parking 8:00 a.m. to 10:00 a.m. and 3:00 p.m. to 5:00 p.m., Monday to Friday inclusive, January, February, March, April, June, August, October and December’ regulation on the east side of Fairside Avenue, between Mortimer Avenue and Barker Avenue, be rescinded;
 - (2) the existing ‘No Parking 8:00 a.m. to 10:00 a.m. and 3:00 p.m. to 5:00 p.m., Monday to Friday inclusive, May, July, September and November’ parking regulation on the west side of Fairside Avenue, between Mortimer Avenue and Barker Avenue, be rescinded;”;
- (2) adding the following new Recommendation No. (3) to the recommendation of the Toronto East York Community Council:
 - “(3) the existing alternate side parking regulations on the east and west sides of Fairside Avenue, between Mortimer Avenue and Barker Avenue, be rescinded;” and
- (3) renumbering the original Recommendations Nos. (3), (4) and (5) of the Toronto East York Community Council accordingly.

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

1.60 **Clause No. 18 of Report No. 1 of The Etobicoke Community Council, headed “Application for Exemption from Part Lot Control I.Q. Developments Corp. 95-101 Grand Avenue; File No. TA PLC 2002 0005 (Ward 5 - Etobicoke-Lakeshore)”.**

Motion to Re-Open:

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

Motion:

Councillor Milczyn moved that the Clause be amended by deleting Recommendation No. (3) embodied in the report dated January 6, 2003, from the Director, Community Planning, West District, and inserting in lieu thereof the following:

“(3) the City Solicitor be authorized to introduce the necessary Bills in Council to give effect to Recommendation No. (1).”

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

1.61 **Clause No. 33 of Report No. 1 of The Policy and Finance Committee, headed “Freedom of Information Limitations on the Use of ‘Municipal Connect’ Property Assessment Information System (All Wards)”.**

Motion:

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

“It is further recommended that:

- (1) for the purposes of disclosure of assessment data on-line, Members of Council be considered to be officers of the Corporation of the City of Toronto under Section 32(d) of the Municipal Freedom of Information and Protection of Privacy Act; and
- (2) Council establish an ad hoc Committee of Council, comprised of Councillors Bussin,

Moscoe and Soknacki, and that such Committee be directed to meet with officials of the Municipal Property Assessment Corporation (MPAC), supported by staff, to negotiate an arrangement with MPAC that will permit Members of Council to have access to sufficient data to be able to effectively serve their constituents while, at the same time, maintaining the appropriate degree of confidentiality.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

1.62 **Clause No. 15 of Report No. 1 of The Policy and Finance Committee, headed “Supplementary Report - Chief Administrative Officer’s Status Report on the Implementation of the Recommendations of the Final Report of the Task Force on Community Access and Equity”.**

Motion:

Councillor Mihevc moved that the Clause be amended by adding to the end of Recommendation No. (1) embodied in the report dated January 10, 2003, from the Chief Administrative Officer, as amended by the Policy and Finance Committee, the following:

“such report to clearly identify:

- (a) the status of the Community Council based access and equity committees;
- (b) the staffing issues within the Access and Equity Division and related Divisions, specifically the adequacy of the staff complement; and
- (c) a clear workplan for 2003/2004;”

so that such recommendation now reads as follows:

“(1) the Chief Administrative Officer report at the end of 2003 on the implementation of the recommendations of the Task Force on Community Access and Equity based on the timetable outlined in this report, in an appropriate time to allow for consideration of any financial implications, such report to clearly identify:

- (a) the status of the Community Council based access and equity committees;
- (b) the staffing issues within the Access and Equity Division and related Divisions,

specifically the adequacy of the staff complement; and

- (c) a clear workplan for 2003/2004;”.

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

1.63 Clause No. 16 of Report No. 1 of The Policy and Finance Committee, headed “Update - Council Motion on Racial Profiling in Toronto”.

Motion:

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

“It is further recommended that the Chief Administrative Officer, as part of the reporting process, be requested to convene a meeting, such meeting to include the Chief of Police and the Commissioners of Community and Neighbourhood Services and Economic Development, Culture and Tourism, with other senior staff and Commissioners requested to attend.”

Votes:

The motion by Councillor Shaw carried.

The Clause, as amended, carried.

1.64 Clause No. 14 of Report No. 1 of The Humber York Community Council, headed “Aileen Avenue and Dunraven Drive Traffic Management Plan (York South-Weston, Ward 12)”.

Motion:

Councillor Di Giorgio moved that the Clause be amended by striking out the Recommendation of the Humber York Community Council, and inserting in lieu thereof the following:

“The Humber York Community Council recommends that the report (December 12, 2002) from the Director, Transportation Services, District 1, be adopted, subject to deleting Recommendation No. (4) embodied therein, and, further subject to the traffic control measures outlined in the report being implemented on a four-month trial basis.”

Votes:

The motion by Councillor Di Giorgio carried.

The Clause, as amended, carried.

1.65 **Clause No. 2 of Report No. 1 of The Planning and Transportation Committee, headed “Stakeholder Satisfaction with Committee of Adjustment Hearing Times”.**

Motion:

Councillor Shiner moved that the Clause be amended by adding to the end of the Recommendation of the Planning and Transportation Committee, the words “and that such requests continue to be co-ordinated through the Ward Councillor”, so that such recommendation now reads as follows:

“The Planning and Transportation Committee recommends that the Commissioner of Urban Development Services be requested to formalise the present system whereby all Committees of Adjustment meetings may begin at a later start time upon request by a community group or an applicant, and that such requests continue to be co-ordinated through the Ward Councillor.”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

1.66 **Clause No. 1 of Report No. 2 of The Administration Committee, headed “Energy Management Program (EMP) for City Facilities”.**

Motion:

Councillor Silva moved that the Clause be amended by:

- (1) adding to Recommendation No. (3) embodied in the report dated December 6, 2002, from the Commissioner of Corporate Services, the words “including an update on the progress in adopting Enwave’s district heating and cooling technology (Deep Lake Water Cooling) for City-owned facilities”, so that such recommendation now reads as follows:

“(3) the Energy and Waste Management Office submit an annual report to Council regarding the status of the Energy Management Program, including an update on the progress in adopting Enwave’s district heating and cooling technology (Deep Lake

Water Cooling) for City-owned facilities;"; and

- (2) adding thereto the following:

“It is further recommended that the Commissioner of Corporate Services be requested to submit a report to the Policy and Finance Committee on the feasibility of Enwave being accorded a status comparable to Toronto Hydro Energy Services Inc. (THESI) with respect to the Council-approved Energy Retrofit Strategy.”

Votes:

The motion by Councillor Silva carried.

The Clause, as amended, carried.

- 1.67 **Clause No. 19 of Report No. 1 of The Scarborough Community Council, headed “Draft Plan of Subdivision SC-T19990012 Mattamy (Rouge) Limited 8800 Sheppard Avenue East (Ward 42 - Scarborough Rouge River)”.**

Motion to Re-Open:

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

Motion:

Councillor Jones moved that the Clause be amended by adding to the report dated January 20, 2003, from the Director, Community Planning, East District, the following new Recommendation No. (3):

- “(3) City staff be requested to ensure that stormwater be managed using best management practices which avoid impacting the former Tyrell land fill site and the watercourses and natural areas of Rouge Park.”

Votes:

The motion by Councillor Jones carried.

The Clause, as amended, carried.

- 1.68 **Clause No. 35 of Report No. 1 of The Policy and Finance Committee, headed “Award of Contract No. 95-2000 – Containerized Waste, Bulky Item and Recyclable Collection from Multi-Residential Apartment and Townhouse Locations, and Municipal, Institutional and Commercial Establishments, Districts 1 and 2”.**

Motion:

Councillor Shiner moved that the Clause be amended in accordance with the following Recommendation of the Budget Advisory Committee, embodied in the communication dated January 29, 2003, from the City Clerk:

“The Budget Advisory Committee at its meeting held on January 28, 2003, during consideration of the Works Committee recommendations respecting the 2003 Operating Budget for Solid Waste Management, recommended to City Council the adoption of the funding aspect in the amount of \$262,390.00 net, including GST, to offset increased costs related to Contract No. 95-2000, for containerized waste, bulky item and recyclable collection from multi-residential apartment and townhouse locations, and municipal, institutional and commercial establishments in Districts 1 and 2.”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

- 1.69 **Clause No. 4 of Report No. 2 of The Works Committee, headed “Water Service Replacement at Various Locations in District 1 - Contract No. 02D1-535WS, Tender Call No. 320-2002 (Wards 11 and 12 - York South-Weston)”.**

Motion:

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

“It is further recommended that Council adopt the following Recommendation No. (2) of the Works Committee, embodied in the communication dated February 3, 2003, from the City Clerk:

‘The Works Committee:

- (2) further recommends that upon due diligence being undertaken by Utility Force Inc. satisfactory to the Commissioner of Works and Emergency Services to address the concerns set out in this report, the circumstances

underlying the action taken by this award not affect any future awards of City work involving Utility Force Inc.’ ”

Votes:

The motion by Councillor Duguid carried.

The Clause, as amended, carried.

1.70 **Clause No. 13 of Report No. 1 of The Toronto East York Community Council, headed “Settlement Report – Official Plan Amendment, Rezoning and Site Plan Approval - 180 Queen Street West Canada Life Assurance Company (Trinity-Spadina, Ward 20)”.**

Having regard that the Clause was submitted without recommendation:

Motion:

(a) Councillor Rae moved that Council adopt:

(1) the report dated January 20, 2003, from the Director, Community Planning, South District, as embodied in the Clause; and

(2) the following additional recommendations:

“It is recommended that:

(i) a total contribution be made by the applicant in the amount of \$800,000.00, of which \$400,000.00 is payable upon receipt of the first above grade building permit for the project to be built at 180 Queen Street West, and the remaining \$400,000.00 is payable at occupancy of the proposed office building; and

(ii) of the total contribution, \$150,000.00 will be used to fund a Heritage Study for Queen Street West, from University Avenue to Spadina Avenue, and the remaining \$650,000.00 will be used to provide funding to ‘ArtScape’, a City non-profit housing corporation to develop affordable housing for artists in the Queen Street West area.”

Votes:

Motion (a) by Councillor Rae carried.

Adoption of the Clause, as amended:

Yes - 21 Councillors: Altobello, Ashton, Augimeri, Berardinetti, Cho, Di Giorgio, Duguid, Flint, Hall, Holyday, Korwin-Kuczynski, Li Preti, Mammoliti, Mihevc, Milczyn, Miller, Moscoe, Ootes, Pantalone, Pitfield, Rae
No - 7 Councillors: Chow, Filion, Johnston, Jones, Lindsay Luby, McConnell, Moeser

Carried by a majority of 14.

Motion to Re-Open:

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

Motion:

- (b) Councillor Rae moved that Council adopt the report dated January 20, 2003, from the Director, Community Planning, South District, subject to deleting Recommendation No. (3) embodied therein, and inserting in lieu thereof the following:

“(3) authorized the appropriate officials to enter into an agreement pursuant to Section 37 of the Planning Act, satisfactory to the City Solicitor, and to register these agreements on title, prior to the issuance of an Order by the Ontario Municipal Board respecting the appealed Official Plan and Zoning by-law amendments, including the following:

- (a) a total contribution of \$800,000.00, of which \$400,000.00 is payable upon receipt of the first above grade building permit, and \$400,000.00 is payable upon substantial completion of the building as determined by the Commissioner of Urban Development Services;
- (b) of the total contribution, \$150,000.00 to be used for the explicit purpose of a Heritage Study for Queen Street West, from University Avenue to Bathurst Street; and
- (c) of the total contribution, \$650,000.00 to Artscape and Beaver Hall, in a proportion deemed appropriate by the Commissioner of Urban Development Services in consultation with the appropriate staff, and if Beaver Hall is deemed to be an appropriate receiving body, for the sole purpose of providing artists' housing in the Queen Street West area;”.

Votes:

Motion (b) by Councillor Rae carried.

The Clause, as amended, carried.

- 1.71 **Clause No. 15 of Report No. 1 of The Administration Committee, headed “Results of Request for Proposal 9103-02-7176 Provision of Recruitment Advertising Services”.**

Vote:

The Clause carried, without amendment.

Councillor Ford requested that his opposition to this Clause be recorded in the Minutes of this meeting.

- 1.72 **Clause No. 9 of Report No. 2 of The Administration Committee “Relocation Assistance for Non-Profit Organizations Being Displaced as a Result of the Sale of 590 Jarvis Street (Ward 27 - Toronto Centre-Rosedale)”.**

Vote:

The Clause carried, without amendment.

Councillor Ford requested that his opposition to this Clause be recorded in the Minutes of this meeting.

- 1.73 **Clause No. 1 of Report No. 1 of The Policy Committee/Community Council, headed “Preliminary 2003 Current Value Assessment (CVA) Impacts and Tax Policy Options for 2003, Commercial and Industrial Property Classes; Residential Property Class; Multi-Residential Property Class; Status of Property Tax Relief Program for Low-Income Seniors and Low-Income Disabled Persons (All Wards)”.**

Motions:

- (a) Councillor Mihevc moved that the Clause be amended by striking out Recommendation No. (II) of the Policy and Finance Committee and inserting in lieu thereof the following:

“(II) adoption of a 3-year phase-in for Residential Property Class CVA-related tax impacts, with a \$300.00 threshold for tax increases, and a \$165.00 threshold for tax decreases;”.

- (b) Councillor Pantalone moved that the Clause be amended:
- (i) by deleting from Recommendation No. (IV) of the Policy and Finance Committee, the words “low-income seniors”; and
 - (ii) to provide that the existing tax deferral program for low-income seniors be discontinued, and CVA-related tax increases be capped at 3 percent with a cancellation of tax increases above this threshold for persons 65 years of age with a household income of less than \$25,000.00.
- (c) Councillor Walker moved that the Clause be amended:
- (i) to provide that the Property Tax Deferral Program be amended so that tax increases are cancelled where household CVA is less than \$295,000.00 for disabled applicants and for senior applicants with an income of less than \$25,000.00; and
 - (ii) by striking out Recommendation No. (II) of the Policy and Finance Committee and inserting in lieu thereof the following:
 - “(II) adoption of a 2-year phase-in for Residential Property Class CVA-related tax impacts, with a \$100.00 threshold for tax increases, and the appropriate threshold for tax decreases;”.
- (d) Councillor Filion moved that the Clause be amended by:
- (i) striking out Recommendation No. (II) of the Policy and Finance Committee and inserting in lieu thereof the following:
 - “(II) adoption of a 2-year phase in for Residential Property Class CVA-related tax impacts, with a \$200.00 threshold for tax increases, and a \$125.00 threshold for tax decreases;”; and
 - (ii) adding thereto the following:
 - “It is further recommended that the Chief Financial Officer and Treasurer be requested to submit a report to the Policy and Finance Committee, before the end of 2003, on the feasibility of a permanent Council policy which would protect homeowners from spikes in assessment values.”
- (e) Councillor McConnell moved that the Clause be amended:

- (i) by striking out Recommendation No. (II) of the Policy and Finance Committee and inserting in lieu thereof the following:

“(II) adoption of a 3-year phase in for Residential Property Class CVA-related tax impacts, with a \$200.00 threshold for tax increases, and a \$125.00 threshold for tax decreases;”;

- (ii) to provide that for the Residential Property Class, all CVA-related tax increases beyond 20 percent be funded from an increase in the residential tax levy; and

- (iii) by adding thereto the following:

“It is further recommended that City Council inform all Toronto MPP’s of:

- (i) the continued need for a neighbourhood-commercial sub-class, with a request that they urge the government to make the change in regulation; and

- (ii) the disproportional education tax burdens (residential $33\frac{1}{3}$ percent, commercial 50 percent and industrial 50 percent), with a request that the multi-residential burden of 10 percent be considered more fair, and that at a minimum, Toronto’s burden be the same as all other Ontario municipalities.”

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

“It is further recommended that the Chief Financial Officer and Treasurer be requested to submit a report to the Policy and Finance Committee, providing a list of addresses of multi-residential buildings in the City of Toronto which are receiving a decrease in their assessment, in order that Members of Council make take steps to ensure that rent reductions are passed on to tenants.”

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

“It is further recommended that the Chief Financial Officer and Treasurer and the Commissioner of Community and Neighbourhood Services be requested to submit a report to the Policy and Finance Committee on the feasibility of adjusting the eligibility requirement for the Residential Rehabilitation Assistance Program from \$250,000.00 to the average CVA of \$295,000.00 for 2003.”

- (h) Councillor Sutherland moved that the Clause be amended by:

- (i) striking out and referring Recommendation No. (III) of the Policy and Finance Committee to the Budget Advisory Committee for consideration at the 2003 budget wrap-up meeting; and
- (ii) adding thereto the following:

“It is further recommended that the following recommendation be referred to the Budget Advisory Committee for consideration at the 2003 budget wrap-up meeting, and the Chief Financial Officer and Treasurer be requested to submit a report to the Budget Advisory Committee on how the decreases would flow through to the tenants, and on any assurances that the decreases would not be clawed back in 2004:

‘It is recommended that property owners within the multi-residential class who would experience tax decreases in their CVA, be entitled to receive the full amount of their tax decrease in 2003, and that the additional amounts required to provide these tax decreases, estimated at \$20 million, be funded from existing reserve funds if possible.’ ”

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

“It is further recommended that the Chief Financial Officer and Treasurer be requested to submit a report to the Budget Advisory Committee on the establishment of a CVA Residential Property Class Assessment Stabilization Fund to cap assessment increases at 20 percent in 2003 and 2004, and further, the City Solicitor be requested to report at that time on the City’s statutory ability to adopt such a plan.”

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

“It is further recommended that City Council urge the Provincial Government to:

- (i) phase out or discontinue tax adjustments based on redistribution within residential tax classes; and
- (ii) increase the 5 percent cap on business, industrial and multi-residential property classes to diminish the adjustment period.”

- (k) Councillor Bussin moved that the Clause be amended to provide that the Property Tax Deferral Program be amended in order to cap CVA tax increases at 3 percent, with tax increases above this threshold cancelled for disabled applicants and for senior applicants with an income less than \$25,000.00.

Votes:

Adoption of motion (a) by Councillor Mihevc:

Yes - 12 Councillors:	Bussin, Chow, Korwin-Kuczynski, McConnell, Mihevc, Miller, Pantalone, Pitfield, Rae, Silva, Tziretas, Walker
No - 26 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Filion, Ford, Hall, Holyday, Jones, Kelly, Li Preti, Lindsay Luby, Mammoliti, Moeser, Moscoe, Nunziata, Ootes, Shaw, Shiner, Soknacki, Sutherland

Lost by a majority of 14.

Adoption of Part (ii) of motion (c) by Councillor Walker:

Yes - 14 Councillors:	Bussin, Chow, Filion, Korwin-Kuczynski, McConnell, Mihevc, Miller, Moscoe, Pantalone, Pitfield, Rae, Silva, Tziretas, Walker
No - 24 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Ford, Hall, Holyday, Jones, Kelly, Li Preti, Lindsay Luby, Mammoliti, Moeser, Nunziata, Ootes, Shaw, Shiner, Soknacki, Sutherland

Lost by a majority of 10.

Adoption of Part (i) of motion (d) by Councillor Filion:

Yes - 14 Councillors:	Chow, Di Giorgio, Filion, Korwin-Kuczynski, McConnell, Mihevc, Miller, Moscoe, Pantalone, Pitfield, Rae, Silva, Tziretas, Walker
No - 25 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Disero, Duguid, Ford, Hall, Holyday, Jones, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Shaw, Shiner, Soknacki, Sutherland

Lost by a majority of 11.

Adoption of Part (i) of motion (e) by Councillor McConnell:

Yes - 12	
Councillors:	Bussin, Chow, Filion, Korwin-Kuczynski, McConnell, Mihevc, Miller, Pantalone, Rae, Silva, Tziretas, Walker
No - 27	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Ford, Hall, Holyday, Jones, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pitfield, Shaw, Shiner, Soknacki, Sutherland

Lost by a majority of 15.

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of Part (ii) of motion (e) by Councillor McConnell, ruled such part out of order.

Adoption of motion (h) by Councillor Sutherland:

Yes - 9	
Councillors:	Altobello, Chow, Korwin-Kuczynski, McConnell, Miller, Shaw, Silva, Sutherland, Walker
No - 30	
Councillors:	Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Filion, Ford, Hall, Holyday, Jones, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Soknacki, Tziretas

Lost by a majority of 21.

Adoption of motion (b) by Councillor Pantalone:

Yes - 18	
Councillors:	Altobello, Ashton, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Jones, Korwin-Kuczynski, Li Preti, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Silva, Walker
No - 21	

Councillors:	Augimeri, Balkissoon, Cho, Duguid, Filion, Ford, Hall, Holyday, Kelly, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Shiner, Soknacki, Sutherland, Tziretas
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Lost by a majority of 3.

Adoption of Part (i) of motion (c) by Councillor Walker:

Yes - 20	
Councillors:	Altobello, Berardinetti, Bussin, Chow, Di Giorgio, Jones, Korwin-Kuczynski, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Pantalone, Pitfield, Rae, Shaw, Silva, Tziretas, Walker
No - 19	
Councillors:	Ashton, Augimeri, Balkissoon, Cho, Disero, Duguid, Filion, Ford, Hall, Holyday, Kelly, Lindsay Luby, Minnan-Wong, Moeser, Nunziata, Ootes, Shiner, Soknacki, Sutherland

Carried by a majority of 1.

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

Adoption of Part (ii) of motion (d) by Councillor Filion:

Yes - 27	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Filion, Jones, Korwin-Kuczynski, Li Preti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Tziretas, Walker
No - 12	
Councillors:	Duguid, Ford, Hall, Holyday, Kelly, Lindsay Luby, Mammoliti, Moeser, Nunziata, Ootes, Soknacki, Sutherland

Carried by a majority of 15.

Adoption of Part (iii) of motion (e) by Councillor McConnell:

Yes - 35

Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Hall, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
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No - 4	Councillors: Ford, Holyday, Kelly, Minnan-Wong
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Carried by a majority of 31.

Adoption of motion (f) by Councillor Pitfield:

Yes - 36	Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Filion, Ford, Hall, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
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No - 3	Councillors: Disero, Holyday, Moeser
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Carried by a majority of 33.

Motion (g) by Councillor Li Preti carried.

Adoption of motion (i) by Councillor Ashton:

Yes - 29	Councillors: Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Jones, Korwin-Kuczynski, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
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No - 10	Councillors: Augimeri, Duguid, Filion, Ford, Hall, Holyday, Kelly, Lindsay Luby, Moeser, Ootes
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Carried by a majority of 19.

Adoption of motion (j) by Councillor Di Giorgio:

Yes - 20 Councillors:	Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Jones, Kelly, Korwin-Kuczynski, Li Preti, McConnell, Miller, Moscoe, Pitfield, Rae, Shaw, Shiner, Silva, Sutherland, Tziretas, Walker
No - 19 Councillors:	Altobello, Ashton, Augimeri, Bussin, Disero, Duguid, Filion, Ford, Hall, Holyday, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Soknacki

Carried by a majority of 1.

Adoption of the Clause, as amended:

Yes - 28 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Ford, Hall, Holyday, Jones, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pitfield, Shaw, Shiner, Soknacki, Sutherland
No - 11 Councillors:	Chow, Filion, Korwin-Kuczynski, McConnell, Mihevc, Miller, Pantalone, Rae, Silva, Tziretas, Walker

Carried by a majority of 17.

In summary, Council amended the Clause:

- (1) to provide that the Property Tax Deferral Program be amended so that tax increases are cancelled where household CVA is less than \$295,000.00 for disabled applicants and for senior applicants with an income of less than \$25,000.00; and
- (2) by adding thereto the following:

“It is further recommended that:

- (a) City Council urge the Provincial Government to:
 - (i) phase out or discontinue tax adjustments based on redistribution within residential tax classes; and
 - (ii) increase the 5 percent cap on business, industrial and multi-residential property classes to diminish the adjustment period;

- (b) City Council inform all Toronto MPP's of:
 - (i) the continued need for a neighbourhood-commercial sub-class, with a request that they urge the government to make the change in regulation; and
 - (ii) the disproportional education tax burdens (residential 33¹/₃ percent, commercial 50 percent and industrial 50 percent), with a request that the multi-residential burden of 10 percent be considered more fair, and that at a minimum, Toronto's burden be the same as all other Ontario municipalities;
- (c) the Chief Financial Officer and Treasurer be requested to:
 - (i) submit reports to the Policy and Finance Committee:
 - (1) providing a list of addresses of multi-residential buildings in the City of Toronto which are receiving a decrease in their assessment, in order that Members of Council make take steps to ensure that rent reductions are passed on to tenants; and
 - (2) before the end of 2003, on the feasibility of a permanent Council policy which would protect homeowners from spikes in assessment values; and
 - (ii) submit a report to the Budget Advisory Committee on the establishment of a CVA Residential Property Class Assessment Stabilization Fund to cap assessment increases at 20 percent in 2003 and 2004, and further, the City Solicitor be requested to report at that time on the City's statutory ability to adopt such a plan; and
- (d) the Chief Financial Officer and Treasurer and the Commissioner of Community and Neighbourhood Services be requested to submit a report to the Policy and Finance Committee on the feasibility of adjusting the eligibility requirement for the Residential Rehabilitation Assistance Program from \$250,000.00 to the average CVA of \$295,000.00 for 2003."

1.74 Clause No. 18 of Report No. 1 of The Policy and Finance Committee, headed "Toronto's Comments on the Design of the Federal Ten-Year Urban Infrastructure Strategy".

Motion:

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

“It is further recommended that City Council request the federal government to ensure that in the Province of Ontario, municipalities are partners in any new infrastructure programs.”

Votes:

The motion by Councillor Miller carried.

The Clause, as amended, carried.

1.75 Clause No. 10 of Report No. 2 of The Community Services Committee, headed “Final Allocations for the Federal Supporting Communities Partnership Initiative Funding”.*Motions:*

- (a) Councillor Sutherland moved that the Clause be amended to provide that a review of the tenant selection process for the provincial Homelessness Rent Supplement Program be included in a broader review of access and equity issues in the selection of tenants for social housing.
- (b) Councillor Augimeri moved that the Clause be amended by deleting the following Recommendation No. (6) embodied in the report dated December 17, 2002, from the Commissioner of Community and Neighbourhood Services:
- “(6) the Commissioner of Community and Neighbourhood Services be delegated authority to approve project development funding to a maximum total of \$300,000.00 for the purposes of developing business plans for transitional and supportive housing projects;”.

Votes:

Motion (a) by Councillor Sutherland carried.

Adoption of motion (b) by Councillor Augimeri:

Yes - 12	
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Filion, Korwin-Kuczynski, Mammoliti, Shaw, Silva, Sutherland, Tziretas, Walker
No - 25	
Councillors:	Ashton, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Ford, Hall, Holyday, Jones, Kelly, Li Preti, Lindsay Luby, McConnell, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Soknacki

Lost by a majority of 13.

The Clause, as amended, carried.

1.76 Clause No. 1 of Report No. 1 of The Works Committee, headed “Feasibility of Reserved Streetcar Right-of-Way on St. Clair Avenue (Wards 11, 17, 21 and 22)”.*Motion:*

Councillor Moscoe moved that the Clause be amended by:

(1) amending the Recommendation of the Works Committee by:

(a) inserting in Recommendation No. (3), the words “for an extended street car line” after the words “future right-of-way”, so that such recommendation now reads as follows:

“(3) the adoption of the following recommendation of the Toronto Transit Commission:

‘That the environmental assessment which is currently being undertaken for the replacement and rebuilding of the railway overpass at Dundas Street and Scarlett Road, be expanded so that it also addresses the feasibility, costs and benefits of a future right-of-way for an extended street car line under the railway bridge.’;” and

(b) adding the following new Recommendation No. (4):

“(4) that the plan for the line include a possible future extension to Scarlett Road.”; and

(2) adding thereto the following:

“It is further recommended that the Environmental Assessment include the possibility of replacement of on-street parking for business districts, where necessary, with off-street parking, including consideration of the throat-widening of cross streets to provide alternative parking spaces, and the Toronto Parking Authority be involved at an early stage in the evaluation.”

Votes:

The motion by Councillor Moscoe carried.

Adoption of the Clause, as amended:

Yes - 25

Councillors: Altobello, Augimeri, Balkissoon, Cho, Chow, Di Giorgio, Disero, Johnston, Jones, Kelly, Korwin-Kuczynski, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Tziretas

No - 4 Councillors: Holyday, Lindsay Luby, Sutherland, Walker
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Carried by a majority of 21.

1.77 **Clause No. 12 of Report No. 1 of The Economic Development and Parks Committee, headed “Waterfront Festival Docks Entertainment Complex”.**

Having regard that the Clause was submitted without recommendation:

Motions:

- (a) Councillor Minnan-Wong moved that Council adopt the report dated January 8, 2003, from the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendations:

“It is recommended that:

- (1) City Council consent to permitting the Can-Am Powerboat Race in the Inner Harbour on June 21 and 22, 2003, such consent be conditional on the proponents, Power Events International (PEI) and The Docks Waterfront Entertainment Complex, entering into an Agreement that shall address at a minimum, those issues set out below together with such other issues as the City Solicitor and other stakeholders may deem necessary and satisfactory to secure the following matters:
 - (a) the proponents receive and provide to the City written authorization from the Toronto Port Authority to hold the event. This authorization may be obtained upon written application to the Harbour Master and is to be approved in the form of a Permit which indicates the conditions relating to such authorization;
 - (b) the proponents remove all floating docks and markers from the water immediately following the event;
 - (c) the proponents submit to the Commissioner of Economic Development, Culture and Tourism, a satisfactory Master Operating Plan which includes details of the event, an event schedule, location and marking of racecourse(s), a Site Plan for all event related activity, a Transportation Plan, an Emergency Response and Security Plan and Sound level monitoring;

- (d) the proponents submit to and have approved by Ambulance, Fire and Police Services an Emergency Response and Security Plan;
- (e) the proponents agree to pay for required Ambulance, Fire and Police personnel;
- (f) the proponents submit to and have approved by the Commissioner of Works and Emergency Services, a detailed Transportation Plan addressing issues including, but not limited to, traffic control, parking, and public transit provision;
- (g) the proponents agree to implement the measures and programs contained in the approved Transportation Plan and Emergency Response and Security Plan;
- (h) the proponents make application to the Commissioner of Works and Emergency Services for the temporary closing of Polson Street;
- (i) the proponents agree to provide maintenance personnel for garbage removal from public areas including Polson Street;
- (j) the proponents submit a General Review Commitment Certificate to the Chief Building Official for the erection of all viewing stands, announcing towers and any other temporary structures required for the event;
- (k) the proponents submit a Letter of Undertaking to the Chief Building Official agreeing to retain an architect or professional engineer for the general review of all work requiring building permits;
- (l) the proponents agree to clean-up any spill associated with the event to the satisfaction of the Ministry of Environment and the appropriate civic officials;
- (m) the proponents agree not to hold races or pre-race boat warm-up prior to 8:00 a.m. or after 5:00 p.m.;
- (n) the proponents provide written notice of event scheduling to nearby film production studios. The proponents shall contact the Economic Development, Culture and Tourism's Film and Television Office for the appropriate contact list;
- (o) the proponents make application to the Commissioner of Economic

Development, Culture and Tourism for a Parks Access Agreement permitting use of the Polson Street Park during the race event and abide by all terms and conditions of the permit application;

- (p) the proponents agree to repair all damages incurred to the Polson Street Park as a result of the race event activities;
 - (q) the proponents, at their expense, take out and keep in full force and effect immediately prior to, during and after the race, a comprehensive general liability insurance policy in the amount of \$10,000,000.00 per occurrence and property insurance for all property owned, leased or in control of The Docks Waterfront Entertainment Complex and Power Events International;
 - (r) the proponents fully indemnify the City, its agents, employees, elected or appointed officials against any claim arising from or incidental to the race in a form satisfactory to the City Solicitor;
 - (s) the proponents agree to ensure that at the start of each day of racing or the commencement of a race after a long period of delay, the race course and surrounding area be gently cleared of all waterbirds and, with the exception of the start/finish area, race boats stay clear of shoreline areas;
 - (t) the proponents be directed to work with the Economic Development, Culture and Tourism Department's Tourism Division to co-ordinate all necessary City services required to plan and execute the Waterfront Festival; and
 - (u) all required approvals be received by the Commissioner of Economic Development, Culture and Tourism no later than June 1, 2003; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

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

“It is recommended that the Commissioner of Economic Development, Culture and Tourism be requested to:

- (1) ensure that the following mitigation is included in the final framework:
 - (i) on-site noise by-law enforcement officers monitoring the noise impacts on the day of the race; and

- (ii) an emergency noise complaint telephone number with complaints to be recorded, with local residents being informed of this number, at full cost to the proponent; and
- (2) submit a report to the Economic Development and Parks Committee in the fall of 2003 reviewing the impact of the powerboat race, such report to include:
 - (i) the results of meetings to be convened with the affected stakeholders, residents, environmentalists and the local Councillors; and
 - (ii) an analysis of the noise impacts of the 2003 powerboat race, with any costs associated with a noise study to be paid by the proponents; and
- (3) Council approve this matter without prejudice to other noise violators in the surrounding area.”

Votes:

Motion (a) by Councillor Minnan-Wong carried.

Adoption of motion (b) by Councillor McConnell:

Yes - 30
Councillors: Balkissoon, Bussin, Cho, Chow, Di Giorgio, Duguid, Filion, Flint, Holyday, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 2
Councillors: Ford, Nunziata

Carried by a majority of 28.

Adoption of the Clause, as amended:

Yes - 19
Councillors: Balkissoon, Cho, Di Giorgio, Duguid, Flint, Ford, Holyday, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Soknacki, Sutherland, Tziretas

No - 12

Councillors: Bussin, Chow, Filion, Johnston, Jones, McConnell, Mihevc,
Miller, Pantalone, Pitfield, Rae, Walker

Carried by a majority of 7.

1.78 **Clause No. 7 of Report No. 2 of The Administration Committee, headed “Declaration as Surplus City-Owned Land at 20 Gothic Avenue (Ward 13 - Parkdale-High Park)”.**

Vote:

Adoption of the Clause, without amendment:

Yes - 28
Councillors: Altobello, Ashton, Augimeri, Bussin, Chow, Disero, Duguid, Filion, Flint, Ford, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw
No - 6
Councillors: Balkissoon, Cho, Minnan-Wong, Sutherland, Tziretas, Walker

Carried by a majority of 22.

1.79 **Clause No. 43 of Report No. 1 of The Midtown Community Council, headed “Final Report - Application to Amend the Official Plan and Zoning By-law 438-86, 1430 Yonge Street St. Clair Inc. 302010, TD CMB 2001 0008 (St. Paul’s - Ward 22)”.**

Motions:

(a) Councillor Walker moved that the Clause be amended by striking out Recommendation No. (5) of the Midtown Community Council.

(b) Councillor Mihevc moved that the Clause be amended by striking out the Recommendation of the Midtown Community Council and inserting in lieu thereof the following:

“It is recommended that Council adopt the report (December 18, 2002) from the Director, Community Planning, South District (as embodied in the Clause).”

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

“It is further recommended that the developer, the Ward Councillor and the Planning and Transportation Committee be requested to give consideration to supporting a building without parking, given that this location is so close to the St. Clair subway station.”

