

[Guide to Minutes](#)

These Minutes were confirmed by City Council on January 27, 2004

[Agenda Index](#)

**MINUTES OF THE COUNCIL
OF THE
CITY OF TORONTO
FIRST MEETING**

**TUESDAY, DECEMBER 2, 2003, AND
THURSDAY, DECEMBER 4, 2003**

December 2, 2003

The Members of Council of the City of Toronto, for the three-year term commencing December 1, 2003, met on Tuesday, December 2, 2003, at 2:00 p.m. in the Council Chamber, City Hall, Toronto.

The City Clerk, Ulli S. Watkiss, presided in accordance with the provisions of the Municipal Act, 2001.

The meeting opened with the singing of the National Anthem by Ms. Salome Bey, accompanied by Mr. Bruce Skerritt.

Council rose and observed a moment of silence and personal reflection.

1.1 REPORT OF THE CITY CLERK

The City Clerk welcomed the Members of Council to the First Meeting of the Council of the City of Toronto, and reported that she had declared the 2003 Municipal Election results as to the persons elected and entitled to be Members of the Council of the City of Toronto for a three-year term of office commencing December 1, 2003.

1.2 DECLARATION OF OFFICE - MAYOR

The City Clerk called upon The Honourable R. Roy McMurtry, Chief Justice of Ontario, to administer the Declaration of Office and swear in the Mayor.

The Mayor took his Declaration of Office before the Chief Justice of Ontario, The Honourable R. Roy McMurtry, and was invested with the Chain of Office.

1.3 **DECLARATION OF OFFICE - MEMBERS OF COUNCIL**

The City Clerk reported that she had the Declarations of Office taken by all the Members of Council and, in accordance with the Municipal Act, 2001, deemed the Council for the City of Toronto for the term commencing on December 1, 2003, to be organized.

1.4 **INTRODUCTION OF 2003-2006 TORONTO CITY COUNCIL**

The City Clerk introduced the following Members of the Council of the City of Toronto for the three-year term of office commencing on December 1, 2003, and called upon each Member of Council to come forward to receive a commemorative copy of their Declaration of Office from the Mayor:

Councillor Jane Pitfield
Ward 26 – Don Valley West

Councillor Peter LiPreti
Ward 8 – York West

Councillor Kyle Rae
Ward 27 – Toronto Centre-Rosedale

Councillor Sandra Bussin
Ward 32 – Beaches-East York

Councillor Frank Di Giorgio
Ward 12 – York South-Weston

Councillor Joe Pantalone
Ward 19 – Trinity-Spadina

Councillor Mark Grimes
Ward 6 – Etobicoke-Lakeshore

Councillor Cliff Jenkins
Ward 25 – Don Valley West

Councillor Pam McConnell
Ward 28– Toronto Centre-Rosedale

Councillor Brian Ashton
Ward 36 – Scarborough Southwest

Councillor Peter Milczyn
Ward 5 – Etobicoke-Lakeshore

Councillor Sylvia Watson
Ward 14 – Parkdale High Park

Councillor Gerry Altobello
Ward 35 – Scarborough Southwest

Councillor Bas Balkissoon
Ward 41 – Scarborough-Rouge River

Councillor Michael Walker
Ward 22 – St. Paul's

Councillor Janet Davis
Ward 31 – Beaches-East York

Councillor Raymond Cho
Ward 42 – Scarborough-Rouge River

Councillor Mike Feldman
Ward 10 – York Centre

Councillor David Shiner
Ward 24 – Willowdale

Councillor Karen Stintz
Ward 16 – Eglinton-Lawrence

Councillor Bill Saundercook
Ward 13 – Parkdale-High Park

Councillor Olivia Chow
Ward 20 – Trinity-Spadina

Councillor Joe Mihevc

Ward 21 – St. Paul’s

Councillor John Filion
Ward 23 – Willowdale

Councillor Case Ootes
Ward 29 – Toronto-Danforth
Councillor Rob Ford
Ward 2 – Etobicoke North

Councillor Paula Fletcher
Ward 30 – Toronto-Danforth

Councillor Gay Cowbourne
Ward 44 – Scarborough East

Councillor Suzan Hall
Ward 1 – Etobicoke North

Councillor Frances Nunziata
Ward 11 – York South-Weston

Councillor Cesar Palacio
Ward 17 – Davenport

Councillor Norm Kelly
Ward 40 – Scarborough-Agincourt

Councillor Michael Del Grande
Ward 39 – Scarborough-Agincourt

Councillor Shelley Carroll
Ward 33 – Don Valley East

Councillor Michael Thompson
Ward 37 – Scarborough Centre

Councillor Adam Giambrone
Ward 18 – Davenport

Councillor Denzil Minnan-Wong
Ward 34 – Don Valley East

Councillor Maria Augimeri
Ward 9 – York Centre

Councillor David Soknacki
Ward 43 – Scarborough East

Councillor Howard Moscoe
Ward 15 – Eglinton-Lawrence

Councillor Doug Holyday
Ward 3 – Etobicoke Centre

Councillor Glenn De Baeremaeker
Ward 38 – Scarborough Centre

Councillor Gloria Lindsay Luby
Ward 4 – Etobicoke Centre

Councillor Giorgio Mammoliti
Ward 7 – York West

Mayor Miller took the Chair.

1.5 REMARKS BY THE CHIEF JUSTICE OF ONTARIO

The City Clerk called upon The Honourable R. Roy McMurtry, Chief Justice of Ontario, to give his remarks.

The Honourable R. Roy McMurtry addressed the Council.

1.6 INAUGURAL ADDRESS

The City Clerk called upon the Mayor to give his Inaugural Address.

Mayor Miller addressed the Council, and invited guests to attend a reception immediately following the day's proceedings. (See Attachment No. 1, Page 61.)

1.7 PROCEDURAL MOTION

Motion:

Mayor Miller, with the permission of Council, moved that Council vary the order of its proceedings to now consider Notice of Motion J(1) regarding the appointment of the Striking Committee, in order to permit the Community Councils to meet at 12:30 p.m., on Wednesday, December 3, 2003, during the Council recess, to elect their Chairs, and to allow the Striking Committee to meet at 1:00 p.m., on Wednesday, December 3, 2003, as previously scheduled.

Vote:

The motion by Mayor Miller carried unanimously.

1.8 **APPOINTMENT OF THE STRIKING COMMITTEE**

Mayor Miller moved that, in accordance with the provisions of Chapter 27, Council Procedures, of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion J(1), which carried:

Moved by: Mayor Miller

Seconded by: Councillor Pantalone

“WHEREAS Municipal Code Chapter 27, Council Procedures, Section 102, provides that the Mayor recommends membership of the Striking Committee, composed of up to seven members of Council including the Mayor, or Deputy Mayor if the Mayor so designates, as Chair; and

WHEREAS the Striking Committee meets after Council approves its membership to recommend various appointments to City Council, including the appointment of a Deputy Mayor; and

WHEREAS it is necessary to seek Council’s approval to allow the Mayor to designate a Member of Council to serve as the Chair of the first meeting of the Striking Committee in place of the Deputy Mayor, until such time as Council appoints a Deputy Mayor; and

WHEREAS Council Procedures Section 107, provides that Members shall be appointed to committees for a term office of 18 months and until their successors are appointed, unless Council decides otherwise;

NOW THEREFORE BE IT RESOLVED THAT the following Members of Council be appointed to the Striking Committee for a term of office expiring May 31, 2005, and until their successors are appointed:

Councillor Brian Ashton;
Councillor Sandra Bussin;
Councillor Shelley Carroll;

Councillor John Filion;
Councillor Gloria Lindsay Luby; and
Councillor David Soknacki;

AND BE IT FURTHER RESOLVED THAT the Mayor be permitted to designate the following Member of Council to serve as the Chair of the first meeting of the Striking Committee in the 2003-2006 term, until such time as a Deputy Mayor is appointed by Council;

Councillor Joe Pantalone;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be authorized and directed to take whatever action is necessary to implement these recommendations.”

Votes:

The second Operative Paragraph contained 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.

Council recessed its First Meeting at 3:00 p.m. to reconvene on Thursday, December 4, 2003. Council held a special meeting on December 3, 2003, respecting a Resolution on the fixed link to the Toronto City Centre Airport (Refer to December 3, 2003 Council Minutes).

December 4, 2003

CALL TO ORDER - 9:44 A.M.

1.9 Mayor Miller took the Chair and called the Members to order.

1.10 **PROCEDURAL MOTION:**

Motion:

Mayor Miller advised the Council that the Report from the Striking Committee meeting held at 8:30 a.m. that morning was not yet available. The Mayor, with the permission of Council, moved that Council vary the order of its proceedings to now consider Notices of Motions.

Vote:

The motion by Mayor Miller carried.

1.11 **DECLARATION OF INTEREST**

Councillor Jenkins declared his interest in Motion J(14), moved by Councillor Ashton, seconded by Councillor Grimes, respecting the recount of ballots for the Office of Councillor, Ward 25 - Don Valley West, in that he was declared the successful candidate for Ward 25 - Don Valley West, in the November 10, 2003 Municipal election.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

1.12 See Minute No. 1.8, Page 6, for the action taken by Council with respect to Notice of Motion J(1), entitled "Appointment of the Striking Committee".

1.13 **Authorization of Expenditures to Prevent the Spread of the Asian Longhorned Beetle (ALHB)**

Councillor Pantalone moved that, in accordance with the provisions of the Chapter 27, Council Procedures, of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion J(2), which carried:

Moved by: **Councillor Pantalone**

Seconded by: **Mayor Miller**

"WHEREAS the Asian Longhorned Beetle (ALHB) infestation is in Vaughan/Toronto, and having no predators or natural controls, its population will grow exponentially; it has the potential to destroy up to 70 percent of the trees and canopy of the urban forest; and it has the potential to destroy natural forests of Ontario and Canada and billions of dollars of associated forest industries; and

WHEREAS the Canadian Food Inspection Agency (CFIA) is the lead federal agency under the Plant Protection Act for the eradication of ALHB; the time to achieve the first major control step is during the winter/early spring before adult beetles emerge, mate, fly and infest new areas; and all work done to date has been done by Canadian Forest Service, Ontario Ministry of Natural Resources, CFIA, Toronto and Region Conservation Authority, Region of York Forestry, Vaughan Forestry and City of Toronto Forestry within existing budgets by reallocating staff and equipment with no actual or new funding being supplied; and

WHEREAS eradication through reallocation of existing resources is not sustainable over the years required to eradicate ALHB or even for the months to take the first

major steps; and reallocation of City of Toronto Urban Forestry resources to ALHB survey and planning of eradication, and important and necessary normal forestry work is not being done in an environment and time when the urban forest is already under many pressures; and

WHEREAS the Minister of Agriculture and Agri-Food announced on November 12, 2003, that this Ministry will fund the eradication of ALHB; the CFIA has explained that such funding will not be coming until 2004, concurrent with the timing of the new federal budget; such timing would be too late to take the most important and immediate ALHB control step of tree removal and wood disposal to prevent the spread of ALHB; and

WHEREAS on November 20, 2003, the City of Toronto received an Order from the CFIA to remove infested trees within the affected area by June 1, 2004; the removal order covers all host trees that are infested or suspected of being infested with Asian Longhorned Beetle in a geographical area roughly bounded by Steeles Avenue West, Highway No. 401, Highway No. 427 and Dufferin Street; such area is estimated to contain potentially 10,000 to 20,000 infested or suspected infested trees on public and private property; the City is left with no option but to proceed with eradication work including surveys, tree removal, chemical control, wood disposal, communication, research, administration and management; and such immediate work is estimated to cost up to \$3,000,000.00;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to seek written confirmation from the Federal Ministry of Agriculture and Agri-Food of the financial commitment to reimburse expenses incurred by the City of Toronto to eradicate the ALHB, including covering costs for annual surveys, tree removal, chemical control, wood disposal, communication, research assistance, administration and management;

AND BE IT FURTHER RESOLVED THAT upon receipt of such written confirmation, the Commissioner of Economic Development, Culture and Tourism be authorized to expend from the Parks and Recreation Operating Budget for eradication efforts for the balance of 2003 through to the Spring of 2004; and the Commissioner be further authorized to establish a corresponding receivable to recognize the recovery due from the Federal Government; such expenditure not to exceed \$3,000,000.00 gross and \$0.00 net;

AND BE IT FURTHER RESOLVED THAT the CFIA be requested to:

- (1) develop an Ontario Action Plan for dealing with the ALHB which specifies the financial commitment, and outlines the roles and responsibilities of agencies, municipalities and other stakeholders; and

- (2) commit funding to support tree replacement or compensation as an integral part of the eradication program;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to report to Council in February 2004, through the Economic Development and Parks Committee, on the eradication plan, funding status, and a long-term re-forestation strategy.”

