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

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

**WEDNESDAY, MARCH 26, 2003**

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

**CALL TO ORDER - 5:10 P.M.**

S3.1 Deputy Mayor Ootes took the Chair and called the Members to order.

The meeting opened with O Canada.

**S3.2 NOTICE OF SPECIAL MEETING**

Deputy Mayor Ootes advised the Council that the purpose of this special meeting is to hear from those persons who have consented to accept the office of Councillor - Ward 30 - Toronto Danforth, if he/she is appointed by City Council to fill the vacancy as required under the provisions of the Municipal Act, 2001 of the Province of Ontario.

**PRESENTATION OF REPORTS**

S3.3 Councillor Rae presented the following Reports for consideration by Council:

Deferred Clause:

Report No. 2 of The Toronto East York Community Council, Clause No. 1a

New Report:

Report No. 3 of The Toronto East York Community Council

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

**S3.4 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**CONSIDERATION OF REPORTS****CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION****S3.5 The following Clauses were held by Council for further consideration:**

Report No. 2 of The Toronto East York Community Council, Clause No. 1a.

Report No. 3 of The Toronto East York Community Council, Clause No. 1.

**CONSIDERATION OF REPORTS****CLAUSES WITH MOTIONS, VOTES, ETC.****S3.6 Clause No. 1 of Report No. 3 of The Toronto East York Community Council, headed "Filling the Vacancy in the Office of Councillor, Ward 30 - Toronto-Danforth".**

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the following persons had submitted nominations prior to this Special Council meeting:

Desmond Alvares

Cathy Mallove

Nicholas Brooks

Henry Tang

Bill Turner

Barry Rowland

Steve Veale

Robert Allard

Nick Arrizza

Axcel Cocon

Laura Jones

Dan Tweyman

Susan Ruskin

Mark Joseph

Doug Hum

Jacqueline Cotnam

Roland Ollivier

Kevin Clarke

Mary Kelly	Anthony Moung Yin Chan
Sherry Bagnato	Georges Legault
Charles Braive	Donald Menary
Brian Graff	Sean Lough
Valerie Mah	Andrew Bonisteel
Syeda Rahman	Dalton Shipway
Tom Clifford	David Chan
Mike Novich	Chris Yu
Simon Shaw	Ryan Seymour
Moses Wuggenig	Robert Dixon
Heather Medhurst	Tooker Gomberg
Kathy Flint	Tracy O'Hara

Deputy Mayor Ootes further advised the Council that the following person had subsequently withdrawn his name from the list of nominees to be considered to fill this vacancy:

Nick Arrizza

Deputy Mayor Ootes called upon a motion from the Council that those persons, who have signified in writing that they are legally qualified to hold the office of Councillor and have 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.

*Motion:*

**Moved by: Councillor Rae**

**Seconded by: Councillor Chow**

**“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 City Councillor, Ward 30 - Toronto-Danforth, shall be considered for appointment to fill such vacancy:

1. Robert Allard
2. Desmond Alvares
3. Sherry Bagnato
4. Andrew Bonisteel
5. Charles Braive
6. Nicholas Brooks
7. Anthony Moung Yin Chan
8. David Chan
9. Kevin Clarke

10. Tom Clifford
11. Axcel Cocon
12. Jacqueline Cotnam
13. Robert Jed Dixon
14. Kathy Flint
15. Tooker Gomberg
16. Brian Graff
17. Doug Hum
18. Laura Jones
19. Mark Joseph
20. Mary Kelly
21. Georges Legault
22. Sean Lough
23. Valerie Mah
24. Cathy Mallove
25. Heather Elizabeth Medhurst
26. Donald Menary
27. Mike Novich
28. Tracy O'Hara
29. Roland Ollivier
30. Syeda Pervin Rahman
31. Barry Rowland
32. Susan Ruskin
33. Ryan Seymour
34. Simon Shaw
35. Dalton Shipway
36. Henry Tang
37. Billie Turner
38. Dan Tweyman
39. Steve Veale
40. Moses Paul Wuggenig
41. Chris Yu

(Withdrawn: Nick Arrizza)

*Vote:*

The motion by Councillor Rae, seconded by Councillor Chow, carried.

*Process for Appointment:*

Deputy Mayor Ootes advised the Council that Council, at its regular meeting held on February 4, 5 and 6, 2003, and its Special Meeting held on February 7, 2003, by its adoption, as amended, of Motion J13, had adopted a process for this appointment, as follows:

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 each name.