Votes:

Adoption of motion (a) by Councillor Walker:

Yes - 26 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Filion, Flint, Ford, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, LiPreti, Mammoliti, McConnell, Milczyn, Miller, Moscoe, Ootes, Pitfield, Rae, Sutherland, Walker
No - 7 Councillors: Disero, Duguid, Lindsay Luby, Mihevc, Minnan-Wong, Nunziata, Shaw

Carried by a majority of 19.

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

Adoption of motion (c) by Councillor Johnston:

Yes - 14 Councillors: Augimeri, Balkissoon, Bussin, Cho, Disero, Johnston, Li Preti, Mammoliti, McConnell, Miller, Moscoe, Pitfield, Rae, Walker
No - 19 Councillors: Altobello, Ashton, Chow, Duguid, Filion, Flint, Ford, Holyday, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Shaw, Sutherland

Lost by a majority of 5.

The Clause, as amended, carried.

1.80 Clause No. 1 of Report No. 3 of The Planning and Transportation Committee, headed “Enactment of a Municipal Shelter By-law and Adoption of Related Council Policies and Procedures”.

Motions:

- (a) Councillor Ford moved that the Clause be received.

Councillor Disero in the Chair.

- (b) Councillor Ootes moved that the Clause be amended:
- (1) to provide that:
- (i) should the Municipal Shelter By-law be adopted, Section 4(b) thereof, being the exemption of 717 Broadview Avenue, be removed until such time as a new Council representative has been appointed for Ward 30, Toronto-Danforth;
 - (ii) 717 Broadview Avenue be used as a family shelter only, as was adopted by City Council in the fall of 2000, as was promised to the community, and that it never be used as a shelter for singles; and
 - (iii) a cap be placed on the existing number of shelters approved to date;
- (2) by adding thereto the following:
- “It is further recommended that:
- (i) the Commissioner of Community and Neighbourhood Services be requested to submit a report to the Budget Advisory Committee on placing a cap of \$120 million per year on the operating expenditure for shelters or housing for homeless persons; and
 - (ii) Council resolve to substantially solve the homeless situation by December 2006, and the Commissioner of Community and Neighbourhood Services be requested to submit a plan to the Community Services Committee before the end of this term of Council, the core of such plan to focus on using part or all of the \$120 million per year towards rental subsidies for homeless persons.”

Ruling by Acting Chair:

Acting Chair Disero, having regard to the nature of Part (1) of motion (b) by Councillor Ootes, ruled such part out of order.

- (c) Councillor Sutherland moved that the Clause be amended:
- (1) by amending Recommendation No. (1)(b) embodied in the joint report dated December 20, 2002, from the Commissioner of Urban Development Services and the Commissioner of Community and Neighbourhood Services, by:

- (i) adding to the end thereof the words “or emergency shelter, hostel or crisis care facility”; and
- (ii) deleting the figure “250 metres” and inserting in lieu thereof the figure “1000 metres”,

so that such recommendation now reads as follows:

- “(b) a minimum separation distance of 1000 metres be required between any new municipal shelter and any existing municipal shelter or emergency shelter, hostel or crisis care facility;”;

- (2) to provide that shelters approved under this By-law not exceed 50 beds.

Deputy Mayor Ootes in the Chair.

- (d) Councillor Ashton moved that the Clause be amended by adding to the end of Recommendation No. (1)(a)(3) of the Planning and Transportation Committee, the words “and further, for the purposes of calculating the cap, the greatest annual quantum, on a ward basis, for motel spaces be included”, so that such recommendation now reads as follows:

- “(3) a moratorium on the location of new municipal shelters be adopted to the effect that no new municipal shelter sites be approved in wards already having 500 or more municipal shelter beds, and further, for the purposes of calculating the cap, the greatest annual quantum, on a ward basis, for motel spaces be included;”.

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

“It is further recommended that the Chief Administrative Officer, in consultation with the Commissioner of Community and Neighbourhood Services, be requested to submit a report to Council, through the Policy and Finance Committee, on the feasibility of amalgamating the Shelter, Housing and Support Division and the Toronto Community Housing Corporation.”

Ruling by Deputy Mayor:

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

- (f) Councillor Milczyn moved that be Clause be amended to provide that this By-law not apply to prohibit a municipal shelter use at 8 Warrendale Court in the former City of Etobicoke.

- (g) Councillor Di Giorgio moved that Part (2) of motion (c) by Councillor Sutherland be amended by adding thereto the words “and further, any exemptions to this limit shall require approval of the Committee of Adjustment”.
- (h) Councillor Korwin-Kuczynski moved that the Clause be amended to provide that, in the process of identifying potential shelter sites, staff shall advise the Ward Councillor immediately of those sites that are potentially viable.
- (i) Councillor Pantalone moved that the Clause be amended by inserting in Recommendation No. (2) of the Planning and Transportation Committee, the word “expeditious” before the second occurrence of the words “Site Plan Control”, so that such recommendation now reads as follows:
 - “(2) any existing Site Plan Control by-law in the City be amended to ensure that all municipal shelters are subject to expeditious Site Plan Control until such time that a harmonized Site Plan Control By-law is developed, and that a stakeholder group be established consisting of, but not limited to, representatives from the Toronto Association of Business Improvement Areas, shelter advocates, ratepayer and tenant groups and staff from Urban Design Division of Urban Development Services, to provide input into the development of the harmonized Site Plan Control By-law and its guidelines for shelters;”.
- (j) Councillor Filion moved that the Clause be amended to provide that shelters be located as-of-right only on major and minor arterial roads that are zoned commercial, industrial or mixed use.
- (k) Councillor Cho moved that the Clause be amended by adding thereto the following:

“It is further recommended that:

 - (1) the Commissioner of Community and Neighbourhood Services be requested to research the variety of reasons why homeless persons do not wish to enter a shelter, and using these reasons as a basis, submit a report to Council, through the Community Services Committee by the end of May 2003, with proposed actions that would be effective in encouraging homeless persons to use the shelter system;
 - (2) the Commissioner of Community and Neighbourhood Services and the Commissioner of Urban Development Services be requested to investigate how other large urban centres in North America handle and deal with homeless persons, specifically the cities of Vancouver, Montreal, Chicago, New York and Detroit, as well as other cities which would be beneficial in providing this type of information, and submit a report to Council by the end of June 2003, through the Community Services Committee, such report to include:

- by-laws, if any, which these cities have passed with respect to ensuring that homeless persons will move to shelters;
 - how successful these by-laws are at present; and
 - what other initiatives they have taken to deal with the problem; and
- (3) the Province of Ontario be requested to pay an additional \$40 million (of which \$16 million is the shortfall, with an additional \$24 million) to set up a Rent Subsidy Account that will be held in trust by the City of Toronto, such Account to be used as follows:
- (1) people who are homeless can apply to this fund to help them solve their homeless situation; and
 - (2) those who are facing severe financial difficulties and who may become homeless through the loss of their home can apply.”
- (l) Councillor Jones moved that:
- (1) all motions pertaining to the number of shelter beds, be referred to staff for a further report on optimal and maximum numbers, from a financial and programming perspective, to be included in a City Shelter Policy;
 - (2) the Clause be amended by adding thereto the following:

“It is further recommended that:

 - (i) the Province of Ontario be requested to provide legislation to allow the use of current shelter funding to be used for housing subsidies;
 - (ii) City Council request additional funding from the provincial and federal governments for supportive housing, in order to provide accommodation for people with mental health and/or addiction problems; and
 - (iii) when there are no homeless persons living on the streets in the City of Toronto and the current hostel beds are empty, the Municipal Shelter By-law be rescinded.”
- (m) Councillor Altobello moved that the Clause be amended in accordance with the following recommendations embodied in the report dated January 28, 2003, from the Commissioner of Community and Neighbourhood Services:
- “(1) the size of each new municipal shelter be approved as part of the Council approval process for each new municipal shelter as described in clause 2(iv) of the Revised

Draft Municipal Shelter By-law; and

- (2) the appropriate City officials be authorized and directed to take the necessary action give effect thereto.”
- (n) Councillor Nunziata moved that the Clause be amended to provided that the site location process with respect to this By-law include deliberations at the respective Community Council, in addition to the Community Services Committee, in order to allow the Ward Councillor and local community residents to discuss and depute the location of any new proposed shelter.
- (o) Councillor Johnston moved that the Clause be 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 on establishing an arm’s-length agency, similar to the Toronto Arts Council, to be composed of people who are well thought of in the community and who have a demonstrated ability to make sensible decisions regarding appropriate locations for shelters.”
- (p) Councillor Soknacki moved that:
- (1) Part (2)(ii) of motion (b) by Councillor Ootes be amended by adding to the end thereof the words “and how support services could be provided to those using rental subsidies”; and
- (2) Part (2) of motion (c) by Councillor Sutherland be amended by deleting therefrom the words “50 beds”, and inserting in lieu thereof the words “80 singles or 80 families, and this limit be established as a Council policy and not as part of the By-law”.
- (q) Councillor Moeser moved that motion (i) by Councillor Pantalone be referred to the Stakeholder Group (as established by Recommendation No. (2) of the Planning and Transportation Committee).
- (r) Councillor Duguid moved that Part (2)(ii) of motion (b) by Councillor Ootes be amended by deleting therefrom the words “towards rental subsidies for homeless persons”, and inserting in lieu thereof the words “towards the creation of affordable transitional housing and/or rental subsidies for homeless persons”.

Withdrawal of Motion:

Councillor Di Giorgio, with the permission of Council, withdrew his motion (g).

Votes:

Adoption of motion (a) by Councillor Ford:

Yes - 2	
Councillors:	Ford, Moeser
No - 36	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Silva, Soknacki, Sutherland, Tziretas, Walker

Lost by a majority of 34.

Adoption of Part (1)(ii) of motion (c) by Councillor Sutherland:

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

Lost, there being an equal division of votes.

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

Yes - 22	
Councillors:	Augimeri, Balkissoon, Bussin, Cho, Di Giorgio, Filion, Ford, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Rae, Shaw, Silva, Sutherland, Tziretas
No - 16	
Councillors:	Altobello, Ashton, Berardinetti, Chow, Disero, Duguid, Flint, Johnston, Jones, McConnell, Mihevc, Miller, Moscoe, Pantalone, Soknacki, Walker

Carried by a majority of 6.

Adoption of Part (1) of motion (l) by Councillor Jones:

Yes - 17 Councillors:	Ashton, Augimeri, Cho, Chow, Di Giorgio, Disero, Duguid, Flint, Johnston, Lindsay Luby, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Silva, Soknacki
No - 21 Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Filion, Ford, Holyday, Jones, Kelly, Korwin-Kuczynski, Mammoliti, McConnell, Moeser, Nunziata, Ootes, Pantalone, Rae, Shaw, Sutherland, Tziretas, Walker

Lost by a majority of 4.

Adoption of Part (2) of motion (p) by Councillor Soknacki:

Yes - 20 Councillors:	Altobello, Augimeri, Berardinetti, Bussin, Chow, Disero, Duguid, Johnston, Jones, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Pitfield, Rae, Soknacki, Walker
No - 19 Councillors:	Ashton, Balkissoon, Cho, Di Giorgio, Filion, Flint, Ford, Holyday, Kelly, Korwin-Kuczynski, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Shaw, Silva, Sutherland, Tziretas

Carried by a majority of 1.

Part (2) of motion (c) by Councillor Sutherland, as amended, carried.

Adoption of motion (d) by Councillor Ashton:

Yes - 24 Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Duguid, Filion, Flint, Holyday, Johnston, Jones, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Nunziata, Pitfield, Rae, Shaw, Soknacki
No - 15	

Councillors:	Augimeri, Cho, Chow, Di Giorgio, Disero, Ford, Korwin-Kuczynski, Minnan-Wong, Moscoe, Ootes, Pantalone, Silva, Sutherland, Tziretas, Walker
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Carried by a majority of 9.

Adoption of motion (q) by Councillor Moeser:

Yes - 17	Councillors: Balkissoon, Cho, Disero, Ford, Holyday, Kelly, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shaw, Soknacki, Sutherland, Tziretas
No - 22	Councillors: Altobello, Ashton, Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Duguid, Filion, Flint, Johnston, Jones, Korwin-Kuczynski, McConnell, Mihevc, Miller, Moscoe, Pantalone, Pitfield, Rae, Silva, Walker

Lost by a majority of 5.

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

Yes - 26	Councillors: Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Flint, Johnston, Jones, Kelly, Korwin-Kuczynski, McConnell, Mihevc, Miller, Minnan-Wong, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki, Sutherland, Walker
No - 13	Councillors: Altobello, Balkissoon, Filion, Ford, Holyday, Lindsay Luby, Mammoliti, Milczyn, Moeser, Moscoe, Nunziata, Ootes, Tziretas

Carried by a majority of 13.

Motion (f) by Councillor Milczyn carried.

Councillor Ford requested that his opposition to motion (f) by Councillor Milczyn be recorded in the Minutes of this meeting.

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

Yes - 39

Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Ford, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki, Sutherland, Tziretas, Walker
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No - 0

Carried, without dissent.

Adoption of motion (j) by Councillor Filion:

Yes - 18	
Councillors:	Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Filion, Flint, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Ootes, Shaw, Sutherland, Tziretas

No - 21	
Councillors:	Altobello, Ashton, Bussin, Chow, Disero, Duguid, Ford, Johnston, Jones, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Silva, Soknacki, Walker

Lost by a majority of 3.

Adoption of motion (m) by Councillor Altobello:

Yes - 37	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Ford, Holyday, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Silva, Soknacki, Sutherland, Tziretas, Walker

No - 2	
Councillors:	Johnston, Rae

Carried by a majority of 35.

Adoption of motion (n) by Councillor Nunziata:

Yes - 22

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

Carried by a majority of 5.

Adoption of Part (2)(i) of motion (b) by Councillor Ootes:

Yes - 21 Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Filion, Flint, Ford, Holyday, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Soknacki, Sutherland, Tziretas
No - 18 Councillors:	Augimeri, Bussin, Chow, Duguid, Johnston, Jones, Kelly, Korwin-Kuczynski, McConnell, Mihevc, Miller, Moscoe, Pantalone, Pitfield, Rae, Shaw, Silva, Walker

Carried by a majority of 3.

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

Adoption of motion (r) by Councillor Duguid:

Yes - 34 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Johnston, Jones, Kelly, Korwin-Kuczynski, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 5 Councillors:	Ford, Holyday, Lindsay Luby, Minnan-Wong, Moeser

Carried by a majority of 29.

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the request by Councillor Pantalone to split the vote on Part (2)(ii) of motion (b) by Councillor Ootes, as amended, ruled that such vote would not be split.

Councillor Pantalone challenged the ruling of the Deputy Mayor.

Vote to Uphold the Ruling of the Deputy Mayor:

Yes - 27
Councillors: Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Filion, Flint, Ford, Holyday, Johnston, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Milczyn, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Silva, Soknacki, Sutherland, Tziretas
No - 12
Councillors: Altobello, Ashton, Augimeri, Bussin, Chow, Jones, McConnell, Mihevc, Moscoe, Pantalone, Rae, Walker

Carried by a majority of 15.

Adoption of Part (2)(ii) of motion (b) by Councillor Ootes, as amended:

Yes - 24
Councillors: Altobello, Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Filion, Flint, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Silva, Soknacki, Sutherland, Tziretas
No - 15
Councillors: Ashton, Augimeri, Bussin, Chow, Ford, Johnston, Jones, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Rae, Walker

Carried by a majority of 9.

Part (1) of motion (k) by Councillor Cho carried.

Adoption of Part (2) of motion (k) by Councillor Cho:

Yes - 25
Councillors: Altobello, Augimeri, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Ford, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Mihevc, Moeser, Nunziata, Ootes, Pitfield, Shaw, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 14
Councillors: Ashton, Balkissoon, Bussin, Filion, Flint, Johnston, Jones, McConnell, Milczyn, Miller, Minnan-Wong, Moscoe, Pantalone, Rae

Carried by a majority of 11.

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

Yes - 29
Councillors: Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Filion, Flint, Johnston, Jones, Kelly, Korwin-Kuczynski, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Silva, Tziretas, Walker
No - 10
Councillors: Ashton, Duguid, Ford, Holyday, Lindsay Luby, Mammoliti, Moeser, Ootes, Soknacki, Sutherland

Carried by a majority of 19.

Adoption of Part (2)(i) of motion (l) by Councillor Jones:

Yes - 31
Councillors: Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Johnston, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Silva, Soknacki
No - 8
Councillors: Ashton, Cho, Ford, Holyday, Rae, Sutherland, Tziretas, Walker

Carried by a majority of 23.

Adoption of Part (2)(ii) of motion (l) by Councillor Jones:

Yes - 39
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Ford, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 0

Carried, without dissent.

Adoption of Part (2)(iii) of motion (l) by Councillor Jones:

Yes - 37	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Ford, Holyday, Johnston, Jones, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 1	
Councillor:	Mammoliti

Carried by a majority of 36.

Adoption of motion (o) by Councillor Johnston:

Yes - 9	
Councillors:	Augimeri, Berardinetti, Disero, Duguid, Johnston, Lindsay Luby, Miller, Moscoe, Soknacki
No - 30	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Filion, Flint, Ford, Holyday, Jones, Kelly, Korwin-Kuczynski, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Sutherland, Tziretas, Walker

Lost by a majority of 21.

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the request by Councillor Sutherland for a separate vote on Recommendation No. (1)(e) embodied in the joint report dated December 20, 2002, from the Commissioner of Urban Development Services and the Commissioner of Community and Neighbourhood Services, ruled that a separate vote on such recommendation would be out of order.

Councillor Sutherland challenged the ruling of the Deputy Mayor.

Vote to Uphold the Ruling of the Deputy Mayor:

Yes - 30 Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Ford, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Walker
No - 9 Councillors:	Augimeri, Filion, Flint, Mammoliti, McConnell, Nunziata, Shaw, Sutherland, Tziretas

Carried by a majority of 21.

Adoption of the Clause, as amended:

Yes - 28 Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Flint, Johnston, Jones, Kelly, Korwin-Kuczynski, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Pantalone, Pitfield, Rae, Silva, Soknacki, Walker
No - 11 Councillors:	Balkissoon, Filion, Ford, Holyday, Lindsay Luby, Moeser, Nunziata, Ootes, Shaw, Sutherland, Tziretas

Carried by a majority of 17.

The Clause, as amended, carried.

In summary, the Clause was amended:

- (1) by adding to the end of Recommendation No. (1)(a)(3) of the Planning and Transportation Committee, the words “and further, for the purposes of calculating the cap, the greatest annual quantum, on a ward basis, for motel spaces be included”, so that such recommendation now reads as follows:
 - “(3) a moratorium on the location of new municipal shelters be adopted to the effect that no new municipal shelter sites be approved in wards already having 500 or more

municipal shelter beds, and further, for the purposes of calculating the cap, the greatest annual quantum, on a ward basis, for motel spaces be included;”;

- (2) by inserting in Recommendation No. (2) of the Planning and Transportation Committee, the word “expeditious” before the second occurrence of the words “Site Plan Control”, so that such recommendation now reads as follows:
 - “(2) any existing Site Plan Control by-law in the City be amended to ensure that all municipal shelters are subject to expeditious Site Plan Control until such time that a harmonized Site Plan Control By-law is developed, and that a stakeholder group be established consisting of, but not limited to, representatives from the Toronto Association of Business Improvement Areas, shelter advocates, ratepayer and tenant groups and staff from Urban Design Division of Urban Development Services, to provide input into the development of the harmonized Site Plan Control By-law and its guidelines for shelters;”;
- (3) by adding to the end of Recommendation No. (1)(b) embodied in the joint report dated December 20, 2002, from the Commissioner of Urban Development Services and the Commissioner of Community and Neighbourhood Services, the words “or emergency shelter, hostel or crisis care facility”, so that such recommendation now reads as follows:
 - “(b) a minimum separation distance of 250 metres be required between any new municipal shelter and any existing municipal shelter or emergency shelter, hostel or crisis care facility;”;
- (4) in accordance with the following recommendations embodied in the report dated January 28, 2003, from the Commissioner of Community and Neighbourhood Services:
 - “(1) the size of each new municipal shelter be approved as part of the Council approval process for each new municipal shelter as described in clause 2(iv) of the Revised Draft Municipal Shelter By-law; and
 - (2) the appropriate City officials be authorized and directed to take the necessary action give effect thereto.”;
- (5) to provide that shelters approved under this By-law not exceed 80 singles or 80 families, and this limit be established as a Council policy and not as part of the By-law;
- (6) to provide that, in the process of identifying potential shelter sites, staff shall advise the Ward Councillor immediately of those sites that are potentially viable;

- (7) to provide that the site location process with respect to this By-law include deliberations at the respective Community Council, in addition to the Community Services Committee, in order to allow the Ward Councillor and local community residents to discuss and depute the location of any new proposed shelter;
- (8) to provide that this By-law not apply to prohibit a municipal shelter use at 8 Warrendale Court in the former City of Etobicoke;
- (9) by adding thereto the following:

“It is further recommended that:

- (a) City Council request additional funding from the provincial and federal governments for supportive housing, in order to provide accommodation for people with mental health and/or addiction problems;
- (b) the Province of Ontario be requested to:
 - (i) provide legislation to allow the use of current shelter funding to be used for housing subsidies;
 - (ii) pay an additional \$40 million (of which \$16 million is the shortfall, with an additional \$24 million) to set up a Rent Subsidy Account that will be held in trust by the City of Toronto, such Account to be used as follows:
 - (1) people who are homeless can apply to this fund to help them solve their homeless situation; and
 - (2) those who are facing severe financial difficulties and who may become homeless through the loss of their home can apply;
- (c) the Commissioner of Community and Neighbourhood Services be requested to submit a report to the Budget Advisory Committee on placing a cap of \$120 million per year on the operating expenditure for shelters or housing for homeless persons;
- (d) Council resolve to substantially solve the homeless situation by December 2006, and the Commissioner of Community and Neighbourhood Services be requested to submit a plan to the Community Services Committee before the end of this term of Council, the core of such plan to focus on using part or all of the \$120 million per year towards the creation of affordable transitional housing and/or rental subsidies

- for homeless persons, and how support services could be provided to those using rental subsidies;
- (e) the Commissioner of Community and Neighbourhood Services be requested to research the variety of reasons why homeless persons do not wish to enter a shelter, and using these reasons as a basis, submit a report to Council, through the Community Services Committee by the end of May 2003, with proposed actions that would be effective in encouraging homeless persons to use the shelter system;
 - (f) the Commissioner of Community and Neighbourhood Services and the Commissioner of Urban Development Services be requested to investigate how other large urban centres in North America handle and deal with homeless persons, specifically the cities of Vancouver, Montreal, Chicago, New York and Detroit, as well as other cities which would be beneficial in providing this type of information, and submit a report to Council by the end of June 2003, through the Community Services Committee, such report to include:
 - by-laws, if any, which these cities have passed with respect to ensuring that homeless persons will move to shelters;
 - how successful these by-laws are at present; and
 - what other initiatives they have taken to deal with the problem; and
 - (g) when there are no homeless persons living on the streets in the City of Toronto and the current hostel beds are empty, the Municipal Shelter By-law be rescinded.”

1.81 Clause No. 5 of Report No. 1 of The Policy and Finance Committee, headed “Revised Preliminary Budgets for the Toronto Computer Leasing Inquiry and the Toronto External Contracts Inquiry”.

Motions:

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

“It is further recommended that the Chief Administrative Officer and the City Solicitor be requested to submit a report to the Policy and Finance Committee on possible options to manage the costs of the Inquiry.”
- (b) Councillor Minnan-Wong moved that the Clause be amended by adding thereto the following:

“It is further recommended that:

 - (1) City Council inform Madam Justice Bellamy of its concern with regard to the rising costs of the Inquiry, and request that a copy of the Inquiry budget be provided to

Council; and

- (2) if appropriate, a revised Inquiry budget be submitted to the April 14, 2003 meeting of Council.”
- (c) Councillor Johnston moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on April 14, 2003, and the City Solicitor be requested to revise the estimate and time table for the Inquiry, and submit a report thereon to Council.

Withdrawal of Motion:

Councillor Johnston, with the permission of Council, withdrew her motion (c).

Vote Be Now Taken:

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

Yes - 18	
Councillors:	Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Johnston, Jones, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Pitfield, Rae, Tziretas
No - 8	
Councillors:	Altobello, Ashton, Balkissoon, Ford, Holyday, Korwin-Kuczynski, Ootes, Walker

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

Votes:

Adoption of motion (a) by Councillor Duguid:

Yes - 18	
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Cho, Disero, Duguid, Ford, Holyday, Jones, Korwin-Kuczynski, Minnan-Wong, Nunziata, Ootes, Pitfield, Shiner, Silva, Tziretas
No - 10	
Councillors:	Augimeri, Bussin, Chow, Di Giorgio, Johnston, McConnell, Mihevc, Moscoe, Rae, Walker

Carried by a majority of 8.

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

Yes - 17	
Councillors:	Altobello, Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Holyday, Korwin-Kuczynski, Minnan-Wong, Nunziata, Ootes, Pitfield, Shiner, Silva, Tziretas, Walker
No - 11	
Councillors:	Ashton, Augimeri, Bussin, Chow, Ford, Johnston, Jones, McConnell, Mihevc, Moscoe, Rae

Carried by a majority of 6.

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

Yes - 15	
Councillors:	Altobello, Berardinetti, Cho, Disero, Duguid, Holyday, Johnston, Jones, Korwin-Kuczynski, Minnan-Wong, Nunziata, Ootes, Shiner, Silva, Tziretas
No - 13	
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Ford, McConnell, Mihevc, Moscoe, Pitfield, Rae, Walker

Carried by a majority of 2.

Adoption of the Clause, as amended:

Yes - 26	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Holyday, Jones, Korwin-Kuczynski, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pitfield, Rae, Shiner, Silva, Tziretas, Walker
No - 2	
Councillors:	Ford, Johnston

Carried by a majority of 24.

1.82 **Clause No. 21 of Report No. 1 of The Policy and Finance Committee, headed “Proposal for Affordable Housing and Childcare Centre on the City-Owned Bergamot Avenue Property and Results of a Community Meeting (Ward 2 - Etobicoke North)”.**

Motion:

Councillor Ford moved that the Clause be:

- (1) received, and the Commissioner of Community and Neighbourhood Services be requested to negotiate with the Rexdale Senior Citizens Corporation with a view to awarding them this request for proposals;
- (2) amended to provide that the Commissioner of Community and Neighbourhood Services be requested to explore options for accommodating both groups (i.e. the Young Women’s Christian Association of Metropolitan Toronto (YWCA) and the Rexdale Senior Citizens Corporation) on this land; and
- (3) amended by adding thereto the following:

“It is further recommended that the scorecards related to this request for proposals (RFP) be released immediately, in-camera.”

Vote Be Now Taken:

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

Yes - 19	
Councillors:	Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Johnston, Jones, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Rae, Shiner, Silva, Sutherland
No - 8	
Councillors:	Altobello, Duguid, Ford, Holyday, Korwin-Kuczynski, Ootes, Pitfield, Tziretas

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

Votes:

Adoption of Part (1) of the motion by Councillor Ford:

Yes - 5 Councillors: Cho, Ford, Holyday, Pitfield, Tziretas
No - 22 Councillors: Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Duguid, Johnston, Jones, Korwin-Kuczynski, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Rae, Shiner, Silva, Sutherland

Lost by a majority of 17.

Adoption of Part (2) of the motion by Councillor Ford:

Yes - 11 Councillors: Balkissoon, Cho, Disero, Ford, Holyday, Korwin-Kuczynski, Minnan-Wong, Nunziata, Ootes, Pitfield, Tziretas
No - 16 Councillors: Altobello, Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Duguid, Johnston, Jones, McConnell, Mihevc, Moscoe, Rae, Shiner, Silva, Sutherland

Lost by a majority of 5.

Adoption of Part (3) of the motion by Councillor Ford:

Yes - 14 Councillors: Altobello, Augimeri, Balkissoon, Berardinetti, Duguid, Ford, Holyday, Korwin-Kuczynski, Minnan-Wong, Nunziata, Ootes, Pitfield, Silva, Tziretas
No - 13 Councillors: Bussin, Cho, Chow, Di Giorgio, Disero, Johnston, Jones, McConnell, Mihevc, Moscoe, Rae, Shiner, Sutherland

Carried by a majority of 1.

Adoption of the Clause, as amended:

Yes - 22	
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Johnston, Jones, McConnell, Mihevc, Moscoe, Ootes, Pitfield, Rae, Shiner, Silva, Sutherland, Tziretas
No - 4	
Councillors:	Ford, Holyday, Korwin-Kuczynski, Minnan-Wong

Carried by a majority of 18.

Having regard that Council did not meet in-camera with respect to this matter, the release of the scorecards in-camera will be undertaken at the next regular meeting of Council, scheduled to be held on April 14, 2003.

- 1.83 **Clause No. 22 of Report No. 1 of The Policy and Finance Committee, headed “Funding to Relocate and Restore the Historically Designated Joy Oil Station and Increase in Project Funding to the Fred Victor Centre for Development of Affordable Housing at 1978-2000 Lake Shore Boulevard West (Ward 13 - Parkdale -High Park)”.**

Motion:

Councillor Korwin-Kuczynski moved that the Clause be received.

Votes:

Adoption of motion by Councillor Korwin-Kuczynski:

Yes - 6	
Councillors:	Cho, Holyday, Korwin-Kuczynski, Minnan-Wong, Pitfield, Tziretas
No - 17	
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Chow, Di Giorgio, Disero, Duguid, Ford, Johnston, Jones, Mihevc, Ootes, Shaw, Shiner, Silva, Walker

Lost by a majority of 11.

Adoption of the Clause, without amendment:

Yes - 21 Councillors: Altobello, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Ford, Johnston, Jones, Mihevc, Minnan-Wong, Ootes, Pitfield, Shaw, Shiner, Silva, Tziretas, Walker
No - 2 Councillors: Holyday, Korwin-Kuczynski

Carried by a majority of 19.

Having regard that Council did not confirm this action by by-law prior to adjournment, this action was held in abeyance until such time as a confirming by-law with respect to this Clause was enacted by Council.

1.84 **Clause No. 13 of Report No. 1 of The Administration Committee, headed “70 Birmingham Street - Purchase of Land for the Toronto Police Service Firearms/Defensive Tactics and Applicant Testing Facility (Ward 6 - Etobicoke-Lakeshore)”.**

Motions:

- (a) Councillor Holyday moved that the Clause be amended in accordance with the recommendations embodied in the confidential report dated January 27, 2003, from the Commissioner of Corporate Services.
- (b) Councillor Chow moved that the Clause be:
 - (1) struck out and referred to the Chief Administrative Officer and the Commissioner of Corporate Services, with a request that they review and evaluate the needs of the Toronto Police Service, and consider expanding at the existing site by developing the old 42 Division and providing alternate methods for extra parking; and
 - (2) amended to provide that the following recommendation be adopted, in principle:

“It is recommended that:

 - (i) a portion of the \$5.9 million cost to acquire a site for a new Toronto Police Service Firearms/Defensive Tactics and Applicant Testing Facility come from the sale of the site where those activities occur at present; and

- (ii) upon completion of construction of the new facility, the use of the existing site or the equivalent cost of the purchase of the new site, revert to the City of Toronto.”

Having regard that Council did not conclude its consideration of this matter prior to the end of this meeting, consideration the Clause was deferred to the next regular meeting of City Council scheduled to be held on April 14, 2003.

1.85 IN-CAMERA MEETING SESSION OF THE COMMITTEE OF THE WHOLE

February 5, 2003:

Motion:

Deputy Mayor Ootes at 3:27 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Clause No. 1a of Report No. 14 of The Administration Committee, headed “Union Station Request for Proposals Status Report on Negotiations With Union Pearson Group (Ward 28 - Toronto Centre - Rosedale)”, in accordance with the provisions of the Municipal Act, having regard that the Clause concerns matters which are subject to solicitor-client privilege.

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 3:35 p.m. to meet privately in the Council Chamber to consider the above matter, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 7:20 p.m., and met in public session in the Council Chamber.

Report of the Committee of the Whole:

Deputy Mayor Ootes took the Chair, called the Members to order and advised the Council that, having regard that Council had not concluded its discussion in Committee of the Whole, the in-camera session of this meeting would resume on February 6, 2003.

February 6, 2003:*Motion:*

Deputy Mayor Ootes, at 10:00 a.m., moved that Council now resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to resume the in-camera portion of this meeting, as it pertains to Clause No. 1a of Report No. 14 of The Administration Committee, headed "Union Station Request for Proposals Status Report on Negotiations With Union Pearson Group (Ward 28 - Toronto Centre - Rosedale)".

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 10:05 a.m., to meet privately in the Council Chamber to resume consideration of the above matter, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 12:03 p.m., and met in public session in the Council Chamber.

Report of the Committee of the Whole:

- 1.86 **Clause No. 1a of Report No. 14 of The Administration Committee, headed "Union Station Request for Proposals Status Report on Negotiations With Union Pearson Group (Ward 28 - Toronto Centre - Rosedale)".**

Motions:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that the following motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause:

- (a) Councillor Walker moved that:

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

"It is further recommended that:

- (i) the Commissioner of Corporate Services be requested to release the scoring documents and the names of the six respective evaluators; and

- (ii) City Council direct that an international design competition be held for the entire 11-acre precinct incorporating the railway lands south of Union Station, Union Station and the Air Canada Centre.”;
 - (2) Council receive the Clause, together with the communication dated January 29, 2003, from the City Clerk, and that no further action be taken; and
 - (3) the Clause be amended by rescinding the action of the Administration Committee, as outlined in the communication dated January 29, 2003, from the City Clerk, and the necessary provisions of Chapter 27 of the City of Toronto Municipal Code, Council Procedures, be waived in order to give effect thereto.
- (b) Councillor Ashton moved that:
- (1) the Clause be amended in accordance with the recommendations embodied in the communication dated January 29, 2003, from the City Clerk, subject to striking out and replacing Recommendation No. (III), embodied therein, so that the recommendations, as amended, read as follows:

“The Administration Committee recommends:

 - (I) the adoption of the following Recommendations Nos. (4) and (5) contained in the report (January 22, 2003) from the Commissioner of Corporate Services:
 - ‘(4) the Public Advisory Group initiated by Councillors Holyday, Sutherland and Ashton be continued to provide public input as part of the ongoing review process for the revitalization of Union Station and be formalized as part of the governance structure for Union Station; and
 - (5) the retainer of Davies Ward Phillips & Vineberg be continued to complete this transaction with costs, not to exceed \$250,000.00, to be paid out of revenues from Union Station;’;
 - (II) that the Commissioner of Corporate Services be requested to release, publicly, all of the RFP submissions and evaluation documentation, subject to the obligations of MFIPPA so that their release will protect the City’s financial and public interest; and
 - (III) that City Council request Mr. Justice Osborne to review the Selection

Committee's process for the selection of the preferred proponent in the Union Station RFP, to ensure it has been conducted in a fair and proper manner, based on the criteria established in the RFP.";

(2) Part 1(i) of motion (a) by Councillor Walker be amended to provide that an accompanying report be prepared, outlining the purpose and methodology employed in the evaluation; and

(3) the Clause be amended by adding thereto the following:

"It is further recommended that:

(i) Union Pearson Group and LP Heritage be requested to provide their consent to disclosure of the comparative aspects of the essential elements of their proposals, including the financial and business terms; and

(ii) the Commissioner of Corporate Services, together with appropriate City staff, be directed to continue the preparatory work necessary to redevelop Union Station, in any event."

