



**PLANNING AND TRANSPORTATION COMMITTEE
AGENDA
MEETING NO. 2**

Date of Meeting: Thursday, January 8, 2004 **Enquiry:** Patsy Morris
Time: 9:30 a.m. **Committee Administrator**
Location: Committee Room 1 **(416) 392-9151**
City Hall **pmorris@toronto.ca**
100 Queen Street West

Declarations of Interest Pursuant to the Municipal Conflict of Interest Act

Confirmation of December 4, 2003, Minutes

Deputations/Presentations:

List to be distributed at the meeting.

Communications/Reports:

Public Meeting

10:00 a.m.

1. Administrative Charges for Remedial Work

Report (December 16, 2003) from the Commissioner of Urban Development Services recommending that:

- (1) Chapter 441 of the City of Toronto Municipal Code be amended to permit for the recovery of the City's administrative costs incurred for remedial work carried out under regulatory authorities, and, if necessary, to add them to the tax roll for collection purposes;
- (2) the aforementioned administrative costs be recovered as a scaled fee based on the costs incurred by the City for contracts of various lengths, as per the calculations provided in Schedule A of this report; and
- (3) the City Solicitor be directed to prepare the necessary bill to give effect to the recommendations, as of March 1, 2004.

Public Meeting**10:30 a.m.****2. Business Licensing Thresholds****Presentation Item**

Report (December 5, 2003) from the Commissioner of Urban Development Services reporting back to the Planning and Transportation Committee on the concerns it raised with respect to the August 12, 2003 report on Business Licensing Thresholds at its meeting of September 3, 2003; and recommending that:

- (1) the recommendations from the August 12 report be adopted;
- (2) Schedule A of the August 12 report be replaced with Schedule A of this report; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

2(a) Report (August 12, 2003) from the Commissioner of Urban Development Services recommending that:

- (1) Licensing thresholds be established according to classification of licence, as detailed in Schedule A of this report;
- (2) Recommendation No. (1) be enabled through an amendment to the City of Toronto Municipal Code, Chapter 545, Licensing;
- (3) Staff report on training for Tribunal members on licensing thresholds and the Tribunal's procedural principles and operations;
- (4) Council direct the Tribunal to render a brief written decision statement with reasons for each hearing it adjudicates;
- (5) Council also direct the Tribunal to report to the local Community Council for stationary licences and to the Planning and Transportation Committee regarding mobile and trades licences, setting out the basis for issuing any licence, contrary to the thresholds established as part of the working framework of Chapter 545, Licensing, of the Toronto Municipal Code;
- (6) Staff report further on a process of implementing by-law amendments to support a system of allowing administrative suspensions in extraordinary circumstances;
- (7) The Committee endorse the principle of investigating the development of a corporate inventory of municipal conviction records; and

- (8) The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto;
- 2(b)** Report (August 27, 2003) from the City Solicitor addressing legal issues arising from the recommendations contained in the report, dated August 12, 2003, from the Commissioner of Urban Development Services with respect to the establishment of business licensing thresholds; and recommending that if Council wishes to establish licensing thresholds as detailed in Schedule A of the report, dated August 12, 2003, from the Commissioner of Urban Development Services:
- (1) pending the receipt and consideration by Council of the report referred to in Recommendation (2) below,
 - (a) such thresholds be adopted as a directive to Municipal Licensing and Standards staff to be applied in decisions on the issuance, denial or revocation of licenses;
 - (b) insofar as the Toronto Licensing Tribunal is concerned, such thresholds be considered as general policy only and not mandatory thresholds binding on the tribunal; and
 - (c) no amendment be made to the City of Toronto Municipal Code, Chapter 545, Licensing with respect to the licensing thresholds until such time as the report referred to in Recommendation (2) below has been considered by Council;
 - (2) that the City Solicitor report further on the effect of such thresholds on the Toronto Licensing Tribunal and the implications of incorporating the thresholds in the City of Toronto Municipal Code, Chapter 545, Licensing; and
 - (3) in accordance with Recommendation (1) above, Recommendation (2) contained in the report, dated August 12, 2003, from the Commissioner of Urban Development Services not be adopted.
- 2(c)** Communication (September 2, 2003) from Mr. John McIntyre, President, Taxicab Benefits Association (TBA) regarding Business Licensing Thresholds;
- 2(d)** Communication (September 2, 2003) from Ms. Dorothy Thomas, Chair, Toronto Licensing Tribunal regarding Business Licensing Thresholds Report;
- 2(e)** Communication (Undated) from Mr. Louis M. Seta regarding Licensing Thresholds; and
- 2(f)** Communication (Undated) from Ikram Freed submitting a petition with 422 signatures.