Each Member of Council will be allowed no more than one question to each candidate. Once all candidates have spoken and all questions have been concluded, Members of Council may speak if they so wish, in accordance with the provisions of Chapter 27, Council Procedures.

Following consideration by Council of all submissions, Council will proceed to vote as follows:

- (a) Members of Council will vote by way of ballot. The names of all candidates who have consented to accept the office if appointed, except those who have officially withdrawn, will appear on the ballot, whether they appeared here this evening or not.

Members of Council must print and sign their name on their ballot. The ballots are part of the public record and the results will be recorded in the Minutes of Council.

After the results of the ballot have been tabulated, the Clerk will announce the results.

- (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.

Upon conclusion of the voting, the Clerk will declare to be appointed the candidate receiving the votes of more than one-half of the number of the Members of Council present and voting.

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.

*Nominees to Address Council:*

Deputy Mayor Ootes called upon the nominees present at this meeting to address the Council and the City Clerk determined the order of speaking by lot.

The following nominees addressed the Council and each Member of Council was permitted to ask one question of each candidate, if they so chose:

Valerie Mah  
Syeda Pervin Rahman  
Kevin Clarke  
Tooker Gomberg  
Jacqueline Cotnam  
Simon Shaw  
David Chan  
Anthony Mounq Yin Chan  
Laura Jones  
Roland Ollivier  
Moses Paul Wuggenig  
Tom Clifford  
Nicholas Brooks

*Appointment:*

Deputy Mayor Ootes advised the Council that the appointment of one of the following nominees would now process by way of written ballot:

1. Robert Allard
2. Desmond Alvares
3. Sherry Bagnato
4. Andrew Bonisteel
5. Charles Braive
6. Nicholas Brooks

7. Anthony Moung Yin Chan
8. David Chan
9. Kevin Clarke
10. Tom Clifford
11. Axcel Cocon
12. Jacqueline Cotnam
13. Robert Jed Dixon
14. Kathy Flint
15. Tooker Gomberg
16. Brian Graff
17. Doug Hum
18. Laura Jones
19. Mark Joseph
20. Mary Kelly
21. Georges Legault
22. Sean Lough
23. Valerie Mah
24. Cathy Mallove
25. Heather Elizabeth Medhurst
26. Donald Menary
27. Mike Novich
28. Tracy O'Hara
29. Roland Ollivier
30. Syeda Pervin Rahman
31. Barry Rowland
32. Susan Ruskin
33. Ryan Seymour
34. Simon Shaw
35. Dalton Shipway
36. Henry Tang
37. Billie Turner
38. Dan Tweyman
39. Steve Veale
40. Moses Paul Wuggenig
41. Chris Yu

Deputy Mayor Ootes requested Members of Council to indicate their choice on the ballot provided by signing and printing their names.

*Results of First Ballot:*

The City Clerk tallied the results of the first ballot and advised the Council of the results, as follows:

**For Robert Allard:**

None

**For Desmond Alvares:**

None

**For Sherry Bagnato:**

None

**For Andrew Bonisteel:**

None

**For Charles Braive:**

None

**For Nicholas Brooks:**

None

**For Anthony Chan:**

None

**For David Chan:**

None

**For Kevin Clarke:**

None

**For Tom Clifford:**

Mayor: Lastman

Councillors: Duguid, Feldman, Flint, Holyday, Kelly, Korwin-Kuczynski, Mammoliti, Milczyn,  
Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Sutherland, Tziretas –



17.

**For Axcel Cocon:**

None

**For Jacqueline Cotnam:**

None

**For Robert Jed Dixon:**

None

**For Kathy Flint:**

None

**For Tooker Gomberg:**

None

**For Brian Graff:**

None

**For Doug Hum:**

None

**For Laura Jones:**

Councillors: Altobello, Ashton, Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Fillion, Li Preti, Jones, McConnell, Mihevc, Miller, Moscoe, Rae, Soknacki, Walker - 17.

**For Mark Joseph:**

None

**For Mary Kelly:**

None

**For Georges Legault:**

None

**For Sean Lough:**

None

**For Valerie Mah:**

Councillors: Cho, Shaw – 2

**For Cathy Mallove:**

None

**For Heather Elizabeth Medhurst:**

None

**For Donald Menary:**

None

**For Mike Novich:**

None

**For Tracy O'Hara:**

None

**For Roland Ollivier:**

None

**For Syeda Pervin Rahman:**

None

**For Barry Rowland:**

None

**For Susan Ruskin:**

None

**For Ryan Seymour:**

None

**For Simon Shaw:**

None

**For Dalton Shipway:**

None

**For Henry Tang:**

None

**For Billie Turner:**

None

**For Dan Tweyman:**

None

**For Steve Veale:**

None

**For Moses Paul Wuggenig:**

None

**For Chris Yu:**

None

*Advice by City Clerk:*

The City Clerk advised the Council that, having regard that no candidate had received 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.