(c) Councillor Milczyn moved that Part (1)(i) of motion (a) by Councillor Walker be amended to provide that the release of information with respect to the scoring documents, be subject to ensuring that the individual scores are not attributable to the individual evaluator.

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

"It is further recommended that the matter of releasing the scoring documents be referred to Mr. Justice Osborne, with a request that he advise City Council as to the proper timing of their release."

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

"It is further recommended that the scoring documents be released at such time as the independent review is completed."

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

"It is further recommended that:

(1) the matter of the release of the scoring documents be deferred pending the review by the Provincial Integrity Commissioner, and submission of his report to City Council; and

- (2) in the meantime, the evaluators be requested to sign-off on the release of the scoring documents pending the review by the Integrity Commissioner and a final decision by Council.”
- (g) Councillor Duguid moved that motion (d) by Councillor Holyday be amended to provide that the Commissioner of Corporate Services be requested to report to the Administration Committee:
 - (i) no later than 60 days on the matter of releasing the scoring documents; and
 - (ii) with an explanatory document outlining their purpose and methodology, in the event the scoring documents are to be released to the media.
- (h) Councillor Bussin moved that Part (1) of motion (b) by Councillor Ashton be amended to provide that Mr. Justice Osborne also be requested to review the role of the engineering firm of Marshall Macklin Monaghan in the advice, preparation and distribution of the proposal request, as well as the firm’s declarations of interest submitted during this process, having regard that this firm worked with Mr. Tannenbaum’s company during construction of the Air Canada Centre.
- (i) Councillor Lindsay Luby moved that the Clause be amended by adding thereto the following:

“It is further recommended that henceforth, any reference to Mr. Justice Osborne which pertains to his role in this review, not allude to him as Provincial Integrity/Ethics Commissioner, having regard that Mr. Osborne will not be conducting his review of this process in that capacity.”

Moved in Public Session:

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

“It is further recommended that:

 - (1) in future proposals of this nature, City staff be directed to bring the proposal specifications to Council, and that at this stage, Council invite public participation in the design of the call, prior to its release to potential proponents;
 - (2) prior to entering into a lease agreement with Union Pearson Group, Council hold a public presentation of the detailed development plan and invite public comment, and to do so, all Members of Council and the public be invited to attend the Special Meeting of the Administration Committee;

- (3) the Commissioner of Corporate Services be requested to provide to Council, in-camera, copies of any declarations of interest from the firms Marshall Macklin Monaghan and Davies Ward Phillips & Vineberg, and/or their employees, and that such information also be forwarded to Mr. Justice Osborne; and
- (4) the Commissioner of Corporate Services be requested to submit a report to Council, through the Administration Committee, on any involvement by Dale Lastman in providing advice on this project to Kilmer Van Nostrand and/or Borealis, prior to his appointment to the Board of Directors of Borealis, and that such information also be forwarded to Mr. Justice Osborne.”
- (k) Councillor Miller moved that Part (1) of motion (b) by Councillor Ashton be amended to provide that Mr. Justice Osborne also be requested to review, as a first priority, the disclosure issues regarding the scoring spreadsheets, and provide advice to City Council in that regard, as soon as possible, and in that context, be requested to consult with both the City Solicitor and the Director of Corporate Access and Privacy.
- (l) Councillor Soknacki moved that Part (1) of motion (j) by Councillor Moscoe be amended to provide that prior to the consideration of any further proposals of this nature, the Chief Administrative Officer be requested to submit a report to the Administration Committee on the approach and process for the issuance of such proposals, including consideration of the following recommendation:
- “That in future proposals of this nature, City staff be directed to bring the proposal specifications to Council, and that at this stage, Council invite public participation in the design of the call, prior to its release to potential proponents.”
- (m) Councillor McConnell moved that Part (1) of motion (b) by Councillor Ashton be amended by inserting after the word “review”, contained in revised Recommendation No. (III) of the Administration Committee, originally embodied in the communication dated January 29, 2003, from the City Clerk, the words “the full process for developing the Request for Proposal (RFP) terms, the evaluation of the RFP submissions, and”, so that such recommendation now reads as follows:
- “(III) that City Council request Mr. Justice Osborne to review the full process for developing the Request for Proposal (RFP) terms, the evaluation of the RFP submissions, and the Selection Committee’s process for the selection of the preferred proponent in the Union Station RFP, to ensure it has been conducted in a fair and proper manner, based on the criteria established in the RFP.”

- (n) Councillor Lindsay Luby, with the permission of Council, moved that the Clause be amended by adding thereto the following:

“It is further recommended that all City staff involved in this process be thanked for their professionalism and diligence.”

Votes:

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

Yes - 3 Councillors:	Balkissoon, Korwin-Kuczynski, Walker
No - 36 Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Holyday, Johnston, Jones, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 33.

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

Yes - 3 Councillors:	Balkissoon, Korwin-Kuczynski, Walker
No - 36 Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Holyday, Johnston, Jones, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 33.

Having regard to the foregoing decision of Council, Deputy Mayor Ootes declared Part (1)(ii) of motion (a) by Councillor Walker redundant.

Adoption of Part (i) of motion (g) by Councillor Duguid:

Yes - 23	
Councillors:	Ashton, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Silva, Soknacki, Sutherland, Tziretas
No - 16	
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Flint, Johnston, Jones, Kelly, Korwin-Kuczynski, McConnell, Miller, Moscoe, Pantalone, Rae, Walker

Carried by a majority of 7.

Adoption of Part (ii) of motion (g) by Councillor Duguid:

Yes - 38	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 0	

Carried, without dissent.

Adoption of motion (d) by Councillor Holyday, as amended:

Yes - 22	
Councillors:	Berardinetti, Di Giorgio, Disero, Duguid, Filion, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland, Tziretas
No - 16	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Johnston, Jones, Kelly, Korwin-Kuczynski, McConnell, Milczyn, Miller, Moscoe, Walker

Carried by a majority of 6.

Having regard to the foregoing decision of Council, Deputy Mayor Ootes declared Part (1)(i) of motion (a) by Councillor Walker, Part (2) of motion (b) by Councillor Ashton, motion (c) by Councillor Milczyn, motion (e) by Councillor Cho, and motion (f) by Councillor Mihevc, redundant.

Adoption of motion (h) by Councillor Bussin:

Yes - 23
Councillors: Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Filion, Jones, Korwin-Kuczynski, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Pitfield, Rae, Silva, Sutherland, Tziretas, Walker
No - 16
Councillors: Ashton, Disero, Duguid, Flint, Hall, Holyday, Johnston, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Soknacki

Carried by a majority of 7.

Adoption of motion (k) by Councillor Miller:

Yes - 37
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 2
Councillors: Holyday, Kelly

Carried by a majority of 35.

Adoption of motion (m) by Councillor McConnell:

Yes - 20
Councillors: Altobello, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Filion, Flint, Jones, Korwin-Kuczynski, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Pitfield, Tziretas, Walker
No - 19
Councillors: Ashton, Berardinetti, Disero, Duguid, Hall, Holyday, Johnston, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Rae, Silva, Soknacki, Sutherland

Carried by a majority of 1.

Adoption of Part (1) of motion (b) by Councillor Ashton, as amended:

Yes - 38	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 1	
Councillor:	Kelly

Carried by a majority of 37.

Adoption of Part (3)(i) of motion (b) by Councillor Ashton:

Yes - 31	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Chow, Di Giorgio, Duguid, Flint, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 8	
Councillors:	Cho, Disero, Filion, Hall, Holyday, Kelly, Mammoliti, Moeser

Carried by a majority of 23.

Motion (i) by Councillor Lindsay Luby carried.

Adoption of Part (3)(ii) of motion (b) by Councillor Ashton:

Yes - 35	
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland, Tziretas
No - 4	
Councillors:	Augimeri, Chow, Miller, Walker

Carried by a majority of 31.

Motion (l) by Councillor Soknacki carried.

Adoption of Part (1) of motion (j) by Councillor Moscoe, as amended:

Yes - 37	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 2	
Councillors:	Johnston, Rae

Carried by a majority of 35.

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

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

Yes - 31	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Filion, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Rae, Silva, Sutherland, Tziretas, Walker
No - 8	
Councillors:	Disero, Flint, Hall, Li Preti, Mammoliti, Moeser, Nunziata, Soknacki

Carried by a majority of 23.

Adoption of Part (4) of motion (j) by Councillor Moscoe:

Yes - 26	
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Rae, Sutherland, Tziretas, Walker
No - 13	
Councillors:	Ashton, Disero, Duguid, Filion, Flint, Holyday, Li Preti, Lindsay Luby, Mammoliti, Moeser, Nunziata, Silva, Soknacki

Carried by a majority of 13.

Adoption of motion (n) by Councillor Lindsay Luby:

Yes - 35	
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Holyday, Johnston, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland, Tziretas
No - 2	
Councillors:	Korwin-Kuczynski, Walker

Carried by a majority of 33.

Adoption of the Clause, as amended:

Yes - 29	
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Filion, Hall, Holyday, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland, Tziretas
No - 6	
Councillors:	Jones, Kelly, Korwin-Kuczynski, Mammoliti, Miller, Walker

Carried by a majority of 23.

February 7, 2003:

With the permission of Council, Deputy Mayor Ootes addressed the Council with respect to media reports related to this matter. Council subsequently considered the following motions:

Motions:

- (1) Deputy Mayor Ootes moved that Council convey its sincere apology to the affected City official.
- (2) Councillor Duguid moved that Council authorize the Chief Administrative Officer to release whatever information she deems necessary to provide a complete explanation for the scoring in the evaluation of the Union Station RFP, in order to support and protect the reputation of City staff.

- (3) Councillor Mammoliti moved that an internal investigation be conducted respecting this matter, in order to determine which Member of Council released confidential information to the media.
- (4) Councillor Pantalone moved that Council express its full confidence in the Commissioner of Urban Development Services and her professionalism in serving the City of Toronto.

Withdrawal of Motion:

Councillor Mammoliti, with the permission of Council, withdrew his motion (3).

Votes:

Adoption of motions (1), (2) and (4) by Councillors Ootes, Duguid and Pantalone, respectively:

Yes - 32 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shiner, Silva, Sutherland, Tziretas, Walker
No - 0	

Carried unanimously.

In summary, Council amended this Clause:

- (1) in accordance with the recommendations embodied in the communication dated January 29, 2003, from the City Clerk, subject to striking out and replacing Recommendation No. (III), embodied therein, so that the recommendations, as amended, read as follows:

“The Administration Committee recommends:

- (I) the adoption of the following Recommendations Nos. (4) and (5) contained in the report (January 22, 2003) from the Commissioner of Corporate Services:
 - ‘(4) the Public Advisory Group initiated by Councillors Holyday, Sutherland and Ashton be continued to provide public input as part of the ongoing review process for the revitalization of Union Station and be formalized as part of the governance structure for Union Station; and

- (5) the retainer of Davies Ward Phillips & Vineberg be continued to complete this transaction with costs, not to exceed \$250,000.00, to be paid out of revenues from Union Station;’;
- (II) that the Commissioner of Corporate Services be requested to release, publicly, all of the RFP submissions and evaluation documentation, subject to the obligations of MFIPPA so that their release will protect the City’s financial and public interest; and
- (III) that City Council request Mr. Justice Osborne to:
 - (i) review the full process for developing the Request for Proposal (RFP) terms, the evaluation of the RFP submissions, and the Selection Committee’s process for the selection of the preferred proponent in the Union Station RFP, to ensure it has been conducted in a fair and proper manner, based on the criteria established in the RFP;
 - (ii) review, as a first priority, the disclosure issues regarding the scoring spreadsheets, and provide advice to City Council in that regard, as soon as possible, and in that context, be requested to consult with both the City Solicitor and the Director of Corporate Access and Privacy; and
 - (iii) review the role of the engineering firm of Marshall Macklin Monaghan in the advice, preparation and distribution of the proposal request, as well as the firm’s declarations of interest submitted during this process, having regard that this firm worked with Mr. Tannenbaum’s company during construction of the Air Canada Centre.”; and
- (2) by adding thereto the following:

“It is further recommended that:

 - (a) the matter of releasing the scoring documents be referred to Mr. Justice Osborne, with a request that he advise City Council as to the proper timing of their release, and that the Commissioner of Corporate Services be requested to report to the Administration Committee:
 - (i) no later than 60 days on the matter of releasing the scoring documents; and
 - (ii) with an explanatory document outlining their purpose and methodology, in the event the scoring documents are to be released to the media;
 - (b) Union Pearson Group and LP Heritage be requested to provide their consent to disclosure of the comparative aspects of the essential elements of their proposals,

including the financial and business terms;

- (c) prior to entering into a lease agreement with Union Pearson Group, Council hold a public presentation of the detailed development plan and invite public comment, and to do so, all Members of Council and the public be invited to attend the Special Meeting of the Administration Committee;
- (d) prior to the consideration of any further proposals of this nature, the Chief Administrative Officer be requested to submit a report to the Administration Committee on the approach and process for the issuance of such proposals, including consideration of the following recommendation:

‘That in future proposals of this nature, City staff be directed to bring the proposal specifications to Council, and that at this stage, Council invite public participation in the design of the call, prior to its release to potential proponents.’;
- (e) the Commissioner of Corporate Services be:
 - (i) directed to continue, together with appropriate City staff, the preparatory work necessary to redevelop Union Station, in any event;
 - (ii) requested to provide to Council, in-camera, copies of any declarations of interest from the firms Marshall Macklin Monaghan and Davies Ward Phillips & Vineberg, and/or their employees, and that such information also be forwarded to Mr. Justice Osborne; and
 - (iii) requested to submit a report to Council, through the Administration Committee, on any involvement by Dale Lastman in providing advice on this project to Kilmer Van Nostrand and/or Borealis, prior to his appointment to the Board of Directors of Borealis, and that such information also be forwarded to Mr. Justice Osborne;
- (f) henceforth, any reference to Mr. Justice Osborne which pertains to his role in this review, not allude to him as Provincial Integrity/Ethics Commissioner, having regard that Mr. Osborne will not be conducting his review of this process in that capacity; and
- (g) all City staff involved in this process be thanked for their professionalism and diligence.”

As a result of media reports related to this matter, Council subsequently adopted the following

additional recommendations:

“It is recommended that:

- (1) Council convey its sincere apology to the Commissioner of Urban Development Services, and express its full confidence in her professionalism in serving the City of Toronto; and
- (2) the Chief Administrative Officer be authorized to release whatever information she deems necessary to provide a complete explanation for the scoring in the evaluation of the Union Station RFP, in order to support and protect the reputation of City staff.”

February 7, 2003:

Motion:

Deputy Mayor Ootes at 3:23 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Clause No. 7 of Report No. 1 of The Policy and Finance Committee, headed “The City’s Investment in Enwave District Energy Limited”, in accordance with the provisions of the Municipal Act, having regard that the Clause concerns matters related to the security of the property of the Municipality or Local Board.

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 3:27 p.m. to meet privately in the Council Chamber to consider the above matter, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 4:51 p.m., and met in public session in the Council Chamber.

Report of the Committee of the Whole:

Deputy Mayor Ootes took the Chair, called the Members to order and advised the Council that, having regard that Council had not concluded its discussion in Committee of the Whole, the in-camera session of this meeting would resume on February 10, 2003.

February 10, 2003:

Motion:

Deputy Mayor Ootes, at 9:54 a.m., moved that Council now resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to resume the in-camera portion of this meeting, as it pertains to Clause No. 7 of Report No. 1 of The Policy and Finance Committee, headed "The City's Investment in Enwave District Energy Limited".

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 9:56 a.m., to meet privately in the Council Chamber to resume consideration of the above matter, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 12:32 p.m., and met in public session in the Council Chamber.

Report of the Committee of the Whole:

1.87 Clause No. 7 of Report No. 1 of The Policy and Finance Committee, headed "The City's Investment in Enwave District Energy Limited".

Motions:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that the following motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause:

- (a) Councillor Shiner moved that the Clause be amended to provide that:
 - (1) the City of Toronto maintain a 43 percent interest in Enwave;
 - (2) \$21.8 million be re-paid to the Water Capital Reserve Fund, first from the monetization of the promissory note from Toronto Hydro, anticipated in 2004, to replace funds authorized to fund Enwave capital calls and/or share purchases, and secondly, from other sources which may be identified or reported to Council by the Chief Financial Officer and Treasurer;

- (3) the by-law for the Water Capital Reserve Fund be amended to provide that funds be available for the purchase of shares and/or capital calls of Enwave District Energy Limited, to a maximum of \$29.1 million; and
- (4) the appropriate City officials be authorized to take the necessary action to give effect to the Policy and Finance Committee recommendations, embodied in the Clause, and as amended above.

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

“It is further recommended that the Chief Financial Officer and Treasurer be requested to submit a report to the Policy and Finance Committee on a yearly basis, on this matter.”

Moved in Public Session:

- (c) Councillor Sutherland moved that the Clause be amended to provide that the funding source for this expenditure be referred to the Budget Advisory Committee to identify an alternative source of funding rather than the Water Capital Reserve Fund.
- (d) Councillor Pitfield moved that Part (2) of motion (a) by Councillor Shiner be amended by deleting therefrom the words “first from the monetization of the promissory note from Toronto Hydro, anticipated in 2004, to replace funds authorized to fund Enwave capital calls and/or share purchases, and secondly”.

Withdrawal of Motion:

Councillor Pitfield, with the permission of Council, withdrew her motion (d).

Votes:

Adoption of motion (c) by Councillor Sutherland:

Yes - 13	
Councillors:	Altobello, Balkissoon, Berardinetti, Duguid, Ford, Holyday, Korwin-Kuczynski, Lindsay Luby, Nunziata, Ootes, Pitfield, Sutherland, Walker
No - 23	

Councillors:	Augimeri, Bussin, Cho, Chow, Di Giorgio, Filion, Flint, Johnston, Jones, Kelly, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Pantalone, Rae, Shiner, Silva, Soknacki, Tziretas
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Lost by a majority of 10.

Adoption of motion (a) by Councillor Shiner:

Yes - 21	
Councillors:	Augimeri, Bussin, Chow, Di Giorgio, Filion, Flint, Johnston, Jones, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Pantalone, Rae, Shiner, Silva, Soknacki, Tziretas
No - 15	
Councillors:	Altobello, Balkissoon, Berardinetti, Cho, Duguid, Ford, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Nunziata, Ootes, Pitfield, Sutherland, Walker

Carried by a majority of 6.

Motion (b) by Councillor Cho carried.

Adoption of the Clause, as amended:

Yes - 20	
Councillors:	Bussin, Chow, Di Giorgio, Filion, Flint, Johnston, Jones, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Pantalone, Rae, Shiner, Silva, Soknacki, Tziretas
No - 15	
Councillors:	Altobello, Balkissoon, Berardinetti, Cho, Duguid, Ford, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Nunziata, Ootes, Pitfield, Sutherland, Walker

Carried by a majority 5.

In summary, Council amended this Clause:

(1) to provide that:

(a) the City of Toronto maintain a 43 percent interest in Enwave;

- (b) \$21.8 million be re-paid to the Water Capital Reserve Fund, first from the monetization of the promissory note from Toronto Hydro, anticipated in 2004, to replace funds authorized to fund Enwave capital calls and/or share purchases, and secondly, from other sources which may be identified or reported to Council by the Chief Financial Officer and Treasurer;
 - (c) the by-law for the Water Capital Reserve Fund be amended to provide that funds be available for the purchase of shares and/or capital calls of Enwave District Energy Limited, to a maximum of \$29.1 million; and
 - (d) the appropriate City officials be authorized to take the necessary action to give effect to the Policy and Finance Committee recommendations, embodied in the Clause, and as amended above;
- (2) by adding thereto the following:

“It is further recommended that the Chief Financial Officer and Treasurer be requested to submit a report to the Policy and Finance Committee on a yearly basis, on this matter.”

ADDITIONAL MATTERS CONSIDERED BY COUNCIL

1.88 Budget Advisory Committee Membership

Councillor Miller, with the permission of Council, expressed his concern with the recent resignation by Councillor Pantalone from the Budget Advisory Committee, and urged Council not to accept the resignation.

Motion:

Councillor Pantalone moved that City Council permit him to withdraw his letter of resignation dated January 27, 2003, wherein he advises of his intention to resign as a member of the Budget Advisory Committee.

Vote:

The motion by Councillor Pantalone carried.

1.89 Winterfest 2003

Motion:

Councillor Korwin-Kuczynski , with the permission of Council, moved that Council adopt the following recommendation:

“It is recommended that City Council express its appreciation to City staff, including the Special Events Division, as well as the corporate sponsors and volunteers involved with Winterfest 2003, for their efforts in making the event such a tremendous success.”

Vote:

Adoption of motion by Councillor Korwin-Kuczynski:

Yes - 30	
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Sutherland, Tziretas, Walker
No - 0	

Carried, without dissent.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

1.90 Proposed ‘Super Hospital’ – Keele Street and Sheppard Avenue

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

Moved by: Councillor Di Giorgio

Seconded by: Councillor Li Preti

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

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

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

WHEREAS despite the rejection of this proposal by the Toronto District Health Council, the Ontario Provincial Government appears set to proceed with this proposal, without having

conducted appropriate public consultations on the impact of the delivery of Health Care and of this development on the communities affected;

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

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

Disposition:

Having regard that Council did not conclude its consideration of Motion F(1) prior to the end of this meeting, consideration of Motion F(1) was deferred to the next regular meeting of City Council scheduled to be held on April 14, 2003.

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

Deputy Mayor Ootes called upon Notice of Motion F(2), appearing on the Order Paper, moved by Councillor Layton, seconded by Councillor Miller, and, having regard for the resignation of Councillor Layton, moved by Councillor Chow, as follows:

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.”

City Council also had before it, during consideration of Motion F(2), the following report and communication:

- (i) report dated September 27, 2002, from the City Solicitor, entitled “Potential Sale of Hydro One - Status of Legal Proceedings” (See Attachment No. 1, Page 270); and
- (ii) communication dated October 7, 2002, from Steven Shrybman, Sack Goldblatt Mitchell, Barristers and Solicitors, submitted by Councillor Layton, which is on file in the Office of the City Clerk.

Motion:

Councillor Shiner moved that Motion F(2) be received.

Disposition:

Having regard that Council did not conclude its consideration of Motion F(2) prior to the end of this meeting, consideration of Motion F(2) was deferred to the next regular meeting of City Council scheduled to be held on April 14, 2003.

1.92 **City Employees Strike - Summer of 2002**

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

Moved by: Councillor Bussin

Seconded by: Councillor 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’.*”

Motions:

- (a) Councillor Miller moved that Motion F(3) be referred to the Personnel Sub-Committee.
- (b) Councillor Minnan-Wong moved that Motion F(3) be received.

Disposition:

Having regard that Council did not conclude its consideration of Motion F(3) prior to the end of this meeting, consideration of Motion F(3) was deferred to the next regular meeting of City Council scheduled to be held on April 14, 2003.

1.93 Proposal for a Two-Year Rent Freeze

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

Moved by: **Councillor Walker**

Seconded by: **Councillor Moscoe**

“**WHEREAS** between 1995 and 2001 the average rent for all CMA rental units across the City of Toronto has increased by 29 percent while Ontario’s Consumer Price Index (CPI) has increased by only 12.8 percent; and

WHEREAS little to no affordable rental housing has been constructed in the City of Toronto since the implementation of the Tenant Protection Act in 1998; and

WHEREAS 44 percent of tenant households spend more than 30 percent of their income on housing and 22 percent of tenant households spend more than 50 percent of their income on housing; and

WHEREAS visits to local food banks have reached all-time highs while over the last five to seven years donations have not increased correspondingly due to lack of discretionary income; and

WHEREAS a growing number of tenants, particularly seniors and single-parent families are consistently faced with the choice of rent or food; and

WHEREAS as a member of the Group of Eight nations, it is shameful that this situation continues and continues to get worse; and

WHEREAS the City of Toronto has advocated for a ‘costs no-longer borne’ regulation, demolition controls, the restoration of real Rent Controls and a legislated Rent Roll Back; and

WHEREAS Tenants cannot afford to wait for a new provincial government to introduce fairer legislation while rents continue to spiral out of control and beyond their ability to pay; and

WHEREAS the New Democratic Party of Ontario advocates a two-year rent freeze to allow for a return to an updated Rent Control Act;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto petition the Provincial Government to freeze rents for two years until there has been a fair review of the Tenant Protection Act and a levelling of the playing field in landlord-tenant relations;

AND BE IT FURTHER RESOLVED THAT Toronto City Council continue to lobby the Provincial Government and the Opposition parties to adopt and publicly endorse this two-year rent freeze.”

City Council also had before it, during consideration of Motion F(4), a communication dated November 7, 2002, from Councillor Michael Walker, addressed to the Members - Tenant Defence Sub-Committee, submitted by Councillor Walker, which is on file in the office of the City Clerk.

Disposition:

Having regard that Council did not conclude its consideration of Motion F(4) prior to the end of this meeting, consideration of Motion F(4) was deferred to the next regular meeting of City Council scheduled to be held on April 14, 2003.

1.94 **Anti-Terrorism Measures, Emergency Preparedness Program and Establishment of a “Security and Prevention Committee”**

Councillor Walker, with the permission of Council, withdrew the following Notice of Motion I(1):

Moved by: Councillor Walker

Seconded by: Councillor Altobello

“**WHEREAS** over one year ago, the Policy and Finance Committee, at its meeting of October 25, 2001, had before it communications (October 1 and 10, 2001) from Councillor Michael Walker, St. Paul’s, advising that a formalized framework for City Council and those officials who are charged with the protection of the City and its people should be established to minimize the impact of any possible acts of terrorism or crisis; and

WHEREAS the Policy and Finance Committee referred the communications (October 1 and 10, 2001) from Councillor Walker, to the Chief Administrative Officer for consideration and report thereon to the Policy and Finance Committee in her forthcoming report; and

WHEREAS the Chief Administrative Officer's report referred to above is still outstanding; and

WHEREAS Canada was specifically named, along with five other allied countries of the United States, on a terrorist audio tape that was released November 12, 2002; and

WHEREAS Toronto has been identified as a target by the F.B.I., with the CN Tower, the TTC subway system and the nearby Pickering nuclear plant among twenty-two (22) potential terrorist targets in Canada; and

WHEREAS Councillor Walker's October 1 and 10, 2001 communications to the Policy and Finance Committee contained specific recommendations for the protection of the Pickering nuclear plant, TTC subway system and water systems, among other areas; and

WHEREAS Toronto is the largest city in Canada and is the financial centre of Canada; and

WHEREAS New York is the U.S. financial centre, the largest city in the U.S. and the first mainland victim of terrorism; and

WHEREAS it is alleged that the City's vital systems (i.e. water reservoirs, hydro plants, nuclear plants, TTC subway system) are not adequately protected, having regard for the context of the present political and social climate; and

WHEREAS the federal government has allocated \$7 billion dollars for anti-terrorism measures; and

WHEREAS the provincial government has committed \$400,000.00 annually, to strengthen Toronto's emergency response program; and

WHEREAS public opinion is in favour of the strengthening of security and protection measures against terrorism and crisis; and

WHEREAS it would be consequently irresponsible for City Council to ignore the grave seriousness of potential threats to Toronto's 2.5 million residents;

NOW THEREFORE BE IT RESOLVED THAT City Council hereby instructs the Chief Administrative Officer to present Council Members with a comprehensive overview of the City's Emergency Preparedness Program and Anti-Terrorism Measures to date, to be

presented in-camera, if appropriate;

AND BE IT FURTHER RESOLVED THAT City Council immediately establish a permanent Security and Prevention Committee to ensure protection for the City's vital services and its citizens;

AND BE IT FURTHER RESOLVED THAT City Council hereby instructs the Chief Administrative Officer to ensure that all the communication systems of all levels and departments of Toronto's Police, Fire, Emergency Medical Services (EMS) and other related services are fully compatible with each other."

City Council also had before it, for consideration with Motion I(1), the following communications submitted by Councillor Walker, which are on file in the Office of the City Clerk:

- (i) (October 1, 2001) addressed to the Chair and Members - Policy and Finance Committee, entitled "Protection from Terrorism"; and
- (ii) (October 10, 2001) addressed to the Chair and Members - Policy and Finance Committee, entitled "AMENDMENT - Protection from Terrorism".

1.95 **138 Prescott Avenue – Exemption From Chapter 248 of the (former) City of Toronto Municipal Code, Parking Licenses, to Permit Driveway Widening**

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

Moved by: Councillor Disero

Seconded by: Councillor Silva

"WHEREAS City Council, at its special meeting held on July 30, 31 and August 1, 2002, adopted, without amendment, Clause No. 2 of Report No. 10 of The Humber York Community Council, headed '138 Prescott Avenue - Exemption from Chapter 248 of the (former) City of Toronto Municipal Code, Parking Licences, to Permit Driveway Widening (Davenport, Ward 17)'; and

WHEREAS City Council adopted the recommendations of the Humber York Community Council that:

- (1) the application to permit driveway widening for a second vehicle at 138 Prescott Avenue, be approved subject to:
 - (a) the parking area for each space not exceeding 2.2 metres by 5.9 metres in

dimension; and

- (b) the applicant paying all applicable fees and complying with all other criteria set out in Municipal Code, Chapter 248, parking licenses, of the former City of Toronto Municipal Code;
- (2) the license for the second parking space be issued for a period of one (1) year and that such license not be transferable; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Humber York Community Council Report No. 10, Clause No. 2, headed '138 Prescott Avenue – Exemption from Chapter 248 of the (former) City of Toronto Municipal Code, Parking Licences, to Permit Driveway Widening (Davenport, Ward 17)', be re-opened for further consideration, only insofar as it pertains to the time limit on the licence for the second parking space;

AND BE IT FURTHER RESOLVED THAT Recommendation No. (2) of the Humber York Community Council be deleted and the following recommendation inserted, in lieu thereof:

- '(2) the license for the second parking space be issued indefinitely and that such licence not be transferable;.'

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(1), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Votes:

The first Operative Paragraph embodied in Motion J(1) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(1) was adopted, without amendment.

1.96 Establishment of Four Community Councils

Councillor Moscoe moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(2):

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.”,

the vote upon which was taken as follows:

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

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

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(2), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 2, Page 285)

Vote:

Adoption of first Operative Paragraph embodied in Motion J(2):

Yes - 25
Mayor: Lastman
Councillors: Altobello, Ashton, Augimeri, Bussin, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Pantalone, Rae, Silva, Soknacki
No - 13
Councillors: Cho, Chow, Feldman, Johnston, Kelly, Li Preti, Miller, Minnan-Wong, Moeser, Pitfield, Shiner, Tziretas, Walker

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

Motion to Re-Open:

Councillor Moeser, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, the vote to adopt the first Operative Paragraph embodied in Motion J(2) be re-opened for further consideration, the vote upon which was taken as follows:

Yes - 25	
Mayor:	Lastman
Councillors:	Augimeri, Bussin, Cho, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moeser, Moscoe, Nunziata, Pantalone, Rae, Shaw, Silva, Soknacki
No - 9	
Councillors:	Kelly, Li Preti, Miller, Minnan-Wong, Ootes, Pitfield, Shiner, Tziretas, Walker

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

Vote:

Adoption of the first Operative Paragraph embodied in Motion J(2):

Yes - 27	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Bussin, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Silva, Soknacki
No - 9	
Councillors:	Cho, Kelly, Li Preti, Miller, Minnan-Wong, Pitfield, Shiner, Tziretas, Walker

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

Disposition:

Having regard that Council did not conclude its consideration of Motion J(2) prior to the end of this meeting, consideration of Motion J(2) was deferred to the next regular meeting of City Council scheduled to be held on April 14, 2003.

1.97 **Appeal of Decision of Committee of Adjustment - 2 Park Lane Circle**

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

Moved by: **Councillor Flint**

Seconded by: **Councillor Johnston**

“WHEREAS on December 21, 2000, the Midtown Committee of Adjustment refused an application (File No. B072/00NY) by the owner of 2 Park Lane Circle to sever the property, together with a number of implementing variances, in order to facilitate the construction of a second dwelling on a portion of the lot proposed to be severed; and

WHEREAS the refusal was appealed to the Ontario Municipal Board; and

WHEREAS Council instructed the City Solicitor and other City staff to appear before the Ontario Municipal Board to oppose the owner’s appeal of the Committee of Adjustment’s December 21, 2000 refusal; and

WHEREAS in a decision and order dated June 18, 2001, the Ontario Municipal Board authorized the variances and granted the consent subject to certain conditions; and

WHEREAS on February 13, 2002, the owner applied for an Official Plan and Zoning Amendment to permit the construction of a 4-storey, five-unit condominium apartment building having a floor space index of 1.05 on a portion of the lot; and

WHEREAS on June 19, 2002, pursuant to Section 53(41) of the Planning Act, the Ontario Municipal Board’s June 18, 2001 decision respecting the prior consent was deemed to have been refused because the conditions were not fulfilled within a period of one year from the date of the decision; and

WHEREAS Council at its meeting of October 1, 2 and 3, 2002, refused the Official Plan and Zoning Amendment applications to allow a 4-storey, five-unit condominium apartment on the property located at 2 Park Lane Circle (File No: TD CMB 2002 0007) and instructed the City Solicitor and City staff to appear before the Ontario Municipal Board to defend the refusal of this application; and

WHEREAS an application in respect of 2 Park Lane Circle was subsequently made to the Midtown Committee of Adjustment for consent to sever the property in order to implement the aforesaid applications (File No. B057/02M); and

WHEREAS at its meeting of November 14, 2002, the Midtown Committee of Adjustment refused the application for consent (File No. B057/02M), which refusal the applicant has now appealed to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor and other City staff are hereby authorized to appear before the Ontario Municipal Board to defend the November 14, 2002 decision of the Committee of Adjustment to refuse the consent application B057/02M;

AND BE IT FURTHER RESOLVED THAT Council reaffirm its decision of October 1, 2 and 3, 2002, that instructs the City Solicitor and City staff to appear before the Ontario Municipal Board to defend the refusal of the 4-storey, five-unit condominium apartment.”

Advice by Deputy Mayor:

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

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(3), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Procedural Vote:

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

Vote:

Motion J(3) was adopted, without amendment.

1.98 **Installation of Traffic Control Signals – St. Clair Avenue East and Ferndale Avenue (St. Paul’s, Ward 22)**

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

Moved by: Councillor Walker

Seconded by: Councillor Pitfield

“**WHEREAS** City Council, at its meeting of February 13, 14 and 15, 2002, in adopting Clause No. 27 of Report No. 1 of The Midtown Community Council, headed ‘St. Clair Avenue East – 30 Metres West of Ferndale Avenue – Between Yonge Street and Avoca Avenue – Installation of Mid-Block Traffic Control Signals (St. Paul’s, Ward 22)’, approved the installation of mid-block traffic control signals at a point 30 metres west of Ferndale Avenue (at an estimated cost of \$57,000.00) to address high pedestrian crossing demand; and

WHEREAS the Toronto Transit Commission has expressed concerns about the impact that these mid-block pedestrian signals might have on TTC streetcar operations, as the streetcar exit from the St. Clair Subway Station of the Yonge Subway line is located opposite Ferndale Avenue, to the east of the proposed signals; and

WHEREAS the TTC has requested Transportation Services staff to consider as an alternative to the mid-block pedestrian signals, the full signalization of the intersection of St. Clair Avenue West and Ferndale Avenue/TTC streetcar exit from the St. Clair Subway Station; and

WHEREAS Transportation Services staff and TTC staff have arrived at a mutually agreed upon design to signalize the intersection of St. Clair Avenue East and Ferndale Avenue/TTC streetcar exit and further, the TTC has agreed to bear the additional costs (estimated to be \$107,000.00) to relocate the proposed signals to this intersection and to implement transit priority;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 27 of Report No. 1 of The Midtown Community Council, headed ‘St. Clair Avenue East – 30 Metres West of Ferndale Avenue – Between Yonge Street and Avoca Avenue – Installation of Mid-Block Traffic Control Signals (St. Paul’s, Ward 22)’, be re-opened for further consideration, only insofar as it pertains to the location of the traffic control signals;

AND BE IT FURTHER RESOLVED THAT City Council grant permission to install traffic control signals at the intersection of St. Clair Avenue East and Ferndale Avenue/TTC streetcar exit from the St. Clair Station, rather than at St. Clair Avenue West and a point 30 metres west of Ferndale Avenue;

AND BE IT FURTHER RESOLVED THAT the TTC be responsible for the additional costs (\$107,000.00) of relocating the traffic control signals.”