3. Amendment to Municipal Code Chapter 447, Fences

Deputation Item

Report (December 8, 2003) from the Commissioner of Urban Development Services recommending that:

- (1) Chapter 447, Fences, of the Municipal Code be amended as set out in Appendix "A" attached to this report; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

- 3(a)** Communication (Undated) from Councillor Peter Milczyn, Etobicoke-Lakeshore, requesting that Mrs. Anna Traer, who resides in Etobicoke, be allowed to depute to the Committee in the matter of the sideyard fence which was erected by her neighbour, and that Committee consider her request for the City to take action to have the fence removed.

4. A Framework Strategy to Ensure that Privately-owned, Multi-Unit Residential Buildings are Maintained in accordance with the Provisions of the Toronto Municipal Code

Report (December 10, 2003) from the Commissioner of Urban Development Services recommending that:

- (1) Council adopt the framework strategy in principle;
- (2) Council request the provincial government to take the necessary action to remove Regulation 243/02 of the Municipal Act, 2001 in order to allow the licensing of apartment buildings;
- (3) staff be requested to report back to Committee with a workplan which outlines the necessary timelines, resources, budget implications and consultations necessary to implement this strategy; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

5. Request for Enabling Legislation to Regulate Second Suites

Communication (December 9, 2003) from the City Clerk advising that City Council at its First meeting held on December 2 and 4, 2003, referred the following Motion by Councillor Balkissoon, seconded by Councillor Kelly to the Planning and Transportation Committee:

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.”

6. Appointment of Building Inspectors

Report (December 12, 2003) from the Commissioner of Urban Development Services recommending that this report be received and the following be adopted:

- (1) Building Division staff in conjunction with Legal Services be directed to prepare a harmonized By-law to be used as the instrument to appoint inspectors as required by the *Building Code Act* for the enforcement of the *Act* and to make necessary preparations to rescind all previous appointment By-laws; and
- (2) The appropriate City officials be authorized and directed to take the necessary action, including the introduction of a bill in Council, to give effect thereto.

7. Green Roofs Task Force

Report (December 5, 2003) from the Commissioner of Urban Development Services recommending that:

- (1) the 'Green Roofs Task Force' be established in accordance with the attached terms of reference;
- (2) Council representation on the Green Roof Task Force be referred to the Striking Committee and the City Clerk be asked to canvas members of Council for their interest in participating on the Green Roofs Task Force; and
- (3) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

8. Interim Procedures during Council Election (All Wards)

Report (December 12, 2003) from the Commissioner of Urban Development Services recommending that:

- (1) this report be received for information; and
- (2) this report be sent to the South, North, East and West Community Councils for their information.

9. "Beautification" of the Gardiner Expressway

Communication (November 28, 2003) from the City Clerk, The Gardiner/Lake Shore Corridor Task Force recommending that the two communications (June 28 and November 20, 2003) from Mr. Laszlo J. Jarmai, Chair, Arawak Environmental Enterprises Ltd. be forwarded to the Planning and Transportation Committee and to the Toronto Waterfront Revitalization Corporation, for consideration.

10. 2004 Budget Allocations

Communication (December 4, 2003) from the City Clerk, Toronto Cycling Committee forwarding Resolution No. (2) to the Planning and Transportation Committee for consideration:

“WHEREAS the City of Toronto Official Plan envisions and encourages cycling as an alternative mode of transportation, in order to reduce dependency on the use of automobiles and improve air quality; and

WHEREAS the Toronto Bike Plan outlines a plan to expand the cycling infrastructure within the city in order to increase the number of trips taken by bicycles; and

WHEREAS the federal and provincial governments are open to a new urban agenda and possible funding of municipal infrastructure;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto, in its negotiations with the federal and provincial governments, request that a percentage of the infrastructure and transit funds be dedicated to the relevant Toronto Bike Plan budgets in order to complete the Bike Plan within its ten year time frame.”

11. "Profile Toronto: Toronto's Housing"

Report (December 5, 2003) from the Commissioner of Urban Development Services providing Council with detailed information regarding Toronto's housing stock based on results from the 2001 Census; and recommending that the Planning and Transportation Committee receive this report for information.