Motions:

- (a) Councillor Pantalone moved that Motion J(2) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT Motion J(2) and other motions pertaining to this matter be also referred to the Office of Mayor Miller and included in the Mayor’s ongoing negotiations with the Federal/Provincial governments.”

- (b) Councillor Hall moved that Motion J(2) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to:

- (1) approach the Ontario Ministry of Natural Resources to commit funds for re-forestation;
- (2) approach representatives of the lumber industry – softwood, hardwood and maple syrup producers – to seek assistance with the funding for re-forestation;
- (3) enhance wide public awareness through various media, such as cottage country publications, school programs, etc., respecting the transportation of any lumber or beetles to other areas of the Province of Ontario and Canada; and
- (4) include the issue of ravine management and potential erosion and its impact on homeowners in his forthcoming report to be tabled in February 2004.”

Councillor Bussin in the Chair.

- (c) Councillor Mammoliti moved that Motion J(2) be amended by adding the following new Operative Paragraphs:

“AND BE IT FURTHER RESOLVED THAT Councillors Hall, Li Preti and Mammoliti be consistently informed of all developments related to the Asian Longhorned Beetle Program and the eradication of trees as a result of the Program;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to develop a contingency plan to replant in affected areas if the Federal Government does

not commit to funding for replanting.”

- (d) Councillor Li Preti moved that Motion J(2) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to give a presentation on the Asian Longhorned Beetle at the next regular meeting of Council on January 27, 2004.”

- (e) Councillor Fletcher moved that Motion J(2) be amended by adding to the fourth Operative Paragraph the words, “and a public awareness strategy for the citizens of the City of Toronto”, so that such Operative Paragraph now reads as follows:

“AND BE IT FURTHER RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to report to Council in February 2004, through the Economic Development and Parks Committee, on the eradication plan, funding status, and a long-term re-forestation strategy and a public awareness strategy for the citizens of the City of Toronto.”

Votes:

Motion (e) by Councillor Fletcher carried.

Motion (a) by Councillor Pantalone carried.

Motion (b) by Councillor Hall carried.

Motion (c) by Councillor Mammoliti carried.

Motion (d) by Councillor Li Preti carried.

Motion J(2) as amended, carried.

Summary:

In summary, Council adopted Motion J(2), subject to:

- (1) amending the fourth Operative Paragraph by adding the words “and a public awareness strategy for the citizens of the City of Toronto”, so that such Operative Paragraph shall now read as follows:

“AND BE IT FURTHER RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to report to Council in February 2004, through the Economic Development and Parks Committee, on the eradication plan, funding status, and a long-term re-forestation strategy and a public awareness strategy for the citizens of the City of Toronto.”; and

- (2) adding the following new Operative Paragraphs:

“AND BE IT FURTHER RESOLVED THAT Motion J(2) and other motions pertaining to this matter be also referred to the Office of Mayor Miller and included in the Mayor’s ongoing negotiations with the Federal/Provincial governments;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to:

- (1) approach the Ontario Ministry of Natural Resources to commit funds for re-forestation;
- (2) approach representatives of the lumber industry - softwood, hardwood and maple syrup producers – to seek assistance with the funding for re-forestation;
- (3) enhance wide public awareness through various media, such as cottage country publications, school programs, etc., respecting the transportation of any lumber or beetles to other areas of the Province of Ontario and Canada;
- (4) include the issue of ravine management and potential erosion and its impact on homeowners in his forthcoming report to be tabled in February 2004; and
- (5) develop a contingency plan to replant in affected areas if the Federal Government does not commit to funding for replanting;

AND BE IT FURTHER RESOLVED THAT Councillors Hall, Li Preti and Mammoliti be consistently informed of all developments related to the Asian Longhorned Beetle Program and the eradication of trees as a result of the Program;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to give a presentation on the ALHB at the next regular meeting of Council on January 27, 2004.”

Mayor Miller in the Chair.

1.14 **Cash Advance to the Toronto Zoo – Funding of 2003 Projected Budget Shortfall**

Councillor Mammoliti moved that, in accordance with the provisions of the Chapter 27, Council Procedures, of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion J(3), which carried:

Moved by: Councillor Mammoliti

Seconded by: Councillor Soknacki

“WHEREAS the Toronto Zoo reported to City Council at its meeting held on September 22, 23, 24 and 25, 2003, a projected 2003 \$2,800,000.00 budget shortfall, as a result of declining revenues caused by SARS and the August electricity blackout; and

WHEREAS the Toronto Zoo requires cash advances from the City to meet November and December payroll obligations;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the report dated November 24, 2003, from the Chief Financial Officer and Treasurer, entitled ‘Cash Advance to Toronto Zoo - Funding of 2003 Projected Budget Shortfall’, and that such report be adopted.”

City Council had before it, during consideration of Motion J(3), a report dated November 24, 2003, from the Chief Financial Officer and Treasurer, entitled “Cash Advance to Toronto Zoo - Funding of 2003 Projected Budget Shortfall” (See Attachment No. 2, Page 67).

Vote:

Motion J(3) was adopted, without amendment.

Summary:

In adopting Motion J(3), without amendment, Council adopted, without amendment, the report dated November 24, 2003, from the Chief Financial Officer and Treasurer, entitled “Cash Advance to Toronto Zoo - Funding of 2003 Projected Budget Shortfall”, containing the following recommendation:

“It is recommended that the Chief Financial Officer and Treasurer be authorized to advance an estimated additional \$2.8 million to the Toronto Zoo (through interim

funding from the working capital reserve), to meet its 2003 payroll and other obligations.”

1.15 **2004 Interim Levy By-law**

Councillor Soknacki moved that, in accordance with the provisions of the Chapter 27, Council Procedures, of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion J(4), which carried:

Moved by: Councillor Soknacki

Seconded by: Councillor Pantalone

“**WHEREAS** Section 317 of the Municipal Act, 2001 provides municipalities with the authority to enact a by-law establishing an interim property tax levy at no more than fifty percent of the preceding year’s taxes billed for each property in each class; and

WHEREAS the 2004 interim levy will address the cash requirements of the City of Toronto until such time as Council approves the 2004 Operating Budget and final levy by-law; and

WHEREAS the Municipal Act, 2001 also provides that an interim levy by-law may be enacted in December of the previous year (but not earlier), provided the interim levy becomes effective on a specified date in the following year; and

WHEREAS in order to provide sufficient time for the interim tax bill production, and to give taxpayers timely notice of payment due dates, the City’s 2004 interim tax bills must be produced and mailed by the end of the January 2004; and

WHEREAS the December 2003 meeting of Council is the only opportunity that will allow a by-law to be adopted authorizing the 2004 interim levy that would allow the above timelines to be met;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the report dated November 21, 2003, from the Chief Financial Officer and Treasurer, entitled, ‘Property Taxes: 2004 Interim Levy By-law’, and that such report be adopted.”

City Council had before it, during consideration of Motion J(4), a report dated November 21, 2003, from the Chief Financial Officer and Treasurer, entitled “Property Taxes: 2004 Interim Levy By-law”. (See Attachment No. 3, Page 69)

Vote:

Motion J(4) was adopted, without amendment.

Summary:

In adopting Motion J(4), without amendment, Council adopted, without amendment, the report dated November 21, 2003, from the Chief Financial Officer and Treasurer, entitled "Property Taxes: 2004 Interim Levy By-law", containing the following recommendations:

"It is recommended that:

- (1) the 2004 interim levy for all property classes be based on 50 percent of the total 2003 taxes billed for each property, and amounts shall be levied in respect of assessment added after the interim levy by-law is passed, which assessment was not on the assessment roll upon which the amounts were levied;
- (2) authority be granted for the introduction of the necessary bill at the Council meeting scheduled for December 2, 3 and 4, 2003, providing for the levying and collection of the 2004 interim taxes, prior to the adoption of the estimates for 2004; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

1.16 Increase to 2003 Toronto Emergency Medical Services Operating Budget to Reflect Increased Funding from the Ministry of Health to Offset Increased Operating Expenses for the Central Ambulance Communications Centre (CACC)

Councillor Chow moved that, in accordance with the provisions of the Chapter 27, Council Procedures, of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion J(5), which carried:

Moved by: Councillor Chow

Seconded by: Councillor Pantalone

"WHEREAS Toronto Emergency Medical Services (EMS) has had ongoing discussions with the Ministry of Health and Long-Term Care (MOHLTC) regarding the need for increased staffing in the Central Ambulance Communications Centre (CACC) to maintain a 24-hour operation and supervision and to improve compliance with the provincial standards stipulated by the Ministry of Health and Long-Term

Care CACC staffing model; and

WHEREAS the Ministry has agreed to flow Toronto EMS \$635,069.00 in 2003 to address these issues, annualized to \$1,224,590.00; and

WHEREAS funds, in accordance with provincial direction, must be spent prior to year-end or be identified as a recovery back to the Province; and

WHEREAS EMS plans to hire the staff in late 2003;

NOW THEREFORE BE IT RESOLVED THAT City Council give consideration to the report dated November 18, 2003, from the Commissioner of Works and Emergency Services, entitled, 'Increase to 2003 Toronto Emergency Medical Services Operating Budget', and that such report be adopted."

City Council had before it, during consideration of Motion J(5), a report dated November 18, 2003, from the Commissioner of Works and Emergency Services, entitled "Increase to 2003 Toronto Emergency Medical Services Operating Budget". (See Attachment No. 4, Page 71)

Vote:

Motion J(5) was adopted, without amendment.

Summary:

In adopting Motion J(5), without amendment, Council adopted, without amendment, the report dated November 18, 2003, from the Commissioner of Works and Emergency Services, entitled "Increase to 2003 Toronto Emergency Medical Services Operating Budget", containing the following recommendations:

"It is recommended that:

- (1) the Toronto Emergency Medical Services Operating Budget for 2003 be increased by \$635,069.00 gross (Cost Centre B33100) and \$635,069.00 revenue (Cost Centre B93030) funded by the Province resulting in zero net and with an annualized impact in 2004 of \$1,224,590.00 gross and zero net; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

1.17 2004 Interim Operating Budget Estimates

Councillor Soknacki moved that, in accordance with the provisions of the Chapter 27, Council Procedures, of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion J(6), which carried:

Moved by: Councillor Soknacki

Seconded by: Councillor Pantalone

“WHEREAS in accordance with the Financial Control By-law No. 152-2000, approval is required for an interim appropriation to enable departments, agencies, boards and commissions to carry out their normal base operations during the first four months of 2004; and

WHEREAS the 2004 Operating Budget is scheduled to be before City Council for approval at its special meeting of April 19 to 27, 2004; and

WHEREAS an interim appropriation in the amount of \$2,496.654 million which consists of \$2,246.037 million for Levy Operations and \$250.617 million for Non Levy (Parking Authority and Water and Wastewater) Operations, is required;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the report dated November 24, 2003, from the Chief Financial Officer and Treasurer, entitled ‘2004 Interim Operating Budget Estimates’, and that such report be adopted.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(6), 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. 1, Page 77)

Council also had before it, during consideration of Motion J(6), a report November 24, 2003, from the Chief Financial Officer and Treasurer, entitled “2004 Interim Operating Budget Estimates”. (See Attachment No. 5, Page 73)

Vote:

Motion J(6) was adopted, without amendment.

Summary:

In adopting Motion J(6), without amendment, Council adopted, without amendment, the report dated November 24, 2003, from the Chief Financial Officer and Treasurer, entitled “2004 Interim Operating Budget Estimates”, containing the following recommendation:

“It is recommended that the 2004 interim operating budget estimates in the amount of \$2,496.654 million be approved as detailed in Appendix 1.”