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(4), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 3, Page 286)

Votes:

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

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

1.99 **Ontario Municipal Board Hearing – 16-19 Golfdale Road**

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

Moved by: **Councillor Flint**

Seconded by: **Councillor Walker**

“**WHEREAS** on Friday, November 19, 2002, the Midtown Committee of Adjustment refused an application to allow four additional units proposed to be installed in the basement of the single family residence at 16-19 Golfdale Road that is already divided into units upstairs; and

WHEREAS the applicant has appealed this decision to the Ontario Municipal Board; and

WHEREAS this proposed intensification is intrusive to the stable residential neighbourhood and is contrary to the intent of the Official Plan; and

WHEREAS there are serious parking deficiencies associated with this application; and

WHEREAS this application has City-wide significance;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor and other appropriate City staff be directed to appear before the Ontario Municipal Board to defend the Committee of Adjustment's decision of November 19, 2002."

Advice by Deputy Mayor:

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

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(5), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Procedural Vote:

The vote to waive referral of Motion J(5) to the Midtown Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(5) was adopted, without amendment.

1.100 **Intention to Designate – 56 Blythwood Road**

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

Moved by: **Councillor Flint**

Seconded by: **Councillor Pitfield**

"WHEREAS at its meeting of January 9, 2003, the Toronto Preservation Board endorsed the recommendations of Culture Division staff, that City Council include the property at 56

Blythwood Road on the City of Toronto Inventory of Heritage Properties; and

WHEREAS the owner of the property at 56 Blythwood Road has applied for a building permit to demolish the house; and

WHEREAS Culture Division staff recommend the designation of the property at 56 Blythwood Road for architectural reasons, as a good example of Period Revival design, that is an important local feature on Blythwood Road in North Toronto; and

WHEREAS the designation of the property under Part IV of the Ontario Heritage Act would delay demolition and allow Culture Division staff to explore options to preserve the building;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto express its intention to designate the property at 56 Blythwood Road under Part IV of the Ontario Heritage Act for architectural reasons.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(6) to the Midtown Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(6), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Procedural Vote:

The vote to waive referral of Motion J(6) to the Midtown Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(6) was adopted, without amendment.

1.101 Proposed Social Housing Agreement – 101 Ontario Street

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

Moved by: Councillor Rae

Seconded by: Councillor Mihevc

“**WHEREAS** City Council at its meeting of November 26, 27 and 28, 2002, adopted, as amended, Community Services Committee Report No. 10, Clause No. 10, headed ‘Emergency Shelter and Transitional Housing Funding Through the Federal SCPI Program - Sojourn House, 101 Ontario Street’, and, in so doing, approved federal Supportive Community Partnerships Initiative (SCPI) funds for the MUC Shelter Corporation Inc., (operating as Sojourn House) to develop housing accommodation primarily for persons with low to moderate incomes at 101 Ontario Street; and

WHEREAS the MUC Shelter Corporation Inc., entered into an agreement of purchase and sale, with a closing date of February 14, 2003; and

WHEREAS the MUC Shelter Corporation Inc., has proposed to develop land at 101 Ontario Street for the purpose of social housing within the meaning of the City of Toronto Act, 1988 (No.2); and

WHEREAS the City of Toronto Zoning By-law allows for a reduced number of parking spaces on land which the owner or operator agrees to use for the purpose of social housing; and

WHEREAS the MUC Shelter Corporation Inc., has requested a reduction in the number of parking spaces with respect to the proposed property; and

WHEREAS the City of Toronto Act, 1988 (No. 2) authorizes the City of Toronto to enter into a social housing agreement with the owner or operator of a social housing project which, in the opinion of Council, is designed primarily to accommodate persons with low to moderate incomes; and

WHEREAS the MUC Shelter Corporation Inc., is prepared to enter into a social housing agreement to use the land at 101 Ontario Street for the purpose of social housing on a non-profit basis, designed primarily to accommodate persons with low to moderate incomes;

NOW THEREFORE BE IT RESOLVED THAT the City enter into a social housing agreement with the MUC Shelter Corporation Inc., to ensure that the land at 101 Ontario Street shall be used for the purpose of a social housing project, designed to provide housing accommodation primarily for persons with low to moderate incomes, such agreement to be on terms and conditions satisfactory to the Commissioner of Community and Neighbourhood Services, and in a form satisfactory to the City Solicitor.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(7) to the Community Services Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(7), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Procedural Vote:

The vote to waive referral of Motion J(7) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative, Councillor McConnell having requested that her opposition thereto be noted.

Vote:

Motion J(7) was adopted, without amendment.

Councillors Ashton and McConnell requested that their opposition to this Motion be noted in the Minutes of this meeting.

1.102 **Proposed Opposition to Military Action Against Iraq**

Councillor Chow moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(8):

Moved by: **Councillor Chow**

Seconded by: **Councillor Mihevc**

“WHEREAS a military attack on Iraq would be out of proportion to other existing threats of war and violence; and

WHEREAS 80 percent of Iraq’s military capacity was destroyed in 1991, according to the Pentagon. United Nations inspectors destroyed 90 percent of materials and equipment required to manufacture weapons of mass destruction during more than eight years of inspections; and

WHEREAS 12 years of non-military sanctions against Iraq have resulted in the death of over 500,000 children under age five due to inadequate water, food, and medicine, according to UNICEF and other international relief organizations, and one infant out of four born live in Iraq weighs less than two pounds; and

WHEREAS a war on Iraq will only further compound the suffering of innocent people already under the silent siege of economic sanctions and weekly bombings; and

WHEREAS the ultimate security of the Canada is dependent on creating the conditions of life for all nations, working together co-operatively, that will eliminate poverty, injustice, inequality, environmental degradation and other factors that breed war and terrorism; and

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

- (1) oppose any Canadian military involvement, whether for financial, tactical, logistical or personnel support; and
- (2) urge federal representatives to actively support United Nations' diplomatic efforts to support and encourage democracy and respect for human rights in Iraq and all nations.”

Fiscal Impact Statement:

City Council also had before it, for consideration with Motion J(8), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of Notice of Motion J(8), ruled such Motion ultra vires.

Councillor Chow challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 22	
Mayor:	Lastman
Councillors:	Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Silva, Soknacki, Tziretas
No - 16	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Johnston, Jones, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Walker

Carried by a majority of 6.

1.103 Development Charges and Parks Levies – Proposed Park on the South End of Replin Road on Lawrence Avenue West, between The Shermount and Allen Road

Councillor Moscoe moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(9), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Moscoe

Seconded by: Councillor Feldman

“WHEREAS The Shermount, a 431-unit apartment townhouse complex officially opened for occupancy on November 13, 2002; and

WHEREAS this project was developed by Options for Homes, a non-profit development corporation committed to providing home ownership for low income people; and

WHEREAS the options plan provides the equivalent of a down payment through a second mortgage representing the difference between the cost of building the unit and the market value; and

WHEREAS to facilitate the construction of this project, the City deferred the development charges and parks levies, which are to be paid back when the second mortgages are repaid; and

WHEREAS the Economic Development, Culture and Tourism Department, Parks Division has been planning the development of a park facilitated by the closing of the south end of

Replin Road on Lawrence Avenue West, between the Shermount project and the Allen Road; and

WHEREAS this park will, in addition to The Shermount condominium, serve 2,400 Toronto Housing Corporation units adjacent to the Allen Road; and

WHEREAS the development of this park will take place over a period of time;

NOW THEREFORE BE IT RESOLVED THAT, as a first priority, funds received by the City as repayment of deferred charges be applied towards cash in lieu of Parks levies;

AND BE IT FURTHER RESOLVED THAT these funds be applied towards the development of the new park on Lawrence Avenue West at the south end of Replin Road;

AND BE IT FURTHER RESOLVED THAT this matter be referred to the Economic Development and Parks Committee, and the Chief Financial Officer and Treasurer, the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Community and Neighbourhood Services be requested to report jointly on this matter to the Committee.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(9) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(9), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 4, Page 287)

Procedural Vote:

The vote to waive referral of Motion J(9) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(9) was adopted, without amendment.

1.104 **Ontario Municipal Board Hearing – 16 Bingham Avenue**

Councillor Bussin moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(10), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Bussin

Seconded by: Councillor Miller

“WHEREAS in a decision dated November 13, 2002, the Committee of Adjustment refused the consent to sever the property municipally known as 16 Bingham Avenue (the ‘Site’) into two lots whereby an existing two-storey house would be maintained on one lot and another house would be built on the second lot; and

WHEREAS the Committee of Adjustment refused the severance on the grounds that it did not satisfy the requirements contained in Section 51(24) of the Planning Act; and

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

WHEREAS the applicant was granted approval by the Committee of Adjustment for a subsequent consent to sever application on January 15, 2003, which permits the construction two houses - requiring the demolition of the existing two-storey house on the site; and

WHEREAS the residents of Bingham Avenue appealed the Committee of Adjustment’s decision to the Ontario Municipal Board; and

WHEREAS the applicant has requested the consolidation of the appeals of the November 13, 2002 and January 15, 2003 Committee of Adjustment decisions to the Ontario Municipal Board; and

WHEREAS there is concern in the community that the severance of the property and the construction of two detached houses on the ‘Site’ cannot be achieved without serious harm to the character of the neighbourhood; and

WHEREAS a hearing could be scheduled by the Ontario Municipal Board prior to the following scheduled regular Council meeting of April 14, 15 and 16, 2003, thus making this matter time sensitive and urgent;

NOW THEREFORE BE IT RESOLVED THAT Council direct the City Solicitor and other City staff to attend at the Ontario Municipal Board hearing in support of the Committee of Adjustment’s decision and to retain an outside planning consultant and such other

consultants which the City Solicitor deems necessary to support the City's position."

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(10) to the Toronto East York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(10), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Procedural Vote:

The vote to waive referral of Motion J(10) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(10) was adopted, without amendment.

1.105 Declaration of Vacancy on Council - Ward 30 - Toronto-Danforth

Mayor Lastman moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(11), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Mayor Lastman

Seconded by: Councillor Ootes

"WHEREAS subsection 260(1) of the Municipal Act, 2001, as amended, provides that a Member of Council may resign from office by filing a notice in writing with the City Clerk; and

WHEREAS Councillor Jack Layton has filed a letter of resignation with the City Clerk on January 27, 2003, such resignation being effective on January 26, 2003; and

WHEREAS subsection 259(1) of the Municipal Act, 2001, as amended, provides that the office of a Member of Council becomes vacant if the Member resigns from office; and

WHEREAS subsection 262(1) of the Municipal Act, 2001, as amended, requires that Council shall, at its next meeting, declare the office to be vacant; and

WHEREAS subsection 263(5) of the Municipal Act, 2001, as amended, provides that Council shall, within 60 days after the day the office is declared vacant, decide whether to fill the vacancy by appointment or through the conduct of a by-election;

NOW THEREFORE BE IT RESOLVED THAT, pursuant to subsection 262(1) of the Municipal Act, 2001, as amended, the office of Councillor, Ward 30 – Toronto-Danforth be declared vacant.”

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(11), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 5, Page 288)

Vote:

Motion J(11) was adopted, without amendment.

1.106 Opposition to Weapons in Space

Councillor Mihevc moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(12):

Moved by: Councillor Mihevc

Seconded by: Councillor Johnston

“**WHEREAS** the No-Weapons-in-Space Campaign represents a broad-based coalition of national peace organizations including Science for Peace, Institute for Co-operation in Space, Canadian Voice of Women for Peace, Canadian Peace Alliance, Women’s International League for Peace and Freedom, Physicians for Global Survival and Project Ploughshares; and

WHEREAS the City of Toronto and other municipalities have already shown leadership in the expression of their rightful and legal concern for the health and safety of their residents by declaring themselves nuclear-free zones in the 1980’s; and

WHEREAS the Canadian Government has repeatedly expressed its opposition to the weaponization of space and has proposed negotiation of a legally-binding instrument for the

purpose of preventing an arms race in outer space (for statement see www.dfait-maeci.gc.ca/arms/vidricaire-en.asp); and

WHEREAS the General Synod of the Anglican Church of Canada has, in a formal letter (November 30, 2002) to the Government of Canada, expressed dismay at the proposed weaponization of space and urged the Government to show leadership on this issue; and

WHEREAS the General Assembly of the United Nations (November 29, 2001) voted 156-0 to prevent an arms race in space; and

WHEREAS the Space Preservation Treaty will establish a permanent ban on all space-based weapons, on the use of weapons to destroy or damage objects in space that are in orbit; and the permanent termination of research and development, testing, manufacturing production and deployment of all space-based weapons; and

WHEREAS the termination of the Anti-Ballistic Missile (ABM) treaty on June 13, 2002, will permit research, development, testing, manufacturing, production and deployment of space-based weapons, thereby instigating a dangerous, costly, and destabilizing arms race in space, endangering the health, safety, and welfare of all residents of the City of Toronto, of Canada, and all of humankind, and invading outer space, humanity's weapons-free common heritage, with space-based weapons; and

WHEREAS the Space Preservation Treaty will establish an outer space peacekeeping agency to monitor outer space and enforce the permanent ban of space-based weapons; and

WHEREAS the Space Preservation Treaty facilitates future public and private investment in clean and safe technology, products and services, world co-operative space ventures, and the consequent stimulation of the national and world economy. The Space Preservation Treaty does not prohibit activities including space exploration, space research and development, testing, manufacturing or deployment that is not related to space-based weapons or systems, or civil, commercial, or defence activities (including communications, navigation, surveillance, reconnaissance, early warning, or remote sensing (that are not related to space-based weapons or systems); and

WHEREAS the Space Preservation Treaty preserves the peaceful, co-operative uses of space for all residents of the City of Toronto, Canada, and for all humankind;

NOW THEREFORE BE IT RESOLVED THAT it is the will of Toronto City Council that the Prime Minister of Canada, individually or at an emergency treaty conference, sign the Space Preservation Treaty, and that the House of Commons of Canada ratify it to permanently ban all space-based weapons and to preserve the co-operative, peaceful uses of space for all residents of this municipality and for all humankind;

AND BE IT FURTHER RESOLVED THAT it is the will of Toronto City Council that the House of Commons of Canada urge the Government to immediately convene a Treaty-Signing Conference for the Space Preservation Treaty, as Canada has done in the Treaty-Signing Conference in December 1997, where 122 countries signed the Convention Banning Land Mines, known as the Ottawa Convention;

AND BE IT FURTHER RESOLVED THAT Toronto City Council hereby declares that the space 60 kilometres and above this municipality is a space-based weapons free zone;

AND BE IT FURTHER RESOLVED THAT Toronto City Council encourage all municipalities in Canada and Worldwide to adopt this Resolution.”

City Council also had before it, for consideration with Motion J(12), documentation entitled “Background Information to Accompany the Space Preservation Treaty Conference Resolution - Municipal Resolutions Calling for Peace in Space”, which is on file in the Office of the City Clerk.

Fiscal Impact Statement:

City Council also had before it, for consideration with Motion J(12), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of Notice of Motion J(12), ruled such Motion ultra vires.

Councillor Mihevc challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 20	
Mayor:	Lastman
Councillors:	Duguid, Feldman, Flint, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Silva, Soknacki, Tziretas
No - 14	
Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Johnston, Mihevc, Miller, Moscoe, Pantalone, Rae, Shaw, Walker

Carried by a majority of 6.

1.107 Options on Filling the Vacancy in the Office of Councillor, Ward 30 - Toronto-Danforth

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

Moved by: Mayor Lastman

Seconded by: Councillor Ootes

“WHEREAS Council has previously declared the office of Councillor, Ward 30 - Toronto-Danforth to be vacant; and

WHEREAS subsection 263(5) of the Municipal Act, 2001, as amended, provides that Council shall, within 60 days after the day the office is declared vacant, decide whether to fill the vacancy by appointment or through the conduct of a by-election; and

WHEREAS the City Clerk has submitted the attached report dated January 28, 2003, outlining options to fill the vacancy;

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached report dated January 28, 2003, from the City Clerk, and decide upon a method to fill the vacancy in the office of Councillor, Ward 30 – Toronto-Danforth.”

City Council also had before it, during consideration of Motion J(13), the following:

- (i) report (January 31, 2003) from the City Clerk, entitled “Options for Filling the Vacancy in the Office of Councillor, Ward 30 – Toronto-Danforth” (See Attachment No. 2, Page 272); and
- (ii) communications from the following, which are on file in the Office of the City Clerk:
 - (February 1, 2003) from Robert Rotenberg;
 - (February 1, 2003) from Sydney MacInnis;
 - (February 1, 2003) from Laurie McGugan;
 - (February 2, 2003) from William Carson;
 - (February 2, 2003) from Margaret and Mark Franklin;
 - (February 2, 2003) from Joe Madziak;
 - (February 2, 2003) from Andrew Muirhead;
 - (February 3, 2003) from Debrah Weiss and Joel Weiss;
 - (February 5, 2003) from Greg Bonser; and
 - (undated) from Edward and Arlene Heeley.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(13), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 6, Page 289)

Motion:

Councillor Rae moved that Motion J(13) be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT such report be adopted, with Council approving Option 1 - Appointment, embodied therein, subject to amending Part (ii) thereof by adding thereto the following words:

‘subject to amending Appendix “A” to provide that:

- (1) the Toronto East York Community Council be directed to consider the matter of filling the vacancy in the office of Councillor - Ward 30, at its meeting scheduled to be held on February 20, 2003;
- (2) candidates who have complied with the requirements set out in Part (4) of Appendix “A” be invited to appear before the Toronto East York Community Council at that meeting; and
- (3) the recommendations of the Toronto East York Community Council with respect to this appointment be considered by City Council at a special meeting to be called by the Mayor or the Presiding Officer;’,

so that the recommendations adopted by Council shall now read as follows:

‘It is recommended that:

- (1) (a) Option 1 – Appointment:
 - (i) the vacancy be filled by means of appointment at a Special Meeting of Council in March 2003 to be called by the Mayor; and
 - (ii) Council adopt the process for the appointment as set out in Appendix “A” to this report, subject to amending Appendix

“A” to provide that:

- (1) the Toronto East York Community Council be directed to consider the matter of filling the vacancy in the office of Councillor - Ward 30, at its meeting scheduled to be held on February 20, 2003;
 - (2) candidates who have complied with the requirements set out in Part (4) of Appendix “A” be invited to appear before the Toronto East York Community Council at that meeting; and
 - (3) the recommendations of the Toronto East York Community Council with respect to this appointment be considered by City Council at a special meeting to be called by the Mayor or the Presiding Officer;
- (2) the necessary funds for the chosen option be included in the City Clerk’s 2003 election budget; and
 - (3) in the interim, the current staff of former Councillor Layton continue to serve the constituents of Ward 30 – Toronto-Danforth until the new Councillor is appointed or elected and a decision is made by Council or the new Councillor with respect to staffing.’ ”

Votes:

Adoption of motion by Councillor Rae:

Yes - 23	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Hall, Jones, Korwin-Kuczynski, Li Preti, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Tziretas, Walker
No - 10	
Councillors:	Ford, Holyday, Kelly, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Shaw, Sutherland

Carried by a majority of 13.

Adoption of Motion J(13), as amended:

Yes - 26 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Hall, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Walker
No - 7 Councillors:	Ford, Holyday, Kelly, Nunziata, Shaw, Sutherland, Tziretas

Carried by a majority of 19.

1.108 **Potential Impacts of Pesticides on the Don and Humber Rivers**

Councillor Jones moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(14), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Jones

Seconded by: Councillor Duguid

“**WHEREAS** Toronto Works and Emergency Services, Environment Canada and the Ontario Ministry of the Environment released an interim study, in December 2002, entitled, ‘Pesticide Concentrations in the Don and Humber River Watersheds (1998-2000)’; and

WHEREAS City Council has made a commitment to improving the water quality in the Don and Humber Rivers in the Wet Weather Flow Master Plan;

NOW THEREFORE BE IT RESOLVED THAT City Council direct the Commissioner of Works and Emergency Services to report back to City Council on the potential impacts of pesticides on water quality in the Don and Humber Rivers;

AND BE IT FURTHER RESOLVED THAT City Council also direct the Commissioner of Works and Emergency Services to report back to City Council on any continuing and proposed efforts to monitor and mitigate the concentration of pesticides in the Don and Humber Rivers.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(14) to the Works Committee would have to be

waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(14), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Procedural Vote:

The vote to waive referral of Motion J(14) to the Works Committee was taken as follows:

Yes - 29	
Mayor:	Lastman
Councillors:	Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Johnston, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Tziretas, Walker
No - 6	
Councillors:	Ashton, Holyday, Kelly, Milczyn, Minnan-Wong, Ootes

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

Motions:

- (a) Councillor Shiner moved that Motion J(14) be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT a copy of this Motion be referred to the Budget Advisory Committee for consideration during the 2003 budget process.”

- (b) Councillor Bussin moved that Motion J(14) be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT this report, as well as any reports from the Medical Officer of Health, the Commissioner of Economic Development, Culture and Tourism, the City Solicitor and the Commissioner of Urban Development Services regarding the City of Toronto’s ‘Proposed Strategy to Achieve a Phase-Out of Non-Essential Outdoor Uses of Pesticides’, be brought before City Council in May for joint consideration.”

Votes:

Motion (a) by Councillor Shiner carried.

Motion (b) by Councillor Bussin carried.

Motion J(14), as amended, carried.

1.109 Ontario Provincial Police Investigation Regarding Allegations Involving Political Fundraising

Councillor Miller moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(15), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Miller

Seconded by: Councillor Pitfield

“WHEREAS the Ontario Provincial Police conducted an investigation into allegations in the last municipal election involving political fundraising; and

WHEREAS the Ontario Provincial Police decided not to lay charges in this matter, and advised the media that, although the evidence disclosed a violation of the Municipal Elections Act, the alleged breach of the act is ‘technical’; and

WHEREAS the allegation in this matter is that money from a corporation was received from a corporation and then distributed to candidates under the name of an individual; and

WHEREAS if true, these facts violate a very important objective of the Act – public disclosure of who makes election contributions to which candidates, which is extremely serious and not a ‘technical’ matter at all; and

WHEREAS failing to prosecute because of a decision that the alleged breach is ‘technical’ sends a message that the Municipal Elections Act is not to be taken seriously; and

WHEREAS given the importance of the upcoming Municipal Elections, the Council of the City of Toronto expects the Act to be enforced; and

WHEREAS the Attorney General has not yet responded to a letter dated December 12, 2002, signed by 15 Members of Toronto City Council;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto request that the Attorney General personally review the decision not to lay charges in this matter to determine whether or not charges are warranted.”

Council also had before it, during consideration of Motion J(15), a copy of a communication dated December 12, 2002, addressed to the Attorney General and Minister Responsible for Native Affairs, the original having been signed by 15 Members of City Council. (See Attachment No. 3, Page 281)

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(15) to the Administration Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(15), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Procedural Vote:

The vote to waive referral of Motion J(15) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Motion J(15), without amendment:

Yes - 33	
Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Duguid, Feldman, Flint, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Tziretas, Walker
No - 3	
Mayor:	Lastman
Councillors:	Kelly, Mammoliti

Carried by a majority of 30.

1.110 **Televised Coverage of City of Toronto Computer Leasing Inquiry**

Councillor Miller moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(16), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Miller**

Seconded by: **Councillor Walker**

“**WHEREAS** the hearings of the City of Toronto Computer Leasing Inquiry are now underway under Commissioner Madam Justice Denise Bellamy at the East York Civic Centre; and

WHEREAS Rogers Cable TV has refused to provide televised coverage to the general public on Rogers Community Channel 10 of the proceedings of this Inquiry; and

WHEREAS the cost of broadcasting would be nominal, as TV coverage is now provided to City Hall; and

WHEREAS it is extremely important and in the public interest that the residents of Toronto have access to these proceedings; and

WHEREAS this is a matter of urgency;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto request Rogers Cable to broadcast these proceedings to the general public, and, if Rogers Cable refuses, request the Canadian Radio-Television and Telecommunications Commission to direct Rogers Cable to broadcast these proceedings immediately.”

City Council also had before it, during consideration of Motion J(16), the following communications submitted by Councillor Walker, which are on file in the Office of the City Clerk:

- (i) (January 23, 2003) addressed to the Canadian Radio-Television and Telecommunications Commission, from Councillors Miller and Walker;
- (ii) (December 12, 2002) addressed to the President and Chief Executive Officer, Rogers Cable Inc., from Councillor Walker; and
- (iii) (December 19, 2002) from the Vice President, Rogers Television, Rogers Cable Inc., addressed to Councillor Walker.

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(16) to the Administration Committee would have

to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(16), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Procedural Vote:

The vote to waive referral of Motion J(16) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Motion J(16), without amendment:

Yes - 35	
Councillors:	Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Tziretas, Walker
No - 4	
Mayor:	Lastman
Councillors:	Ashton, Kelly, Mammoliti

Carried by a majority of 31.

1.111 Church-Wellesley Business Improvement Area – 2003 Budget Approval

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

Moved by: Councillor Rae

Seconded by: Councillor Minnan-Wong

“**WHEREAS** the Church-Wellesley Business Improvement Area was designated by By-law No. 54-2002 of the City of Toronto; and

WHEREAS City Council, at its meeting held on February 4, 5 and 6, 2003, by adoption

of Economic Development and Parks Committee Report No. 2, Clause No. 8, headed 'Appointments to the Church-Wellesley Business Improvement Area Board of Management', appointed the 2001-2003 Board of Management for the Church-Wellesley Business Improvement Area; and

WHEREAS the Church-Wellesley Business Improvement Area approved its 2003 budget at its general meeting held on December 10, 2002; and

WHEREAS the Board of Management for the Church-Wellesley Business Improvement Area submitted its 2003 budget for approval by City Council on February 5, 2003;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the 2003 balanced Operating Budget for the Church-Wellesley Business Improvement Area, in the amount of expenditures totalling \$118,010.00, funded by a City of Toronto Commercial Research Grant of \$8,010.00 and a BIA levy of \$110,000.00, submitted by the Board of Management of the Church-Wellesley BIA;

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

City Council also had before it, during consideration of Motion J(17), a copy of the 2003 Operating Budget of the Church-Wellesley BIA, which is on file in the Office of the City Clerk.

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(17) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(17), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Procedural Vote:

The vote to waive referral of Motion J(17) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(17) was adopted, without amendment.

1.112 Charges for Visitor Parking at Apartment Buildings

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

Moved by: Councillor Moscoe

Seconded by: Councillor Walker

“**WHEREAS** the North York by-laws prohibit charges for visitor parking at apartment buildings; and

WHEREAS on December 2, 2002, parking operators within the rest of the City of Toronto began implementing a pay permit system which uses a ‘1-900’ number and/or a ‘pay and display’ system to charge people for visitor parking; and

WHEREAS since December 2, 2002, almost 150 residential buildings have implemented a charge for visitor parking; and

WHEREAS it will be necessary, in order to stem this epidemic, to extend the former North York zoning provisions to the balance of the City;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Development Services be directed to bring forward amendments that would prohibit charging for visitor parking, similar to the provision that exists currently in the former North York Zoning By-law, to the balance of the City;

AND BE IT FURTHER RESOLVED THAT the owners of buildings who wish to charge for visitor parking be advised that they will be required to seek a zoning by-law amendment in order to qualify for same.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(18) to the Planning and Transportation Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(18), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Procedural Vote:

The vote to waive referral of Motion J(18) to the Planning and Transportation Committee was taken as follows:

Yes - 25	
Mayor:	Lastman
Councillors:	Augimeri, Bussin, Cho, Chow, Disero, Filion, Flint, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Shaw, Silva, Soknacki, Tziretas, Walker
No - 14	
Councillors:	Ashton, Di Giorgio, Duguid, Feldman, Hall, Holyday, Kelly, Milczyn, Minnan-Wong, Moeser, Ootes, Pitfield, Rae, Shiner

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

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

1.113 Defense of Committee of Adjustment Decision Regarding Variance No. A222/02SC - 4771(T) Steeles Avenue East

Councillor Walker moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(19), moved by Councillor Balkissoon, seconded by Councillor Moeser, and, in the absence of Councillor Balkissoon, moved by Councillor Walker, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Walker

Seconded by: Councillor Moeser

“WHEREAS the Committee of Adjustment (East District) approved a minor variance No. A222/02SC, to reduce the rear-yard setback, thereby permitting Mid Silver Development to construct a building on its property at 4771(T) Steeles Avenue East; and

WHEREAS the minor variance granted by the Committee of Adjustment reduces the rear-yard setback requirements by 1.5 metres; and

WHEREAS a property owner adjacent to the subject property has appealed the Committee of Adjustment's decision to the Ontario Municipal Board (OMB); and

WHEREAS the appellant, in his submission to the OMB, erroneously claims that the variance granted by the Committee of Adjustment reduces the rear-yard setback by 6.11 metres; and

WHEREAS the reasons set out in the notice of appeal do not disclose any land use planning issues upon which the OMB could allow an appeal; and

WHEREAS the appeal appears to be contrary to section 45(17) of the Planning Act, whereby the appeal is not made in good faith, is frivolous, vexatious and made for the purposes of delay;

NOW THEREFORE BE IT RESOLVED THAT City Council advise the OMB of its support of the decision of the Committee of Adjustment with respect to Variance No. A222/02SC;

AND BE IT FURTHER RESOLVED THAT City Council advise the OMB of its support for a motion by Mid Silver Development Corporation to dismiss the appeal without a hearing as per section 45(17) of the Planning Act and as per Rules 34 to 39 of the OMB's Rules of Practice and Procedure."

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(19) to the Scarborough Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(19), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Procedural Vote:

The vote to waive referral of Motion J(19) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(19) was adopted, without amendment.

1.114 Request for Grant to Oppose Appeal by Met Cap Living at Ontario Municipal Board

Councillor Li Preti moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(20), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Li Preti

Seconded by: Councillor Walker

“WHEREAS Met Cap Living has applied to the Ontario Municipal Board for permission to amend the Official Plan and Zoning by-law to permit a long-term care housing development in excess of existing permissions between 40 Fountainhead and 470 Sentinel Roads in York-West Ward 8; and

WHEREAS North York Community Council and Toronto City Council have voted to deny this application on planning grounds, and the matter will be contested at the Ontario Municipal Board the week of February 24, 2003; and

WHEREAS this proposed development, if approved, will negatively affect the more than one thousand tenant households of Maple Grove apartments (1 Fountainhead, 35 Fountainhead, 40 Fountainhead and 470 Sentinel Roads) by entailing the loss of amenities currently enjoyed by the tenants, including a swimming pool frequented by children of the area, and valuable green space; and

WHEREAS the proposed development entails the removal of many trees currently enjoyed by residents, including a remnant Sugar Maple woodlot described by an official from the City of Toronto Forestry as ‘the most environmentally pleasing area of the entire complex’; and

WHEREAS the proposed development increases density well beyond the maximum density permitted by the Official Plan; and

WHEREAS the proposed development, if allowed at the OMB, will thus result in an overall reduction of the quality of life for residents of Maple Grove apartments; and

WHEREAS the applicant is making this application despite the occurrence of outstanding property standards violations (according to Urban Development Services, North District, both 40 Fountainhead and 470 Sentinel Road have a total of 110 multiple outstanding violations of the Toronto Municipal Code (Chapter 629, Property Standards); and

WHEREAS there are several issues being advanced by the tenants that are not being advanced by the City Solicitor, but which are nevertheless valuable issues and should be advanced by an experienced solicitor; including the issue of the proper location of the development, and the loss of quality of life for residents (through carefully prepared impact statements from local residents); and

WHEREAS this case raises a precedent setting issue: namely, how an infill development such as the one being proposed, may negatively affect the quality of life of existing residents, and that this being a significant policy issue that affects residential tenants throughout the City of Toronto, the defense of the tenants' position should, therefore, receive this additional attention and support from Toronto City Council; and

WHEREAS the Maple Grove tenants at 1 and 35 Fountainhead Road have recently made a concerted effort to raise funds to challenge the landlord's applications to raise their rents above the legal guidelines, in addition to the challenge they face at the Ontario Municipal Board, but are unable to raise additional funds at this time;

NOW THEREFORE BE IT RESOLVED THAT the Council approve a grant of \$7,500.00 to pay a private solicitor to appear for the local area tenant/ratepayer group at the Ontario Municipal Board hearing of the week of February 24th."

City Council also had before it, during consideration of Motion J(20), a communication (undated) from Mr. Nick Wright, Representative, Four Winds Drive and Fountainhead Tenants Association, addressed to Members of Council, which is on file in the Office of the City Clerk.

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(20) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(20), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 7, Page 290)

Procedural Vote:

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

Motion:

Councillor Walker moved that Motion J(20) be adopted, subject to amending the Operative Paragraph by deleting the figure “\$7,500.00”, and inserting in lieu thereof the figure “\$5,000.00”, and adding thereto the words “and that funds be provided from the Tenant Defence Fund’s 2003 budget”, so that such Operative Paragraph shall now read as follows:

“NOW THEREFORE BE IT RESOLVED THAT the Council approve a grant of \$5,000.00 to pay a private solicitor to appear for the local area tenant/ratepayer group at the Ontario Municipal Board hearing of the week of February 24th, and that funds be provided from the Tenant Defence Fund’s 2003 budget.”

Votes:

The motion by Councillor Walker carried.

Motion J(20), as amended, carried.