**12. Russell Hill Subway Train Accident of August 11, 1995
Due Diligence Checklist Update**

Communication (August 28, 2003) from the General Secretary, Toronto Transit Commission advising that the Commission on August 27, 2003, adopted the following recommendations:

- (1) received for information the updated Due Diligence Checklist relating to the Russell Hill Subway Train Accident of August 11, 1995, which provides a status report on the progress toward closing the Coroner's Jury Recommendations and the TTC's Internal Team Recommendations; and
- (1) forwarded this report to the Chief Coroner of Ontario, the City of Toronto, and the Province of Ontario for information; and

directed that the aforementioned action of the Commission be forwarded to Toronto City Council, through the Planning and Transportation Committee, for information.

13. 1998 and 2001 APTA Rail Safety Audits – Updates

Communication (November 20, 2003) from the General Secretary, Toronto Transit Commission advising that the Commission on November 19, 2003, adopted the following recommendations:

- (1) received for information, the fifth update of the TTC management Actions for the 1998 APTA Rail Safety Audit and the third update of the TTC management Actions for the 2001 APTA Rail Safety Audit; and
- (2) forwarded this update to the Minister of Transportation, Province of Ontario and the Clerk of the City of Toronto for information; and

directed that the aforementioned action of the Commission be forwarded to Toronto City Council, through the Planning and Transportation Committee, for information.

14. "Profile Toronto: Employment Survey – 2003"

Report (December 3, 2003) from the Commissioner of Urban Development Services updating the Planning and Transportation Committee on the results of the 2003 Toronto Employment Survey; advising that there are no financial implications resulting from this report; and recommending that this report be received for information.

(Note: The Attachments referred to in the aforementioned report will be distributed prior to the Meeting)

15. Update on the "Smart Commute Initiative": An Application for Funding from the Federal Urban Transportation Showcase Program

Report (December 11, 2003) from the Commissioner of Urban Development Services recommending that Council:

- (1) reaffirm its support for the "Smart Commute Initiative" and the financial implications of this program be referred to the Budget Advisory Committee for consideration with the Urban Development Services 2004 Operating Budget;
- (2) authorize staff to negotiate a Memorandum of Understanding with the other municipal partners of the "Smart Commute Initiative" to finalize the respective roles and responsibilities of the municipal partners, pending the outcome of the 2004 Operating Budget Process;
- (3) authorize staff to pursue enabling legislation for the formation of the Smart Commute Association as a non-government, non-profit corporation with a board of directors made up of senior staff of the participating municipalities; and
- (4) direct staff to report back to the Planning and Transportation Committee when key milestones in the implementation of the "Smart Commute Initiative" are reached.

16. Amendment to the Noise By-law to Restrict Leaf-Blowers in Ward 22

Communication (December 16, 2003) from Councillor Michael Walker, St Paul's, respecting an amendment to the Noise By-law to Restrict Leaf-Blowers in Ward 22, the operative part of which reads as follows:

“BE IT FURTHER RESOLVED THAT in reference to Ward 22, City Council amend the Noise By-law (adopted by Council June 18-20, 2002) to *include* Recommendation No.(2)(a) embodied in the report dated November 5, 2001, from the Commissioner of Urban Development Services, as amended by the Planning and Transportation Committee, to the Commissioner of Economic Development, Culture and Tourism:

“(2)(a) Section 4 be amended to reflect the prohibited period of time for the operation of a power device that blows or vacuums leaves, grass cuttings, debris or other similar material as follows:

at all times in Quiet Zones;
 at all times on residential properties except during the months of October and November for leaf removal;
 between 6:00 p.m. and 8:00 a.m. Monday to Saturday and at all times on Sunday on non-residential properties; and
 on Smog Alert days;”;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be requested to take any action necessary to give effect to the foregoing, including the introduction in Council of any Bills that may be required.”

In-Camera In Accordance with the Municipal Act, a motion is required for the Committee to meet privately and the reason must be stated.

In Camera

17. High Profile Cases considered by the Toronto Licensing Tribunal

Confidential report (December 10, 2003) from the Commissioner of Urban Development Services providing a brief summary of recent high profile cases considered by the Licensing Tribunal, such report to be considered in-camera having regard that the subject matter relates to personal matters about identifiable individuals.

18. Budgetary and Staffing Implications of City Council's Amendments to the Revised Organization Structure for the Committee of Adjustment, August 14, 2003 (All Wards)

(Note: A report from the Commissioner of Urban Development Services respecting the aforementioned matter will be distributed prior to the meeting.)