*Results of Second Ballot:*

The City Clerk tallied the results of the second ballot and advised the Council of the results, as follows:

**For Tom Clifford:**

Mayor: Lastman  
Councillors: Duguid, Feldman, Flint, Holyday, Kelly, Korwin-Kuczynski, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland, Tziretas - 18

**For Laura Jones:**

Councillors: Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Filion, Jones, Li Preti, McConnell, Mihevc, Miller, Moscoe, Rae, Shaw, Walker – 18

**For Valerie Mah:**

None

*Advice by City Clerk:*

The City Clerk advised the Council that, having regard that no candidate had received more than one-half the votes of all Members of Council present and voting, the candidate who received the fewest number of votes shall be excluded from the voting and the vote shall be taken again by the Clerk.

*Results of Third Ballot:*

The City Clerk tallied the results of the third ballot and advised the Council of the results, as follows:

**For Tom Clifford:**

Mayor: Lastman  
Councillors: Duguid, Feldman, Flint, Holyday, Kelly, Korwin-Kuczynski, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland, Tziretas – 18

**For Laura Jones:**

Councillors: Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Filion, Jones, Li Preti, McConnell, Mihevc, Moscoe, Rae, Shaw, Walker – 17

1 spoiled ballot

*Advice by City Clerk:*

The City Clerk advised the Council that, having regard that no candidate had received more than one-half the votes of all Members of Council present and voting, the vote shall be taken again by the Clerk.

*Results of Fourth Ballot:*

The City Clerk tallied the results of the fourth ballot and advised the Council of the results, as follows:

**For Tom Clifford:**

Mayor: Lastman  
Councillors: Duguid, Feldman, Flint, Holyday, Kelly, Korwin-Kuczynski, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland, Tziretas – 18

**For Laura Jones:**

Councillors: Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Filion, Jones, Li Preti, McConnell, Mihevc, Miller, Moscoe, Rae, Shaw, Walker – 18

*Advice by City Clerk:*

The City Clerk advised the Council that, having regard that only two candidates remain and the votes cast are equal for the candidates, in accordance with the process adopted by Council, the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the Clerk.

*Result of Selection by Lot:*

The City Clerk placed the names of the two remaining candidates in a container and randomly drew the name of one candidate.

The City Clerk advised the Council that she had drawn the name of candidate Laura Jones. The City Clerk declared that Laura Jones, having been selected by lot, is appointed to the Office of City Councillor, Ward 30 - Toronto Danforth, for the remainder of this term of Council.

**S3.7 Clause No. 1a of Report No. 2 of The Toronto East York Community Council, headed "Ontario Municipal Board Hearing - 28 Rees Street (Trinity-Spadina, Ward 20)".**

*Motion:*

Councillor Chow moved that the Clause, together with the supplementary report dated March 20, 2003, from the City Solicitor, be struck out and referred back to the Toronto East York Community Council for further consideration at its meeting scheduled to be held on April 1, 2003.

*Vote on Referral:*

The motion by Councillor Chow carried.

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

**S3.8 Declaration of Vacancy on Council - Ward 17 – Davenport**

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(1), 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 Betty Disero has filed a letter of resignation with the City Clerk on February 28, 2003, such resignation being effective on March 14, 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 17 – Davenport, be declared vacant.”

*Vote:*

Motion J(1) was adopted, without amendment.

### S3.9 **Appointments to Fill Positions Held by Former Councillor Jack Layton**

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

**Moved by:** Councillor Rae

**Seconded by:** Councillor Ootes

“**WHEREAS** Laura Jones has been appointed as Councillor for Ward 30 – Toronto-Danforth, to replace the former Councillor Jack Layton, which office was declared vacant by Council at its regular meeting held on February 4, 5 and 6, 2003, and its special meeting held on February 7, 2003; and

**WHEREAS** it is necessary to make appointments to fill those positions held by the former Councillor Jack Layton;

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

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

- (1) Danforth Business Improvement Area;
- (2) Eastview Community Neighbourhood Centre;
- (3) Gerrard India Bazaar Business Improvement Area;
- (4) Greektown on the Danforth Business Improvement Area;
- (5) Queen Broadview Village Business Improvement Area;
- (6) Ralph Thornton Community Centre;
- (7) Riverdale Hospital Board of Directors; and
- (8) Works Committee;

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

- (1) Gardiner Lakeshore Corridor Task Force;
- (2) Homeless and Socially Isolated Persons Advisory Committee;
- (3) Pesticides Phase Out Reference Group;
- (4) Sustainability Advocate and ex-officio Chair, Sustainability Roundtable;
- (5) Toronto Atmospheric Fund Board of Directors; and
- (6) Toronto Hydro Board of Directors.”