1.115 Potential Infestation of Ash Trees in City of Toronto by the Emerald Ash Borer

Councillor Soknacki moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(21), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Soknacki

Seconded by: Councillor Pantalone

“WHEREAS an invasive, non-indigenous insect, known as the Emerald Ash Borer (EAB), has infested ash trees in Essex County, Ontario, and in southeastern Michigan, resulting in a quarantine, devastation to trees and costs in the millions of dollars; and

WHEREAS if an effective quarantine is not established before spring, the EAB is likely to spread across the Province of Ontario, putting all ash trees in the Province at high risk of destruction; and

WHEREAS the ash tree is a very popular tree on public boulevards and on private property, and municipalities throughout the Province will be faced with exorbitant costs if forced to replace diseased trees; and

WHEREAS the City of Toronto has thousands of ash trees on public property, and the replacement costs of these alone would be in the millions of dollars;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) the Government of Canada and the Canadian Food Inspection Agency be urgently requested to take steps immediately to establish the outer limit of EAB infestation in southwestern Ontario, bearing in mind that forest entomologists who have studied the EAB report that there may be little or no external evidence of tree damage in the first year of infestation; therefore, a safe margin of error should be provided for in establishing the outer limit EAB infestation;
- (2) the Canadian Food Inspection Agency be requested to act, without delay, to extend the present quarantine on ash wood to the outer limit of EAB infestation, allowing for a safe margin of error to prevent the spread of EAB to other areas of the Province;
- (3) the Government of Canada be requested to allocate sufficient resources to ensure that a buffer zone or 'firebreak' is created, monitored and enforced in time to prevent the further advance of EAB infestation in the spring of 2003;
- (4) the Government of Canada be put on notice that, if appropriate measures are not taken to effectively quarantine the EAB infestation, the City of Toronto reserves its right to seek redress in the Courts for damages caused by inadequate containment;
- (5) the Province of Ontario be requested to provide assistance and support to the Government of Canada and municipalities with respect to the measures in this Resolution;
- (6) the Government of Canada, the Province of Ontario, and the Canadian Food Inspection Agency be requested to monitor and provide funding resources for dealing with outbreaks, if and when they occur;
- (7) the Commissioner of Economic Development, Culture and Tourism (Urban Forestry Division) be requested to submit a report to the Economic Development and Parks Committee for its meeting to be held on March 31, 2003, on the situation with respect to their plans to deal with the EAB, since the ash trees in the City of Toronto are potentially at risk;
- (8) a copy of this Resolution be sent to the Association of Municipalities of Ontario and Federation of Canadian Municipalities, urging them to adopt a similar position and to advocate on behalf of municipalities potentially affected; and
- (9) a copy of this Resolution be sent to the Minister Responsible for the Canadian Food Inspection Agency and the Minister of the Environment."

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(21) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(21), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Procedural Vote:

The vote to waive referral of Motion J(21) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(21) was adopted, without amendment.

1.116 **Request to Federal and Provincial Governments to Introduce a Public Investment Income Tax Credit**

Councillor Di Giorgio moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(22), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Di Giorgio**

Seconded by: **Councillor Li Preti**

“**WHEREAS** there is general agreement among all levels of government that municipal governments are experiencing a funding crisis and require new sources of funds; and

WHEREAS urban centres that have restricted access to their property tax base are particularly relying on new sources of funds; and

WHEREAS tax cuts remain a priority for both the Provincial and Federal governments; and

WHEREAS a climate of tax cuts reduces the funds available to municipalities for investment in new infrastructure; and

WHEREAS municipal governments are now feeling the effects of continually delaying essential infrastructure projects because of insufficient funds; and

WHEREAS favourable income tax treatment of public capital expenditures can improve the ability of municipalities to generate tax revenues; and

WHEREAS it is possible to separate municipal and education taxes payable into two separate components, an operating portion and a public investment capital portion;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto strongly urge the Federal and Provincial governments to introduce a public investment income tax credit as a way of alleviating the funding crisis for municipalities;

AND BE IT FURTHER RESOLVED THAT the City of Toronto enlist the support of all proponents for a new deal for cities, in supporting a public investment income tax credit as a more productive and equitable component of government tax policy.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(22) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(22), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Procedural Vote:

The vote to waive referral of Motion J(22) to the Policy and Finance Committee was taken as follows:

Yes - 17	
Councillors:	Bussin, Cho, Di Giorgio, Disero, Holyday, Johnston, Korwin-Kuczynski, Li Preti, Mammoliti, Miller, Moeser, Nunziata, Pantalone, Pitfield, Shaw, Silva, Walker
No - 21	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Chow, Duguid, Feldman, Filion, Flint, Hall, Jones, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Rae, Shiner, Soknacki, Tziretas

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

Having regard to the foregoing decision of Council, Motion J(22) was referred to the Policy and

Finance Committee.

1.117 **Technical Amendments to Chapter 658 of the City of Toronto Municipal Code – Ravine Protection**

Councillor Rae moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(23), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Rae

Seconded by: Councillor Flint

“**WHEREAS** Council repealed Chapter 276, Ravines, of the former City of Toronto Municipal Code and enacted Chapter 658, Ravine Protection of the City of Toronto Municipal Code; and

WHEREAS upon review of Chapter 658, Ravine Protection, two technical errors have been identified as set out in items one and two of this motion; and

WHEREAS it was the intent of Council that those areas protected under Chapter 276, Ravines of the former City of Toronto Municipal Code would continue to be protected under Chapter 658 of the new City of Toronto Municipal Code and the south half of Park Drive Ravine east of Mount Pleasant Avenue and west of Glen Road was inadvertently removed as a protected area; and

WHEREAS § 658-4 contains exceptions to the permit requirements set out in § 658 2A and B and it is necessary to clarify that these exceptions may apply to § 658-2A or B and not necessarily to § 658-2A and B;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be authorized to introduce the necessary bill in Council to amend Chapter 658, Ravine Protection, to replace Schedule ‘A’ with a revised Schedule ‘A’ which includes the portion of the Park Drive Ravine which was inadvertently excluded and to clarify the application of the permit exception provisions in § 658-4.”

City Council also had before it, during consideration of Motion J(23), a revised Schedule “A”, which is on file in the Office of the City Clerk.

Fiscal Impact Statement:

Council also had before it, during consideration of Motion J(23), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the

adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Vote:

Motion J(23) was adopted, without amendment.

1.118 **Expression of Appreciation to Mayor Lastman**

Councillor Cho moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(24), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Cho

Seconded by: Councillor Feldman

“**WHEREAS** Mayor Mel Lastman led the former City of North York as its Mayor for many many years; and

WHEREAS Mayor Mel Lastman has led the City of Toronto Council through the process of amalgamation, and has had the courage to do the work of seven mayors throughout this process; and

WHEREAS Mayor Mel Lastman has been a great business salesman for the City of Toronto, travelling all over the world to promote the greatness of our City; and

WHEREAS Mayor Mel Lastman has made the City of Toronto one of the greatest cities in the entire world through his tireless efforts; and

WHEREAS Mayor Mel Lastman has, with great courage, decided not to run again for the position of Mayor in the upcoming elections and has recently announced the same;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council send a message to Mayor Mel Lastman to thank him for his years of service to our City and to send our best wishes to him for a speedy recovery in the future, and to let him know that NOOOBODY will ever take his place.”

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(24), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from

the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Vote:

Adoption of Motion J(24), without amendment:

Yes - 37	
Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Johnston, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Tziretas, Walker
No - 1	
Councillor:	Jones

Carried by a majority of 36.

1.119 **Canadian Participation in Military Attack on Iraq**

Councillor Cho moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(25):

Moved by: Councillor Cho

Seconded by: Councillor Pitfield

“WHEREAS those of us who are old enough will remember the signs that were evident from World War II, the Korean War, and more recently, the Gulf War; and

WHEREAS, in the last few months, the world has witnessed massive military buildups, increasingly hostile rhetoric between various opposing nations, as well as nervousness in the stock markets and the economy; and

WHEREAS the world seems to be moving dangerously close to the brink of war in at least two international areas, i.e., Iraq and North Korea; and

WHEREAS without world peace, local community peace is difficult, if not impossible, to achieve and without local community peace, world peace can never be realized; and

WHEREAS I have initiated and led a peace vigil and rally to raise awareness for community

peace, city peace, and world peace in Scarborough; and

WHEREAS an American attack against Iraq threatens to destabilize the Middle East, increase oil prices around the world and have disastrous effects on the global economy; and

WHEREAS an American attack against Iraq will result in the loss of thousands of innocent lives, as well as large numbers of people becoming homeless refugees; and

WHEREAS any military attack against Iraq by the United States does not seem to be warranted, as there is no hard-core proof of military buildup by the weapons inspectors as of the present date; and

WHEREAS any military attack against Iraq by the United States does not, at the present time, have the final approval of the United Nations Security Council; and

WHEREAS the nation of Canada has been traditionally viewed as a peacemaker throughout the world, supporting human rights and working towards the elimination of poverty, injustice and inequality for all mankind; and

WHEREAS Canada is viewed as a compassionate country, with thriving vital urban centres that receive thousands of immigrants per year, largely because of the way that Canada is viewed and respected by other nations in the world community; and

WHEREAS the Canadian public is entitled to clear and unequivocal evidence of weapons of mass destruction in Iraq;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council send a strong message to Prime Minister Jean Chretien that the following items are our resolve:

- (1) Canada should not participate in a military attack on Iraq until the United Nations weapons inspectors provide clear evidence of Iraq's weapons of mass destruction coupled with the United Nations Security Council giving its full and final support to such a military attack;
- (2) Canada should urge the United Nations to allow its weapons inspectors as much time as they need in order to complete their investigations in Iraq before any final decision on a military attack is considered by the United Nations Security Council; and
- (3) Canada should strongly urge North Korea to cease its buildup of nuclear materials and allow the former inspectors to re-enter North Korea to monitor the situation and also Canada should urge North Korea to respect and abide by the international treaties under the Agreed Framework as well as the Nonproliferation Treaty, the International Atomic Energy Agency Agreement, and the Joint North-South

Declaration on the Denuclearization of the Korean Peninsula.”

Fiscal Impact Statement:

City Council also had before it, for consideration with Notice of Motion J(25), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of Notice of Motion J(25), ruled such Motion ultra vires.

Councillor Cho challenged the ruling of the Deputy Mayor:

Vote to Uphold Ruling of Deputy Mayor:

Yes - 21	
Mayor:	Lastman
Councillors:	Ashton, Duguid, Feldman, Filion, Flint, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shiner, Silva, Soknacki, Tziretas
No - 17	
Councillors:	Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Johnston, Jones, McConnell, Mihevc, Miller, Moscoe, Pantalone, Pitfield, Rae, Shaw, Walker

Carried by a majority of 4.

1.120 **Appointment to Swansea Area Seniors' Association**

Councillor Miller moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(26), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Miller

Seconded by: Councillor Di Giorgio

“**WHEREAS** the current Swansea Area Seniors' Association nominee to the Swansea Town Hall Board of Directors, Isabel McKerihen, has resigned; and

WHEREAS the Swansea Area Seniors' Association has nominated Muriel Sides to replace her; and

WHEREAS the Board is already operating below full membership and has no opportunity to nominate citizens at large for Council appointment until its Annual meeting in late February, so it is urgent that Council appoint Ms. Sides to the Board of Directors of Swansea Town Hall to ensure quorum for meetings; and

WHEREAS there are no financial impacts associated with this motion;

NOW THEREFORE BE IT RESOLVED THAT Ms. Muriel Sides be appointed as the Swansea Area Seniors' Association nominee to the Swansea Town Hall Board of Directors to replace Ms. Isabel McKerihen;

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(26) to the Humber York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(26), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Procedural Vote:

The vote to waive referral of Motion J(26) to the Humber York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(26) was adopted, without amendment.

1.121 Legal Fees Associated with 2714 Danforth Avenue

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

Moved by: Councillor Tziretas

Seconded by: Councillor Bussin

“WHEREAS City Council at its meeting on June 18, 19, and 20, 2002, by adoption of Motion J(16), moved by Councillor Bussin, seconded by Councillor Tziretas, as amended, requested the Chief Building Official to waive her claim to court costs awarded by the Ontario Superior Court of Justice in the matter regarding 2714 Danforth Avenue, subject to no further appeal; and

WHEREAS the local and resident merchant association subsequently launched a court challenge; and

WHEREAS a recent decision of the Ontario Superior Court of Justice, Divisional Court, allowed the City of Toronto Chief Building Official’s appeal of an earlier court decision that ruled the establishment of a shelter at 2714 Danforth Avenue was not a ‘hostel’ as defined in the City’s Zoning By-law; and

WHEREAS the local resident and merchant association that launched the court challenge regarding the shelter at 2714 Danforth Avenue has had the City’s and Dixon Hall’s court costs awarded against them in the appeal decision; and

WHEREAS the merchants and residents who launched the court challenge did so out of the sincere belief, based on legal advice, that the shelter at this location was not a ‘hostel’ as defined in the City’s Zoning By-law; and

WHEREAS it is appropriate and necessary that the City make every effort to help heal the deep wounds and sense of distress felt in this community regarding the shelter;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(16), moved by Councillor Bussin, seconded by Councillor Tziretas, entitled ‘Ontario Superior Court of Justice Decision – 2714 Danforth Avenue’, adopted, as amended, by City Council on June 18, 19 and 20, 2002, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT, in the interest of good community relations, Council request the Chief Building Official to negotiate, with the appellants, a reduced claim of costs awarded in the matter regarding 2714 Danforth Avenue, provided the City recovers costs associated with the leave to appeal and its disbursements.”,

the vote upon which was taken as follows:

Yes - 23	
Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Flint, Hall, Holyday, Johnston, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Shaw, Shiner, Silva, Sutherland, Tziretas, Walker
No - 9	
Councillors:	Augimeri, Chow, Jones, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae

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

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(27), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 8, Page 291)

Vote:

Adoption of first Operative Paragraph embodied in Motion J(27):

Yes - 21	
Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Hall, Holyday, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Shaw, Shiner, Silva, Sutherland, Tziretas, Walker
No - 12	
Councillors:	Augimeri, Chow, Filion, Flint, Johnston, Jones, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae

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

Motion to Re-Open:

Councillor Johnston, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, the vote to adopt the first Operative Paragraph embodied in Motion J(27) be re-opened for further consideration, the vote upon which was taken as follows:

Yes - 23	
Councillors:	Altobello, Augimeri, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Hall, Holyday, Johnston, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Miller, Nunziata, Ootes, Pantalone, Pitfield, Shiner, Tziretas, Walker
No - 10	
Councillors:	Ashton, Chow, Filion, Flint, Jones, McConnell, Mihevc, Milczyn, Moscoe, Rae

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

Vote:

Adoption of first Operative Paragraph embodied in Motion J(27):

Yes - 20	
Councillors:	Altobello, Augimeri, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Hall, Johnston, Li Preti, Lindsay Luby, Miller, Nunziata, Ootes, Pantalone, Pitfield, Shiner, Sutherland, Tziretas, Walker
No - 14	
Councillors:	Ashton, Chow, Duguid, Filion, Flint, Holyday, Jones, Korwin-Kuczynski, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Rae

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

1.122 **Naming of Street and Ravine Land after Toronto Police Constable Laura Ellis**

Councillor Moeser moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(28), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Moeser

Seconded by: Councillor Soknacki

“WHEREAS Toronto Police Constable Laura Ellis was tragically killed on duty while

responding to an emergency on February 18, 2002; and

WHEREAS a commemorative ceremony for Constable Ellis is scheduled to take place on February 18, 2003; and

WHEREAS it is most fitting to honour our Police Services staff who fall in the line of duty; and

WHEREAS City staff are negotiating the acquisition of ravine lands at the site of a proposed plan of subdivision at 76 Brumwell Street and said subdivision will include a new street;

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached report dated February 4, 2003, from the Commissioner of Works and Emergency Services, regarding the naming of street and ravine land at 76 Brumwell Street after Toronto Police Constable Laura Ellis; and that such report be adopted.”

City Council also had before it, during consideration of Motion J(28), a report dated February 4, 2003, from the Commissioner of Works and Emergency Services, entitled “Naming of Proposed Street and Ravine Land at 76 Brumwell Street after Constable Laura Ellis (Ward 44 - Scarborough East)”. (See Attachment No. 4, Page 282)

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(28) to the Scarborough Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(28), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 9, Page 292)

Procedural Vote:

The vote to waive referral of Motion J(28) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(28) was adopted, without amendment, and, in so doing, Council adopted, without amendment, the report dated February 4, 2003, from the Commissioner of Works and Emergency

Services, embodying the following recommendations:

“It is recommended that:

- (1) the ravine lands to be acquired by the City at 76 Brumwell Street be named ‘Laura Ellis Natural Area’;
- (2) the proposed street at 76 Brumwell Street be named ‘Laura Ellis Court’; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

1.123 **Appeal of Committee of Adjustment Decision – 5 Stayner Avenue**

Councillor Moscoe moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(29), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Moscoe

Seconded by: Councillor Miller

“**WHEREAS** the Committee of Adjustment for the City of Toronto (Humber York Panel) refused an application by Nicola Vescio, the owner of 5 Stayner Avenue, for the construction of a one-storey addition attached to the west side of the existing detached garage in the rear yard; and

WHEREAS variance was requested for lot coverage of 41.13 percent (162.20 m²); and

WHEREAS the maximum permitted lot coverage is 35 percent (148.64 m²); and

WHEREAS staff did not prepare a report on the matter; and

WHEREAS the Ontario Municipal Board has set March 25, 2003, as the date for the hearing;

NOW THEREFORE BE IT RESOLVED THAT Council direct the City solicitor to authorize City legal staff to attend the Ontario Municipal Board hearing to uphold the City’s By-law and defend the Committee of Adjustment’s decision.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(29) to the Humber York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(29), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 10, Page 293)

Procedural Vote:

The vote to waive referral of Motion J(29) to the Humber York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(29) was adopted, without amendment.

1.124 Donations for Johnny Lombardi Memorial

Councillor Pantalone moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(30), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Pantalone

Seconded by: Councillor Augimeri

“**WHEREAS** City Council at its meeting of April 16, 17 and 18, 2002, approved a Notice of Motion moved by Mayor Mel Lastman requesting that Councillor Joe Pantalone and interested members of Council, City Staff and the Little Italy Business Improvement Association (BIA) work towards the creation of a permanent memorial commemorating the life of Mr. Johnny Lombardi; and

WHEREAS the Johnny Lombardi Memorial Committee was then struck, undertook a Public Art Competition, in accordance with the City’s public art policies, in association with Culture Division, opened Public Art Reserve Fund (XR 4002) for the purpose of accepting donations, and also held the successful Johnny Lombardi Memorial Tribute Dinner on December 4, 2002; and

WHEREAS City Council at its meeting on February 4, 2003, received the Economic

Development and Parks Committee Report No.1, Item 13(d), the Johnny Lombardi Memorial Progress Report, in which the activities of the Johnny Lombardi Memorial Committee are detailed and the issuance of tax receipts for income tax purposes to donors are acknowledged; and

WHEREAS specific authorization by City Council is required by the Chief Financial Officer and Treasurer, in order to issue tax receipts, as is normal, in these types of donations;

NOW THEREFORE BE IT RESOLVED THAT the Chief Financial Officer and Treasurer be directed to issue the appropriate tax receipts for income tax purposes to the donors to the Johnny Lombardi Memorial.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(30) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(30), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Procedural Vote:

The vote to waive referral of Motion J(30) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(30) was adopted, without amendment.

1.125 Allerton Investments Ltd. (Shell Canada Ltd.) - 230 Lloyd Manor Road

Councillor Holyday moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(31), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Holyday

Seconded by: Councillor Milczyn

“**WHEREAS** Allerton Investments Ltd. (Shell Canada Ltd.), submitted an application to amend the Etobicoke Zoning Code to permit the redevelopment of a new gasoline service station building containing a convenience retail store; and

WHEREAS Etobicoke Community Council recommended to City Council, in Clause No. 24 of Report No. 5 of The Etobicoke Community Council, the adoption of the staff report dated March 6, 2002, as amended, from the Director of Community Planning, West District, headed ‘Final Report – Application to Amend the Etobicoke Code; Allerton Investments Ltd. (Shell Canada Ltd.) – 230 Lloyd Manor Road; File No. TA ZBL 2001 0010 (Ward 3 – Etobicoke Centre)’, recommending approval of the proposed development; and

WHEREAS the report dated March 6, 2002, from the Director of Community Planning, West District contained a Draft Zoning By-law; and

WHEREAS the amending Draft By-law maintains the underlying zoning, as well as permitting the proposed gasoline service station building containing a convenience retail store; and

WHEREAS the Draft By-law established the requirements for the width of access ramp to be 11 metres along Lloyd Manor Road and the Etobicoke Zoning Code requires the width of the access ramps along Eglinton Avenue to be 7.5 metres;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Etobicoke Community Council Report No. 5, Clause No. 24, headed ‘Final Report - Application to Amend the Etobicoke Zoning Code; Allerton Investments Ltd. (Shell Canada Ltd.) 230 Lloyd Manor Road; File No. TA ZBL 2001 0010 (Ward 3 - Etobicoke Centre)’, be re-opened for further consideration, only insofar as it pertains to the width of the access ramps along Lloyd Manor Road and Eglinton Avenue;

AND BE IT FURTHER RESOLVED THAT the Draft By-law be modified to require the width of the access ramp along Lloyd Manor Road not to exceed 11 metres and the width of access ramps along Eglinton Avenue not to exceed 10 metres, measured along the property line;

AND BE IT FURTHER RESOLVED THAT authority be granted for the introduction of the necessary Bill in Council to give effect thereto, substantially in accordance with the Draft By-law attached to this Motion, with the revised standards as set out above, and that Council deem that no further notice be given in respect of the proposed By-law, pursuant to Section 34(17) of the Planning Act, R.S.O. 1990.”

City Council also had before it, during consideration of Motion J(31), a draft Zoning By-law Amendment to amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to the subject lands located on the southwest corner of Lloyd Manor Road and Eglinton Avenue, municipally known as 230 Lloyd Manor Road, which is on file in the Office of the City Clerk.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(31), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Votes:

The first Operative Paragraph embodied in Motion J(31) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(31) was adopted, without amendment.

1.126 Amendment to Chapter 27 of City of Toronto Municipal Code, Council Procedures - Duties of the Audit Committee

Councillor Minnan-Wong moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(32), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Minnan-Wong

Seconded by: Councillor Balkissoon

“**WHEREAS** at its meeting held on November 26, 27 and 28, 2002, Council, adopted, as amended, Report No. 15 of the Policy and Finance Committee, Clause No. 1, headed ‘Implementation of Auditor General and Internal Audit Functions’; and

WHEREAS Recommendation No. (4) provided that, in accordance with § 27-137, of the City of Toronto Municipal Code, notice of Council’s intention to amend Chapter 27, Council Procedures, regarding the duties of the Audit Committee, as set out in Appendix 2 of the report (November 4, 2002) from the Chief Administrative Officer, be given; and that authority be granted for the introduction of the necessary bill in Council to give effect thereto; and

WHEREAS the bill is scheduled to be introduced at Council’s meeting commencing on

February 4, 2003; and

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, came into effect on January 1, 2003, and section 238 contains a new statutory notice requirement to give notice of procedural by-law amendments and no notice was required under the old Act; and

WHEREAS the City of Toronto Municipal Code, Chapter 162, Notice, Public, which also came into effect on January 1, 2003, requires that notice is to be given two weeks before the committee meeting at which an opportunity is provided for members of the public to speak to the matter; and

WHEREAS the transition provision contained in Chapter 162 provides that if before January 1, 2003, public notice has been given or commenced as prescribed under the Municipal Act, R.S.O. 1990, c. M-45, that notice is considered to be adequate to give reasonable notice for purposes of the public notice required under the Municipal Act; and

WHEREAS this matter was commenced prior to January 1, 2003, but no notice was given since no notice was required to be given under the old Act and, therefore, the transition provision does not apply; and

WHEREAS § 162-(A)(3) provides that where the City is required to give notice to the public under a provision of the Municipal Act, the notice shall be given in a form and manner and at the times indicated in the chapter, unless Council directs that other public notice is to be given that Council considers adequate to give reasonable notice under the provision; and

WHEREAS this matter is caught in transition between the old Municipal Act and the new Act and it is, therefore, reasonable for Council to direct that other public notice be given that Council considers adequate to give reasonable notice; and

WHEREAS reasonable and adequate notice was given to the public of the proposed amendment to Chapter 27 by the schedule of the Committee and Council meetings as posted on the City's web site and by other Council agenda information provided to the public; by media reports on the proposal and by opportunities for public deputation provided at the special Audit Committee Meeting on October 28, 2002, and the Policy and Finance Committee meeting on November 14, 2002;

NOW THEREFORE BE IT RESOLVED THAT Council consider that adequate public notice of the proposed by-law attached as Appendix 2 to Clause No. 1 of Report No. 15 of The Policy and Finance Committee, as adopted by Council at its meeting held on November 26, 27 and 28, 2002, has been given and the City Solicitor be authorized to introduce the necessary bill in Council to give effect thereto.”

City Council also had before it, during consideration of Motion J(32), a draft by-law to amend Article XV, Audit Committee, Chapter 27, Council Procedures, of the City of Toronto Municipal Code to accommodate a new Audit framework, which is on file in the Office of the City Clerk.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(32), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Vote:

Motion J(32) was adopted, without amendment.

1.127 **Decision of the Agnes Macphail Award Selection Committee – Winner of the 2003 Agnes Macphail Award**

Councillor Tziretas moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(33), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Tziretas**

Seconded by: **Councillor Pitfield**

“**WHEREAS** the Agnes Macphail Award Selection Committee met, as established in the selection process, on February 3, 2003, to examine the nominations received and to select the winner of the 2003 Agnes Macphail Award; and

WHEREAS the Agnes Macphail Award Selection Committee has provided Toronto City Council with its recommendation for the winner of the 2003 Agnes Macphail Award through the attached confidential report dated February 4, 2003;

NOW THEREFORE BE IT RESOLVED THAT the attached confidential report dated February 4, 2003, from the Agnes Macphail Committee, be adopted.”

City Council also had before it, during consideration of Motion J(33), a confidential report dated February 4, 2003, from the Agnes Macphail Committee.

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(33) to the Midtown Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(33), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 284)

Procedural Vote:

The vote to waive referral of Motion J(33) to the Midtown Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(33) was adopted, without amendment, and, in so doing, Council adopted, without amendment, the confidential report dated February 4, 2003, from the Agnes Macphail Committee, such report to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, having regard that it contains personal information about an identifiable individual.

1.128 Rescheduling of the March 31, 2003 Economic Development and Parks Committee Meeting

Councillor Minnan-Wong moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(34), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Minnan-Wong

Seconded by: Councillor Pantalone

“WHEREAS the Economic Development and Parks Committee is scheduled to meet on Monday, March 31, 2003; and

WHEREAS the planned mission to Milan, as approved by City Council at its meeting of February 13, 14 and 15, 2002, is scheduled to take place around the same period, in conjunction with the Team Canada Mission; and

WHEREAS the City Council of Milan has requested the presence of the City of Toronto’s delegation in their Council Chamber on Monday March 31, 2003, when they will officially pronounce the twinning ceremony;

NOW THEREFORE BE IT RESOLVED THAT the Economic Development and Parks Committee meeting be rescheduled for Monday, March 24, 2003.”

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(34), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 11, Page 294)

Vote:

Motion J(34) was adopted, without amendment.

1.129 Request for A Status Report on the Legal Dispute with the Toronto Port Authority at the Special Council Meeting on February 24, 25, 26, 27 and 28, 2003

Councillor Minnan-Wong moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(35):

Moved by: Councillor Minnan-Wong

Seconded by: Councillor Moscoe

“WHEREAS the Aerospace industry is one of the key economic clusters in the City of Toronto and Bombardier Aerospace, as the largest employer, is the anchor company for this industry in Toronto; and

WHEREAS, like other high wage manufacturing companies, Bombardier has a high economic multiplier effect; and

WHEREAS any significant slowdown or layoffs at Bombardier will have impacts on companies and employees that supply, distribute and otherwise support production at Bombardier and on the businesses where Bombardier employees purchase services and products; and

WHEREAS, as the result of a global slowdown in new airline purchases, the Bombardier Aerospace Plant which employs 3,000 people is currently at a risk of having to lay off a large number of employees; and

WHEREAS resolution of the legal dispute between the City of Toronto and the Toronto Port Authority is one of the conditions for enhanced operations at Toronto City Centre Airport which, in turn, will initiate an order for the purchase and production of fifteen new turboprop aircraft to be manufactured at Bombardier’s Downsview plant in Toronto; and

WHEREAS the negotiations and resolution of the terms of agreement have not been finalized

and a report will not be available at this Council meeting; and

WHEREAS the next regular meeting of Council will take place on April 14, 15 and 16, 2003; and

WHEREAS Council is holding a special meeting on February 24, 25, 26, 27 and 28, 2003, for budget purposes;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council also add to the Special Council Meeting an opportunity for the CAO to bring forward a report on this matter.”,

the vote upon which was taken as follows:

Yes - 18 Councillors: Altobello, Augimeri, Balkissoon, Berardinetti, Flint, Hall, Holyday, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Shaw, Silva, Sutherland, Tziretas
No - 13 Councillors: Bussin, Cho, Chow, Di Giorgio, Johnston, Jones, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Shiner

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

Fiscal Impact Statement:

City Council also had before it, for consideration with Notice of Motion J(35), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 11, Page 294)

Disposition:

Having regard that the motion to waive Notice did not carry, Councillor Minnan-Wong gave Notice of the foregoing Motion to permit consideration at the next regular meeting of City Council scheduled to be held on April 14, 2003.

1.130 **Intention to Designate Under Part IV of the Ontario Heritage Act – 18 Fern Avenue**

Councillor Nunziata moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(36), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Nunziata

Seconded by: Councillor Milczyn

“WHEREAS the Toronto Preservation Board passed a motion at its meeting of November 26, 2002, that Culture Division staff report on the designation of the property at 18 Fern Avenue; and

WHEREAS Culture Division staff have prepared a report to be considered at the February 19, 2003 meeting of the Toronto Preservation Board, recommending that it endorse a recommendation requesting that City Council state its intention to designate the property at 18 Fern Avenue; and

WHEREAS the 2½ storey structure at 18 Fern Avenue, known as the John Gardhouse House (with adjoining stable), is a good example of residential architecture in the former Village of Weston and is associated with Edwardian Classicism; and

WHEREAS the property is of historical interest for its association with John Gardhouse, a distinguished cattle breeder who was posthumously elected to the Canadian Agricultural Hall of Fame and who also served as Mayor of Weston, the Reeve of Etobicoke Township and the Warden of York County; and

WHEREAS area residents have expressed concern that the property, consisting of a detached house and stable, is threatened by a redevelopment proposal for the site; and

WHEREAS the designation of the property under Part IV of the Ontario Heritage Act would delay demolition and allow Culture Division staff to explore options to conserve the building; and

WHEREAS City Council, before serving notice of its intention to designate the property under Part IV of the Ontario Heritage Act on the owner, shall consult with the Toronto Preservation Board regarding the proposed designation of the property at 18 Fern Avenue; and

WHEREAS Culture Division staff recommend the designation of the property at 18 Fern Avenue for architectural and historical reasons;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto give notice of its intention to designate the property at 18 Fern Avenue under Part IV of the Ontario Heritage Act for architectural and historical reasons, provided the Toronto Preservation Board endorses the designation;

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(36) to the Humber York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(36), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 11, Page 294)

Procedural Vote:

The vote to waive referral of Motion J(36) to the Humber York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(36) was adopted, without amendment.

1.131 Intention to Designate Under Part IV of the Ontario Heritage Act - 35 Church Street

Councillor Nunziata moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(37), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Nunziata**

Seconded by: **Councillor Milczyn**

“**WHEREAS** the Ward 11 Councillor has been advised by the residents of a potential threat to the property located at 35 Church Street; and

WHEREAS the late 19th century Ontario Cottage located at 35 Church Street, is architecturally and contextually significant as a good example of residential architecture in the

former Village of Weston; and

WHEREAS a proposal to replace the present single detached house with a pair of semi-detached houses was deferred by the Committee of Adjustment for consultation between the developer and the community, and the developer has not yet met with the residents; and

WHEREAS the Culture Division staff are prepared to work with the property owner to develop an appropriate rehabilitation proposal that would retain the heritage character of the residence; and

WHEREAS the designation of the property under Part IV of the Ontario Heritage Act would delay demolition and allow Culture Division staff to explore options to conserve the building; and

WHEREAS Culture Division staff will recommend to the Toronto Preservation Board, at its February 19, 2003 regular meeting, that it endorse the designation of the property located at 35 Church Street; and

WHEREAS Culture Division staff recommend the designation of the property located at 35 Church Street, under Part IV of the Ontario Heritage Act, for its cultural heritage value or interest; and

WHEREAS City Council, before serving notice of its intention to designate the property under Part IV of the Ontario Heritage Act on the owner, shall consult with the Toronto Preservation Board regarding the proposed designation of the property at 35 Church Street;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto give notice of its intention to designate the property at 35 Church Street under Part IV of the Ontario Heritage Act for architectural reasons, provided the Toronto Preservation Board endorses the designation;

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(37) to the Humber York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(37), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 11, Page 294)

Procedural Vote:

The vote to waive referral of Motion J(37) to the Humber York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(37) was adopted, without amendment.

1.132 Hungarian Canadian Cultural Centre and Canadian Mothercraft Society

Councillor Mihevc moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(38), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Mihevc

Seconded by: Councillor Flint

“WHEREAS at its meeting of December 10, 1984, the Council of the former City of Toronto passed By-law No. 10-85, which by-law authorized an exemption from taxes of the land of Hungarian Canadian Cultural Centre (Hungarian House) at 834-840 St. Clair Avenue (the ‘Land’) so long as the Land is occupied and used solely for the purposes of the Centre, pursuant to its authority under the Hungarian Canadian Cultural Centre (Hungarian House) Act, 1983 (the ‘Act’); and

WHEREAS section 3 of the Act provided that the Council of the former City of Toronto may provide that a by-law passed under the Act did not come into force unless the Centre entered into an agreement with the former City of Toronto whereby if the Land is sold, leased or otherwise disposed of, then the taxes foregone in the preceding ten years shall become immediately payable; and

WHEREAS By-law No. 10-85 provides that it became effective as of January 1, 1984, upon the Hungarian Canadian Cultural Centre (Hungarian House) entering into an agreement with the Corporation providing that if the Land is sold, leased or otherwise disposed of, then the taxes foregone in the preceding period of ten years shall immediately become payable to

the City; and

WHEREAS the former City of Toronto and the Hungarian Canadian Cultural Centre (Hungarian House) entered into an agreement dated December 10, 1984 (the 'Agreement'), which provided that if, at any time after the passage of By-law No. 10-85, the Land or any portion of it is sold, leased, granted, transferred or conveyed by the Hungarian Canadian Cultural Centre (Hungarian House), then all taxes foregone by the City pursuant to By-law No. 10-85 during the ten years preceding the sale, lease, grant, transfer or conveyance shall immediately become payable to the City; and

WHEREAS the Agreement also provided that the Agreement shall be registered against the title of the Land as Instrument No. C192751 and the Act provides that if such an agreement is registered on title then the amounts payable under the agreement shall be a lien or charge upon the Land; and

WHEREAS Hungarian Canadian Cultural Centre (Hungarian House) is desirous of leasing a part of their land to the Canadian Mothercraft Society;

NOW THEREFORE BE IT RESOLVED THAT the agreement between the former City of Toronto and the Hungarian Canadian Cultural Centre (Hungarian House) dated December 10, 1984, be terminated and that Instrument No. C192751 be discharged, released, removed from title to the Land, and that authority be granted to give effect hereto;

AND BE IT FURTHER RESOLVED THAT By-law No. 10-85 be amended to delete the condition that the tax exemption only applies upon entering into an agreement requiring the repayment of taxes."

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(38) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(38), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 11, Page 294)

Procedural Vote:

The vote to waive referral of Motion J(38) to the Policy and Finance Committee carried, more than

two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(38) was adopted, without amendment.