1.18 Confirmation of 2004-2008 Capital Budget Pre-Approvals

Councillor Soknacki moved that, in accordance with the provisions of the Chapter 27, Council Procedures, of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion J(7), which carried:

Moved by: Councillor Soknacki

Seconded by: Councillor Pantalone

“WHEREAS the previous City Council, at its meeting held on September 22, 23, 24 and 25, 2003, adopted capital budget pre-approvals contained in the following items:

- (1) ‘765 Queen Street East - Ralph Thornton Centre (Ward 30 - Toronto-Danforth)’, embodied in Policy and Finance Committee Report No. 9, Clause No. 31; and
- (2) ‘Morningside Neighbourhood Branch Library Relocation Capital Funding Pre-Approval’, embodied in Policy and Finance Committee Report No. 9, Clause No. 52; and
- (3) ‘Pre-Approval Request for 2004-2008 Capital Projects’, embodied in Policy and Finance Committee Report No. 9, Clause No. 59; and

WHERAS these capital budget pre-approvals should be confirmed as approvals by the new Council;

NOW THEREFORE BE IT RESOLVED THAT City Council confirms and approves the recommendations of the previous Council regarding the following 2004-2008 capital budget pre-approvals:

- (1) ‘765 Queen Street East - Ralph Thornton Centre (Ward 30 - Toronto-Danforth)’, embodied in Policy and Finance Committee Report No. 9,

Clause No. 31; and

- (2) 'Morningside Neighbourhood Branch Library Relocation Capital Funding Pre-Approval', embodied in Policy and Finance Committee Report No. 9, Clause No. 52; and
- (3) 'Pre-Approval Request for 2004-2008 Capital Projects', embodied in Policy and Finance Committee Report No. 9, Clause No. 59."

City Council had before it, during consideration of Motion J(7), a copy of each of the Clauses referred to in Motion J(7) and which are on file in the City Clerk's Office.

Vote:

Motion J(7) was adopted, without amendment.

1.19 **Ontario Municipal Board Hearing – 453 Spadina Road, Municipal Carpark #164**

Councillor Walker moved that, in accordance with the provisions of the Chapter 27, Council Procedures, of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion J(8), which carried:

Moved by: Councillor Walker

Seconded by: Councillor Mihevc

“WHEREAS at its meeting of September 22, 23, 24 and 25, 2003, City Council directed the Chief Administrative Officer, in consultation with the Auditor General, to retain outside counsel to review the agreement of purchase and sale dated November 8, 2001, with respect to 453 Spadina Road (the 'site'), signed by the City of Toronto, the Toronto Parking Authority, and First Spadina Place Inc., and submissions presented to Midtown Community Council and City Council; and

WHEREAS First Spadina Place Inc. submitted an appeal with respect to the applications for an amendment to the provisions of the Zoning By-law applying to the site and site plan approval (collectively, the 'development applications'); and

WHEREAS at its meeting described above, City Council also instructed the City Solicitor to request an adjournment of the Ontario Municipal Board ('OMB') hearing, in respect of the development applications, until City Council can consider the report of outside counsel; and

WHEREAS the OMB has scheduled a hearing of the appeals respecting the

development applications for January 12 and 13, 2004; and

WHEREAS the City Solicitor has requested an adjournment, but no adjournment has yet been granted; and

WHEREAS City Council has not yet instructed the City Solicitor as to what position to take at the OMB hearing, should the adjournment not be granted; and

WHEREAS there is no further meeting of City Council scheduled before the OMB hearing on January 12 and 13, 2004;

NOW THEREFORE BE IT RESOLVED THAT, in the event that the adjournment is not granted, the City Solicitor be directed to attend at the OMB hearing, and request the OMB to refuse the development applications for the site.”

Motion:

Councillor Walker moved that Motion J(8) be adopted, subject to adding the following new Operative Paragraph:

“**AND BE IT FURTHER RESOLVED THAT** authority be granted to amend the Agreement of Purchase and Sale between First Spadina Place Inc., the Toronto Parking Authority and the City of Toronto to permit the purchaser, First Spadina Place Inc., to have the right to extend the Approvals Period provided for in the Agreement for a further one year from August 4, 2004, to August 4, 2005.”

Votes:

The motion by Councillor Walker carried.

Motion J(8) as amended, carried.

1.20 **Appointments to the Board of Directors of the Hummingbird Centre for the Performing Arts**

Councillor Feldman moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(9), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Feldman

Seconded by: Councillor Augimeri

“**WHEREAS** former Metropolitan Council, by its adoption of By-law No. 133-96, and Toronto City Council, by its adoption of By-law No. 931-2002, established the composition for and appointed Council and citizen members to the Board of Directors

of the Hummingbird Centre for the Performing Arts, for a term of office expiring November 30, 2003; and

WHEREAS Board appointments should be continued until such time as the new Council has had an opportunity to appoint Councillor and Citizen Members to the Board, so that the board may act, if required; and

WHEREAS it is anticipated that Council Members will be appointed at the First Meeting of Council, scheduled to begin on December 2, 2003, and Citizen Members will be appointed in 2004;

NOW THEREFORE BE IT RESOLVED THAT By-law No. 931-2002 be amended to provide that the persons appointed to the Board of Directors of the Hummingbird Centre for the Performing Arts, are to hold Office until November 30, 2003, or until their successors are appointed;

AND BE IT FURTHER RESOLVED THAT leave be given to introduce the necessary Bill to give effect thereto;

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

Advice by Mayor:

Mayor Miller 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 Nominating Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

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

Vote:

Motion J(9) was adopted, without amendment.

1.21 **116-134 Yorkville Avenue and 10 Hazelton Avenue - Ontario Municipal Board Decision**

Councillor Rae moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(10), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Rae

Seconded by: Councillor McConnell

“**WHEREAS** Council at its meeting held on June 24, 25 and 26, 2003, by its adoption

of Toronto East York Community Council Report No. 6, Clause No. 15, headed 'Refusal of Application - Official Plan Amendment and Rezoning – 116 to 134 Yorkville Avenue and 10 Hazelton Avenue (Toronto Centre-Rosedale, Ward 27)', authorized the City Solicitor and Commissioner of Urban Development Services to attend at the Ontario Municipal Board to oppose the owner's Official Plan, Zoning By-law and Site Plan appeals for a 9-storey hotel and condominium building at the above address and support the modified development of approximately 7 storeys set out in the report (May 23, 2003) from the Director, Community Planning, South District; and

WHEREAS the Ontario Municipal Board in a decision issued September 25, 2003, which has been filed under separate cover with the City Clerk by the City Solicitor, allowed the owner's appeals; and

WHEREAS the Ontario Municipal Board decision also authorized a Section 37 agreement and benefits to the City as stated on page 8 of the decision as follows:

'The Board also notes the commitment of the applicant to provide for a five-star hotel with undisputed resulting economic benefits to the community. The owner commits to compensate for the additional height and density being permitted through a Section 37 Planning Act Agreement addressing additional public works benefiting the proposal and the immediate vicinity in the order of \$300,000.00 and confirming the proposed high-quality hotel with ground floor retail use and architectural detail including compatible building materials in keeping with the built form of Yorkville. All of these unique proposal characteristics should offer some comfort from any fear of precedent.'; and

WHEREAS the Board decision also required that the necessary by-laws and agreements be filed with the Board by November 28, 2003, or the appeals will be dismissed; and

WHEREAS the Commissioner of Urban Development Services and the City Solicitor have been negotiating the above financial benefit to the City, to consist of public art under the City's public art program, and the securing of building material, design and matters collateral to a Section 41 agreement, as well as a three week extension to December 19, 2003, for the submission of all by-laws and agreements to the Ontario Municipal Board; and

WHEREAS it is appropriate for the City to receive the above Section 37 benefits, and authorize the City officials to prepare the by-laws and agreements, and execute such agreements;

NOW THEREFORE BE IT RESOLVED THAT the appropriate City officials

prepare the by-laws and agreements, execute such agreements and take such action necessary to secure to the City the Section 37 benefits set out above.”

Advice by Mayor:

Mayor Miller 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 South Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(10) to the Toronto South Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(10) was adopted, without amendment.

1.22 **Ontario Municipal Board Hearing - 47 Castlefield Avenue**

Councillor Stintz moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(11), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Stintz

Seconded by: Councillor Walker

“WHEREAS the Midtown Committee of Adjustment on June 5, 2003, refused a Minor Variance application for the construction of a new semi-detached dwelling with an integral grade garage at 47 Castlefield Avenue (File No. A147/03M); and

WHEREAS the proposal for a semi-detached dwelling, with an integral grade garage, is not an appropriate use of the land according to the Zoning By-law and the Official Plan; and

WHEREAS the applicant has appealed the Committee’s decision to the Ontario Municipal Board, and a hearing is scheduled for December 16, 2003;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be requested to attend the Ontario Municipal Board hearing to defend the decision of the Committee of Adjustment, refusing the applications for development of a new semi-detached dwelling, with integral garage, at 47 Castlefield Avenue.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(11) to the Toronto North Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(11) to the Toronto North Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(11) was adopted, without amendment.

1.23 Extension to Part Lot Control Exemption for the Greenwood Racetrack Development

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

Moved by: Councillor Bussin

Seconded by: Councillor Walker

“WHEREAS By-laws Nos. 762-1999 and 43-2000 granted an exemption to Part Lot Control for blocks within the Greenwood Racetrack Development; and

WHEREAS the Part Lot Control exemption expires on December 31, 2003; and

WHEREAS development has not been completed on some of the blocks; and

WHEREAS the owner is requesting an extension to the Part Lot Control exemption for the unbuilt blocks until December 31, 2005; and

WHEREAS there are changes of ownership that are scheduled to take place in January 2004, prior to the next City Council meeting;

NOW THEREFORE BE IT RESOLVED THAT the report dated November 28, 2003, from the Commissioner of Urban Development Services, be adopted, in order that an extension of the Part Lot Control exemption for those blocks referenced in the report will be granted until December 31, 2005.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(12) to the Toronto South Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

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

City Council had before it, during consideration of Motion J(12), a report dated November 28, 2003, from the Commissioner of Urban Development Services, entitled "Extension of Part Lot Control Exemption for a Portion of the Woodbine Park Development (Beaches-East York, Ward 32)". (See Attachment No. 6, Page 75)

Vote:

Motion J(12) was adopted, without amendment.

Summary:

In adopting Motion J(12), without amendment, Council adopted, without amendment, the report dated November 28, 2003, from the Commissioner of Urban Development Services, entitled "Extension of Part Lot Control Exemption for a Portion of the Woodbine Park Development (Beaches-East York, Ward 32)", containing the following recommendations:

"It is recommended that:

- (1) By-law No. 764-1999 be amended and extended for the blocks known as 167, 169, 170, 171, 172, 173, 174, 178, 179, 180, 181 and 182 on Plan No. 66M-2332 until December 31, 2005; and
- (2) By-law No. 43-2000 be extended until December 31, 2005."

1.24 Appointment of Citizen Members to the Court of Revision

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

Moved by: Councillor Mihevc

Seconded by: Councillor Walker

"WHEREAS the former City of Toronto, by its adoption of By-law No. 111-70, as amended by By-laws Nos. 376-74, 708-77, and 787-84, established and appointed a Court of Revision under the Local Improvements Act consisting of three citizen

members, Bradford H. Bowlby, Q.C., Carl Orbach, and Donald F. Meyrick, Q.C.; and

WHEREAS Mr. Bowlby ceased to serve on the Court of Revision several years ago, and Mr. Meyrick has recently advised that he is unable to serve for an indeterminate period due to illness; and

WHEREAS the Court is unable to function because two members are required to conduct a hearing, and a hearing on matters already delayed is scheduled for December 8, 2003; and

WHEREAS the Local Improvement Act is superseded, and the Court of Revision is only scheduled to meet a few more times to hear a few seized matters and conclude its business before being disbanded, so the expense and time to undertake an appointment process would be inefficient; and

WHEREAS Mr. Orbach has suggested the appointment of Mr. Herbert P. Katzman to fill the short-term need for a member to conduct hearings without an expensive and lengthy appointment process; and

WHEREAS Mr. Katzman, of Orbach, Katzman and Herschorn, has agreed to stand for appointment, and understands the work, having practised primarily real estate law for over 30 years, and also in the past, assessment work;

NOW THEREFORE BE IT RESOLVED THAT Council appoint Mr. Herbert P. Katzman to the Court of Revision to replace Mr. Bradford H. Bowlby, a term of office to be at the pleasure of Council;

AND BE IT FURTHER RESOLVED THAT leave be granted for the introduction of the necessary Bills to give effect thereto;

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(13) to the Nominating Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

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

Vote:

Motion J(13) was adopted, without amendment.

Councillor Bussin in the Chair.