*Vote:*

Motion J(2) was adopted, without amendment.



**BILLS AND BY-LAWS**

S3.10 On March 26, 2003, at 7:30 p.m., Councillor Mammoliti, seconded by Mayor Lastman, 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. 180

By-law No. 182-2003

To declare the council seat for Ward 17 -  
Davenport vacant,

the vote upon which was taken as follows:

Yes - 35	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Feldman, Filion, Flint, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Ootes, Pitfield, Rae, Shaw, Shiner, Soknacki, Sutherland, Tziretas, Walker
No - 1	
Councillors:	Nunziata

Carried by a majority of 34.

S3.11 On March 26, 2003, at 8:07 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. 181	By-law No. 183-2003	To confirm the proceedings of the Council at its Special meeting held on the 26th day of March, 2003,
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the vote upon which was taken as follows:

Yes - 33	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Feldman, Filion, Flint, Holyday, Jones, Kelly, Li Preti, Mammoliti, McConnell, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pitfield, Rae, Shaw, Shiner, Soknacki, Sutherland, Tziretas, Walker
No - 1	
Councillor:	Minnan-Wong

Carried by a majority of 32.

**OFFICIAL RECOGNITIONS:**

**S3.12 Presentations/Introductions/Announcements:**

Deputy Mayor Ootes introduced the following representatives of the City of Long Beach, present at the Special Meeting:

- Rob Webb, Councilman - Eighth District; and
- Jerry Calijury, Executive Assistant.

Mayor Lastman, on behalf of all Members of Council, congratulated Laura Jones on her appointment to the Office of City Councillor, Ward 30 - Toronto Danforth, and extended the best wishes of Council to all of the candidates who had participated in the appointment process.

**S3.13 ATTENDANCE**

Councillor Soknacki, seconded by Councillor Duguid, moved that the absence of Councillors Balkissoon, Ford, Johnston, Pantalone and Silva, be excused from this Special Meeting of Council, which carried.

March 26, 2003	Roll Call 5:10 p.m.	5:10 p.m. to 8:08 p.m.*	Roll Call 7:20 p.m.
Lastman	x	x	x
Altobello	x	x	x
Ashton	-	x	x
Augimeri	x	x	x
Balkissoon	-	-	-
Berardinetti	x	x	x
Bussin	x	x	x
Cho	-	x	x
Chow	-	x	x
Di Giorgio	x	x	x
Duguid	x	x	x
Feldman	x	x	x
Filion	-	x	x

Minutes of a Special Meeting of the Council of the City of Toronto  
March 26, 2003

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March 26, 2003	Roll Call 5:10 p.m.	5:10 p.m. to 8:08 p.m.*	Roll Call 7:20 p.m.
Flint	-	x	x
Ford	-	-	-
Hall	x	x	-
Holyday	x	x	x
Johnston	-	-	-
Jones, I.	x	x	x
Kelly	x	x	x
Korwin-Kuczynski	x	x	x
Li Preti	-	x	x
Lindsay Luby	-	x	-
Mammoliti	x	x	x
McConnell	-	x	x
Mihevc	-	x	x
Milczyn	x	x	x
Miller	-	x	x
Minnan-Wong	x	x	x
Moeser	x	x	x
Moscoe	x	x	x
Nunziata	x	x	x
Ootes	x	x	x
Pantalone	-	-	-
Pitfield	-	x	x
Rae	x	x	x
Shaw	-	x	x
Shiner	-	x	x
Silva	-	-	-
Soknacki	-	x	x

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March 26, 2003	Roll Call 5:10 p.m.	5:10 p.m. to 8:08 p.m.*	Roll Call 7:20 p.m.
Sutherland	x	x	x
Tziretas	x	x	x
Walker	x	x	x
Total	24	38	36

\* Members were present for some or all of the time period indicated.

**Adjourned: 8:08 p.m.**

**MEL LASTMAN,  
Mayor**

**ULLI S. WATKISS,  
City Clerk**