1.133 Leaf and Yard Waste Composting Services Request for Proposals #9150-02-7246

Councillor Duguid moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(39), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Duguid

Seconded by: Councillor Disero

“**WHEREAS** City Council at its meeting of November 26, 27, and 28, 2002, by adoption of Clause No. 24 of Report No. 15 of The Policy and Finance Committee, recommended the adoption of the confidential joint report dated October 29, 2002, from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer; and

WHEREAS there were certain errors contained in the recommendations of the said report and it is necessary that the errors be corrected;

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 24 of Report No. 15 of The Policy and Finance Committee, headed ‘Leaf and Yard Waste Composting Services, Request for Proposals No. 9150-02-7246’, be re-opened for further consideration, only insofar as it pertains to correcting the errors in the recommendations embodied in the report dated October 29, 2002, and Council give consideration to the attached confidential report dated February 6, 2003, from the Commissioner of Works and Emergency Services, and that such report be adopted.”

City Council also had before it, during consideration of Motion J(39), a confidential report dated February 6, 2003, from the Commissioner of Works and Emergency Services.

Votes:

The portion of the Operative Paragraph embodied in Motion J(39) pertaining to the re-opening of Clause No. 24 of Report No. 15 of The Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(39) was adopted, without amendment, and, in so doing, Council, adopted, without amendment, the confidential report dated February 6, 2003, from the Commissioner of Works and Emergency 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.

1.134 **Offer of Settlement made by Riva Glade Holdings Inc., Official Plan, Zoning and Site Plan Appeals to the Ontario Municipal Board**

Councillor Walker moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(40), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Walker

Seconded by: Councillor Rae

“WHEREAS Riva Glade Holdings Inc. made application on December 20, 2001, for an Official Plan Amendment, Zoning By-law Amendment and Site Plan to permit the construction of a 27-storey building containing 125 units with underground parking on lands municipally described as 135 St. Clair Avenue West; and

WHEREAS Riva Glade Holdings Inc. appealed all applications, in July 2002, to the Ontario Municipal Board on the basis of Council’s refusal of the applications; and

WHEREAS Council instructed the City Solicitor to attend at the Ontario Municipal Board hearing and retain an outside planner to support its Decision; and

WHEREAS the Ontario Municipal Board hearing is scheduled to commence on February 10, 2003; and

WHEREAS Riva Glade Holdings Inc. has modified its applications by reducing the height and density of the proposed building and is proposing a settlement in accordance with the modifications; and

WHEREAS the outside planner and planning staff of the City are of the opinion that the proposal, as modified, is acceptable from a planning standpoint; and

WHEREAS the local community association is satisfied with the modifications outlined in the report of the City Solicitor, and has, in writing, withdrawn its appeal;

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached confidential report dated February 6, 2003, from the City Solicitor, and that such report be adopted;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Works and Emergency Services be directed to investigate the feasibility of closing Foxbar Road at the southerly limit of the entrance of the Bradgate Arms.”

City Council also had before it, during consideration of Motion J(40), a confidential report dated February 6, 2003, from the City Solicitor.

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(40) to the Midtown Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(40) to the Midtown Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(40) was adopted, without amendment, and, in so doing, Council adopted, without amendment, the confidential report dated February 6, 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 which is subject to solicitor-client privilege, save and except the following recommendations embodied therein:

“It is recommended that:

- (1) Council accept the settlement offer appended to this report as attachments ‘A and 1A’; and
- (2) the City Solicitor appear before the Ontario Municipal Board in support of the settlement and to ensure that the implementing planning documents are reflective of the terms of settlement.”

1.135 Extension for Promotions Link Inc. to Comply With Licensing Agreement

Councillor Korwin-Kuczynski moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(41), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Korwin-Kuczynski

Seconded by: Councillor Pantalone

“WHEREAS at its meeting held on November 26, 27 and 28, 2002, City Council adopted, without amendment, Notice of Motion J(16), headed ‘PATH Walkway System - Promotions Link Inc. - Proposal for a Public Access Terminal System’; and

WHEREAS Promotions Link Inc. has failed to meet the requirements of the Licensing Agreement as directed by City Council; and

WHEREAS to date, no functional publicly accessible interactive terminals have been installed in the PATH Walkway system; and

WHEREAS City Council directed staff to terminate the Licensing Agreement upon non-compliance; and

WHEREAS Promotions Link Inc. has reported that they have entered into an agreement with Seimens Canada and other entities to provide six (6) terminals on February 3, 2003, on a letter of credit by Promotions Link Inc. to the City; and

WHEREAS their partners could not provide the way-finding technology (Global Positioning Systems) on time;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code that Notice of Motion J(16), headed ‘PATH Walkway System - Promotions Link Inc. - Proposal for a Public Access Terminal System’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT City Council direct staff to extend the Licensing Agreement with Promotions Link Inc. for ninety (90) days, thus giving them one last chance to fully comply with the terms and conditions of the Licensing Agreement.”

Votes:

The first Operative Paragraph embodied in Motion J(41) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(41) was adopted, without amendment.

1.136 **Revised Meeting Dates for Budget Advisory and Policy and Finance Committees**

Councillor Shiner moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(42), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Shiner

Seconded by: Councillor Soknacki

“**WHEREAS** the Budget Advisory Committee has had to cancel its meetings scheduled to be held on February 10 and 11, 2003, having regard that City Council has continued to meet; and

WHEREAS the Budget Advisory Committee may need additional time to further review the 2003 Capital and Operating Budgets;

NOW THEREFORE BE IT RESOLVED THAT a meeting of the Budget Advisory Committee be scheduled on February 18, 2003, in order that the Budget Advisory Committee may give further consideration to the 2003 Capital and Operating Budgets;

AND BE IT FURTHER RESOLVED THAT the meeting of the Policy and Finance Committee scheduled to be held on February 18, 2003, be rescheduled to February 19, 2003, or at the call of the Mayor.”

City Council also had before it, during consideration of Motion J(42), a revised meeting schedule for February 2003, which is on file in the Office of the City Clerk.

Vote:

Motion J(42) was adopted, without amendment.

1.137 **Ontario Municipal Board Hearing - April 8, 2003 - 102 Castlefield Avenue**

Councillor Johnston moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(43), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Johnston

Seconded by: Councillor McConnell

“WHEREAS on November 8, 2002, the Midtown Committee of Adjustment unanimously refused an application for variance from provisions of the Toronto Zoning By-law, as amended, to construct a three storey semi-detached dwelling on the above-noted property; and

WHEREAS the Director of Planning for the South District respectfully recommended that the Committee of Adjustment refuse the below grade variance; and

WHEREAS additional variances are required for the proposed gross floor area, front yard setback, building length, building depth and the below-grade integral garage; and

WHEREAS the applicant has appealed the November 8, 2002 refusal decision to the Ontario Municipal Board; and

WHEREAS the Board will hear the appeal on April 8, 2003; and

WHEREAS the community has requested that City Council direct the City Solicitor to attend the Ontario Municipal Board in support of the November 8, 2002 decision of the Committee of Adjustment; and

WHEREAS the time sensitive nature of this request requires the endorsement of City Council;

NOW THEREFORE BE IT RESOLVED THAT Council direct the City Solicitor to attend the Ontario Municipal Board on April 8, 2003, at the hour of 10:00 a.m.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(43) to the Midtown Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(43) to the Midtown Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(43) was adopted, without amendment.

1.138 **Ontario Municipal Board Hearing – 32 Eastern Avenue**

Councillor McConnell moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(44), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor McConnell

Seconded by: Councillor Johnston

“WHEREAS the owners of 32 Eastern Avenue applied to the Committee of Adjustment for certain variances to permit their use; and

WHEREAS the Committee of Adjustment refused their application; and

WHEREAS the owner has appealed the Committee of Adjustment refusal of their application to the Ontario Municipal Board for a one-day hearing on April 3, 2003;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor and City Planning staff attend the hearing in support of the Committee of Adjustment’s refusal.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(44) to the Toronto East York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(44) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(44) was adopted, without amendment.

- 1.139 Consideration of the following matters was deferred to the next regular meeting of City Council scheduled to be held on April 14, 2003, having regard that they remained on the Order Paper at the conclusion of this meeting of Council:

REPORT NO. 14 OF THE ADMINISTRATION COMMITTEE

- Clause No. 32a - "Improving the Quality of Property Assessment Services Delivered to Ontario Municipalities and Ratepayers".

REPORT NO. 10 OF THE ECONOMIC DEVELOPMENT AND PARKS COMMITTEE

- Clause No. 9a - "Results: Film and Television Investment Attraction (All Wards)".

REPORT NO. 1 OF THE POLICY AND FINANCE COMMITTEE

- Clause No. 24 - "Policy on Political Activities for Grant Recipients".

REPORT NO. 1 OF THE ADMINISTRATION COMMITTEE

- Clause No. 1 - "Use of Communications Services and Resources During an Election Year".
- Clause No. 2 - "Use of Corporate Resources for Election Purposes Especially During a Municipal Election Year".
- Clause No. 13 - "70 Birmingham Street - Purchase of Land for the Toronto Police Service Firearms/Defensive Tactics and Applicant Testing Facility (Ward 6 - Etobicoke-Lakeshore)".
- Clause No. 16 - "External Human Rights Investigation".
- Clause No. 19 - "Other Items Considered by the Committee".
Item (o) - Donation of Community Waterplay Area at Fennimore Park (Ward 7 - York West)

REPORT NO. 2 OF THE ADMINISTRATION COMMITTEE

- Clause No. 3 - "Tenant Outreach Program 2003 Election Tenant Information Program".
- Clause No. 27 - "Other Items Considered by the Committee".

- Item (b) - Donation of Community Waterplay Area at Fennimore Park (Ward 7 - York West); and
- Item (c) - Toronto Olympic Plebiscite

REPORT NO. 1 OF THE COMMUNITY SERVICES COMMITTEE

- Clause No. 2 - “Delegation of Authority to the City Solicitor to Commence Legal Proceedings to Recover Childcare Subsidy Overpayment”.

REPORT NO. 2 OF THE COMMUNITY SERVICES COMMITTEE

- Clause No. 7 - “Childcare Occupancy Cost Agreements with the Boards of Education”.

REPORT NO. 1 OF THE WORKS COMMITTEE

- Clause No. 9 - “Other Items Considered by the Committee”.
Item (e) - Etobicoke Public Attitude Survey of Outdoor Green Bins

REPORT NO. 1 OF THE MIDTOWN COMMUNITY COUNCIL

- Clause No. 31 - “56 Haslemere Road - Removal of Two City Owned Trees (Don Valley West - Ward 25)”.
- Clause No. 32 - “170 Dawlish Avenue - Removal of One City Owned Tree (Don Valley West - Ward 25)”.
- Clause No. 33 - “87 Heathcote Avenue - Request to Remove One City Owned Tree (Don Valley West - Ward 25)”.

NOTICES OF MOTION

- F(1) Moved by Councillor Di Giorgio, seconded by Councillor Li Preti, regarding Proposed ‘Super Hospital’ – Keele Street and Sheppard Avenue West.
- F(2) Moved by Councillor Chow, seconded by Councillor Miller, regarding Support to Defend Against the Appeal With Respect to the Sale of Hydro One.
- F(3) Moved by Councillor Bussin, seconded by Councillor Jones, regarding City Employees Strike - Summer of 2002.
- F(4) Moved by Councillor Walker, seconded by Councillor Moscoe, regarding Proposal for a Two-Year Rent Freeze.

J(2) Moved by Councillor Moscoe, seconded by Councillor Holyday, regarding Establishment of Four Community Councils.

BILLS AND BY-LAWS

1.140 On February 4, 2003, at 7:50 p.m., Councillor Lindsay Luby, seconded by Councillor Mammoliti, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 133	By-law No. 1-2003	To confirm the proceedings of the Council at its meeting held on the 4th day of February, 2003,
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the vote upon which was taken as follows:

Yes - 26	
Mayor:	Lastman
Councillors:	Ashton, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, McConnell, Milczyn, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Soknacki, Tziretas, Walker
No - 0	

Carried, without dissent.

1.141 On February 5, 2003, at 7:28 p.m., Councillor Duguid, seconded by Councillor Holyday, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 134	By-law No. 2-2003	To confirm the proceedings of the Council at its meeting held on the 4th and 5th days of February, 2003,
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the vote upon which was taken as follows:

Yes - 31

Councillors:	Ashton, Augimeri, Balkissoon, Cho, Chow, Di Giorgio, Duguid, Feldman, Hall, Holyday, Johnston, Jones, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 1	
Councillor:	Flint

Carried by a majority of 30.

- 1.142 On February 6, 2003, at 5:44 p.m., Councillor Mammoliti, seconded by Councillor Duguid, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 135	By-law No. 3-2003	To confirm the proceedings of the Council at its meeting held on the 4th, 5th and 6th days of February, 2003,
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the vote upon which was taken as follows:

Yes - 34	
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Sutherland, Tziretas, Walker
No - 2	
Councillors:	Kelly, Moeser

Carried by a majority of 32.

- 1.143 On February 7, 2003, at 9:51 a.m., Councillor Silva, seconded by Councillor Minnan-Wong, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws:

Bill No. 1	By-law No. 4-2003	To stop up and close a portion of Willard Gardens and a portion of Briarcroft Road, adjacent to 15 Briarcroft Road, and to
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		authorize the sale thereof.
Bill No. 2	By-law No. 5-2003	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known as 79 and 81 Florence Street.
Bill No. 3	By-law No. 6-2003	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known as 201 Carlaw Avenue.
Bill No. 4	By-law No. 7-2003	To amend By-law No. 3491-80 of the former Borough of York, being a By-law "To provide for night-time parking of motor vehicles on Borough of York highways".
Bill No. 5	By-law No. 8-2003	To amend By-law No. 3491-80 of the former Borough of York, being a By-law "To provide for night-time parking of motor vehicles on Borough of York highways".
Bill No. 6	By-law No. 9-2003	To amend By-law No. 2958-94 of the former City of York, being a By-law "To regulate traffic on City of York Roads".
Bill No. 7	By-law No. 10-2003	To amend By-law No. 196-84 of the former City of York, being a By-law "To regulate traffic on City of York Roads".
Bill No. 8	By-law No. 11-2003	To amend By-law No. 196-84 of the former City of York, being a By-law "To regulate traffic on City of York Roads".
Bill No. 9	By-law No. 12-2003	To amend By-law No. 2958-94 of the former City of York, being a By-law "To regulate traffic on City of York Roads".

Bill No. 10	By-law No. 13-2003	To amend By-law No. 196-84 of the former City of York, being a By-law "To regulate traffic on City of York Roads".
Bill No. 11	By-law No. 14-2003	To amend By-law No. 2958-94 of the former City of York, being a By-law "To regulate traffic on City of York Roads".
Bill No. 12	By-law No. 15-2003	To permanently close part of the public highway Viking Road.
Bill No. 13	By-law No. 16-2003	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the fence on the property municipally known as 16 Woodthorpe Road from the maximum height requirements.
Bill No. 14	By-law No. 17-2003	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II.
Bill No. 15	By-law No. 18-2003	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II.
Bill No. 16	By-law No. 19-2003	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II.
Bill No. 17	By-law No. 20-2003	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 18	By-law No. 21-2003	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 19	By-law No. 22-2003	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.

Bill No. 20	By-law No. 23-2003	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 21	By-law No. 24-2003	To permanently close a below-grade portion of the public lane west of Yonge Street, extending southerly from Scollard Street, abutting Premises Nos. 11 and 21 Scollard Street.
Bill No. 22	By-law No. 25-2003	To permanently close the public lane abutting premises No. 9 Davenport Road and Frank Stollery Parkette.
Bill No. 23	By-law No. 26-2003	To permanently close a portion of the Oak Park Avenue road allowance, abutting premises No. 457 Oak Park Avenue.
Bill No. 24	By-law No. 27-2003	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt a portion of the fence on the property municipally known as 1318 Warden Avenue from the maximum height requirements.
Bill No. 25	By-law No. 28-2003	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 26	By-law No. 29-2003	To amend By-law No. 31878, as amended, of the former City of North York.
Bill No. 27	By-law No. 30-2003	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 28	By-law No. 31-2003	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 29	By-law No. 32-2003	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 30	By-law No. 33-2003	To amend By-law No. 31001 of the former City of North York, as amended.

Bill No. 31	By-law No. 34-2003	To amend By-law No. 31878, as amended, of the former City of North York.
Bill No. 32	By-law No. 35-2003	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 33	By-law No. 36-2003	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 34	By-law No. 37-2003	To amend By-law No. 31878, as amended, of the former City of North York.
Bill No. 35	By-law No. 38-2003	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 36	By-law No. 39-2003	To amend By-law No. 32759, as amended, of the former City of North York.
Bill No. 37	By-law No. 40-2003	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 38	By-law No. 41-2003	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 39	By-law No. 42-2003	To enact a by-law pursuant to Chapter 134 of the Etobicoke Municipal Code, a by-law providing for the designation of fire routes in the geographic area of Etobicoke, a by-law of the former City of Etobicoke.
Bill No. 40	By-law No. 43-2003	To amend Chapter 134 of the Etobicoke Municipal Code, a by-law providing for the construction and maintenance of fire routes in the geographic area of Etobicoke, a by-law of the former City of Etobicoke.
Bill No. 41	By-law No. 44-2003	To amend City of Toronto Municipal Code Chapter 19, "Business Improvement Areas", to make changes to the size of various Business Improvement Area

Boards of Management.

Bill No. 42	By-law No. 45-2003	To amend the City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to include the new Church-Wellesley Business Improvement Area and to establish a Board of Management for the Church -Wellesley Business Improvement Area.
Bill No. 43	By-law No. 46-2003	To designate an area on the south side of Eglinton Avenue from Falmouth Avenue to just west of Brimley Road as an improvement area.
Bill No. 44	By-law No. 47-2003	To permanently close the portion of Borough Drive located between Triton Road and Progress Avenue.
Bill No. 45	By-law No. 48-2003	To permanently close the public lane extending southerly from Charles Street East, west of Jarvis Street, abutting Premises Nos. 580 Jarvis Street and 103 Charles Street East.
Bill No. 46	By-law No. 49-2003	To adopt Amendment No. 110-2003 to the Official Plan of the Etobicoke Planning Area in order to implement a site-specific amendment affecting the lands located on the west side of Rabbit Lane, north of Robin Glade Drive, municipally known as 40 Rabbit Lane.
Bill No. 47	By-law No. 50-2003	To amend By-law No. 618-1999 authorizing the alteration of Shaw Street by the installation of speed humps from Marchmount Road to Wychrest Avenue to permit the installation of an additional speed hump on Shaw Street between Dupont Street and Marchmount Road.

Bill No. 48	By-law No. 51-2003	To amend Chapter 937, Temporary Closing of Highways, of the City of Toronto Municipal Code to delegate to the Commissioner of Works and Emergency Services the ability to temporarily close the public highways required for the purposes of the Molson Indy race in 2003 and 2004.
Bill No. 49	By-law No. 52-2003	To amend Section 15 of By-law No. 438-86 of the former City of Toronto respecting the Index of Exceptions.
Bill No. 50	By-law No. 53-2003	To establish a Bloor Street Transformation Project Reserve Fund, and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 51	By-law No. 54-2003	To establish a Toronto Fire Services Public Education Reserve Fund, and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 52	By-law No. 55-2003	To layout and dedicate certain land for public highway purposes to form part of the public highway Gerrard Street East.
Bill No. 54	By-law No. 56-2003	To provide for the levy and collection of 2003 interim realty taxes and penalties for non-payment thereof.
Bill No. 55	By-law No. 57-2003	To remove a Site Plan Control Area.
Bill No. 56	By-law No. 58-2003	To amend Scarborough Zoning By-law No. 24982, the Employment Districts Zoning By-law (Golden Mile and Milliken); and to amend By-law No. 1128-2001 (OMB), being a by-law to amend the Employment Districts Zoning By-law

		No. 24982 (Marshalling Yard); and to amend Scarborough Zoning By-law No. 9508, the Dorset Park Community Zoning By-law; and to amend Scarborough Zoning By-law No. 10048, the Eglinton Community Zoning By-law; and to amend Scarborough Zoning By-law No. 12466, the L'Amoreaux Community Zoning By-law.
Bill No. 57	By-law No. 59-2003	To adopt Amendment No. 1099 of the Official Plan for the former City of Scarborough.
Bill No. 58	By-law No. 60-2003	To amend Scarborough Zoning By-law No. 9350, as amended, with respect to the Bendale Community.
Bill No. 59	By-law No. 61-2003	To amend By-law No. 196-84 of the former City of York, being a By-law "To regulate traffic on City of York Roads".
Bill No. 60	By-law No. 62-2003	To amend By-law No. 2958-94 of the former City of York, being a By-law "To regulate traffic on City of York Roads".
Bill No. 61	By-law No. 63-2003	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 62	By-law No. 64-2003	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 63	By-law No. 65-2003	To amend further By-law No. 92-93, a By-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York.

Bill No. 64	By-law No. 66-2003	To amend further By-law No. 271, a By-law "To prohibit parking on certain sides of certain highways", being a By-law of the former Borough of East York.
Bill No. 65	By-law No. 67-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 66	By-law No. 68-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bingham Avenue, Brunswick Avenue and Coady Avenue.
Bill No. 67	By-law No. 69-2003	To amend further By-law No. 92-93, a By-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York.
Bill No. 68	By-law No. 70-2003	To amend further By-law No. 92-93, a By-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York.
Bill No. 69	By-law No. 71-2003	To rename the public highway Candida Gate as "Ravenscroft Circle".
Bill No. 70	By-law No. 72-2003	To amend Scarborough No. 24982, the Employment Districts Zoning By-law (Progress).
Bill No. 71	By-law No. 73-2003	To amend City of North York By-law No. 7625 in respect of lands municipally known as 261 Finch Avenue West.
Bill No. 72	By-law No. 74-2003	To adopt Amendment No. 534 of the Official Plan for the City of North York in respect of lands municipally as 73 and 75 Finch Avenue West.
Bill No. 73	By-law No. 75-2003	To amend City of North York By-law

		No. 7625, as amended, with respect to the lands known municipally as 73 and 75 Finch Avenue West.
Bill No. 74	By-law No. 76-2003	To name the public lane 45.6 metres north of Barton Avenue extending westerly from Pendrith Lane as “St. Raymond Heights”.
Bill No. 75	By-law No. 77-2003	To exempt the Phase 1 lands municipally known as 39 Green Belt Drive from Part Lot Control.
Bill No. 76	By-law No. 78-2003	To exempt the Phase 2 lands municipally known as 39 Green Belt Drive from Part Lot Control.
Bill No. 77	By-law No. 79-2003	To exempt certain lands known municipally as 130, 132 and 134 Finch Avenue East from Part Lot Control.
Bill No. 78	By-law No. 80-2003	To exempt certain lands known municipally as 388, 398, 400, 402 and 404 Clinton Street from Part Lot Control.
Bill No. 79	By-law No. 81-2003	To exempt certain lands known municipally as 81 Prince Edward Drive from Part Lot Control.
Bill No. 80	By-law No. 82-2003	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 81	By-law No. 83-2003	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 82	By-law No. 84-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Dunloe Road, Davenport Road, Keewatin Avenue and Minho Boulevard.

Bill No. 83	By-law No. 85-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Clendenan Avenue, Fuller Avenue, Marion Street and Ossington Avenue.
Bill No. 84	By-law No. 86-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Ellis Park Road, Franklin Avenue, Indian Road, Kenneth Avenue, Sheridan Avenue, Springmount Avenue, Lane first south of Davenport Road between Ossington Avenue and Somerset Avenue, Lane system south of Geoffrey Street and north of Westminster Avenue.
Bill No. 85	By-law No. 87-2003	To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to the subject lands located on the south side of Dixon Road, mid-block between Martin Grove Road and Kelfield Street, municipally known as 585 Dixon Road.
Bill No. 86	By-law No. 88-2003	To establish a Board of Management for the Rosedale-Summerhill Business Improvement Area.
Bill No. 87	By-law No. 89-2003	To amend East York Zoning By-law No. 6752, as amended with respect to the O'Connor Business Area.
Bill No. 88	By-law No. 90-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Gerrard Street East, Glen Manor Drive, Irene Avenue, Logan Avenue, Shaftesbury Avenue, Shaw Street, St. Patrick Street and Williamson Road.

Bill No. 89	By-law No. 91-2003	To adopt Amendment No. 526 of the Official Plan for the City of North York in respect of lands municipally known as 45-75 Four Winds Drive.
Bill No. 90	By-law No. 92-2003	To amend City of North York By-law No. 7625 and By-law No. 22134 and to repeal City of North York By-law No. 31896 in respect of lands municipally known as 45-75 Four Winds Drive.
Bill No. 91	By-law No. 93-2003	To amend further City of Toronto Municipal Code Chapter 545, Licensing, Relative to a Three Day Taxicab Driver Refresher Training Course.
Bill No. 92	By-law No. 94-2003	To adopt Amendment No. 104-2002 to the Official Plan of the Etobicoke Planning Area in order to implement a site-specific amendment affecting lands located on the north side of Lake Shore Boulevard West, between Legion Road and Mimico Creek, municipally known as 2242 and 2246 Lake Shore Boulevard West.
Bill No. 93	By-law No. 95-2003	To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on the north side of Lake Shore Boulevard West, between Legion Road and Mimico Creek, municipally known as 2242 and 2246 Lake Shore Boulevard West.
Bill No. 94	By-law No. 96-2003	To declare the council seat for Ward 30 - Toronto-Danforth vacant.
Bill No. 95	By-law No. 97-2003	To amend By-law No. 196-84 of the former City of York, being a By-law "To regulate traffic on City of York Roads".
Bill No. 96	By-law No. 98-2003	To amend By-law No. 2958-94 of the former City of York, being a By-law "To

		regulate traffic on City of York Roads”.
Bill No. 97	By-law No. 99-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Littleyork Road.
Bill No. 98	By-law No. 100-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Glasgow Street.
Bill No. 99	By-law No. 101-2003	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known as Nos. 837 and 837R Yonge Street.
Bill No. 100	By-law No. 102-2003	To amend the Official Plan of the former City of Toronto in respect of the lands known as 11 Elm Grove Avenue.
Bill No. 101	By-law No. 103-2003	To amend the General Zoning By-law No. 438-86 of the former City of Toronto in respect of the lands known as 11 Elm Grove Avenue.
Bill No. 102	By-law No. 104-2003	To amend the Official Plan of the former City of Toronto in respect of the lands known as 11A Elm Grove Avenue.
Bill No. 103	By-law No. 105-2003	To amend the General Zoning By-law No. 438-86 of the former City of Toronto in respect of the lands known as 11A Elm Grove Avenue.
Bill No. 104	By-law No. 106-2003	To amend the Official Plan of the former City of Toronto in respect of the lands known as 143 Dowling Avenue.
Bill No. 105	By-law No. 107-2003	To amend the General Zoning By-law No. 438-86 of the former City of Toronto in respect of the lands known as 143 Dowling Avenue.

Bill No. 106	By-law No. 108-2003	To amend the General Zoning By-law No. 438-86 of the former City of Toronto in respect of the lands known as 119 Dowling Avenue.
Bill No. 107	By-law No. 109-2003	To amend the General Zoning By-law No. 438-86 of the former City of Toronto in respect of the lands known as 28 Maynard Avenue.
Bill No. 108	By-law No. 110-2003	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 109	By-law No. 111-2003	To repeal By-law No. 476-2002 and to re-enact City of Toronto Municipal Code Chapter 591, Noise.
Bill No. 110	By-law No. 112-2003	To authorize temporary borrowing to meet expenditures made in connection with a work to be financed by the issue of debentures or bank loan agreements for the year 2003.
Bill No. 111	By-law No. 113-2003	To authorize the temporary borrowing of moneys to meet the current expenditures of the City of Toronto for the year 2003.
Bill No. 112	By-law No. 114-2003	To authorize agreements respecting the issue and sale of debentures for the year 2003.
Bill No. 113	By-law No. 115-2003	To designate the South Rosedale area as a heritage conservation district. (amended)
Bill No. 114	By-law No. 116-2003	To amend By-law No. 10-85 of the former City of Toronto.
Bill No. 115	By-law No. 117-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Primrose Avenue.

Bill No. 116	By-law No. 118-2003	To amend further By-law No. 271, a By-law "To prohibit parking on certain sides of certain highways", being a By-law of the former Borough of East York.
Bill No. 117	By-law No. 119-2003	To amend further By-law No. 92-93, a By-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York.
Bill No. 118	By-law No. 120-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Minho Boulevard.
Bill No. 119	By-law No. 121-2003	To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to the subject lands located on the southwest corner of Lloyd Manor Road and Eglinton Avenue, municipally known as 230 Lloyd Manor Road.
Bill No. 122	By-law No. 122-2003	To amend former City of York By-law No. 1-83 with respect to the lands municipally known as 203, 205 and 207 Raglan Avenue.
Bill No. 123	By-law No. 123-2003	To make technical amendments to City of Toronto Municipal Code Chapter 658, Ravine Protection.
Bill No. 124	By-law No. 124-2003	To amend Chapter 910, Parking Machines, of the Municipal Code of the City of Toronto, to replace parking meters with parking machines on certain streets within the City of Toronto,

the vote upon which was taken as follows:

Yes - 30
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Fillion, Hall, Holyday, Jones, Korwin-Kuczynski, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Shiner, Silva, Sutherland, Tziretas, Walker
No - 0

Carried, without dissent.

- 1.144 On February 7, 2003, at 4:55 p.m., Councillor Holyday, seconded by Councillor Lindsay Luby, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws:

Bill No. 125	By-law No. 125-2003	To amend Municipal Code Chapter, 636, Public Squares, to extend the Nathan Phillips Square non-discrimination guidelines to other squares.
Bill No. 126	By-law No. 126-2003	To provide for the use of the Road and Sidewalk Repair, Maintenance, and Reconstruction Reserve Fund for the purpose of funding the legal fees and costs of a legal proceeding before the Supreme Court of Canada.
Bill No. 127	By-law No. 127-2003	To exempt certain lands known municipally as 95 - 101 Grand Avenue from Part Lot Control.
Bill No. 128	By-law No. 128-2003	To amend By-law No. 1129-87 of the former City of York, being a By-law "To prescribe a speed limit of 40 kilometres per hour, on various streets in City of York".
Bill No. 129	By-law No. 129-2003	To amend By-law No. 196-84 of the former City of York, being a By-law "To regulate traffic on City of York Roads".

Bill No. 130	By-law No. 130-2003	To amend By-law No. 2958-94 of the former City of York, being a By-law "To regulate traffic on City of York Roads".
Bill No. 131	By-law No. 131-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Fairview Boulevard,

the vote upon which was taken as follows:

Yes - 31 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Ford, Hall, Holyday, Jones, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 2 Councillors:	Kelly, Li Preti

Carried by a majority of 29.

- 1.145 On February 7, 2003, at 4:56 p.m., Councillor Augimeri, seconded by Councillor Berardinetti, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 136	By-law No. 132-2003	To confirm the proceedings of the Council at its Special meeting held on February 7, 2003,
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the vote upon which was taken as follows:

Yes - 27 Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Ford, Hall, Holyday, Jones, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Tziretas, Walker
No - 2 Councillors:	Kelly, Li Preti

Carried by a majority of 25.

- 1.146 On February 10, 2003, at 5:11 p.m., Councillor Holyday, seconded by Councillor Moscoe, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 137	By-law No. 133-2003	To confirm the proceedings of the Council at its Special Meeting held on the 10th day of February, 2003, with the exception of those matters related Clause No. 7 of Report No. 1 of The Policy and Finance Committee, headed "The City's Investment in Enwave District Energy Limited",
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the vote upon which was taken as follows:

Yes - 29 Councillors: Altobello, Ashton, Balkissoon, Bussin, Cho, Disero, Duguid, Flint, Ford, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pitfield, Rae, Shaw, Sutherland, Walker
No - 0

Carried, without dissent.

- 1.147 On February 10, 2003, at 5:12 p.m., Councillor Holyday, seconded by Councillor Moscoe, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 138	By-law No. 134-2003	To confirm the proceedings of the Council at its Special Meeting held on the 10th day of February, 2003, with respect to Clause No. 7 of Report No. 1 of The Policy and Finance Committee, headed "The City's Investment in Enwave District Energy Limited",
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the vote upon which was taken as follows:

Yes - 15 Councillors: Ashton, Bussin, Disero, Flint, Holyday, Johnston, Jones, Li Preti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Pantalone, Rae
No - 14 Councillors: Altobello, Balkissoon, Cho, Duguid, Ford, Kelly, Korwin-Kuczynski, Lindsay Luby, Moscoe, Nunziata, Ootes, Pitfield, Sutherland, Walker

Carried by a majority of 1.

- 1.148 On February 10, 2003, at 5:59 p.m., Councillor Shiner, seconded by Councillor Johnston, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 121	By-law No. 135-2003	To change the purposes of the Water Capital Reserve Fund, and to amend Municipal Code Chapter 227, Reserves and Reserve Funds accordingly. (amended),
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the vote upon which was taken as follows:

Yes - 15 Councillors: Bussin, Chow, Disero, Flint, Johnston, Jones, Kelly, McConnell, Mihevc, Milczyn, Pantalone, Rae, Shaw, Shiner, Tziretas
No - 12 Councillors: Altobello, Balkissoon, Cho, Duguid, Ford, Holyday, Korwin-Kuczynski, Lindsay Luby, Moscoe, Nunziata, Ootes, Walker

Carried by a majority of 3.

- 1.149 On February 11, 2003, at 5:16 p.m., Councillor Soknacki, seconded by Councillor Moscoe, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law, which carried:

Bill No. 139	By-law No. 136-2003	To confirm the proceedings of the Council at its Special Meeting held on the 10th and
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11th days of February, 2003.

Councillor Ford requested that his opposition to this Bill be noted in the Minutes of this meeting.

- 1.150 On February 11, 2003, at 5:28 p.m., Councillor Pitfield, seconded by Councillor Rae, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws:

Bill No. 120	By-law No. 137-2003	To amend Article XV, Audit Committee, Chapter 27, Council Procedures of the City of Toronto Municipal Code to accommodate a new Audit Framework.
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Bill No. 132	By-law No. 138-2003	To adopt a Municipal Shelter By-law,
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the vote upon which was taken as follows:

Yes - 25	
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Flint, Johnston, Jones, Korwin-Kuczynski, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Pantalone, Pitfield, Rae, Silva, Soknacki, Walker
No - 8	
Councillors:	Balkissoon, Ford, Holyday, Moeser, Nunziata, Shaw, Sutherland, Tziretas

Carried by a majority of 17.

- 1.151 On February 11, 2003, at 6:45 p.m., Councillor Berardinetti, seconded by Councillor Silva, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 140	By-law No. 139-2003	To confirm the proceedings of the Council at its Special Meeting held on the 10th and 11th days of February, 2003,
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the vote upon which was taken as follows:

Yes - 24 Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Chow, Di Giorgio, Duguid, Holyday, Johnston, Jones, Korwin-Kuczynski, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pitfield, Rae, Shiner, Silva, Sutherland, Tziretas
No - 1 Councillor:	Ford

Carried by a majority of 23.

- 1.152 On February 11, 2003, at 6:51 p.m., Councillor Moscoe, seconded by Councillor Holyday, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 141	By-law No. 140-2003	To confirm the proceedings of the Council at its Special Meeting held on the 10th and 11th days of February, 2003,
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the vote upon which was taken as follows:

Yes - 21 Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Duguid, Holyday, Johnston, Jones, Korwin-Kuczynski, McConnell, Mihevc, Minnan-Wong, Ootes, Pitfield, Rae, Shiner, Silva, Tziretas
No - 2 Councillors:	Chow, Ford

Carried by a majority of 19.

The following Bill was not introduced prior to Council's adjournment. It will be resubmitted to Council:

Bill No. 53 To authorize the entering into of an agreement for the provision of Municipal Capital Facilities, namely a Municipal Housing Project Facility on land on the north side of Bergamot Avenue, west of Islington Avenue.