1.25 **Recount of Ballots for Office of Councillor, Ward 25 - Don Valley West**

Councillor Ashton moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(14), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Ashton

Seconded by: Councillor Grimes

“WHEREAS subsection 57(1) of the Municipal Elections Act, 1996 provides that Council may, within 30 days of the Clerk’s declaration of the election results, pass a resolution requiring a recount of the votes cast for all, or specified candidates, for an office on the Council; and

WHEREAS subsection 60(1) of the Municipal Elections Act, 1996 provides that such a recount is to be conducted in the same manner as the original count on election day; and

WHEREAS the official election results for Ward 25 – Don Valley West, issued by the Clerk on November 13, 2003, reported a difference of 80 votes separating the first and second candidates; and

WHEREAS at approximately 8:30 p.m., on election night, the unofficial election results on the City’s Web site indicated that Ms. Jaye Robinson had received 30 votes more than Mr. Cliff Jenkins, with 100 percent of the polls reported; and

WHEREAS the unofficial results on the City’s Web site subsequently, showed Mr. Cliff Jenkins had received 80 votes more than Ms. Jaye Robinson, and at approximately 10:45 p.m., the City of Toronto issued a press release indicating a reporting error of the unofficial results on the City’s Web site; and

WHEREAS it is important to ensure public confidence in the reporting procedures of the unofficial election nights results followed by the City of Toronto;

NOW THEREFORE BE IT RESOLVED THAT City of Toronto Council require a recount of the results for the candidates for the office of Councillor, Ward 25 – Don

Valley West, for the 2003 Toronto municipal election.”

Advice by Acting Chair:

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

Procedural Vote:

The vote to waive referral of Motion J(14) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(14), a communication December 1, 2003, from Jaye Robinson.

Mayor Miller in the Chair.

Motions:

- (a) Councillor Soknacki moved that Motion J(14) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT:

- (1) the cost of such recount be absorbed within the Elections Budget for 2003;
- (2) the recount be scheduled within 15 days, as required by the Municipal Elections Act; and
- (3) any motions requiring changes to the City’s current election procedures be submitted to the City Clerk for report thereon to City Council, through the Administration Committee.”

Councillor Feldman in the Chair.

- (b) Councillor Fletcher moved that Motion J(14) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the City Clerk be requested to submit a report to the Administration Committee on the number of final spoiled ballots, per poll across the City, by Ward, for the 2003 Toronto Municipal Election.”

- (c) Councillor Mihevc moved that Motion J(14) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the City Clerk be requested to submit a report to the Administration Committee on an automatic trigger mechanism for recounts for elections, such report to address the timing of the recount and the possibility of having the recount before the Councillor-elect has been sworn in.”

Votes:

Adoption of motion (a) by Councillor Soknacki:

Yes - 34	Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 2	Councillors: Del Grande, Holyday

Carried by a majority of 32.

Motion (b) by Councillor Fletcher carried.

Adoption of motion (c) by Councillor Mihevc:

Yes - 33	Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Thompson, Walker, Watson
No - 4	Councillors: Holyday, Minnan-Wong, Shiner, Stintz

Carried by a majority of 29.

Adoption of motion J(14) as amended:

Yes - 35	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 2	
Councillors:	Holyday, Walker

Carried by a majority of 31.

Summary:

In summary, Council adopted Motion J(14), subject to adding the following new Operative Paragraphs:

“AND BE IT FURTHER RESOLVED THAT:

- (1) the cost of such recount be absorbed within the Elections Budget for 2003;
- (2) the recount be scheduled within 15 days, as required by the Municipal Elections Act; and
- (3) any motions requiring changes to the City’s current election procedures be submitted to the City Clerk for report thereon to City Council, through the Administration Committee;

AND BE IT FURTHER RESOLVED THAT the City Clerk be requested to submit a report to the Administration Committee on:

- (1) the number of final spoiled ballots, per poll across the City, by Ward, for the 2003 Toronto Municipal Election; and
- (2) an automatic trigger mechanism for recounts for elections, such report to address the timing of the recount and the possibility of having the recount before the Councillor-elect has been sworn in.”

1.26 **Naming of the St. Lawrence Community Recreation Centre Lobby to the “P.J. Nicholson Lobby”**

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

Moved by: Councillor McConnell

Seconded by: Councillor Rae

“WHEREAS the St. Lawrence Neighbourhood Association (SLNA), recommended that the Lobby located in the St Lawrence Community Recreation Centre be named the ‘P.J. Nicholson Lobby’, in honour of P.J. Nicholson, who was instrumental in moving the proposal forward to build the community recreation centre; and

WHEREAS the recommendation has been brought in front of the SLNA membership, which represents a large percentage of the community population; and

WHEREAS the members of the SLNA are in favour of naming of the lobby, and P.J. Nicholson’s family have been consulted, and support the naming; and

WHEREAS all provisions of the Naming and Renaming Parks Policy have been met;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to report to the Toronto South Community Council on the naming of the lobby of the St. Lawrence Community Recreation Centre, at 230 the Esplanade.”

Advice by Acting Chair:

Acting Chair Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(15) to the Toronto South Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

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

Vote:

Motion J(15) was adopted, without amendment.

Mayor Miller in the Chair.

1.27 **Appeal to the Ontario Municipal Board - 1900 Lake Shore Boulevard West (Ward 13 - Parkdale-High Park)**

Councillor Saundercook 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 Saundercook

Seconded by: Councillor Grimes

“**WHEREAS** City Council at its meeting held on September 22, 23, 24 and 25, 2003, adopted, as amended, Clause No. 16 embodied in Report No. 7 of The Humber York Community Council, headed, ‘Status Report - 1900 Lake Shore Boulevard West, Applications to Amend the (former) City of Toronto, Official Plan and Zoning By-law No. 438-86 (Ward 13 - Parkdale-High Park)’, and in so doing adopted the following recommendation:

‘It is recommended that City Council:

- (1) authorize the City Solicitor to appear at the Ontario Municipal Board to request deferral of the appeal of the application to after March 2004 to allow time for:
 - (a) the submission of the required studies and comments for review by the City, local residents and other objectors;
 - (b) a public meeting or meetings to be held pursuant to The Planning Act; and
 - (c) Community Council and City Council to consider all information received;
- (2) authorize City Planning staff to attempt to secure a Section 37 Agreement for local City benefits, in the event that the Ontario Municipal Board approves this application; and
- (3) authorize the City Solicitor to secure conditions of approval requested

by City departments and agencies in relation to Site Plan Approval.’;

NOW THEREFORE BE IT RESOLVED THAT Planning Staff, the applicant and the Ward Councillor meet to discuss other options.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(16) to the Toronto West Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

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

Motion:

Councillor Saundercook moved that Motion J(16) be amended by deleting from the Operative Paragraph the word “Planning”, so that such Operative Paragraph shall now read as follows:

“**NOW THEREFORE BE IT RESOLVED THAT** staff, the applicant and the Ward Councillor meet to discuss other options.”

Votes:

The motion by Councillor Saundercook carried.

Motion J(16) as amended, carried.

1.28 **Appointment of Two Deputy Mayors by Resolution**

Mayor 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(17), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Mayor Miller

Seconded by: Councillor Pantalone

“**WHEREAS** section 242 of the Municipal Act, 2001, (the ‘Act’) provides that City Council may appoint by by-law or resolution a member of the Council to act in the place of the head of Council when the head of Council is absent or refuses to act or

the office is vacant, and while so acting, such member has all the powers and duties of the head of Council; and

WHEREAS, in accordance with § 27-99 of Chapter 27, Council Procedures, of the City of Toronto Municipal Code, City Council, at its First Meeting, will appoint on the recommendation of the Striking Committee, a Member of Council as Deputy Mayor to act from time to time in the place and stead of the Mayor when the Mayor is absent from the City, or is absent through illness or the office of Mayor is vacant, and such Member, while so acting, will have all the rights, powers and authority of the Mayor, except the by-right-of-office powers of the Mayor as a member of a community council; and

WHEREAS this Deputy Mayor shall be the acting head of Council when required, as provided for in section 242 of the Act; and

WHEREAS it is desirable to appoint two other Members of Council to a position to also be known as ‘Deputy Mayor’, to assist the Mayor from time to time, and these positions shall be distinct from the Deputy Mayor appointed by by-law in accordance with Chapter 27, Council Procedures and section 242 of the Act;

NOW THEREFORE BE IT RESOLVED THAT the following two Members of Council be appointed as Deputy Mayors to assist the Mayor from time to time for a term of office expiring on May 31, 2005, and until their successors are appointed:

Sandra Bussin; and
Michael Feldman;

AND BE IT FURTHER RESOLVED THAT these two Deputy Mayors shall not have the powers of an acting head of Council provided for in section 242 of the Act, or the authority or responsibilities of the Deputy Mayor referred to in Chapter 27, Council Procedures, of the City of Toronto Municipal Code, even when the Mayor or the Deputy Mayor appointed by by-law are absent from the City or absent through illness or when the office of the Mayor or Deputy Mayor are vacant.”

Advice by Mayor:

Mayor Miller 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 Policy and Finance Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(17) to the Policy and Finance Committee carried, more

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

Vote:

Adoption of Motion J(17), without amendment:

Yes - 43	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

1.29 **Ontario Municipal Board Hearing – 40 Danilack Avenue**

Councillor Balkissoon 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 Balkissoon**

Seconded by: **Councillor Altobello**

“WHEREAS the Committee of Adjustment (East District) at its meeting held on September 17, 2003, denied Application No. A216/03SC to vary the existing Zoning By-law for the property at 40 Danilack Court; and

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

WHEREAS the Community Planning staff wrote a report recommending refusal of the application as it did not meet the four tests under the Planning Act; and

WHEREAS the City of Toronto has recently been advised that the Ontario Municipal Board will be hearing this matter on January 7, 2004;

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(18) to the Toronto East Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

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

Vote:

Motion J(18) was adopted, without amendment.

Councillor Feldman in the Chair.

1.30 **Establishment of Protocols To Deal With Marijuana “Grow Houses”**

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

Moved by: Councillor Balkissoon

Seconded by: Councillor Kelly

“WHEREAS there is an increasing trend for criminals to convert private dwellings into nurseries for the illegal growing of marijuana; and

WHEREAS it is estimated that there over 10,000 such illegal ‘Grow Houses’ in operation in the Greater Toronto Area; and

WHEREAS to facilitate the growing of marijuana, homes are often unsafely or illegally rewired, walls are removed to increase available growing space, furnaces are dangerously re-vented and toxic chemicals are allowed to leach into the structure or vent into the surrounding community; and

WHEREAS the growing of marijuana may also create high levels of humidity, mould and other conditions which may adversely affect the structural integrity of the dwelling; and

WHEREAS when a Grow House is closed down by the police or vacated by the criminals it often continues to pose a serious health and safety risk to the surrounding community and to potential new home buyers;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Development Services be directed, in co-operation with the Toronto Police Service, Toronto Public Health, Toronto Hydro, Toronto Fire Services and all other relevant City departments and agencies, to develop a set of protocols for identifying, inspecting and taking the necessary corrective action against properties identified as ‘Grow House’ operations.”

Advice by Acting Chair:

Acting Chair Feldman 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 Planning and Transportation Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(19) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(19) was adopted, without amendment.

Mayor Miller in the Chair.

1.31 **National Day of Remembrance - December 6, 2003**

Mayor Miller, with the permission of Council, 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: Mayor Miller

Seconded by: Councillor Chow

“**WHEREAS** fourteen years ago, 14 young women were gunned down at the University of Montreal. The Montreal Massacre was a heinous act which serves to

remind us of the everyday reality of violence against women; and

WHEREAS, although our City is a relatively safe place to live, violence against women, in private and in public, occurs too frequently. Violence is not limited to physical or sexual aggression. Small acts of violence are committed daily through attitude and intimidating behaviour. These small acts add up to create an atmosphere of distrust, insecurity and fear. We must speak out against aggression towards women; and

WHEREAS attitudes are changing and women no longer need to act alone against violence in our society. Governments, community groups, corporations, the media and others, are more aware of the ways in which violence isolates and harms women;

NOW THEREFORE I, Mayor David Miller, on behalf of Toronto City Council and the 2.4 million people of our great City, do hereby proclaim December 6, 2003, as a ‘National Day of Remembrance’, in tribute to all women who are or have been victims of violence, and in remembrance of the victims of the Montreal Massacre.”

Vote:

Motion J(20) was adopted, without amendment.

Councillor Feldman in the Chair.

1.32 **Appointment to the Toronto Parking Authority – Revised Composition**

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

Moved by: Councillor Pantalone

Seconded by: Councillor Rae

“**WHEREAS** City of Toronto Municipal Code Chapter 179, Parking Authority, requires that one of the two Members of Council appointed to the Parking Authority be a member of the Planning and Transportation Committee; and

WHEREAS this restricts Councillor appointments and is not a full reflection of the Parking Authority’s relationship to Council; and

WHEREAS it is desirable for Council to make Member appointments to City Boards based on various factors besides Standing Committee membership;

NOW THEREFORE BE IT RESOLVED THAT Council amend Municipal Code Chapter 179, Parking Authority, Section 1 A, by deleting the words ‘one of whom shall be a member of the Planning and Transportation Committee’;

AND BE IT FURTHER RESOLVED THAT leave be granted for the introduction of the necessary Bills to give effect thereto;

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

Advice by Acting Chair:

Acting Chair Feldman 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 Policy and Finance Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(21) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(21) was adopted, without amendment.