OFFICIAL RECOGNITIONS:1.153 **Condolence Motions****February 4, 2003:**

Councillor Berardinetti, seconded by Councillor Duguid, moved that:

“**WHEREAS** the Members of City Council are deeply saddened to learn that James Francis ‘Frank’ Drea passed away on Wednesday, January 15, 2003; and

WHEREAS Frank Drea worked as a journalist for various newspapers, including the Toronto Telegram, and helped to pioneer the consumer help column, now carried in so many newspapers; and

WHEREAS Frank Drea represented the Provincial riding of Scarborough Centre from 1971 to 1985, as a Member of Provincial Parliament; and

WHEREAS Frank Drea held several cabinet posts, including Minister of Correctional Services, Minister of Consumer and Commercial Relations and Minister of Community and Social Services; and

WHEREAS Frank Drea represented his constituents with distinction, as demonstrated by his receipt of the Cody Award from the St. Leonard’s Society of Canada and was recognized for his services and commitment to the cause of community-based residential centres in Canada and humanitarian advancement;

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

Councillor Shaw, seconded by Councillor Balkissoon, moved that:

“**WHEREAS** the City of Toronto recognizes and acknowledges the volunteer contributions of individuals in all communities; and

WHEREAS the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Andrew McLeod; and

WHEREAS Mr. McLeod was one of the founding members of the Scarborough Race Relations Committee; and

WHEREAS Mr. McLeod worked tirelessly in Trintocan, a group dedicated to the social and other service needs of Caribbean people, particularly from Trinidad and Tobago; and

WHEREAS Mr. McLeod raised funds and sent wheelchairs for the disabled in the Caribbean, who were unable to afford it; and

WHEREAS Mr. McLeod was primarily responsible for the raising of funds assisting in the separation of Siamese twins, who have recently expressed their appreciation for his successful efforts; and

WHEREAS Mr. McLeod dedicated most of his volunteer time to improving race relations in Toronto through his participation on various committees;

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

Councillor Pitfield, seconded by Councillor Ootes, moved that:

“**WHEREAS** the Members of City Council are deeply saddened to learn that Perry Clarke Joyce passed away on December 31, 2002, at the age of 34; and

WHEREAS Perry Clarke Joyce was a tirelessly devoted community person with a desire to make his community and City a better place; and

WHEREAS Perry Clarke Joyce served on the Board of Directors for the Jenner Jean-Marie Community Centre in Thorncliffe Park and as the Communications Co-ordinator for the Pape Village Business Improvement Area; and

WHEREAS Perry Clarke Joyce began his career as journalist with the East York Times, prior to becoming a writer for the East York Mirror and the York Guardian; and

WHEREAS Perry Clarke Joyce worked to help promote small business through his communications company, which he created so that he could devote time to raising his daughter Samantha; and

WHEREAS Perry Clarke Joyce was a dedicated husband, and looking forward to the birth of his second child;

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

Leave to introduce the foregoing Motions was granted and the Motions were carried unanimously.

Council rose and observed a moment of silence in memory of the late Frank Drea, Andrew McLeod and Perry Clarke Joyce.

February 5, 2003:

Councillor Nunziata, seconded by Mayor Lastman, moved that:

“WHEREAS the Mayor and Members of City Council are deeply saddened to learn about the passing of the seven students from Strathcona-Tweedsmuir School; and

WHEREAS Jeff Trickett, Alex Patillo, Daniel Arato, Ben Albert, Marissa Staddon, Michael Shaw and Scott Broshko were grade 10 high school students on a skiing field trip near Revelstoke, British Columbia; and

WHEREAS these innocent children’s lives were taken from them by an avalanche 500 metres wide in Glacier National park on Saturday, February 1, 2003; and

WHEREAS citizens across Canada are shocked and saddened by the enormous and unpredictable tragedy experienced by the grief-stricken families and friends of the seven young people;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to the families of Jeff Trickett, Alex Patillo, Daniel Arato, Ben Albert, Marissa Staddon, Michael Shaw and Scott Broshko.”

Councillor Ashton, seconded by Councillor Kelly, moved that:

“WHEREAS City Council is saddened to hear of the passing of Dick Shatto, who retired in 1965 as the best offensive player in the history of the Toronto Argos; and

WHEREAS Mr. Shatto expressed the wish to have his ashes scattered at Exhibition Stadium;

NOW THEREFORE BE IT RESOLVED THAT Council request the Board of Governors of Exhibition Place to discuss with the family of Mr. Shatto, the arrangements to carry out Mr. Shatto’s wishes and the matter of any other suitable memorial to Mr. Shatto’s CFL career;

AND BE IT FURTHER RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to the family of Mr. Shatto.”

Leave to introduce the foregoing Motions was granted and the Motions were carried unanimously.

Council rose and observed a moment of silence in memory of the late Jeff Trickett, Alex Patillo, Daniel Arato, Ben Albert, Marissa Staddon, Michael Shaw, Scott Broshko and Dick Shatto.

1.154 **Presentations/Introductions/Announcements:**

February 4, 2003:

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students of the Victoria Street Linc Program, present at the meeting.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced the students of Sir Adam Beck Elementary School, present at the meeting.

Mayor Lastman, during the afternoon session of the meeting, expressed, on behalf of Council, the best wishes of Council to Councillor Feldman, on the occasion of his 75th birthday.

Mayor Lastman, during the afternoon session of the meeting, invited former Councillor Jack Layton to the podium; expressed, on behalf of Council, the best wishes of Council to Mr. Layton for his recent victory in being elected as leader of the Federal New Democratic Party; presented a scroll and memento to Mr. Layton to mark the occasion; and invited Mr. Layton to address the Council.

Mr. Layton addressed the Council and expressed his appreciation to his friends and colleagues on Council for their best wishes.

February 5, 2003:

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students of Ossington Old Orchard Public School, present at the meeting.

February 6, 2003:

Deputy Mayor Ootes, during the morning session of the meeting, called Councillor Sherene Shaw, Diversity Advocate, Ron Kelusky, General Manager, Emergency Medical Services, Chief Alan Speed, Fire Chief, and Ms. Teresa Valladares, founder of Terevan Enterprises, to the podium. Councillor Shaw addressed the Council in regard to Black History Month and advised the Council that six years ago, Terevan Enterprises began a poster series initiative to educate Canadians about the significant contributions made by African Canadians, past and present, and to provide a medium for up and coming artists to feature their talents. Ms. Valladares introduced the 2003 Black History Month Poster and presented the Poster to Mayor Lastman, Mr. Kelusky and Chief Speed, in recognition of their continuing support for the Black History Month Poster and for providing quality emergency services, during Caribana and throughout the year, to all communities.

Councillor Cho, with the permission of Council, during the afternoon session of the meeting, advised the Council that the Korean Canadian Seniors had raised money to help homeless people across the City of Toronto and presented a cheque, in the amount of \$1,000.00, to the Chief Financial Officer and Treasurer.

February 7, 2003:

Deputy Mayor Ootes, at 9:40 a.m., read the following Notice of Special Meeting:

“In accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, the Mayor has called a Special meeting of Council to be held on Friday, February 7, 2003, in the Council Chamber, Toronto City Hall, for the following purposes, such meeting to commence at 9:30 a.m. and adjourn at 5:00 p.m. [sundown provision]:

- (1) to complete consideration of any unfinished business from the regular meeting of Council held on February 4, 5 and 6, 2003, deemed to be critical and time sensitive, having regard for the significance and financial implications of these matters;
- (2) to introduce and enact General Bills; and
- (3) to introduce and enact a confirming by-law for this Special Meeting.”

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced the representatives of the Elementary Teachers Federation of Toronto, present at the meeting.

February 10, 2003:

Deputy Mayor Ootes, at 9:40 a.m., read the following Notice of Special Meeting:

“In accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, the Mayor has called a Special meeting of Council to be held on Monday, February 10, 2003, in the Council Chamber, Toronto City Hall, only for the following purposes, such meeting to commence at 9:30 a.m. and adjourn at the conclusion of such matters:

- (1) to complete consideration of unfinished business from the regular meeting of Council held on February 4, 5 and 6, 2003, and the special meeting held on February 7, 2003, deemed to be critical and time sensitive, having regard for the significance and financial implications of these matters as listed on the Table of Contents attached;
- (2) to introduce and enact General Bills; and
- (3) to introduce and enact a confirming by-law for this Special Meeting.”

February 11, 2003:

Acting Chair Disero, during the morning session of the meeting, introduced the students of Brookview Middle School, present at the meeting.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced the students of the City Future Alternative School, present at the meeting.

1.155 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE

Vary the order of proceedings of Council:

February 4, 2003:

Councillor Miller, at 10:10 a.m., moved that Council vary the order of its proceedings to consider Clause No. 1a of Report No. 14 of The Administration Committee, headed "Union Station Request for Proposals - Status Report on Negotiations With Union Pearson Group (Ward 28 - Toronto Centre-Rosedale)", at the in-camera portion of this meeting to be held on Wednesday, February 5, 2003, at 5:30 p.m., which carried.

Deputy Mayor Ootes, at 10:15 a.m., moved that Council vary the order of its proceedings to consider Clause No. 4 of Report No. 1 of The Policy and Finance Committee, headed "Front Street Extension Environmental Assessment and Preliminary Design Study Addendum Report", at 2:00 p.m. today, which carried.

Deputy Mayor Ootes, at 10:30 a.m., moved that Council vary the order of its proceedings to now consider Notice of Motion J(11), moved by Mayor Lastman, seconded by Councillor Ootes, respecting the declaration of a vacancy on City Council for Ward 30 - Toronto-Danforth, which carried.

Councillor Disero in the Chair.

Motion to Re-Open:

Councillor Disero, at 12:20 p.m., with the permission of Council, advised the Council that Councillor Korwin-Kuczynski had requested that the time to consider Clause No. 4 of Report No. 1 of The Policy and Finance Committee, headed "Front Street Extension Environmental Assessment and Preliminary Design Study Addendum Report", be changed and moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, the decision of Council respecting the consideration of such Clause at 2:00 p.m. today, be re-opened for further consideration, the vote upon which was taken as follows:

Yes - 5	
Councillors:	Balkissoon, Cho, Flint, Korwin-Kuczynski, Tziretas
No - 27	
Councillors:	Ashton, Augimeri, Berardinetti, Bussin, Di Giorgio, Disero, Duguid, Feldman, Filion, Hall, Holyday, Johnston, Jones, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Miller, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Silva, Walker

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

Mayor Lastman, at 7:27 p.m., moved that Council vary the order of its proceedings to vote on Clauses Nos. 2 and 3 of Report No. 1 of The Policy and Finance Committee, headed “Review of Toronto Waterfront Revitalization Corporation’s (TWRC) Proposed Business Strategy and Development Plan; Overview of Due Diligence Process; Results of City Input, Bill 151: The Toronto Waterfront Revitalization Corporation Act; and Integrated Energy in the Central Waterfront” and “Review of the Gardiner/Lake Shore Corridor Proposal Contained in the Central Waterfront Secondary Plan”, respectively, after Council has concluded its consideration of Clause No. 1a of Report No. 14 of The Administration Committee, headed “Union Station Request for Proposals - Status Report on Negotiations With Union Pearson Group (Ward 28 - Toronto Centre-Rosedale)”, the vote upon which was taken as follows:

Yes - 11	
Mayor:	Lastman
Councillors:	Ashton, Cho, Di Giorgio, Holyday, Kelly, Lindsay Luby, Mammoliti, Moscoe, Pantalone, Tziretas
No - 18	
Councillors:	Disero, Duguid, Feldman, Flint, Hall, Jones, Korwin-Kuczynski, Li Preti, McConnell, Milczyn, Moeser, Ootes, Pitfield, Rae, Shaw, Shiner, Soknacki, Walker

Lost by a majority of 7.

Deputy Mayor Ootes, at 7:29 p.m., having regard to the foregoing decision of Council, proposed that the vote on Clauses Nos. 2 and 3 of Report No. 1 of The Policy and Finance Committee, headed “Review of Toronto Waterfront Revitalization Corporation’s (TWRC) Proposed Business Strategy and Development Plan; Overview of Due Diligence Process; Results of City Input, Bill 151: The Toronto Waterfront Revitalization Corporation Act; and Integrated Energy in the Central Waterfront” and “Review of the Gardiner/Lake Shore Corridor Proposal Contained in the Central

Waterfront Secondary Plan”, respectively, be taken tonight, the vote upon which was taken as follows:

Yes - 21	
Mayor:	Lastman
Councillors:	Di Giorgio, Disero, Duguid, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moeser, Pitfield, Shaw, Shiner, Soknacki, Walker
No - 8	
Councillors:	Ashton, Cho, Feldman, Moscoe, Ootes, Pantalone, Rae, Tziretas

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

February 6, 2003:

Councillor Mihevc, at 10:00 a.m., moved that Council vary the order of its proceedings to consider Clause No. 1 of Report No. 3 of The Planning and Transportation Committee, headed "Enactment of a Municipal Shelter By-law and Adoption of Related Council Policies and Procedures", as a 'time sensitive' matter, the vote upon which was taken as follows:

Yes - 22	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Disero, Flint, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Walker
No - 12	
Councillors:	Balkissoon, Cho, Duguid, Filion, Holyday, Lindsay Luby, Minnan-Wong, Moeser, Ootes, Shaw, Shiner, Tziretas

Carried by a majority of 10.

Councillor Moscoe, at 2:30 p.m., moved that Council vary the order of its proceedings to consider Clause No. 7 of Report No. 2 of The Administration Committee, headed "Declaration as Surplus, City-Owned Land at 20 Gothic Avenue (Ward 13 - Parkdale-High Park)", as a 'time sensitive' matter, the vote upon which was taken as follows:

Yes - 19	
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Filion, Flint, Johnston, Jones, Li Preti, Mammoliti, McConnell, Moscoe, Pantalone, Rae, Tziretas, Walker
No - 9	
Councillors:	Hall, Holyday, Korwin-Kuczynski, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Silva, Sutherland

Carried by a majority of 10.

February 7, 2003:

Deputy Mayor Ootes, at 10:00 a.m., with the permission of Council, moved that Council vary the order of its proceedings to consider Clause No. 1 of Report No. 1 of The Policy and Finance Committee, headed "Preliminary 2003 Current Value Assessment (CVA) Impacts and Tax Policy Options for 2003, Commercial and Industrial Property Classes; Residential Property Class; Multi-Residential Property Class; Status of Property Tax Relief Program for Low-Income Seniors and Low-Income Disabled Persons (All Wards)", as the first item of business, the vote upon which was taken as follows:

Yes - 19 Councillors:	Altobello, Balkissoon, Cho, Di Giorgio, Disero, Duguid, Filion, Ford, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Mammoliti, Ootes, Pitfield, Shiner, Silva
No - 11 Councillors:	Ashton, Augimeri, Bussin, Chow, McConnell, Mihevc, Moscoe, Pantalone, Sutherland, Tziretas, Walker

Carried by a majority of 8.

Councillor Shiner, at 11:15 a.m., moved that Council vary the order of its proceedings, in order to resolve itself into Committee of the Whole and then recess to meet privately to consider Clause No. 7 of Report No. 1 of The Policy and Finance Committee, headed "The City's Investment in Enwave District Energy Limited", immediately following consideration of Clause No. 1 of Report No. 1 of The Policy and Finance Committee, the vote upon which was taken as follows:

Yes - 17 Councillors:	Bussin, Cho, Di Giorgio, Duguid, Ford, Hall, Holyday, Jones, Li Preti, Lindsay Luby, Miller, Nunziata, Ootes, Pantalone, Shiner, Soknacki, Walker
No - 13 Councillors:	Altobello, Augimeri, Balkissoon, Chow, Disero, Filion, Kelly, Korwin-Kuczynski, McConnell, Mihevc, Moscoe, Pitfield, Sutherland

Carried by a majority of 4.

February 10, 2003:

Councillor Rae, at 9:50 a.m., moved that Council vary the order of its proceedings to consider Clause No. 1 of Report No. 3 of The Planning and Transportation Committee, headed “Enactment of a Municipal Shelter By-law and Adoption of Related Council Policies and Procedures”, immediately following in-camera consideration of Clause No. 7 of Report No. 1 of The Policy and Finance Committee, headed “The City’s Investment in Enwave District Energy Limited”, the vote upon which was taken as follows:

Yes - 21	
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Cho, Chow, Holyday, Johnston, Jones, Kelly, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Silva, Sutherland, Tziretas, Walker
No - 11	
Councillors:	Di Giorgio, Disero, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Shiner

Carried by a majority of 10.

Councillor Nunziata, at 4:32 p.m., moved that Council vary the order of its proceedings to now consider Clause No. 43 of Report No. 1 of The Midtown Community Council, headed “Final Report - Application to Amend the Official Plan and Zoning By-law 438-86, 1430 Yonge Street St. Clair Inc. 302010, TD CMB 2001 0008 (St. Paul’s - Ward 22)”, the vote upon which was taken as follows:

Yes - 29	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Disero, Duguid, Filion, Flint, Ford, Holyday, Johnston, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pitfield, Rae, Shaw, Shiner, Tziretas, Walker
No - 6	
Councillors:	Augimeri, Cho, Chow, McConnell, Pantalone, Sutherland

Carried by a majority of 23.

Councillor Sutherland, at 5:40 p.m., moved that Council vary the order of its proceedings to vote on Clause No. 1 of Report No. 3 of The Planning and Transportation Committee, headed “Enactment of a Municipal Shelter By-law and Adoption of Related Council Policies and Procedures”, at the end of the meeting, the vote upon which was taken as follows:

Yes - 10 Councillors: Balkissoon, Ford, Holyday, Johnston, Kelly, Lindsay Luby, Nunziata, Ootes, Sutherland, Walker
No - 17 Councillors: Altobello, Bussin, Cho, Chow, Disero, Duguid, Flint, Jones, Korwin-Kuczynski, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Shaw, Shiner

Lost by a majority of 7.

February 11, 2003:

Councillor Johnston, at 10:15 a.m., moved that Council vary the order of its proceedings to vote on Clause No. 1 of Report No. 3 of The Planning and Transportation Committee, headed “Enactment of a Municipal Shelter By-law and Adoption of Related Council Policies and Procedures”, after 2:00 p.m. today, the vote upon which was taken as follows:

Yes - 18 Councillors: Ashton, Augimeri, Bussin, Cho, Di Giorgio, Disero, Duguid, Holyday, Johnston, Jones, Mammoliti, McConnell, Mihevc, Moscoe, Ootes, Rae, Shiner, Walker
No - 7 Councillors: Kelly, Li Preti, Moeser, Nunziata, Shaw, Sutherland, Tziretas

Carried by a majority of 11.

Waive the provisions of Chapter 27 of the City of Toronto Municipal Code related to meeting times:

February 4, 2003:

Councillor Moscoe, at 12:28 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 12:30 p.m. recess, in order to conclude consideration of Clause No. 4a of Report No. 14 of The Administration Committee, headed “Establishing a City Lobbyist Registry Similar to Provincial and Federal Systems: Implementation Issues, Costs and Requirements”, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Moscoe, at 7:25 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. recess, and that Council continue in session, in order to conclude the debate on

Clauses Nos. 2 and 3 of Report No. 1 of The Policy and Finance Committee, headed “Review of Toronto Waterfront Revitalization Corporation’s (TWRC) Proposed Business Strategy and Development Plan; Overview of Due Diligence Process; Results of City Input, Bill 151: The Toronto Waterfront Revitalization Corporation Act; and Integrated Energy in the Central Waterfront” and “Review of the Gardiner/Lake Shore Corridor Proposal Contained in the Central Waterfront Secondary Plan”, respectively, and that no further speakers, other than those now listed on the speaker’s list, be permitted, the vote upon which was taken as follows:

Yes - 19	
Mayor:	Lastman
Councillors:	Di Giorgio, Disero, Duguid, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Milczyn, Ootes, Pantalone, Pitfield, Shaw, Soknacki, Walker
No - 9	
Councillors:	Ashton, Cho, Feldman, Flint, Moeser, Moscoe, Rae, Shiner, Tziretas

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

Councillor Moscoe, at 7:29 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement to recess at the conclusion of the debate on Clauses Nos. 2 and 3 of Report No. 1 of The Policy and Finance Committee, headed “Review of Toronto Waterfront Revitalization Corporation’s (TWRC) Proposed Business Strategy and Development Plan; Overview of Due Diligence Process; Results of City Input, Bill 151: The Toronto Waterfront Revitalization Corporation Act; and Integrated Energy in the Central Waterfront” and “Review of the Gardiner/Lake Shore Corridor Proposal Contained in the Central Waterfront Secondary Plan”, respectively, and that Council continue in session, in order to conclude the vote on such Clauses, the vote upon which was taken as follows:

Yes - 21	
Mayor:	Lastman
Councillors:	Di Giorgio, Disero, Duguid, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moeser, Pitfield, Shaw, Shiner, Soknacki, Walker
No - 8	
Councillors:	Ashton, Cho, Feldman, Moscoe, Ootes, Pantalone, Rae, Tziretas

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

February 6, 2003:

Councillor Pantalone, at 3:25 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. adjournment and that Council continue in session until 8:00 p.m., the vote upon which was taken as follows:

Yes - 16 Councillors:	Augimeri, Chow, Holyday, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moeser, Moscoe, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki
No - 18 Councillors:	Ashton, Balkissoon, Bussin, Cho, Di Giorgio, Disero, Duguid, Flint, Hall, Johnston, Kelly, Lindsay Luby, Milczyn, Miller, Nunziata, Sutherland, Tziretas, Walker

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

Councillor Mammoliti, at 5:25 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. adjournment and that Council continue in session until 10:00 p.m., the vote upon which was taken as follows:

Yes - 13 Councillors:	Altobello, Augimeri, Chow, Disero, Korwin-Kuczynski, Li Preti, Mammoliti, Minnan-Wong, Moeser, Moscoe, Ootes, Rae, Silva
No - 19 Councillors:	Ashton, Berardinetti, Bussin, Cho, Di Giorgio, Duguid, Filion, Flint, Hall, Jones, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Nunziata, Pantalone, Sutherland, Walker

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

Councillor Lindsay Luby, at 5:26 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. adjournment and that Council continue in session until 7:00 p.m., the vote upon which was taken as follows:

Yes - 18	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Chow, Di Giorgio, Disero, Hall, Holyday, Korwin-Kuczynski, Li Preti, McConnell, Mihevc, Miller, Moeser, Moscoe, Ootes, Rae
No - 13	
Councillors:	Berardinetti, Cho, Duguid, Jones, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Pantalone, Silva, Sutherland, Walker

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

February 7, 2003:

Councillor Mihevc, at 11:15 a.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 12:30 p.m. recess, and that Council continue in session through the normal lunch period, the vote upon which was taken as follows:

Yes - 17	
Councillors:	Chow, Di Giorgio, Disero, Duguid, Filion, Ford, Holyday, Lindsay Luby, McConnell, Mihevc, Moscoe, Ootes, Pantalone, Pitfield, Shiner, Soknacki, Sutherland
No - 14	
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Cho, Hall, Jones, Kelly, Korwin-Kuczynski, Li Preti, Miller, Nunziata, Shaw, Walker

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

February 10, 2003:

Councillor Mammoliti, at 4:30 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. recess, and that Council recess at 6:00 p.m. and reconvene at 9:30 a.m. on February 11, 2003, the vote upon which was taken as follows:

Yes - 22
Councillors: Ashton, Augimeri, Bussin, Chow, Disero, Duguid, Ford, Jones, Kelly, Mammoliti, Mihevc, Milczyn, Miller, Minnan-Wong, Nunziata, Pantalone, Pitfield, Rae, Shaw, Shiner, Tziretas, Walker
No - 14
Councillors: Altobello, Balkissoon, Cho, Filion, Flint, Holyday, Johnston, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Moscoe, Ootes, Sutherland

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

Councillor Pantalone, at 5:12 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. adjournment, and that Council adjourn at 6:00 p.m., the vote upon which was taken as follows:

Yes - 16
Councillors: Augimeri, Balkissoon, Bussin, Cho, Di Giorgio, Ford, Johnston, Korwin-Kuczynski, Mammoliti, Miller, Moeser, Moscoe, Pantalone, Pitfield, Tziretas, Walker
No - 18
Councillors: Altobello, Ashton, Berardinetti, Chow, Disero, Duguid, Flint, Holyday, Jones, Lindsay Luby, Mihevc, Minnan-Wong, Nunziata, Rae, Shaw, Shiner, Silva, Soknacki

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

1.156 ATTENDANCE

February 4, 2003	9:40 a.m. to 12:45 p.m.*	Roll Call 2:10 p.m.	2:10 p.m. to 7:50 p.m.*
Lastman	x	-	x
Altobello	x	x	x
Ashton	x	x	x
Augimeri	x	-	x
Balkissoon	x	-	x
Berardinetti	x	x	x
Bussin	x	x	x
Cho	x	x	x
Chow	x	-	x
Di Giorgio	x	x	x
Disero	x	x	x
Duguid	x	x	x
Feldman	x	x	x
Filion	x	x	x
Flint	x	x	x
Ford	x	-	x
Hall	x	x	x
Holyday	x	-	x
Johnston	x	x	x
Jones	x	x	x
Kelly	x	-	x
Korwin-Kuczynski	x	x	x
Li Preti	x	x	x
Lindsay Luby	x	x	x
Mammoliti	x	x	x

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February 4, 2003	9:40 a.m. to 12:45 p.m.*	Roll Call 2:10 p.m.	2:10 p.m. to 7:50 p.m.*
McConnell	x	-	x
Mihevc	x	-	x
Milczyn	x	-	x
Miller	x	x	x
Minnan-Wong	x	-	x
Moeser	x	-	x
Moscoe	x	x	x
Nunziata	x	x	x
Ootes	x	x	x
Pantalone	x	x	x
Pitfield	x	x	x
Rae	x	x	x
Shaw	x	x	x
Shiner	x	x	x
Silva	x	x	x
Soknacki	x	x	x
Sutherland	x	x	x
Tziretas	x	-	x
Walker	x	-	x
Total	44	30	44

* Members were present for some or all of the time period indicated.

February 5, 2003	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 2:30 p.m.*	2:45 p.m. to 3:29 p.m.*	Roll Call 3:24 p.m.	Ctte. of the Whole in-Camera 3:45 p.m.	7:21 p.m. to 7:30 p.m.*
Lastman	-	x	x	x	-	-
Altobello	x	x	-	-	-	-
Ashton	x	x	x	-	x	x
Augimeri	x	x	x	x	x	x

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February 5, 2003	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 2:30 p.m.*	2:45 p.m. to 3:29 p.m.*	Roll Call 3:24 p.m.	Ctte. of the Whole in-Camera 3:45 p.m.	7:21 p.m. to 7:30 p.m.*
Balkissoon	x	-	-	-	x	x
Berardinetti	-	-	-	-	-	-
Bussin	x	x	x	x	x	x
Cho	x	x	x	-	x	x
Chow	x	x	x	-	x	x
Di Giorgio	x	x	x	x	x	x
Disero	x	x	x	x	x	x
Duguid	x	x	x	x	x	x
Feldman	x	x	x	-	x	x
Filion	x	-	x	x	x	x
Flint	x	x	x	x	x	x
Ford	x	-	-	-	-	-
Hall	x	x	x	x	x	x
Holyday	x	x	x	x	x	x
Johnston	x	x	x	-	x	x
Jones	x	x	x	x	x	x
Kelly	x	x	x	x	x	x
Korwin-Kuczynski	x	x	x	x	x	x
Li Preti	x	x	x	x	x	x
Lindsay Luby	x	x	x	x	x	x
Mammoliti	x	x	x	x	x	x
McConnell	x	x	x	x	x	x
Mihevc	x	x	x	-	x	x
Milczyn	x	x	x	-	x	x
Miller	x	x	x	x	x	x
Minnan-Wong	x	x	x	x	x	x
Moeser	x	x	x	x	x	x
Moscoe	x	x	x	x	x	x
Nunziata	x	x	x	x	x	x
Ootes	x	x	x	x	x	x
Pantalone	x	x	x	x	x	x

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February 6, 2003	Roll Call 9:40 a.m.	9:40 a.m. to 10:05 a.m.*	Ctte. of the Whole in-Camera 10:10 a.m.	12:05 p.m. to 12:27 p.m.*	Roll Call 2:10p.m.	2:10 p.m. to 5:45 p.m.*	Roll Call 3:25 p.m.
Hall	x	x	x	x	x	x	x
Holyday	x	x	x	x	x	x	x
Johnston	x	x	x	x	x	x	x
Jones	-	x	x	x	x	x	-
Kelly	-	x	x	x	-	x	x
Korwin-Kuczynski	x	x	x	x	x	x	-
Li Preti	x	x	x	x	x	x	x
Lindsay Luby	x	x	x	x	x	x	x
Mammoliti	x	x	x	x	-	x	x
McConnell	x	x	x	x	x	x	x
Mihevc	-	x	x	x	-	x	x
Milczyn	-	x	x	x	-	x	x
Miller	-	x	x	x	-	x	x
Minnan-Wong	x	x	x	x	-	x	x
Moeser	x	x	x	x	-	x	x
Moscoe	-	x	x	x	-	x	x
Nunziata	x	x	x	x	x	x	x
Ootes	x	x	x	x	x	x	x
Pantalone	x	x	x	x	x	x	x
Pitfield	x	x	x	x	-	x	x
Rae	x	x	x	x	x	x	x
Shaw	x	x	x	x	x	x	-
Shiner	x	x	x	x	x	x	-
Silva	x	x	x	x	x	x	x
Soknacki	-	x	x	x	-	x	x
Sutherland	-	x	x	x	-	x	x
Tziretas	x	x	x	x	-	x	x
Walker	-	x	x	x	x	x	x
Total	27	41	41	41	26	41	34

* Members were present for some or all of the time period indicated.

ATTENDANCE - Special Meeting - February 7, 2003:

Councillor Soknacki, seconded by Councillor Moscoe, moved that the absence of Mayor Lastman and Councillors Feldman and Johnston, from this Special meeting of Council, be excused, which carried.

Special Meeting February 7, 2003	Roll Call 9:40 a.m.	9:40 a.m. to 12:30 p.m.*	Roll Call 10:35 a.m.	Roll Call 11:15 a.m.	Roll 2:15 p.m.	2:15 p.m. to 3:10 p.m.*	Ctte. of the Whole in-Camera 3:15 p.m.	4:50 p.m. to 4:55 p.m.*
Lastman	-	-	-	-	-	-	-	-
Altobello	x	x	x	x	x	x	x	x
Ashton	-	x	x	-	x	x	x	x
Augimeri	x	x	x	x	x	x	x	x
Balkissoon	x	x	x	x	-	x	x	x
Berardinetti	-	-	-	-	x	x	x	x
Bussin	x	x	x	x	x	x	x	x
Cho	x	x	-	-	x	x	x	x
Chow	x	x	-	x	x	x	x	x
Di Giorgio	x	x	x	x	x	x	x	x
Disero	x	x	x	x	x	x	x	x
Duguid	x	x	x	-	x	x	x	x
Feldman	-	-	-	-	-	-	-	-
Filion	-	x	-	x	-	x	-	-
Flint	-	-	-	-	-	-	-	-
Ford	-	x	x	x	x	x	x	x
Hall	x	x	-	x	x	x	x	x
Holyday	x	x	x	x	x	x	x	x
Johnston	-	-	-	-	-	-	-	-
Jones	x	x	x	x	x	x	x	x
Kelly	x	x	x	x	-	x	x	x
Korwin-Kuczynski	x	x	x	x	-	x	x	x
Li Preti	x	x	x	x	x	x	x	x
Lindsay Luby	-	x	-	x	x	x	x	x
Mammoliti	x	x	-	-	-	x	x	x
McConnell	x	x	x	x	x	x	x	x
Mihevce	x	x	-	x	x	x	x	x
Milczyn	-	x	x	-	x	x	-	-
Miller	-	x	-	x	-	x	x	x

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Special Meeting February 7, 2003	Roll Call 9:40 a.m.	9:40 a.m. to 12:30 p.m.*	Roll Call 10:35 a.m.	Roll Call 11:15 a.m.	Roll 2:15 p.m.	2:15 p.m. to 3:10 p.m.*	Ctte. of the Whole in-Camera 3:15 p.m.	4:50 p.m. to 4:55 p.m.*
Minnan-Wong	x	x	-	-	x	x	x	x
Moeser	-	x	-	-	-	x	x	x
Moscoe	x	x	-	x	x	x	x	x
Nunziata	x	x	x	x	x	x	x	x
Ootes	x	x	-	x	x	x	x	x
Pantalone	x	x	x	x	x	x	x	x
Pitfield	x	x	x	x	x	x	x	x
Rae	-	x	-	-	x	x	x	x
Shaw	-	x	x	x	-	x	x	x
Shiner	x	x	x	x	-	x	x	x
Silva	x	x	x	-	-	x	x	x
Soknacki	-	x	-	x	x	x	x	x
Sutherland	-	x	x	x	-	x	x	x
Tziretas	x	x	-	-	x	x	x	x
Walker	x	x	x	x	x	x	x	x
Total	28	39	24	29	29	40	38	38

* Members were present for some or all of the time period indicated.

ATTENDANCE - Special Meeting - February 10 and 11, 2003:

Councillor Nunziata, seconded by Councillor Disero, moved that the absence of Mayor Lastman and Councillors Feldman and Hall, from this Special meeting of Council, be excused, which carried.

Special Meeting February 10, 2003	Roll Call 9:40 a.m.	9:40 a.m. to 9:55 a.m.*	Ctte. of the Whole in-Camera 10:05 a.m.	12:30 p.m. to 12:35 p.m.	Roll Call 2:12 p.m.
Lastman	-	-	-	-	-
Altobello	x	x	x	x	x
Ashton	-	-	x	X	-
Augimeri	x	x	x	x	x
Balkissoon	x	x	x	x	X
Berardinetti	-	-	-	-	x
Bussin	-	x	x	x	x
Cho	x	x	x	x	x
Chow	-	x	x	x	x

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Special Meeting February 10, 2003	Roll Call 9:40 a.m.	9:40 a.m. to 9:55 a.m.*	Ctte. of the Whole in-Camera 10:05 a.m.	12:30 p.m. to 12:35 p.m.	Roll Call 2:12 p.m.
Di Giorgio	x	x	x	x	x
Disero	x	x	x	x	x
Duguid	x	x	x	x	x
Feldman	-	-	-	-	-
Filion	-	-	-	-	x
Flint	-	-	x	x	x
Ford	-	-	x	x	-
Hall	-	-	-	-	-
Holiday	x	x	x	x	x
Johnston	x	x	x	x	x
Jones	x	x	x	x	x
Kelly	x	x	x	x	x
Korwin-Kuczynski	x	x	x	x	x
Li Preti	-	x	x	x	-
Lindsay Luby	x	x	x	x	x
Mammoliti	x	x	x	x	-
McConnell	-	x	x	x	x
Mihevc	x	x	x	x	x
Milczyn	-	x	x	x	x
Miller	x	x	x	x	-
Minnan-Wong	x	x	x	x	x
Moeser	x	x	x	x	x
Moscoe	-	-	x	x	x
Nunziata	x	x	x	x	x
Ootes	x	x	x	x	x
Pantalone	x	x	x	x	x
Pitfield	x	x	x	x	-
Rae	x	x	x	x	x
Shaw	-	-	-	-	-
Shiner	x	x	x	x	x
Silva	x	x	x	x	x
Soknacki	-	-	x	x	-

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Special Meeting February 10, 2003	Roll Call 9:40 a.m.	9:40 a.m. to 9:55 a.m.*	Ctte. of the Whole in-Camera 10:05 a.m.	12:30 p.m. to 12:35 p.m.	Roll Call 2:12 p.m.
Sutherland	x	x	x	x	x
Tziretas	x	x	x	x	x
Walker	x	x	x	x	x
Total	28	33	38	38	33

* Members were present for some or all of the time period indicated.