Mayor Miller in the Chair.

1.33 **Request for Enabling Legislation to Regulate Second Suites**

Councillor Balkissoon 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 Balkissoon

Seconded by: Councillor Kelly

“**WHEREAS** Toronto's Second Suites By-law No. 493-2000 permits second suites in all single-detached and semi-detached houses throughout the City of Toronto, provided they meet certain standards with respect to the Ontario Fire Code, Building Codes, zoning and property standards by-laws; and

WHEREAS it is estimated there are over 100,000 second suites in Toronto homes,

making up approximately 20 percent of the City's total rental housing market; and

WHEREAS according to a February 2000 report by the Toronto Disaster Relief Committee, many tenants of second suites are students, new Canadians and seniors; and

WHEREAS the above mentioned persons are often the most vulnerable and least likely to seek enforcement of their rights as a tenant; and

WHEREAS the City of Toronto has a responsibility to tenants of secondary suites to ensure landlords comply with all relevant by-laws to ensure their units are safe, secure and healthy places in which to live;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto seek enabling legislation from the Provincial Government that would require second suites be licensed by the municipality;

AND BE IT FURTHER RESOLVED THAT the City of Toronto seek enabling legislation from the Provincial Government to establish the right-of-entry of municipal by-law officers to enter residential dwellings, buildings and units to conduct inspections of licensed second suites and to inspect homes which may be in contravention of existing Building Codes, zoning and property standards by-laws."

Advice by Mayor:

Mayor Miller 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 Planning and Transportation Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(22) to the Planning and Transportation Committee was taken as follows:

Yes - 12	
Councillors:	Augimeri, Balkissoon, Carroll, Del Grande, Giambrone, Holyday, Kelly, Li Preti, Milczyn, Nunziata, Saundercook, Walker
No - 27	
Mayor:	Miller
Councillors:	Altobello, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Hall, Jenkins, Lindsay Luby, Mihevc, Minnan-Wong, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson, Watson

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

Disposition:

Having regard to the foregoing decision of Council, Motion J(22) was referred to the Planning and Transportation Committee.

1.34 **Little Avenue: (1) Poll Results to change the Direction of Traffic between Lawrence Avenue West and Weston Road; (2) On-Street Permit Parking; and (3) Request to Change Little Avenue into a Cul-de-Sac (Ward 11 - York South-Weston)**

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

Moved by: Councillor Nunziata

Seconded by: Councillor Lindsay Luby

“WHEREAS City Council at its meeting held on September 22, 23, 24 and 25, 2003, took no action on Clause No. 11, Report No. 7 of The Humber York Community Council, headed, ‘Little Avenue: (1) Poll Results to change the Direction of Traffic between Lawrence Avenue West and Weston Road; (2) On-Street Permit Parking; and (3) Request to Change Little Avenue into a Cul-de-Sac (Ward 11 - York South-Weston)’;

NOW THEREFORE IT BE RESOLVED THAT, as recommended in the report dated July 28, 2003, from the Director, Transportation Services, District 1-West, headed ‘On Street Permit Parking on Little Avenue’:

- (1) the City Clerk be requested to undertake a survey of the residents on Little Avenue between Lawrence Avenue West and Weston Road, to determine majority support for the introduction of on-street permit parking on the east side of the street, as shown on Drawing No. 421F-7055, dated July 2003;
- (2) subject to the residents’ survey revealing the majority of residents are in favour, the Uniform Traffic By-law Nos. 196-84 and 2958-94 be amended to rescind the ‘No Parking Anytime’ prohibition on the east side of Little Avenue from a point 21 metres north of Lawrence Avenue West to a point 45.8 metres north thereof;
- (3) subject to favourable results of the survey, By-law No. 3491-80 of the former City of York be amended to introduce permit parking during the hours of

12:00 midnight to 7:00 a.m. on the east side of Little Avenue from a point 21 metres north of Lawrence Avenue West and a point 45.8 metres further north thereof; and

- (4) the appropriate City officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required;

AND BE IT FURTHER RESOLVED THAT:

- (1)
 - (a) southbound right turns from Weston Road onto Little Avenue be prohibited Monday to Friday, between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.;
 - (b) northbound left turns from Weston Road onto Little Avenue be prohibited Monday to Friday, between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.; and
 - (c) a 'No Heavy Trucks' prohibition be implemented on Little Avenue;
- (2) a Committee be formed comprised of the Ward Councillor, local residents and representatives from the Weston BIA, to discuss future long-term plans for the area; and
- (3) 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 are required;

AND BE IT FURTHER RESOLVED THAT Council request the Commissioner of Works and Emergency Services to report on:

- (1) converting Little Avenue from a two-way direction of traffic, to a cul-de-sac;
- (2) the feasibility of installing a sidewalk on the north side of Little Avenue; and to allocate funds in the 2004 capital budget for its construction;
- (3) narrowing the intersection of Little Avenue and Weston Road, as a traffic calming and pedestrian safety measure; and
- (4) the motion of the Humber York Community Council at its meeting of September 17, 2002, regarding 'Traffic Concerns on Weston Road, north of Lawrence Avenue West to Highway 401', and that the traffic study area be expanded to include Denison Road East. Ref. Clause 60(y), Report No. 11,

of the Humber York Community Council meeting held on September 17, 2002.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(23) to the Toronto West Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(23) to the Toronto West Community Council was taken as follows:

Yes - 21	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, De Baeremaeker, Di Giorgio, Feldman, Giambrone, Hall, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Walker
No - 16	
Councillors:	Balkissoon, Carroll, Cho, Chow, Davis, Del Grande, Filion, Holyday, Jenkins, Kelly, Li Preti, Mihevc, Saundercook, Stintz, Thompson, Watson

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

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, Motion J(23) be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(23) was adopted, without amendment.

1.35 Request for Audit of Drive Clean Tender Process

Councillor Balkissoon moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(24):

Moved by: **Councillor Balkissoon**

Seconded by: **Councillor Holyday**

“**WHEREAS** almost 5 years ago, I raised issues with respect to the Ontario Government’s Drive Clean testing by our Fleet Maintenance Division; and

WHEREAS during the budget process it was revealed that this program was out-sourced temporarily without following the approved tendering process; and

WHEREAS the Budget Advisory Committee subsequently refused approval of delivering parts of this program in-house because it was considered not cost effective; and

WHEREAS I have continuously received complaints from vendors on the administration of this out-sourced program; and

WHEREAS at the last tender process, I complained to management on the non-opening in public of tenders and a statement to this effect being included in the tender documents; and

WHEREAS the recent tender of this function has totally ignored previous complaints to management; and

WHEREAS management actions on this tender contravene all the recent efforts of the recent review of our procurement process which requested management to address this statement in tender documents; and

WHEREAS there continues to be a public perception that this tender process is neither clear or transparent;

NOW THEREFORE BE IT RESOLVED THAT Council request the Auditor General to perform a detailed review of both the previous tender process and the administration of the awarding of the tender, including financial details and testing details.”,

the vote upon which was taken as follows:

Yes - 37
Mayor: Miller

Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 1 Councillors:	Kelly

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

Advice by Mayor:

Mayor Miller advised the Council that to add to the Auditor General's work plan would require a two-thirds vote of all Members of Council.

City Council had before it during consideration of Motion J(24), a Quotation Request dated November 21, 2003, from the Commissioner of Corporate Services, entitled "Corporate Services, Fleet Services."

Motions:

- (a) Councillor Shiner moved that Motion J(24) be amended by adding the words, "such review to include all costs associated with the 'Drive Clean' program" to the end of the Operative Paragraph, so that such Operative paragraph now reads as follows:

"NOW THEREFORE BE IT RESOLVED THAT Council request the Auditor General to perform a detailed review of both the previous tender process and the administration of the awarding of the tender, including financial details and testing details, such review to include all costs associated with the 'Drive Clean' program."

- (b) Councillor Giambrone moved that Motion J(24) be referred to the Audit Committee for consideration.

Vote on Referral:

Adoption of motion (b) by Councillor Giambrone:

Yes - 19 Mayor:	Miller
--------------------	--------

Councillors:	Ashton, Cho, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Jenkins, Kelly, McConnell, Mihevc, Pantalone, Rae, Saundercook, Soknacki, Thompson
No - 16	
Councillors:	Altobello, Augimeri, Balkissoon, Carroll, De Baeremaeker, Del Grande, Feldman, Holyday, Lindsay Luby, Nunziata, Palacio, Pitfield, Shiner, Stintz, Walker, Watson

Carried by a majority of 3.

Disposition:

Motion J(24) was referred to the Audit Committee.

Having regard to the foregoing decision of Council, motion (a) by Councillor Shiner was not put to a vote.

1.36 **To Amend the Composition of the Boards of Management of the Mimico Village and Mimico by the Lake Business Improvement Areas**

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

Moved by: Councillor Pantalone

Seconded by: Councillor Bussin

“**WHEREAS** the Municipal Act 2001, section 104, permits municipalities to designate an area as a Business Improvement Area (BIA) and states that the Board of Management consists of the number of directors established by the municipality and composition includes one or more directors appointed directly by the municipality; and

WHEREAS City of Toronto Municipal Code Chapter 19 establishes Business Improvement Areas and their compositions, with the composition of the Mimico Village and Mimico by the Lake BIAs each including two Members of Council; and

WHEREAS each BIA is in one Ward and there is one Councillor per Ward;

NOW THEREFORE BE IT RESOLVED THAT Council amend Municipal Code

Chapter 19, Business Improvement Areas, so that the composition of the Mimico Village and Mimico by the Lake BIAs shall each include only one Member of Council;

AND BE IT FURTHER RESOLVED THAT leave be granted for the introduction of the necessary Bills to give effect thereto;

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(25) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(25) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Motion J(25) was adopted, without amendment.

1.37 To Amend the Composition of the Leaside Memorial Community Gardens Board of Management and the McCormick Playground Arena Committee

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

Moved by: **Councillor Pantalone**

Seconded by: **Councillor Bussin**

“**WHEREAS** the Leaside Memorial Community Gardens Board of Management is established under the Municipal Act and Community Recreation Centres Act and by former Town of Leaside By-laws Nos. 1374 and 1881, and former East York By-law No. 131-96, with a composition to include two Members of Council;

WHEREAS the McCormick Playground Arena Committee is established under the

Community Recreation Centres Act and by former City of Toronto Municipal Code Chapter 25, Community and Recreation Centres, with a composition to include two Members of Council; and

WHEREAS there is now only one Councillor per Ward;

NOW THEREFORE BE IT RESOLVED THAT Council amend former City of Toronto Municipal Code Chapter 25, Community and Recreation Centres, so that the composition of the McCormick Playground Arena Committee shall include only one Member of Council;

AND BE IT FURTHER RESOLVED THAT Council amend former Leaside By-laws Nos. 1374 and 1881, and East York By-law No. 131-96, as applicable, so that the composition of the Leaside Memorial Community Gardens Board of Management, shall include only one Member of Council;

AND BE IT FURTHER RESOLVED THAT leave be granted for the introduction of the necessary Bills to give effect thereto subject to the necessary public notice and meeting requirements being fulfilled;

AND BE IT FURTHER RESOLVED THAT appropriate City officials be authorized and requested to take whatever action is necessary to give effect thereto, including giving public notice as required under the Municipal Act, 2001 and any other statute or regulation in effect.”

Advice by Mayor:

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

Procedural Vote:

The vote to waive referral of Motion J(26) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Motion J(26) was adopted, without amendment.

PRESENTATION OF REPORT

December 4, 2003, 3:20 p.m.

- 1.38 Councillor Pantalone presented the following Report for consideration by Council:

Report No. 1 of The Striking Committee,

and moved, seconded by Councillor Di Giorgio, that Council now give consideration to such Report, which carried unanimously.

**CONSIDERATION OF REPORT
CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION**

- 1.39 **The following Clause was held by Council for further consideration:**

Report No. 1 of The Striking Committee, Clause No. 1.

Appointments to the following agencies, boards and commissions, contained in Clause No. 1 of Report No. 1 of The Striking Committee, were held for further consideration:

- Enwave District Energy Limited, Board of Directors;
- Hummingbird Centre for the Performing Arts, Board of Directors;
- Hockey Hall of Fame, Board of Directors;
- Salvation Army Toronto Grace Health Centre, Board of Trustees;
- Arts York, Board of Directors;
- Crescent Town Recreation Club Inc. (Ward 31 - Beaches-East York); and
- TradeLink Toronto, Board of Directors.

Those recommendations for appointment not held by Council for further consideration were deemed to have been adopted by Council, without amendment.

**CONSIDERATION OF REPORT
CLAUSE WITH MOTIONS, VOTES, ETC.**

- 1.40 **Clause No. 1 of Report No. 1 of The Striking Committee, headed “Appointment of a Member of Council as the Deputy Mayor Pursuant to Municipal Code Chapter 27, Council Procedures, and Appointments of Members to Standing and Other Committees”.**

Enwave District Energy Limited, Board of Directors:

Motion:

Mayor Miller, with the permission of Council, moved that City Council amend the Clause to provide that the appointment of Councillor Shiner as the Mayor's designate to the Enwave District Energy Limited, Board of Directors, be terminated, having regard that the Mayor has advised that he will serve for the balance of the current term of office expiring on December 15, 2005.

Vote:

The motion by Mayor Miller carried.

Hummingbird Centre for the Performing Arts, Board of Directors:

Councillor Pantalone moved that City Council amend the Clause by adding the name "D. Shiner" to Recommendation No. (13)(b) of the Striking Committee, so that such recommendation shall now read as follows:

"(13)(b) should Council amend the By-law to permit the appointment of alternates to the Hummingbird Centre for the Performing Arts, Board of Directors, and that the composition not be identical to the Hummingbird Performing Arts Centre, Board of Directors, the following members be appointed as alternates to attend the meetings when other members are unavailable:

M. Augimeri; and
D. Shiner; and".

Vote:

The motion by Councillor Pantalone carried.

Hockey Hall of Fame, Board of Directors:

Motions:

- (a) Councillor Saundercook moved that he be nominated for appointment to the Hockey Hall of Fame, Board of Directors.
- (b) Councillor Pantalone moved that City Council amend the Clause by adding the following:

"It is further recommended that City Council request the Hockey Hall of Fame Board of Directors to consider an alternate representative from the City of Toronto and, if they agree to this request, that Councillor Saundercook be appointed as the alternate."

Vote:

Adoption of motion (b) by Councillor Pantalone:

Yes - 37	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 3	
Councillors:	Ashton, Nunziata, Palacio

Carried by a majority of 34.

Mayor Miller, having regard to the above decision of Council, declared motion (a) by Councillor Saundercook, redundant.

Salvation Army Toronto Grace Health Centre, Board of Trustees:

Motion:

Councillor Rae moved that City Council amend the Clause by deleting from Recommendation No. (148), the name "M. Del Grande", and inserting instead the name "K. Rae".

Vote:

The motion by Councillor Rae carried.

Arts York, Board of Directors:

Motion:

Mayor Miller, with the permission of Council, moved that City Council amend the Clause by adding the following:

"It is further recommended that Councillor Palacio be appointed as the second Member of Council to the Arts York Board of Directors."

Vote:

The motion by Mayor Miller carried.

Crescent Town Recreation Club Inc. (Ward 31 – Beaches-East York):

Motion:

Councillor Davis moved that City Council amend the Clause by adding the following:

“It is further recommended that Dawn Williams be appointed as the second member to the Crescent Town Recreation Club Inc., when the term of office of the current citizen member expires.”

Vote:

The motion by Councillor Davis carried.

TradeLink Toronto, Board of Directors:*Motion:*

Councillor Pantalone moved that City Council amend the Clause by adding the following:

“It is further recommended that Councillor Cho also be appointed to the TradeLink Toronto Board of Directors.”

Votes:

The motion by Councillor Pantalone carried.

Clause No. 1 of Report No. 1 of The Striking Committee, as amended, carried.

1.41 ELECTION OF COMMITTEE CHAIRS

Council was advised that the Community Councils, at their respective meetings held on December 3, 2003, elected the following Members of Council as their Chairs and Vice-Chairs:

Toronto East Community Council:

R. Cho, Chair

M. Thompson, Vice-Chair

Toronto North Community Council:

D. Minnan-Wong, Chair

Toronto South Community Council

K. Rae, Chair

P. McConnell, Vice-Chair

Toronto West Community Council

S. Hall, Chair

R. Ford, Vice-Chair

Council recessed its meeting at 3:27 p.m. on December 4, 2003, in order to permit the Standing Committees of Council to meet to elect their respective Chairs and Vice-Chairs.

Council reconvened at 3:33 p.m.

Mayor Miller took the Chair and advised that the following Committees of Council, at their respective meetings, had elected the following Members of Council as their Chairs and Vice-Chairs:

Administration Committee:

M. Walker, Chair

J. Davis, Vice-Chair

Community Services Committee:

O. Chow, Chair

J. Mihevc, Vice-Chair

Economic Development and Parks Committee:

B. Ashton, Chair

G. Lindsay Luby, Vice-Chair

Planning and Transportation Committee:

G. Altobello, Chair

P. Milczyn, Vice-Chair

Works Committee:

J. Pitfield, Chair

S. Bussin, Vice-Chair

Council recessed its meeting at 3:34 p.m. on December 4, 2003, in order to permit the Budget Advisory Committee to meet to elect its Chair and Vice-Chair.

Council reconvened at 3:35 p.m.

Mayor Miller took the Chair and advised that the Budget Advisory Committee had elected Councillor D. Soknacki as its Chair, and Councillors J. Pitfield and J. Mihevc as its Vice-Chairs.

Council recessed its meeting at 3:36 p.m. on December 4, 2003, in order to permit the Audit Committee to meet to elect its Chair and Vice-Chair.

Council reconvened at 3:38 p.m.

Mayor Miller took the Chair and advised that the Audit Committee had elected Councillor B. Balkissoon as its Chair, and Councillor D. Holyday as its Vice-Chair.

Council recessed its meeting at 3:43 p.m. on December 4, 2003, in order to permit the Toronto Transit Commission to meet to elect its Chair and Vice-Chair.

Council reconvened at 3:48 p.m.

Mayor Miller took the Chair and advised that the Toronto Transit Commission had elected Councillor H. Moscoe as its Chair, and Councillor J. Mihevc as its Vice-Chair.

BILLS AND BY-LAWS

- 1.42 On December 2, 2003, at 2:55 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:

Bill No. 18	By-law No. 1-2004	To confirm the proceedings of the Council at its First Meeting held on the 2nd day of December, 2003,
-------------	-------------------	---

the vote upon which was taken as follows:

Yes - 45	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

- 1.43 On December 4, 2003, at 12:10 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, which carried, without dissent:

Bill No. 20	By-law No. 3-2004	To confirm the proceedings of the Council at its First Meeting held on 2nd and 4th days of December, 2003.
-------------	-------------------	--

- 1.44 On December 4, 2003, at 3:12 p.m., Councillor Holyday, seconded by Councillor De Baeremaeker, 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. 21	By-law No. 4-2004	To confirm the proceedings of the Council at its First Meeting held on 2nd
-------------	-------------------	--

and 4th days of December, 2003,

the vote upon which was taken as follows:

Yes - 36	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillors:	Balkissoon

Carried by a majority of 35.

- 1.45 On December 4, 2003, at 3:56 p.m., Councillor De Baeremaeker, 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. 1	By-law No. 5-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, with regards to Danforth Avenue.
Bill No. 2	By-law No. 6-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, with regards to Trethewey Drive.
Bill No. 3	By-law No. 7-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting The Esplanade.
Bill No. 4	By-law No. 8-2004	To amend Chapter 400 of the Toronto Municipal Code, the Traffic and Parking Code, a By-law of the former City of Toronto, respecting the designation of a private roadway at 130 Dunn Avenue as a fire route.

Bill No. 5	By-law No. 9-2004	To amend Chapter 400 of the Toronto Municipal Code, the Traffic and Parking Code, a By-law of the former City of Toronto, respecting the designation of a private roadway at 55 Harbour Square as a fire route.
Bill No. 6	By-law No. 10-2004	To amend By-law No. 995-2003 of the City of Toronto with respect to the lands known as 1 Davenport Road.
Bill No. 7	By-law No. 11-2004	To provide for the levy and collection of 2004 interim realty taxes and penalties for non-payment thereof.
Bill No. 8	By-law No. 12-2004	To designate the Blythwood Area as a heritage conservation district.
Bill No. 9	By-law No. 13-2004	To amend By-law No. 43-2000 to extend the expiration of Part Lot Control exemption for certain lands found within the lands commonly known as Phase II of the Woodbine Park Development.
Bill No. 10	By-law No. 14-2004	To amend City of Toronto By-law No. 931-2002, respecting the composition of the Board of Directors of the Hummingbird Centre for the Performing Arts.
Bill No. 11	By-law No. 15-2004	To amend By-law No. 764-1999 to extend the expiration of Part Lot Control exemption for certain lands found within the lands commonly known as Phase II of the Woodbine Park Development.
Bill No. 12	By-law No. 16-2004	To adopt Amendment No. 276 of the Official Plan for the former City of Toronto respecting lands known as 74 Spadina Road.

Bill No. 13	By-law No. 17-2004	To appoint Councillor Sandra Bussin to act in the place of the Mayor on The Board of Management of the Balmy Beach Park.
Bill No. 14	By-law No. 18-2004	To appoint a Deputy Mayor.
Bill No. 15	By-law No. 19-2004	To appoint nine members of the City Council as members of the Toronto Transit Commission.
Bill No. 16	By-law No. 20-2004	To appoint Herbert P. Katzman to the Court of Revision and to amend By-law No. 111-70 of the former City of Toronto.
Bill No. 17	By-law No. 21-2004	To amend Chapter 179, Parking Authority, of the Municipal Code of the City of Toronto to remove the requirement for one of the members of Council appointed to the Board of the Parking Authority to be a member of the Planning and Transportation Committee,

the vote upon which was taken as follows:

Yes - 40	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 0	

Carried, without dissent.

- 1.46 On December 4, 2003, at 3:58 p.m., Councillor Di Giorgio, seconded by Councillor Jenkins, 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. 22	By-law No. 22-2004	To confirm the proceedings of the Council at its First Meeting held on the 2nd and 4th days of December, 2003,
-------------	--------------------	--

the vote upon which was taken as follows:

Yes - 39	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 0	

Carried, without dissent.

OFFICIAL RECOGNITIONS

1.47 Presentations/Introductions/Announcements

December 4, 2003:

Councillor Bussin, during the morning session of the meeting, introduced the students of James Cardinal McGuigan Catholic High School, present at the meeting.

Mayor Miller, during the afternoon session of the meeting, advised the Council that Minister David Collenette made an announcement at 12:30 p.m., today, that the Federal Government would be honouring the City of Toronto's request to stop construction of the fixed link to the Toronto City Centre Airport.

1.48 ATTENDANCE

	December 2, 2003	December 4, 2003	
	2:00 p.m. to 3:00 p.m.	9:44 a.m. to 12:10 p.m.*	2:07 p.m. to 4:00 p.m.*
Miller	x	x	x
Altobello	x	x	x
Ashton	x	x	x
Augimeri	x	x	x
Balkissoon	x	x	x
Bussin	x	x	x
Carroll	x	x	x
Cho	x	x	x
Chow	x	x	x
Cowbourne	x	x	x
Davis	x	x	x
De Baeremaeker	x	x	x
Del Grande	x	x	x
Di Giorgio	x	x	x
Feldman	x	x	x
Filion	x	x	x
Fletcher	x	x	x
Ford	x	-	-
Giabrone	x	x	x
Grimes	x	x	-
Hall	x	x	x
Holyday	x	x	x
Jenkins	x	x	x
Kelly	x	x	x
Li Preti	x	x	x
Lindsay Luby	x	x	x
Mammoliti	x	x	x
McConnell	x	x	x

Minutes of the Council of the City of Toronto
December 2 and 4, 2003

	December 2, 2003	December 4, 2003	
	2:00 p.m. to 3:00 p.m.	9:44 a.m. to 12:10 p.m.*	2:07 p.m. to 4:00 p.m.*
Mihevc	x	x	x
Milczyn	x	x	x
Minnan-Wong	x	x	x
Moscoe	x	x	-
Nunziata	x	x	x
Ootes	x	x	x
Palacio	x	x	x
Pantalone	x	x	x
Pitfield	x	x	x
Rae	x	x	x
Saundercook	x	x	x
Shiner	x	x	x
Soknacki	x	x	x
Stintz	x	x	x
Thompson	x	x	x
Walker	x	x	x
Watson	x	x	x
Total	45	44	42

Council adjourned at 4:00 p.m. on December 4, 2003.