Special Meeting February 10, 2003	2:12 p.m. to 6:00 p.m.*	Roll Call 4:22 p.m.	Roll Call 5:05 p.m.	Roll Call 5:35 p.m.*
Lastman	-	-	-	-
Altobello	x	-	x	x
Ashton	-	x	x	-
Augimeri	x	x	x	-
Balkissoon	x	x	x	x
Berardinetti	x	-	-	-
Bussin	x	x	x	x
Cho	x	x	-	x
Chow	x	x	x	x
Di Giorgio	x	-	-	-
Disero	x	x	x	x
Duguid	x	x	x	-
Feldman	-	-	-	-
Filion	x	-	x	-
Flint	x	x	x	x
Ford	x	x	x	x
Hall	-	-	-	-
Holyday	x	x	x	x
Johnston	x	x	x	x
Jones	x	x	x	x
Kelly	x	x	x	x
Korwin-Kuczynski	x	x	x	x
Li Preti	x	-	x	-
Lindsay Luby	x	x	x	x
Mammoliti	x	x	-	-
McConnell	x	x	x	x
Mihevc	x	x	x	x

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Special Meeting February 10, 2003	2:12 p.m. to 6:00 p.m.*	Roll Call 4:22 p.m.	Roll Call 5:05 p.m.	Roll Call 5:35 p.m.*
Milczyn	x	-	x	x
Miller	x	x	x	-
Minnan-Wong	x	-	x	-
Moeser	x	-	-	-
Moscoe	x	x	x	x
Nunziata	x	x	x	x
Ootes	x	x	x	x
Pantalone	x	x	-	x
Pitfield	x	x	-	-
Rae	x	x	x	x
Shaw	x	-	-	x
Shiner	x	x	-	-
Silva	x	-	-	-
Soknacki	-	-	-	-
Sutherland	x	x	x	x
Tziretas	x	x	-	-
Walker	x	x	x	x
Total	39	30	29	25

* Members were present for some or all of the time period indicated.

February 11, 2003	Roll Call 9:40 a.m.	9:40 a.m. to 12:25 p.m.*	Roll Call 12:08 p.m.	Roll Call 2:12 p.m.	2:12 p.m. to 7:40 p.m.*
Lastman	-	-	-	-	-
Altobello	x	x	x	x	x
Ashton	-	x	x	x	x
Augimeri	x	x	x	x	x
Balkissoon	-	-	-	x	x
Berardinetti	x	x	-	x	x
Bussin	x	x	x	x	x
Cho	-	x	x	x	x
Chow	x	x	x	x	x
Di Giorgio	x	x	x	x	x
Disero	x	x	x	x	x
Duguid	x	x	x	x	x

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February 11, 2003	Roll Call 9:40 a.m.	9:40 a.m. to 12:25 p.m.*	Roll Call 12:08 p.m.	Roll Call 2:12 p.m.	2:12 p.m. to 7:40 p.m.*
Feldman	-	-	-	-	-
Filion	-	x	x	x	x
Flint	-	x	x	x	x
Ford	-	x	x	-	x
Hall	-	-	-	-	-
Holyday	x	x	x	x	x
Johnston	x	x	-	x	x
Jones	x	x	x	x	x
Kelly	x	x	x	x	x
Korwin-Kuczynski	x	x	x	x	x
Li Preti	-	-	-	-	-
Lindsay Luby	-	-	-	x	x
Mammoliti	x	x	x	x	x
McConnell	x	x	-	x	x
Mihevc	x	x	-	x	x
Milczyn	-	x	x	-	x
Miller	-	x	x	-	x
Minnan-Wong	x	x	-	-	x
Moeser	-	x	x	x	x
Moscoe	x	x	x	-	x
Nunziata	x	x	x	x	x
Ootes	x	x	x	x	x
Pantalone	-	-	-	-	-
Pitfield	-	-	-	-	x
Rae	x	x	x	x	x
Shaw	x	x	-	-	x
Shiner	-	x	-	x	x
Silva	x	x	-	-	x
Soknacki	x	-	-	-	x
Sutherland	x	x	x	x	x
Tziretas	x	x	x	x	x
Walker	x	x	-	x	x

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February 11, 2003	Roll Call 9:40 a.m.	9:40 a.m. to 12:25 p.m.*	Roll Call 12:08 p.m.	Roll Call 2:12 p.m.	2:12 p.m. to 7:40 p.m.*
Total	27	37	27	31	40

* Members were present for some or all of the time period indicated.

February 11, 2003	Roll Call 5:37 p.m.	Roll Call 5:55 p.m.	Roll Call 6:41 p.m.	Roll Call 7:10 p.m.
Lastman	-	-	-	-
Altobello	x	-	x	x
Ashton	x	x	x	x
Augimeri	x	x	x	x
Balkissoon	x	x	x	x
Berardinetti	x	-	x	x
Bussin	x	x	x	-
Cho	-	x	-	x
Chow	x	x	x	x
Di Giorgio	x	x	x	x
Disero	x	x	x	x
Duguid	x	x	x	x
Feldman	-	-	-	-
Filion	-	-	-	-
Flint	x	-	-	-
Ford	x	x	x	x
Hall	-	-	-	-
Holyday	x	x	x	x
Johnston	x	x	x	x
Jones	x	x	x	x
Kelly	-	-	-	-
Korwin-Kuczynski	x	x	x	x
Li Preti	-	-	-	-
Lindsay Luby	x	x	-	-
Mammoliti	-	-	-	-
McConnell	-	-	x	-
Mihevc	x	-	-	x
Milczyn	-	-	-	-

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February 11, 2003	Roll Call 5:37 p.m.	Roll Call 5:55 p.m.	Roll Call 6:41 p.m.	Roll Call 7:10 p.m.
Miller	-	-	-	-
Minnan-Wong	x	x	x	x
Moeser	-	-	-	-
Moscoe	x	x	x	-
Nunziata	x	x	x	-
Ootes	x	x	x	x
Pantalone	x	x	x	x
Pitfield	x	x	x	x
Rae	x	x	x	-
Shaw	x	x	-	x
Shiner	x	x	x	x
Silva	x	-	x	x
Soknacki	-	-	-	-
Sutherland	x	-	-	-
Tziretas	x	x	x	x
Walker	x	x	-	x
Total	31	25	24	23

* Members were present for some or all of the time period indicated.

At 7:25 p.m., the City Clerk rang the bells to call for quorum for a period of 15 minutes. At 7:40 p.m., the Clerk called the Roll and the following Members of Council were present at the Call of the Roll:

Altobello, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Holyday, Johnston, Jones, Korwin-Kuczynski, Mihevc, Minnan-Wong, Ootes, Pitfield, Shaw, Shiner, Silva, Tziretas, Walker - 22.

In accordance with §27-9 of Chapter 27 of the City of Toronto Municipal Code, Absence of Quorum, the meeting was adjourned at 7:40 p.m., having regard that Council failed to achieve quorum.

MEL LASTMAN,
Mayor

ULLI S. WATKISS,
City Clerk

ATTACHMENT NO. 1 [Notice of Motion F(2)]

Report dated September 27, 2002, from the City Solicitor, entitled "Potential Sale of Hydro One - Status of Legal Proceedings" (See Minute No. 1.91 , Page 140):

Purpose:

This report responds to City Council's request for a report on the status of the court appeal against the successful union challenge of Ontario's ability to sell shares in Hydro One to the public.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendation:

It is recommended that this report be received for information.

Background:

City Council, at its meeting held on July 30, 31 and August 1, 2002, had before it Motion J(3), moved by Councillor Layton, that the City support the Communications, Energy and Paperworkers Union of Canada and the Canadian Union of Public Employees (the "Unions") in their defence against an appeal to the Ontario Court of Appeal to stop the sale of Hydro One. Council deferred consideration of the motion to the next regular meeting of City Council and requested that the Chief Administrative Officer submit a report directly to City Council, for its consideration, on the status of the legal proceedings. This report responds to that request.

Comments:

The Unions successfully claimed, before the Superior Court of Justice of Ontario, that the Province did not have the legislative authority to offer Hydro One shares for sale to the public under the Electricity Act, 1998. The decision, dated April 19, 2002, was appealed by the Province of Ontario.

The appeal was heard by the Court of Appeal on June 19, 2002. The Province of Ontario had sought and been granted an expedited hearing. The Unions argued that the appeal was or would be moot because of events subsequent to the lower court decision, including the Province of Ontario's introduction of Bill 58, the Reliable Energy and Consumer Protection Act, 2002 which would substantially amend the Electricity Act (the subject of the original court decision) to allow the Province of Ontario to sell shares in Hydro One to the public. An appeal is considered moot if a decision will not resolve an issue affecting the rights of the parties. The Province of Ontario argued that the appeal was not moot as of the date of oral argument, but acknowledged that it would be moot if the recently-introduced legislation became law.

The court heard full argument on both the mootness issue and the merits of the appeal and reserved its decision on both issues. It released its decision on July 4, 2002, noting that the Reliable Energy and Consumer Protection Act, 2002 was enacted in the intervening period, on June 27, 2002, and concluded that the appeal was moot. It further determined that the Province of Ontario had not satisfied the Court that the circumstances of the case warranted a departure from the general rule that the court should not hear moot appeals. It dismissed the appeal.

The Unions were awarded their costs on a partial indemnity basis and only in relation to the mootness argument.

Conclusion:

It is recommended that this report be received for information.

Contact:

Grace Patterson
Solicitor
Legal Services Division
Tel: (416) 392-8368
Fax (416) 392-0005
Email: gpatter@city.toronto.on.ca

ATTACHMENT NO. 2 [Notice of Motion J(13)]

Report dated January 31, 2003, from the City Clerk, entitled "Options on Filling the Vacancy in the Office of Councillor, Ward 30 - Toronto-Danforth". (See Minute No. 1.107, Page 167)

Purpose:

To outline for Council's consideration the options for filling the vacancy in the office of Councillor, Ward 30 - Toronto-Danforth.

Financial Implications and Impact Statement:

Appointment:

The estimated cost to fill the vacancy through an appointment is \$20,000, to cover administration, advertising, supplies and printing.

By-election/Contribution Rebate Program:

The estimated cost to conduct a by-election to fill the vacancy is \$135,000. In addition, should Council decide to implement a contribution rebate program for candidates in a by-election, there will be additional costs for this program. It is impossible for staff to estimate the cost of a rebate program as it is dependent upon the number of candidates who file a nomination to run in the by-election; the more candidates there are, the higher the costs of the program.

There are no funds in the City Clerk's proposed 2003 budget to cover the costs of either an appointment or a by-election and a contribution rebate program. The necessary funds for the chosen option would need to be provided to the City Clerk's 2003 election budget.

The Chief Financial Officer and Treasurer has reviewed this report and concurs with the financial implications.

Recommendations:

It is recommended that:

- (1) (a) Option 1 – Appointment:
 - (i) the vacancy be filled by means of appointment at a Special Meeting of Council in March 2003 to be called by the Mayor; and
 - (ii) Council adopt the process for the appointment as set out in Appendix "A"

to this report.

- (b) Option 2 – By-election:
 - (i) the vacancy be filled by means of a by-election;
 - (ii) Council authorize the conduct of the by-election and establish the dates and times of advance votes as indicated in the attached draft by-law (Appendix “B”); and
 - (iii) Council authorize the payment of contribution rebates to persons who make contributions to candidates in the by-election, similar to the provisions for the contribution rebate program for the 2003 municipal election, as outlined in the attached draft by-law (Appendix “C”); and
 - (iv) if Option 2 is chosen (by-election), leave be granted to introduce the necessary Bills in Council and the appropriate City Officials be authorized to take the necessary action to give effect thereto.
- (2) the necessary funds for the chosen option be included in the City Clerk’s 2003 election budget; and
- (3) in the interim, the current staff of former Councillor Layton continue to serve the constituents of Ward 30 – Toronto-Danforth until the new Councillor is appointed or elected and a decision is made by Council or the new Councillor with respect to staffing.

Council Background/Reference:

At its meeting of February 1, 2, and 3, 2000, City Council, in adopting Clause No. 1 of Report No. 2 of the Administration Committee (Policy on Filling Vacancies on City Council), approved the following recommendation:

- “(1) any vacancy in the office of the Mayor or a Councillor declared by Council prior to November 30 in the year prior to an election year be filled through the conduct of a by-election;
- (2) any vacancy in the office of the Mayor or a Councillor declared by Council after November 30 in the year prior to an election year shall be filled through an appointment;”

This policy was developed in response to Council’s stated desire for a policy which would guide its decision making process when deciding how vacancies are to be filled.

Notwithstanding the foregoing policy, Legal Services staff has advised that the Municipal Act, 2001, as amended, still requires that Council make a formal decision on the method of filling a Council vacancy as each vacancy occurs.

At its meeting of February 4, 2003, Council declared the office of Councillor, Ward 30 – Toronto-Danforth to be vacant.

Comments:

Subsection 263(5) of the Municipal Act, 2001, as amended, provides that Council shall, within 60 days after the day the office is declared vacant, decide whether to fill the vacancy by appointment or through the conduct of a by-election. Therefore, Council must make a decision on how it wishes to fill the vacancy within 60 days after declaring the office vacant.

There are two options available for filling the vacancy in the office of Councillor, Ward 30 – Toronto-Danforth – to appoint a qualified person or to conduct a by-election. The time required for staff to conduct either an appointment process or a by-election would be approximately the same.

Staff anticipate considerable interest in the vacancy as this is an election year. To date, staff have received numerous inquiries from individuals indicating an interest in applying for the position.

Section 264 of the Municipal Act, 2001, as amended, provides that the person appointed or elected to fill the vacancy shall hold office for the remainder of the term of the person whose place he or she is appointed or elected to fill. Accordingly, the person appointed or elected would hold office until November 30, 2003.

(1) Appointment:

Clause 263(1)(a) of the Municipal Act, 2001, as amended, provides that Council may fill the vacancy by appointing a person who has consented to accept the office if appointed.

To be qualified to hold the office, a person must be:

- (i) 18 years of age or older;
- (ii) a Canadian citizen;
- (iii) a resident of the City of Toronto, or an owner or tenant of land in the City or the spouse or same-sex partner of such an owner or tenant; and
- (iv) not disqualified under any Act from holding municipal office.

Interested individuals should be given a reasonable period of time to submit a nomination for Council's consideration. If Council chooses to fill the vacancy by appointment, staff have developed a proposed process as set out in Appendix "A". This process is the same as that

used by Council when it last filled a vacancy through an appointment.

Staff recommend that the Clerk be authorized to advertise to invite applications from qualified electors and that Council give consideration to the appointment at a Special Meeting of Council in March 2003 to be called by the Mayor. This would be within the 60 day time period required by the Municipal Act, 2001, as amended.

Should Council choose to fill the vacancy through an appointment, the estimated cost for administration, supplies, printing and advertising is \$20,000. The necessary funds need to be allocated to the City Clerk's 2003 election budget.

Advantages:

- (1) less costly procedure than conducting a by-election (estimated \$20,000 in administration, supplies, printing and advertising costs to seek persons interested in being appointed); and
- (2) less labour intensive and less costly process from a staffing perspective.

Disadvantages:

- (1) could be viewed as a less democratic process; and
 - (2) it could be perceived that Council was affording an advantage to the individual appointed should he or she decide to run in the November municipal election.
- (2) By-election:

Clause 263(1)(b) of the Municipal Act, 2001, as amended, provides that Council may fill the vacancy through the conduct of a by-election in accordance with section 65 of the Municipal Elections Act, 1996, as amended.

If a by-election is to be held to fill the vacancy, the Clerk is responsible for setting the date of nomination day, which cannot be more than 60 days after the passing of the by-law indicating a by-election is required. Voting day is 45 days after nomination day.

Should Council proceed with this option and pass the necessary by-law at its meeting of February 4, 5 and 6, 2003, staff recommend that nomination day be Friday, February 21, 2003 and voting day be Monday, April 7, 2003. Advance votes would be held on Saturday, March 29, 2003 and Sunday, March 30, 2003.

Should Council choose to fill the vacancy through a by-election, the estimated cost of

administering the by-election is \$135,000. This cost estimate is based upon the final costs of the 2001 Ward 31 – Beaches-East York by-election. The necessary funds need to be allocated to the City Clerk's 2003 election budget.

In addition, should Council decide to approve a campaign contribution rebate program similar to the one approved by Council for the 2003 municipal election, the City would incur additional costs. It is impossible for staff to estimate the cost of a rebate program as it is dependent upon the number of candidates who file a nomination to run in the by-election.

For example, in the 1999 by-election, the rebate program cost \$21,500.00 with seven candidates; it cost \$43,000.00 in the 2001 by-election with twelve candidates. Given the public interest shown to date in this vacancy, staff anticipate a large number of candidates.

Advantages:

- (1) best ensures a democratic process for constituents;
- (2) there is no perception that Council is giving any individual any preferential treatment as would be the case with an appointment; and
- (3) provides an opportunity for election staff to test new procedures and processes in advance of the November election.

Disadvantages:

- (1) more costly process than an appointment (a ward by-election is estimated to cost \$135,000 plus the costs for a campaign contribution rebate program should Council adopt such a program); and
- (2) more labour intensive and costly process from a staffing perspective, especially given this is a regular election year and Election Services staff are busy with preparations for the November election.

Past Practices in Filling Vacancies:

In reviewing past practices in the former municipalities now making up the City of Toronto, staff researched Council vacancies back to 1984 and found a total of nineteen vacancies that were filled. Of these nineteen vacancies, eleven were filled by appointment and eight through by-elections.

Of the eleven appointments, nine were in a regular election year, six of which were after the mandatory March 31st date as provided by the Municipal Act. The remaining two appointments were made in the year preceding an election year. One was made in the month of June and the other in the month of October. In the subsequent municipal election, six of the eleven persons who had been appointed ran for office.

Of the eight by-elections, none were in an election year. Four were held in the year preceding an election year. The remaining four by-elections were held in the year immediately following the previous municipal election. In the subsequent municipal election, seven of the eight persons elected ran for office.

During the first term of Toronto City Council, two by-elections were held and two appointments were made. The first by-election (September 24, 1998) was mandated by Provincial legislation to give East York (Ward 1) a third Council member. The second by-election (September 23, 1999) was as a result of Council's decision to hold a by-election to fill the vacancy in Scarborough Highland Creek (Ward 16). The two appointments occurred in 2000 – a regular election year – the first being North York Humber (Ward 6) on February 2, 2000; the second being Toronto Davenport (Ward 21) on March 1, 2000.

During the second term of Toronto City Council, one by-election was held (December 3, 2001) to fill the vacancy in Ward 31 – Beaches-East York.

Practice of Other Municipalities:

Election Services staff had previously contacted several large Canadian municipalities to determine what, if any, policies and/or practices existed in filling vacancies on municipal council. With the exception of the City of London and the City of Yellowknife, which have a written policy for the filling of vacancies, all other municipalities surveyed follow the provisions of their applicable Acts. Generally, these Acts provide for all vacancies to be filled through a by-election except when the vacancy occurs within a defined time frame before the next general election (usually either six or twelve months).

Ontario's Municipal Act, 2001, as amended, appears to be unique in giving Council total discretion in filling a vacancy through either the conduct of a by-election or an appointment. Council's discretion is only restricted if the declaration of vacancy occurs after March 31st in the year of a regular election, in which case Council must fill the vacancy by way of appointment of a qualified elector.

The municipalities surveyed for this purpose in 1999 were Mississauga, London, Ottawa, Vancouver, Edmonton, Regina, Saskatoon, Winnipeg, Montreal, Fredericton, Halifax, Charlottetown, St. John's, Yellowknife and Whitehorse.

Councillor Office Staff:

Given the experience and knowledge of the current staff in serving the constituents of Ward 30 – Toronto-Danforth through the office of former Councillor Layton, Council may wish to have the current staff continue to support the office in the interim until a new Councillor is appointed or elected, and a decision is made by the new Councillor with respect to staffing. Council may also wish to request that the new Councillor when appointed or elected be urged to give first consideration to

retaining the current staff.

Conclusions:

Council must make a determination on whether the vacancy in the office of Councillor, Ward 30 – Toronto-Danforth, should be filled by appointment or by by-election. The necessary funds for the chosen option would need to be provided to the City Clerk's 2003 election budget.

Contact:

Greg Essensa, Director, Election Services
Tel – 416-392-8019, E-mail: gessensa@city.toronto.on.ca

Attachments:

- (1) Appendix "A" – Proposed Appointment Process
- (2) Appendix "B" – Draft By-law to provide for the conduct of a by-election and to establish the dates and times of advances votes
- (3) Appendix "C" – Draft By-law to authorize a campaign contribution rebate program

(A copy of Appendices "B" and "C" referred to in the foregoing report are on file in the Office of the City Clerk).

Appendix "A"

Procedures for Filling the Vacancy in the Office of
Councillor - Ward 30 - Toronto-Danforth through an Appointment

1. Advertisements shall be placed in one major daily newspaper and in the local newspaper serving the ward. The advertisements shall indicate Council's intention to appoint a qualified elector to the vacancy and outline the process one must follow to become nominated.
2. Information sessions shall be conducted by staff, one being scheduled from 2:00 p.m. to 4:00 p.m. and the second from 5:00 p.m. to 7:00 p.m. All interested persons must attend one of these sessions, complete a Consent of Nominee form and a Declaration of Qualification and provide personal identification showing their name and qualifying address within the City of Toronto.
3. The deadline for filing the Consent of Nominee form and the Declaration of Qualification for Council's consideration shall be 5:00 p.m. on the day following the information sessions.
4. The candidates, who have attended an information session, completed a Consent of Nominee form and a Declaration of Qualification and provided personal identification satisfactory to the Clerk, shall appear before Toronto City Council at a Special Meeting of Council in March 2003 to be called by the Mayor.
5. The meeting shall be called to order by the Mayor or the Presiding Officer at the designated time.
6. The Mayor or Presiding Officer shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
7. The Clerk will provide to the Mayor or Presiding Officer, a list of the names of those candidates who have completed the Consent of Nominee and Declaration of Qualification and the Mayor or Presiding Officer will call for a motion from Council in the following form:

"Moved by...
Seconded by..."

THAT the following persons, who have signified in writing that they are legally qualified to hold the office of Councillor and consented to accept the office if they are appointed to fill the vacancy of Councillor, Ward 30 – Toronto-Danforth, shall be considered for appointment to fill such vacancy."

8. Each of the candidates shall be afforded the opportunity to address Council for a period of not more than five minutes. The order of speaking will be determined by lot. (The Clerk shall place the names of all candidates on equal size pieces of paper in a container and randomly draw the names.)
9. Each Member of Council will be allowed no more than one question to each candidate.
10. Following consideration by Council of all submissions, Council will proceed to vote as follows:
 - (a) Members of Council will vote by way of ballot;
 - (b) if the candidate who receives the greatest number of votes cast does not receive more than one-half the votes of all Members of Council present and voting, the candidate or candidates who received the fewest number of votes shall be excluded from the voting and the vote shall be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the candidate or candidates who received the fewest number of votes in the proceeding vote, until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the Members of Council present and voting;
 - (c) where the votes cast are equal for all the candidates:
 - (i) if there are three or more candidates remaining, the Clerk shall by lot select one such candidate to be excluded from the subsequent voting;
 - (ii) if only two candidates remain, the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the Clerk;
 - (iii) "lot" means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a container and one name being drawn by a person chosen by the Clerk.
11. Upon conclusion of the voting, the Clerk will declare to be elected the candidate receiving the votes of more than one-half of the number of the Members of Council present and voting.
12. A by-law confirming the appointment shall be enacted by Council appointing the successful candidate to the office for the remainder of the term of the present Council.

ATTACHMENT NO. 3 [Notice of Motion J(15)]

Communication dated December 12, 2002, addressed to the Attorney General and Minister Responsible for Native Affairs, and signed by 15 Members of City Council (See Minute No. 1.109, Page 172):

Dear Sir:

Political Fundraising Allegations

The recent decision by your officials not to lay charges against Mr. J. Lyons in this matter has undermined the integrity of the Municipal Elections process. We are writing to request your personal review of this decision.

According to press reports and information from the Ontario Provincial Police, the decision not to prosecute in this matter was based on a view that, although the evidence disclosed a violation of the Municipal Elections Act, the alleged breach of the Act is “technical”.

The allegation in this matter is that money from a corporation was received by Mr. Lyons and then distributed to candidates under the name of an individual, Sue Cross. If true, these facts violate a very important objective of the Act – public disclosure of who makes election contributions to which candidates. This allegation is extremely serious and not a “technical” matter at all.

Failing to prosecute because of a decision that this alleged breach is “technical” sends a terrible message that the Municipal Elections Act is not to be taken seriously. Given the importance of the upcoming Municipal Elections, we would expect to see your officials demonstrate that the Act will be enforced.

We believe it should be, and request your personal review of the decision not to prosecute.

ATTACHMENT NO. 4 [Notice of Motion J(28)]

Report dated February 4, 2003, from the Commissioner of Works and Emergency Services, entitled "Naming of Proposed Street and Ravine Land at 76 Brumwell Street after Constable Laura Ellis (Ward 44 - Scarborough East)" (See Minute No. 1.122 , Page 194):

Purpose:

The purpose of this report is to obtain City Council approval to name a proposed street and ravine land to be acquired by the City, at 76 Brumwell Street, after Constable Laura Ellis.

Financial Implications and Impact Statement:

The cost to fabricate and install signage for the street and ravine, estimated to be approximately \$1,000.00. Funds are available in Technical Services account WT0006-7080.

Recommendations:

It is recommended that:

- (1) the ravine lands to be acquired by the City at 76 Brumwell Street be named Laura Ellis Natural Area;
- (2) the proposed street at 76 Brumwell Street be named Laura Ellis Court; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

Councillor Ron Moeser has asked that the proposed street and ravine lands to be acquired by the City at 76 Brumwell Street be named to commemorate a fallen member of the Toronto Police Service. Constable Laura Ellis, 42 Division, was killed on duty while responding to an emergency, on February 18, 2002. A commemorative ceremony is scheduled for February 18, 2003, necessitating this report be forwarded directly to City Council for its meeting of February 4, 5 and 6, 2003.

The road and ravine lands concerned are the subject of a draft plan of subdivision refused by City Council at its meeting held on October 1, 2 and 3, 2002 (Clause 33, Scarborough Community Council Report 8). On December 9, 2002 the OMB gave draft approval to a revised plan of subdivision, which excludes the southerly portion of the site below the top of bank and buffer lands, as authorized by City Council at its meeting held in November. The OMB order is conditional upon the completion of the sale of the southerly portion of the site below the top of bank and buffer to the

City. The conditions of draft approval would also have to be met prior to the registration of the plan of subdivision.

Comments:

The name Laura Ellis was circulated for comment to Police, Fire and Emergency Medical Services personnel, who, from an emergency service dispatch perspective, have no objection to the proposal.

The proposal is in compliance with the City of Toronto Street Naming Policy, approved by City Council at its meeting held on August 1, 2, 3 and 4, 2000 (Clause 9, Report 15 of the Works Committee).

Conclusions:

The proposal to name the proposed street and ravine lands, at 76 Brumwell Street, after Toronto Police Constable Laura Ellis complies with the City's Street Naming Policy approved by City Council and should therefore be approved.

Contact:

W. Kowalenko
Director, Survey and Mapping
Tel: (416) 392-7664
Fax No: (416) 392-0081
E-mail: wkowalen@toronto.ca

FISCAL IMPACT STATEMENT NO. 1
NOTICES OF MOTIONS: J1, J3, J5, J6, J7, J8, J10, J12, J14, J15, J16, J17, J18, J19,
J21, J22, J23, J24, J25, J26, J30, J31, J32, J33
 (See Guide for Minute No. references)

Financial Implications:

Operating

Current year impacts: \$ 0 (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ 0 (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)

Debt service costs: \$ _____ (net)

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

J1, J3, J5, J6, J7, J8, J10, J12, J14, J15, J16, J17, J18, J19, J21, J22, J23, J24, J25, J26, J27, J30, J31, J32, J33 – No financial impact.

- Consider Refer to Standing Committee
- Submitted by:

Chief Financial Officer and Treasurer

FISCAL IMPACT STATEMENT NO. 2 [NOTICE OF MOTION J(2)]
(See Minute No. 1.96, Page 147)

Financial Implications:

Operating

Current year impacts: \$_____ (net) Future year impacts: \$_____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$_____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$_____ (net) Future year impacts: \$_____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$_____ (net)

Operating Impact:

Program costs: \$_____ (net)

Debt service costs: \$_____ (net)

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Financial impact to be determined. Potential impact on various programs. This issue should be referred to the Governance Review Committee

Consider Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

FISCAL IMPACT STATEMENT NO. 3 [NOTICE OF MOTION J(4)]
(See Minute No. 1.98, Page 153)

Financial Implications:

<input type="checkbox"/> Operating
<input type="checkbox"/> Current year impacts: \$_____ (net)
<input type="checkbox"/> Future year impacts: \$_____ (net)
<input type="checkbox"/> Following year
<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):
<input type="checkbox"/> Accommodation within approved operating budget
<input type="checkbox"/> New revenues
<input type="checkbox"/> Reserve/Reserve Fund contributions
<input type="checkbox"/> Third party funding
<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$_____ (net)
<input type="checkbox"/> Impact on staffing levels: _____ (positions)

<input checked="" type="checkbox"/> Capital
<input checked="" type="checkbox"/> Current year impacts: \$ <u>35,600</u> (net)
<input type="checkbox"/> Future year impacts: \$_____ (net)
<input type="checkbox"/> Following year
<input type="checkbox"/> Future years
<input checked="" type="checkbox"/> Funding sources (specify):
<input checked="" type="checkbox"/> Accommodation within approved capital budget
<input type="checkbox"/> New revenues
<input type="checkbox"/> Reserve/Reserve Fund contributions
<input type="checkbox"/> Third party funding
<input type="checkbox"/> Debt
<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$_____ (net)
<input type="checkbox"/> Operating Impact:
<input type="checkbox"/> Program costs: \$_____ (net)
<input type="checkbox"/> Debt service costs: \$_____ (net)

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

This expenditure is budgeted in the 2003 TTC capital budget and is \$107,000 dollars gross and \$35,600 net.

Consider Refer to Standing Committee
Submitted by: _____
Chief Financial Officer and Treasurer

FINANCIAL IMPACT STATEMENT NO. 5 [NOTICE OF MOTION J(11)]
(See Minute No. 1.105, Page 163)

Financial Implications:

<input type="checkbox"/> Operating
<input type="checkbox"/> Current year impacts: \$_____ (net)
<input type="checkbox"/> Future year impacts: \$_____ (net)
<input type="checkbox"/> Following year
<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):
<input type="checkbox"/> Accommodation within approved operating budget
<input type="checkbox"/> New revenues
<input type="checkbox"/> Reserve/Reserve Fund contributions
<input type="checkbox"/> Third party funding
<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$_____ (net)
<input type="checkbox"/> Impact on staffing levels: _____ (positions)

<input type="checkbox"/> Capital
<input type="checkbox"/> Current year impacts: \$_____ (net)
<input type="checkbox"/> Future year impacts: \$_____ (net)
<input type="checkbox"/> Following year
<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):
<input type="checkbox"/> Accommodation within approved capital budget
<input type="checkbox"/> New revenues
<input type="checkbox"/> Reserve/Reserve Fund contributions
<input type="checkbox"/> Third party funding
<input type="checkbox"/> Debt
<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$_____ (net)
<input type="checkbox"/> Operating Impact:
<input type="checkbox"/> Program costs: \$_____ (net)
<input type="checkbox"/> Debt service costs: \$_____ (net)

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Motion declares Ward 30 vacant. Please refer to J13 for options for filling vacancy and attached staff report.

Consider Refer to Standing Committee
Submitted by: _____
Chief Financial Officer and Treasurer

FISCAL IMPACT STATEMENT NO. 6 [NOTICE OF MOTION J(13)]
(See Minute No. 1.107, Page 167)

Financial Implications:

Operating

Current year impacts: \$ up to .120 (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input checked="" type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)

Debt service costs: \$ _____ (net)

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Motion to consider options to fill vacant Ward 30 (staff report attached). Financial impact varies depending on option chosen. Cost of appointing \$20k. Cost of by-election \$135k. No funding has been provided in the 2003 operating budget.

Consider Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

FISCAL IMPACT STATEMENT NO. 11

NOTICES OF MOTIONS: J(34), J(35), J(36), J(37) and J(38)

(See Guide for Minute No. references)

Financial Implications:

<p>X Operating</p> <p><input type="checkbox"/> Current year impacts: \$ <u>0</u> (net) <input type="checkbox"/> Future year impacts: \$ _____ (net)</p> <p><input type="checkbox"/> Funding sources (specify):</p> <table><tr><td><input type="checkbox"/> Accommodation within approved operating budget</td><td><input type="checkbox"/> Third party funding</td></tr><tr><td><input type="checkbox"/> New revenues</td><td><input type="checkbox"/> Tax rate impact</td></tr><tr><td><input type="checkbox"/> Reserve/Reserve Fund contributions</td><td><input type="checkbox"/> Other</td></tr></table> <p><input type="checkbox"/> Budget adjustments: \$ _____ (net)</p> <p><input type="checkbox"/> Impact on staffing levels: _____ (positions)</p> <p><input type="checkbox"/> Following year</p> <p><input type="checkbox"/> Future years</p>	<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding	<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact	<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding					
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact					
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other					

<p>X Capital</p> <p><input type="checkbox"/> Current year impacts: \$ <u>0</u> (net) <input type="checkbox"/> Future year impacts: \$ _____ (net)</p> <p><input type="checkbox"/> Funding sources (specify):</p> <table><tr><td><input type="checkbox"/> Accommodation within approved capital budget</td><td><input type="checkbox"/> Third party funding</td></tr><tr><td><input type="checkbox"/> New revenues</td><td><input type="checkbox"/> Debt</td></tr><tr><td><input type="checkbox"/> Reserve/Reserve Fund contributions</td><td><input type="checkbox"/> Other</td></tr></table> <p><input type="checkbox"/> Budget adjustments: \$ _____ (net)</p> <p><input type="checkbox"/> Operating Impact:</p> <table><tr><td><input type="checkbox"/> Program costs: \$ _____ (net)</td></tr><tr><td><input type="checkbox"/> Debt service costs: \$ _____ (net)</td></tr></table> <p><input type="checkbox"/> Following year</p> <p><input type="checkbox"/> Future years</p>	<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding	<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt	<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other	<input type="checkbox"/> Program costs: \$ _____ (net)	<input type="checkbox"/> Debt service costs: \$ _____ (net)
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding							
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt							
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other							
<input type="checkbox"/> Program costs: \$ _____ (net)								
<input type="checkbox"/> Debt service costs: \$ _____ (net)								

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notices of Motion – J (34), J (35), J (36), J (37), J (38)

X Consider Refer to Standing Committee
Submitted by: _____
Chief Financial Officer and Treasurer