**DAVID R. MILLER,
Mayor**

**ULLI S. WATKISS,
City Clerk**

ATTACHMENT NO. 1 (See Minute No. 1.6, Page 5)

INAUGURAL ADDRESS
TO
CITY OF TORONTO COUNCIL
BY

HIS WORSHIP, MAYOR DAVID R. MILLER

DECEMBER 2, 2003

Chief Justice McMurtry, Members of Council, Residents of Toronto:

Today I stand before you, buoyed by the great sense of optimism that pervades our City, and deeply honoured to take office as your Mayor.

As I have travelled the City in the days since the election, I have felt that sense of optimism. The people of Toronto are ready to re-engage in the civic process. They want to feel connected to their City government once again. There is a thirst for change and for a new direction on the streets of Toronto.

It is exhilarating.

I understand that it is my job as Mayor, and our job as a Council, to respond with equal enthusiasm and energy. It will be up to us as a Council to show that we have heard the people, that we understand they want to feel that City Hall is on their side.

Members of Council, I am honoured to be elected alongside you. I will ask you to cast your minds ahead three years. I will ask you to think about what, at the end of this term, you will want Torontonians to see that we have accomplished as a team.

What will we 45 do together to make Toronto a magnificent place to live? What will we do together to make this a City that works again -- for all its residents? To make Toronto's government a model for Cities across Canada and North America and around the world?

We were elected on a mandate of reform, on an undeniable wind of change that is blowing across Canada's urban centres. We were elected on a mandate that gives us the ability to boldly assume our responsibilities. We were elected on a mandate driven by desire for open, responsible government -- government defined by public, and not private, interest.

My friends, in this term of office, I will urge us as a Council to be thinking about our great City in terms of its neighbourhoods and its communities. The great urban thinker Jane Jacobs has always understood this -- that it is not roads, monuments or office towers that are the central building blocks of Cities -- it is our neighbourhoods.

Neighbourhoods are what make this City great. We must value what is distinct about our neighbourhoods, recognize that which has value beyond its cost. There is no reason, for instance, that we should not preserve the century-old, cast iron street lamps on Palmerston Boulevard -- those lamps are about the history of this City, they are about beauty in public spaces. The passion with which the residents of the Palmerston neighbourhood defend the original lamps is an example of the powerful, physical connection we feel to our neighbourhoods.

And the small retail strips that lend character to our communities -- they are so important. We must push the Province to protect them by working to create a small business retail tax class so their tax burden is lower.

I believe that same passion exists in neighbourhoods across this City, and we must encourage it -- ignite it -- by making it easier for residents to participate in building their City.

We all heard repeatedly through the election that it's the so-called small things, like litter, that erode people's pride in Toronto, and I think we all agree that we simply can't let Toronto get dirtier and shabbier.

So, as a Council, let us leave Toronto a cleaner place. Let us commit to beautifying our neighbourhood parks. Is there any reason why a City of Toronto's wealth should not have clean, beautifully landscaped parks? Of course not. We must reverse that most unacceptable display of decline in City services, and we will.

Let us work together, and with City employees, and with business improvement associations, and with all members of the community, to clean up the litter and graffiti that contribute to the sense of decay in the City. Let us devote the appropriate resources and deploy them efficiently in a co-ordinated, year-round approach.

We must find new and innovative ways of providing City services. The people of Toronto have spoken -- you've told us you want your taxes used effectively to provide the services you need, and you want to see an improvement in the level of service delivered.

To that end, we are moving ahead with the implementation of a 3-1-1 service for Toronto, and expect to launch it by 2005. This service will make efficient use of technology and will dramatically improve residents' ease of access to the City's public services.

What else will we accomplish together as a Council? What else can we do to restore faith in City Hall?

I do not want to dwell on the mistakes of the past but I feel that, if we are to make change together, of the sort that Torontonians cried out for on November 10th, then we must name the problems. The quality of the politics and the policies that emerge from this building is largely dependent on our ability to tell the truth.

We heard time and again throughout the election campaign that people feel City Hall has been run in the interests of only a handful of people who have special access.

We must, as a Council, commit to rid City Hall of this corrosive culture of access-brokering and deal-making. We have all heard from the people of Toronto that there must never be another MFP scandal.

I have certainly heard, loud and clear, that City Hall must be run in the public interest. Not some of the time. Not when it suits us politically to do so. But all of the time.

As part of the effort to restore public faith in City Hall, we must appoint an Integrity Commissioner.

The Integrity Commissioner will establish binding new procedures and practices that meet the highest standards for open, accountable and democratic City government. She or he will report directly to Council, and will be appointed for a fixed term by Council on the recommendation of an independent selection team.

But cleaning up City Hall is only a start.

Members of Council, we must work together to make civic engagement a priority. To do this, we will have to turn a few things upside down.

This year, we will start by making the City's budget process one that is truly participatory.

In January, we will hold a series of town hall meetings where the public and key stakeholders will be invited to make submissions at the beginning of the process, before the budget is introduced at Council. Next year, we will start the process even earlier, holding public meetings on the budget in the fall.

We will listen to the City and invite the public's ideas, opinions and energy as we struggle to address our financial challenges.

My friends, I believe -- as you do - in public service. And I believe in delivering City services publicly.

I also have tremendous faith in our City workers. I have never been more proud of them than I was during the SARS crisis in the spring, watching the skill, courage and compassion of public health nurses and paramedics on the front lines.

Every day the members of Toronto's public service work to balance the economic, social and environmental needs of the City. I want them to know that their ideas and energy will be expected and welcomed. Innovation will be encouraged and rewarded.

And the City must continue to embrace newcomers who bring their talent and skills to Toronto. In the summer we introduced a mentoring programme that allows people to be matched with civil servants in areas like engineering, accounting and IT. This programme helps immigrants overcome artificial barriers like "Canadian experience" and use their relevant experience to work here. This is an area where government can lead, and we should expand it.

The City must also work with the school board to eliminate other barriers -- namely, the user fees that stop community groups, seniors and children from using public facilities. We will lead the charge for better children's services in Toronto by co-ordinating resources among school boards, child welfare agencies, day cares, health programmes and recreation services.

It is also time to show a new kind of leadership in building productive partnerships with Ottawa and with Queen's Park. I believe there is an appetite for that at both of those levels of government.

Paul Martin has committed to a new deal with Canada's Cities.

At Queen's Park, the long reign of a government with an anti-Toronto bias is over. We have a new Premier, Dalton McGuinty, who understands the importance of Cities.

I believe that both these leaders know that the health of our largest City determines the vitality of the Province and our nation, and they must act soon to show us they understand this -- by investing in public transit, for example.

But we also need to seize this moment, to transform it into a new era. For our City and for our country. The Mayor of Toronto must be a mayor for all the major Cities in this country -- we are Canada's sixth largest government. The Mayor of Toronto should set the tone for a new urban agenda across this country because getting a new deal from Ottawa and Queen's Park is, in fact, about politics.

The Mayor of Toronto should form alliances with the Mayors of Montreal, Vancouver,

Winnipeg, Calgary, Ottawa, Halifax and other Cities -- and I will. This is the way to bring the Federal Government into transit funding. This is the way to address the crisis with homelessness and affordable housing. This is the way to expand an urban agenda in this country.

The fact is that we have spent the last six years just fighting to cope with the turmoil of amalgamation and downloading. The effect of that has been that we've abdicated our role as a national leader.

We must reclaim that role with confidence now. We need to re-create the buzz and excitement that comes from being the biggest City in Canada. We need to lead by example.

This week we will have an historic debate at Council -- we will debate the future of our waterfront and the Island Airport. I will not pre-empt that debate here. But I will speak to the importance of this debate to the future of our City.

In October, I had the privilege of hearing former Mayor David Crombie lecture on some of the "big moves" that Toronto has made. He spoke of our historical innovation in social housing, and of Toronto's decision to build a subway line at a time when the rest of North America was moving in the opposite direction, building for more cars on the road. He told us that a City only has so many big, bold moves it can make.

What we do next with our waterfront is another such big move. It might be a glorious move, if we go in the right direction.

I think we are all aware that the eyes of the whole City are watching us this week as we make this decision.

Let us not forget that. Let us not forget how central this issue was to the democratic process that has brought us here today. Many of us were elected on a mandate of stopping the Island Airport bridge.

As we approach this debate tomorrow, we must ask ourselves: will we ever revitalize this waterfront, will we ever clean up our polluted port lands, will we ever make this shoreline inviting and beautiful, from Scarborough all the way to Etobicoke, if we allow the construction of the bridge and the expansion of the airport to proceed?

The City of Toronto showed tremendous leadership in the fight against developing the Oak Ridges Moraine. We showed vision. The moraine releases water thousands of years old into the streams that feed our rivers. At a single development site in Richmond Hill, the headwaters of the Don, the Humber, the Rouge and the Holland rivers all meet, and the development represents a permanent threat to the ecological integrity of southern Ontario.

These are not things we could see from within the political boundaries of the Mega-City, but we understood the importance of the moraine to the health of our City nonetheless, and we fought to protect it.

Now we must approach our decisions about the waterfront and the airport with the same foresight. We must ask ourselves - will this Council have the courage to stand up for the

long-term public interest and leave our children a stunning, revitalized waterfront?

Members of Council, let us move forward into the new term with respect for the people of Toronto, with confidence in ourselves, and with the resolve to leave this City better - more beautiful - than we found it.

The climate has never been better for City government to seize its role. The people of Toronto are ready for us to take the road to the future. To strike new partnerships. To find new ways of doing things. To embrace innovation and creativity, diversity and beauty. To make change.

Let us clean up the streets of Toronto together.

Let us bring beauty into public spaces.

Let us heed the cry for open, accountable government in this City.

Let us dare to tell each other the truth - even when it is hard.

Let us be fierce and proud defenders of the public interest.

Let us be driven by what is possible, and not paralyzed by what cannot be done.

When Mayor David Crombie was first sworn in, early in the year of 1973, he said this in his inaugural address:

“These will not be easy times, for we have much to do, and little time in which to do it. But I believe that if we [...] constantly remind ourselves that we are here to serve the people, then we will not fail.”

Mayor Crombie was a wise man then, just as he is now. Let us heed his words.

Finally, I want to say to you that even after nine years in public office, I cannot enter this Council Chamber without a sense of respect and reverence.

The openness of this space -- the fact that there is not a single, obstructed sight line in this Chamber -- is an incredibly important symbol. The room was clearly designed by its Architect to convey that message of openness to the people of Toronto, so they would know they are welcome here and that they will be heard in this room.

So, my first appeal to you as Mayor is this: Let this Council -- let us -- be guided by that spirit of openness, which is built into the very walls that surround us.

Our challenges are great. The opportunities are greater -- let us start today.

Thank you.

ATTACHMENT NO. 2 [Notice of Motion J(3)]

Report dated November 24, 2003, from the Chief Financial Officer and Treasurer, entitled "Cash Advance to Toronto Zoo - Funding of 2003 Projected Budget Shortfall" (See Minute No. 1.14, Page 13):

Purpose:

To request approval for cash advances to the Toronto Zoo estimated at \$2.8 million in order to finance the 2003 projected operating budget shortfall as reported to City Council in September 2003.

Financial Implications and Impact Statement:

Approval of the recommendation in this report will authorize cash advances of an estimated \$2.8 million to the Toronto Zoo in addition to the Toronto Zoo's 2003 approved net Operating Budget of \$8.256 million. The Toronto Zoo's forecasted year-end budget shortfall of \$2.8 million has been incorporated in the City's consolidated forecast. Interim funding from working capital is required to finance the cash advances to the Toronto Zoo in November and December 2003.

Following approval of the Toronto Zoo's 2003 Audited Financial Statements, a report on any required additional 2003 funding will be brought forward for Council consideration.

Recommendation:

It is recommended that the Chief Financial Officer and Treasurer be authorized to advance an estimated additional \$2.8 million to the Toronto Zoo (through interim funding from the working capital reserve), to meet its 2003 payroll and other obligations.

Background:

In the Operating Budget Variance Report for the period September 30, 2003, the Toronto Zoo projected a year-end budget shortfall of \$ 2.8 million. Revenues and expenditures are projected to decline by \$4.1 million and \$1.3 million, respectively, as a result of SARS and the August power outage. Attendance has declined by 13 percent and has affected retail and food services sales, rides and rentals. The Toronto Zoo is making every effort to curtail discretionary expenditures.

On November 17, 2003, the Chief Financial Officer and Treasurer received a request from the Toronto Zoo's Executive Director, Administrative & Site Services to advance the following funds:

November 19, 2003 - \$750,000.00
November 24, 2003 - \$750,000.00

\$1,500,000.00

The advances are required to ensure that the Toronto Zoo can meet its payroll and vendor payment obligations. In addition, the Toronto Zoo has indicated that up to a further \$1.3 million will be needed in December for a total, estimated cash advance request of an additional \$2.8 million.

Comments:

The Chief Financial Officer and Treasurer authorized the November advances under the City of Toronto By-law No. 152-2000, Part IV (Treasurer's Authority), Clause 14 which states:

“Despite any other provision in this by-law, the Treasurer is authorized to pay the following Accounts provided that funds are available in the operating budget or a Capital Project for that purpose: (a) all salaries, wages and benefits due to any person in the employ of the City.”

In order to ensure that staff at the Zoo received salary/wages in November, cash advances were made to the Zoo through interim funding from the working capital reserve pending 2003 final year-end budget/actual reporting.

Conclusions:

The Toronto Zoo has experienced a significant revenue shortfall in 2003, and has depleted all sources of funding. As a result, the Chief Financial Officer and Treasurer requires authorization from Council to advance an additional estimated \$2.8 million to the Toronto Zoo in 2003.

Contact:

Cam Weldon
Director of Accounting Services
Tel: (416) 392-8427
Fax: (416) 397-0834
Email: cweldon@toronto.ca

Arthur Dookhoo
Manager, G/L and Financial Reporting, Accounting Services
Tel: (416) 392-7253
Fax: (416) 392-8003
Email: adookhoo@toronto.ca

ATTACHMENT NO. 3 [Notice of Motion J(4)]

Report dated November 21, 2003, from the Chief Financial Officer and Treasurer, entitled "Property Taxes: 2004 Interim Levy By-law" (See Minute No. 1.15, Page 14):

Purpose:

To obtain Council authority for the introduction of a by-law concerning the levying and collecting of 2004 interim property taxes.

Financial Implications:

The 2004 interim levy will provide for the cash requirements of the City until such time as the 2004 Operating Budget and 2004 final tax levy are approved by Council.

Recommendations:

It is recommended that:

- (1) the 2004 interim levy for all property classes be based on 50 percent of the total 2003 taxes billed for each property, and amounts shall be levied in respect of assessment added after the interim levy by-law is passed, which assessment was not on the assessment roll upon which the amounts were levied;
- (2) authority be granted for the introduction of the necessary bill at the Council meeting scheduled for December 2, 3 and 4, 2003, providing for the levying and collection of the 2004 interim taxes prior to the adoption of the estimates for 2004; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

Section 317 of the Municipal Act, 2001 provides municipalities with the authority to enact a by-law establishing an interim property tax levy at no more than fifty percent of the preceding year's taxes billed for each property in each class. Furthermore, an interim levy by-law may provide for the levying of amounts on assessment added, after the by-law is passed, to the collector's roll for the current year that was not on the assessment roll upon which the amounts were levied.

It is recommended that the interim levy for 2004 for all property classes be based on 50 percent of the total 2003 taxes billed for each property. Properties eligible for tax deferrals in 2003, pursuant to the City's Tax Deferral program for seniors with low income and

homeowners with low income and a disability, will be subject to the same interim levy. Should an application to the Tax Deferral program meet the entitlement criteria, qualified seniors and disabled persons will have their final 2004 property taxes adjusted to reflect whatever deferral benefit is due to them. This approach reflects the fact that the deferral program has a yearly enrolment requirement. Experience has taught that personal circumstances can and do change to the extent that a successful applicant in one year may not qualify for another year's participation.

Finance Department staff anticipate that tax accounts with pre-authorized payments will be issued bills beginning in the middle of January 2004; payment due dates will be as follows: February 16th, March 15th, April 15th, May 17th, and June 15th. For all other property tax accounts, the 2004 interim tax bills will be mailed at the end of January and installments will be due March 1st, April 1st, and May 3rd.

In order to meet the City's 2004 financial obligations, to provide sufficient time for the interim tax bill production, and to give taxpayers timely notice of payment due dates, the City's 2004 interim tax bills must be produced and mailed by the end of the January 2004. As such, the 2004 interim levy by-law must be enacted in December and will come into force on January 1, 2004.

Any delay in enacting the interim levy by-law will adversely affect the City's ability to generate the needed revenue to fund its early to mid-2004 operations.

Conclusion:

The 2004 interim levy by-law will address the cash requirements of the City of Toronto until such time as Council approves the 2004 Operating Budget and final levy by-law.

It is recommended that the 2004 interim levy for all property classes be based on 50 percent of the total 2003 taxes billed for each property.

Contact Names:

Giuliana Carbone
Director, Revenue Services Division
416-392-8065

Carmela Romano
Manager, Property Assessment and Taxation
416-395-6730

ATTACHMENT NO. 4 [Notice of Motion J(5)]

Report dated November 18, 2003, from the Commissioner of Works and Emergency Services, entitled "Increase to 2003 Toronto Emergency Medical Services Operating Budget" (See Minute No. 1.16, Page 15):

Purpose:

The purpose of this report is to request City Council to adjust the 2003 Toronto Emergency Medical Services operating budget to reflect increased funding from the Ministry of Health to offset increased operating expenses for the Central Ambulance Communications Centre (CACC).

Financial Implications and Impact Statement:

There is no financial impact on the 2003 Net Operating Budget. The gross expenditure (Cost Centre B33100) and revenue (Cost Centre B93030) will be increased by \$635,069.00 with \$0 net impact on the 2003 Operating Budget and with an annualized impact of \$1,224,590.00 gross and zero net. The Chief Financial Officer and Treasurer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) the Toronto Emergency Medical Services Operating Budget for 2003 be increased by \$635,069.00 gross (Cost Centre B33100) and \$635,069.00 revenue (Cost Centre B93030) funded by the Province resulting in zero net and with an annualized impact in 2004 of \$1,224,590.00 gross and zero net; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

EMS CACC has requested an increase in the number of positions required to maintain a 24-hour operation and supervision in the Central Ambulance Communications Centre (CACC), and to improve compliance with the Provincial standards stipulated by the Ministry of Health and Long-Term Care CACC staffing model. Fifteen (15) new F.T.E positions and related costs have been approved and funded by the MOHLTC, and EMS plans to hire the staff in late 2003. Funds, in accordance with provincial direction, must be spent prior to year-end or be identified as a recovery back to the Province.

Comments:

Toronto Emergency Medical Services has had ongoing discussions with the Ministry of Health and Long-Term Care regarding the need for increased staffing in the Communications Centre. The Ministry has agreed to flow Toronto EMS \$635,069.00 in 2003 to address these issues, annualized to \$1,224,590.00.

Conclusions:

The increase to the Toronto Emergency Medical Services 2003 Operating Budget is offset by a corresponding increase in funding from the Ministry of Health and Long-Term Care.

Contact:

John Lock
Deputy Chief/Director
Toronto CACC
Phone: (416) 392-2058
Fax: (416) 397-9386

ATTACHMENT NO. 5 [Notice of Motion J(6)]

Report dated November 24, 2003, from the Chief Financial Officer and Treasurer, entitled "2004 Interim Operating Budget Estimates" (See Minute No. 1.17, Page 17):

Purpose:

In accordance with the Financial Control By-Law No. 152-2000, the purpose of this report is to request approval for an interim appropriation to enable Departments, Agencies, Boards and Commissions to carry out their normal operations during the first four months of 2004 or until Council approves the 2004 Operating Budget, which is scheduled for its meeting of April 19 – 27, 2004.

Financial Implications and Impact Statement:

The 2004 interim operating estimates of \$2,496.654 million requested in this report will establish spending authority for Departments, Agencies, Boards and Commissions during the period January 1, 2004, to the date on which Council approves the 2004 Operating Budget. For City departments and most agencies, boards and commissions (ABCs) the 2004 interim estimates represents 40 percent of the 2003 approved gross expenditure budget.

Exceptions include the Toronto Transit Commission, Theatres, Arena Boards of Management, Toronto and Region Conservation Authority, and Association of Community Centres for which the 2004 interim estimates represent 40 percent of the 2003 Net Operating Budget. Works and Emergency Services programs and Water and Wastewater are represented at 40 percent of the gross operating budget plus major annual contracts that are due for renewal during the first four months. The gross operating budget for Non-Program accounts has been adjusted to reflect the amount required for the period of January to April, 2004.

Recommendation:

It is recommended that the 2004 interim operating budget estimates in the amount of \$2,496.654 million be approved as detailed in Appendix 1.

Comments:

The 2004 Operating Budget will be before City Council for its approval at its special meeting of April 19 – 27, 2004. In order to enable departments, agencies, boards and commissions to carry out their base operations during the first part of the year, it is necessary for Council to approve interim operating budget estimates prior to January 1, 2004. Expenditures made during the period January 1 to the date on which Council approves the 2004 Operating Budget, must be restricted to base operating expenditures.

Appendix 1 attached herewith details the interim estimates by City Program and ABC. The recommended Interim Operating Budget for Levy Operations is \$2,246.037 million and for Non Levy Operations (Parking Authority and Water and Wastewater) in the amount of \$250.617 million. The total interim operating budget request is \$2,496.654 million.

Conclusion:

To ensure that appropriate Council approval is granted for the continuance of City's business during the period January 1 to April 27, 2004 when the 2004 Operating Budget is scheduled for Council's approval, an interim appropriation is required in accordance with the Financial Control By-law. The 2004 interim operating budget estimate request is for a total of \$2,496.654 million distributed \$2,246.037 million to Levy Operations and \$250.617 million to Non Levy Programs as detailed in Appendix 1.

Contacts:

Josie La Vita, Director, Financial Planning Division
Telephone: 397-4229, Fax: 397-4465, Email: jlavita@toronto.ca

Bert Riviere, Manager, Financial Planning Division
Telephone: 397-4227, Fax: 392-3649, Email: briviere@toronto.ca

ATTACHMENT NO. 6 [Notice of Motion J(12)]

Report dated November 28, 2003, from the Commissioner of Urban Development Services, entitled "Extension of Part Lot Control Exemption for a Portion of the Woodbine Park Development (Beaches-East York, Ward 32)" (See Minute No. 1.23, Page 24):

Purpose:

The purpose of this application is to request the extension of the exemption from part lot control for some of the development blocks identified in By-laws 764-1999 and 43-2000 in order that the dwelling units may continue to be conveyed in separate ownership.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) Bylaw 764-1999 be amended and extended for the blocks known as 167, 169, 170, 171, 172, 173, 174, 178, 179, 180, 181 and 182 on Plan No. 66M-2332 until December 31, 2005; and
- (2) By-law 43-2000 be extended until December 31, 2005.

Background:

The developer of the Woodbine Park Subdivision had requested that certain blocks within the development be exempted from the Part Lot Control provisions of the Planning Act. Bylaws 764-1999 and 43-2000 were passed by Council to permit the exemption for certain blocks until December 31, 2003, anticipating that the development would be fully built out by that time. All of the blocks have not yet been fully constructed, and the developer is therefore requesting an extension of the exemption from part lot control for an additional 2 years.

Development has previously been approved for all of these blocks, in accordance with the applicable zoning and therefore will be subdivided into parcels containing one dwelling unit each.

Part Lot Control typically prevents the conveyance of anything less than a full lot or block on a plan of subdivision. The purpose of proceeding by way of a Part Lot Control Exemption By-law is to allow the builder to build the townhouses on large blocks and then to establish the property lines between the townhouse units at the exact location of the built party walls

between the units for the purpose of then conveying the units.

Comments:

The extension of the release of part lot control would permit the continued conveyance of each townhouse unit and allow each unit to be held under separate ownership. The request for extension is of an urgent nature due to the fact that the developer is proposing to close the sale of some of the properties in January, prior to the next City Council meeting. If the by-laws were not extended, these transactions would not be able to fully close.

Conclusions:

I am recommending approval of this application.

Contact:

Leontine Major, Planner
416-397-4079
416-392-1330
lmajor@toronto.ca

FINANCIAL IMPACT STATEMENT NO. 1 [NOTICE OF MOTION J(6)]

(See Minute No. 1.17, Page 17)

Financial Implications:

Operating

Current year impacts: \$ 2,496.654 million (gross) Future year impacts: \$ N/A

Following year
 Future years

Funding sources (specify):

Accommodation within approved operating budget Third party funding
 New revenues Tax rate impact
 Reserve/Reserve Fund contributions Levy

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ N/A (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

Accommodation within approved capital budget Third party funding
 New revenues Debt
 Reserve/Reserve Fund contributions Other

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)
 Debt service costs: \$ _____ (net)

Impacts/Other Comments:

Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion J(6)

Consider Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer