

CERTIFICATE OF AMENDMENTS

Certified to be a true copy of amendments to:

Report No. 1 of The Administration Committee,
Report No. 1 of The Community Services Committee,
Report No. 1 of The Economic Development and Parks Committee,
Report No. 1 of The Planning and Transportation Committee,
Report No. 1 of The Policy and Finance Committee,
Report No. 1 of The Works Committee,
Report No. 1 of The Toronto East Community Council,
Report No. 1 of The Toronto North Community Council,
Report No. 1 of The Toronto South Community Council,
Report No. 1 of The Toronto West Community Council,
Report No. 1 of The Audit Committee,
Report No. 1 of The Board of Health,
Report No. 1 of The Nominating Committee, and
Report No. 2 of The Striking Committee,

and Notices of Motions as adopted by the Council of the City of Toronto at its regular meeting held on January 27, 28 and 29, 2004.

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

REPORT NO. 1 OF THE ADMINISTRATION COMMITTEE

Clause No. 13 - "Exchange of Property Interests with Bombardier Inc./ Release of Covenant (Ward 9 - York Centre and Ward 10 - York Centre)".

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

Clause No. 26 - “Legal Opinion on 453 Spadina Road (Ward 21 – St. Paul’s)”.

City Council on January 27, 28 and 29, 2004, amended this Clause by adding the following:

“It is further recommended that:

- (a) Council adopt the following Recommendations Nos. (1), (3) and (4) contained in the confidential report dated January 26, 2004, from the City Solicitor, the balance of such report to remain confidential, in accordance with the provisions of the Municipal Act, as it contains information which is subject to solicitor/client privilege:

‘It is recommended that:

- (1) Council confirm the City Solicitor and Chief Administrative Officer’s retention of Mr. David Boghosian, with the law firm Paterson, MacDougall LLP, to provide Council with a written opinion as to its options in this litigation and to act for the City of Toronto in the litigation commenced against the City of Toronto, the Toronto Parking Authority and First Spadina Place Incorporated;
 - (3) Council authorize expenditures from the EMT Recommended Operating Budget for Legal Services for outside counsel as the funding source for the litigation; and
 - (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’; and
- (b) Council adopt Option 1 in the confidential communication dated January 26, 2004, from David G. Boghosian, Paterson MacDougall LLP, thereby ratifying the Agreement of Purchase and Sale between the City, the Toronto Parking Authority and First Spadina Place Inc., and amendments thereto up to January 28, 2004; and further to defend the City’s position in the application as may be required, the balance of the communication to remain confidential, in accordance with the provisions of the Municipal Act, as it contains information which is subject to solicitor/client privilege.”

Clause No. 27 - “Review of Canadian Content Policy”.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

Clause No. 29 - “Other Items Considered by the Committee”.

City Council on January 27, 28 and 29, 2004, received this Clause as information, subject to deferring Item (v), entitled “Supreme Court of Canada Decision in Toronto (City) v. CUPE Local 79”, to the next regular meeting of City Council scheduled to be held on March 1, 2004.

REPORT NO. 1 OF THE COMMUNITY SERVICES COMMITTEE

Clause No. 7 - “Supporting Communities Partnership Initiative - Request for Delegated Authority”.

City Council on January 27, 28 and 29, 2004, amended this Clause by adding the following:

“It is further recommended that the Commissioner of Community and Neighbourhood Services be requested to submit a report to the Community Services Committee on what percentage of the future Federal SCPI funding should come to the City of Toronto.”

REPORT NO. 1 OF THE ECONOMIC DEVELOPMENT AND PARKS COMMITTEE

Clause No. 3 - “Business Improvement Areas 2003 to 2006 - Board of Management Nominees (All Wards)”.

City Council on January 27, 28 and 29, 2004, amended this Clause by adding the following:

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism, be requested to submit a report to the Economic Development and Parks Committee on amendments to the City of Toronto Municipal Code, Chapter 19, ‘Business Improvement Areas’, to reduce the required number of Councillors on the Board of Management of the Bloor By The Park Business Improvement Area, to provide for the withdrawal of Councillor Bill Saundercook from the Board.”

REPORT NO. 1 OF THE PLANNING AND TRANSPORTATION COMMITTEE

Clause No. 2 - “Business Licensing Thresholds”.

City Council on January 27, 28 and 29, 2004, amended this Clause by amending the report dated December 5, 2003, from the Commissioner of Urban Development Services, as contained in the Clause, by:

- (1) adding to Recommendation No. (5) the words “such report to explicitly include reference to decisions to renew a licence, or decisions not to revoke, suspend or attach conditions to a licence, contrary to the recommendations of staff, for failure to comply with the thresholds”, so that such recommendation shall now read as follows:

“(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, such report to explicitly include reference to decisions to renew a licence, or decisions not to revoke, suspend or attach conditions to a licence, contrary to the recommendations of staff, for failure to comply with the thresholds;”;

(2) amending Schedule A, as follows:

- (a) deleting the headings, “Class No. 1”, “Class No. 2”, “Class No. 3” and “Class No. 4”, and inserting instead the new headings, “Group No. 1”; “Group No. 2”, “Group No. 3” and “Group No. 4”; and
- (b) deleting the words “06 HTA offences; and”, under the heading “Restriction Codes:”, in the section newly entitled “Group No. 4”, and inserting instead the words “06 Vehicular offences; and”; and

(3) adding a provision to the amending by-law to provide that the thresholds come into force on July 1, 2004.

Clause No. 3 - “Amendment to Municipal Code Chapter 447, Fences”.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

Clause No. 9 - “Other Items Considered by the Committee”.

City Council on January 27, 28 and 29, 2004, received this Clause as information, subject to deferring Item (n), entitled “Renewable Energy Rooftops in Toronto”, to the next regular meeting of City Council scheduled to be held on March 1, 2004.

REPORT NO. 1 OF THE POLICY AND FINANCE COMMITTEE

Clause No. 2 - “Naming of Community Councils”.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

Clause No. 3 - "Sub-Committees, Advisory Committees, Roundtables and Other Bodies".

City Council on January 27, 28 and 29, 2004, amended this Clause by amending the report dated January 7, 2004, from Mayor David Miller, as contained in the Clause, by:

- (1) adding to Recommendation No. (1), as amended by the Policy and Finance Committee, the words "such report to also address the reporting relationship of the Roundtable on a Beautiful City to provide that, in addition to reporting to the Policy and Finance Committee, it also report, as necessary, to the Planning and Transportation Committee and/or the Works Committee", so that such recommendation, as amended by the Policy and Finance Committee and Council, shall now read as follows:

“(1) the establishment of the five new Roundtables be approved in principle, and the Chief Administrative Officer be requested to draw up terms of reference for the Roundtables and report on these to the Policy and Finance Committee meeting in February 2004, the terms of reference to include details related to purpose, composition, term of establishment, mandate, staff support, a process for appointment of non-Council members, and other information as required; and the Chief Administrative Officer also be requested to include in her report the reporting structure of the Roundtables, such report to also address the reporting relationship of the Roundtable on a Beautiful City to provide that, in addition to reporting to the Policy and Finance Committee, it also report, as necessary, to the Planning and Transportation Committee and/or the Works Committee;”;

and

- (2) deleting from Recommendation No. (22)(v), the date "December 31, 2004", and inserting instead the date "December 31, 2005", so that such recommendation shall now read as follows:

“(22) (v) West District Working Group (to continue for 2004 - to be disbanded effective December 31, 2005);”.

Clause No. 10 - "2004 Current Value Assessment (CVA) Changes and Tax Policy Options (All Wards)".

City Council on January 27, 28 and 29, 2004, amended this Clause by:

- (1) amending the report dated January 7, 2004, from the Chief Financial Officer and Treasurer, as contained in the Clause, by:
 - (a) combining Recommendations Nos. (6) and (7) as a new Recommendation No. (6) to now read as follows:

“(6) Council reiterate its request to the Province of Ontario to revoke or amend the Municipal Act, 2001 provisions arising from Bill 140 which have the effect of restricting property tax increases to certain classes of property to allow the City of Toronto to pass on budget-related property tax increases to all classes of properties together with the Province of Ontario reducing the City of Toronto’s commercial industrial education tax rates to the average of the Greater Toronto Area municipalities to reduce the inequity in taxation of Toronto’s businesses vis-à-vis the surrounding municipalities;” and

(b) re-numbering the remaining recommendations accordingly; and

(2) adding the following:

“It is further recommended that:

(a) Council adopt the following motion:

‘WHEREAS residents in all wards of the City of Toronto continue, after five years of CVA, to experience significant swings in residential property assessment; and

WHEREAS the assessment appeal system has significant flaws having regard that a great many property owners who achieve a successful appeal experience an above average assessment increase in subsequent years; and

WHEREAS the current property assessment system is obscure and makes it difficult for residents and seniors to understand their assessment and the appeals process;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto communicate to the Municipal Property Assessment Corporation (MPAC) and the Minister of Finance that the CVA system should be changed to introduce:

(i) more stability in property assessments;

(ii) a review for individual properties that have been the subject of successful appeals; and

(iii) more objective measures in property assessment;

and that the City request a response by August 1, 2004, from the Minister of Finance with respect to the above policy matters, and from the President of MPAC on the above management matters.’;

- (b) the Minister of Revenue for the Province of Ontario be requested to amend Bill 140 to allow the City of Toronto to spread tax increases evenly over the three classes, i.e. commercial, industrial and residential;
- (c) the Chief Financial Officer and Treasurer be requested to advise the Federal Government that:
 - (i) the residential property assessment values in the City of Toronto are higher than the national average and that these values impact the RRAP program eligibility requirements; and
 - (ii) consideration should be given to setting the eligibility requirements for the City of Toronto at \$330,000.00;
- (d) the Chief Financial Officer and Treasurer be requested to:
 - (i) include in the tax bill information on tax relief for seniors and disabled persons;
 - (ii) make available the compact disc containing the property values for each Ward to Members of Council, by the end of January 2004;
 - (iii) provide each Member of Council with a listing of the number of low income seniors and disabled seniors, approved for tax deferral or cancellation of the program, in their respective Wards;
 - (iv) submit a report to the Policy and Finance Committee on alternative ways of generating revenue for the City of Toronto, as the current tax policies do not generate enough revenue to sustain the City of Toronto's needs; and
 - (v) review the possibility of a fair taxation on single homes which have secondary residential units and submit a report on this issue to the Policy and Finance Committee;
- (e) the following motion be referred to the Policy and Finance Committee for consideration:

Moved by Councillor Chow:

‘That the Clause be amended by amending the report dated January 7, 2004, from the Chief Financial Officer and Treasurer, as contained in the Clause, by inserting in Recommendation No. (4), after the words “be amended by”, the words “replacing the \$25,000.00 household limit with \$30,000.00, and”’; and

- (f) the following motions be referred to the Chief Financial Officer and Treasurer for report thereon, as soon as possible, to the Policy and Finance Committee:

Moved by Councillor Augimeri:

‘It is further recommended that the Province of Ontario be requested to create a separate class within the commercial industrial sector for small business.’

Moved by Councillor Shiner:

‘It is further recommended that the Province of Ontario be requested to amend provincial legislation to create a new class for new commercial buildings in Toronto that allows a lower tax rate to apply to properties in that class.’ ”

Clause No. 12 - “Coliseum - AHL Project – Forbearance Terms”.

City Council on January 27, 28 and 29, 2004, amended this Clause by adding the following:

“It is further recommended that the General Manager, Exhibition Place, be requested to forward an updated business plan for the AHL Project to the next meeting of City Council, through the Policy and Finance Committee.”

Clause No. 14 - “Enwave District Energy Limited, Assignment of Agreements as Collateral Security for Financing”.

City Council on January 27, 28 and 29, 2004, amended this Clause by adding the following:

“It is further recommended that Council indicate its concern regarding Enwave’s reporting and communication of financial transactions on to City Council (Shareholder), prior to concluding such transactions.”

Clause No. 28 - “Supply, Delivery and Installation of New Artopex Imagine Series Workstations to Various Locations Throughout the City of Toronto, Request for Quotation No. 1004-03-3394”.

City Council on January 27, 28 and 29, 2004, referred this Clause back to the Administration Committee for further consideration, with a request that the Committee conduct a review of:

- (1) the most affordable office furniture options, comparing all manufacturer options available to the City of Toronto; and
- (2) the need to spend the total of \$4.4 million on new office furniture.

Clause No. 29 - **“Supply, Delivery and Installation of New Haworth Premise Series Workstations to Various Locations Throughout the City of Toronto, Request for Quotation No. 1004-03-3395”.**

City Council on January 27, 28 and 29, 2004, referred this Clause back to the Administration Committee for further consideration, with a request that the Committee conduct a review of:

- (1) the most affordable office furniture options, comparing all manufacturer options available to the City of Toronto; and
- (2) the need to spend the total of \$4.4 million on new office furniture.

Clause No. 31 - **“Purchase of 530 and 532 St. Clair Avenue West and Lease of Strip Land, 528 St. Clair Avenue West for Municipal Parking Purposes (Ward 21 - St. Paul’s)”.**

City Council on January 27, 28 and 29, 2004, amended this Clause by referring Recommendation No. (5) contained in the confidential report dated December 17, 2003, from the President, Toronto Parking Authority, to the Chief Financial Officer and Treasurer, with a request that he submit a report to the Policy and Finance Committee on the financial implications to the City, and on other funding options, of funding the Toronto Parking Authority’s contribution to the City’s Capital Revolving Fund for Affordable Housing from the City’s net parking proceeds, such recommendation to remain confidential, in accordance with the provisions of the Municipal Act, as it contains information regarding the proposed or pending acquisition of land for municipal or local board purposes.

Clause No. 32 - **“Museum of Contemporary Canadian Art – Relocation to the West Queen West Art and Design District (Ward 23 - Willowdale and Ward 19 - Trinity-Spadina)”.**

City Council considered this Clause at its regular meeting held on January 27, 28 and 29, 2004, and also considered it at its Special meeting held on January 30, 2004, which reconvenes on February 12, 2004. Please refer to the Certificate of Amendments from the Special meeting held on January 30 and February 12, 2004, for the final disposition on this Clause.

Clause No. 33 - **“Cultural Capitals of Canada (All Wards)”.**

City Council on January 27, 28 and 29, 2004, amended this Clause by adding the following:

“It is further recommended that a project team, comprised of the Mayor or his designate, Councillors Ashton, Milczyn and Rae, be established to review, program and manage cultural initiatives, in 2006, that recognize and celebrate Toronto’s cultural community.”

Clause No. 35 - "Toronto Symphony Orchestra Line of Credit Guarantee Request".

City Council on January 27, 28 and 29, 2004, amended this Clause by deleting Recommendation No. (2) as contained in the joint report dated December 11, 2003, from the Commissioner of Economic Development, Culture and Tourism and the Chief Financial Officer and Treasurer, as amended by the Policy and Finance Committee, and replacing it as follows:

- “(2) that such guarantee be on terms and conditions satisfactory to the City Solicitor, the Chief Financial Officer and Treasurer and the Commissioner of Economic Development, Culture and Tourism, and that the Chief Financial Officer and Treasurer be requested to negotiate appropriate and adequate safeguards, to the satisfaction of the Chief Financial Officer and Treasurer and the City Solicitor, with HSBC Bank Canada to ensure that the City of Toronto’s guarantee is utilized only after the Toronto Symphony Foundation’s guarantee has been exhausted and the City of Toronto’s guarantee is discharged first with the City being promptly advised in the event of default or delay in the payment of interest.”

Clause No. 36 - "Tender No. 200-2003 - Casa Loma Structural Repairs - Phase 3 - South Terrace, 1 Austin Terrace (Ward 22 - St. Paul's)".

City Council on January 27, 28 and 29, 2004, amended this Clause by adding the following:

“It is further recommended that:

- (1) Council adopt the recommendation of the Budget Advisory Committee contained in the communication dated January 20, 2004, from the City Clerk, to adopt the report dated January 13, 2004, from the Chief Financial Officer and Treasurer, containing the following recommendations:

‘It is recommended that:

- (a) approval be granted to enter into commitments and to spend on specific projects/sub-projects totalling \$6.074 million gross and \$2.459 million debt during the period January 1, 2004, to the date on which Council will approve the full 2004 Capital Budget and 2005 – 2008 Capital Plan;
- (b) authority to finance an amount not exceeding \$3.412 million from Capital Reserve Funds, \$0.127 million from the Development Charges Reserve Fund and \$0.076 million from third party financing of the total recommended additional capital pre-approval; and

- (c) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.';
- (2) Council adopt the report dated January 28, 2004, from the Commissioner of Economic Development, Culture and Tourism, containing the following recommendations:
 - 'It is recommended that:
 - (a) subject to approval by the CRF Advisory Committee and on terms acceptable to it, Artscape be granted \$100,000.00 from the CRF (XR 1058) for proposal development of Affordable Housing on the Property, which grant Council determines to be in the interests of the City;
 - (b) authorization be granted for the execution of any documentation which, in the opinion of the City Solicitor, may be necessary; and
 - (c) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.';
- (3) Artscape be designated the preferred proponent (whether subject to successful fundraising in some stipulated amount, or generally to be reported back on, or not at all);
- (4) the Property be declared surplus and the method of disposal authorized, to be by way of long-term lease to Artscape, the terms of which are to be negotiated and reported back to Council for further consideration;
- (5) all steps necessary be taken to comply with the City of Toronto's disposal by-law;
- (6) authority be granted to Artscape, at its sole cost and expense, to initiate all rezoning, Official Plan amendments and site plan applications required for its proposed development of the property; and
- (7) Artscape be required to acknowledge that the authorities granted above and the resultant negotiations between it and the City of Toronto are on a without-prejudice, no liability basis such that same are preliminary approvals only, not intended to create any legal relationship between Artscape and the City of Toronto and that, until all negotiations have been completed and brought back to Committee/Council for ultimate consideration as to whether or not to proceed, the City bears no risk in the project nor any legal or financial responsibility whatsoever to Artscape."

REPORT NO. 1 OF THE WORKS COMMITTEE

Clause No. 1 - "Change in Ownership of Company Contracting for Provision of Recycling/Litter Bins with Advertising".

City Council on January 27, 28 and 29, 2004, referred this Clause back to the Works Committee for further consideration, and requested the Commissioner of Works and Emergency Services, in consultation with the other affected Commissioners, to submit a report to the Works Committee, for consideration with this Clause, on alternatives available for the provision of recycling/litter bins without advertising, both under the present contract and using other approaches, such as the City of Toronto acquiring and maintaining bins at its own cost.

Clause No. 2 - "Design and Production of Solid Waste Collection Calendars - Request for Proposal No. 3001-03-7442".

City Council considered this Clause at its regular meeting held on January 27, 28 and 29, 2004, and also considered it at its Special meeting held on January 30, 2004, which reconvenes on February 12, 2004. Please refer to the Certificate of Amendments from the Special meeting held on January 30 and February 12, 2004, for the final disposition on this Clause.

Clause No. 3 - "Receipt and Processing of Mixed Broken Glass - Request for Proposal No. 9155-03-7437".

City Council on January 27, 28 and 29, 2004, amended this Clause by adding the following:

"It is further recommended that:

- (1) the Province of Ontario be requested to either:
 - (a) rescind the Provincial regulation that prevents Ontario municipalities from requiring that the LCBO stores within their municipal boundaries implement a deposit/return system for their containers; or
 - (b) as the sole shareholder of the LCBO, direct the LCBO to implement a Province-wide deposit/return system for their containers, no later than June 2005;
- (2) the Commissioner of Works and Emergency Services be requested to prepare material supporting the case for a deposit/return system for LCBO containers for the public and for provincial authorities;
- (3) the Commissioner of Works and Emergency Services be requested to provide a status report to the Works Committee on this issue within three months; and
- (4) a copy of this Clause be forwarded to the Association of Municipalities of Ontario, with a request that it be distributed to member municipalities."

- Clause No. 7** - **“Rehabilitation of Leaside Bridge over the Don Valley - Request for Proposal No. 9117-03-7353 (Ward 26 – Don Valley West; Ward 29 - Toronto-Danforth)”**.

City Council on January 27, 28 and 29, 2004, amended this Clause by deleting Recommendation No. (1) of the Works Committee and inserting instead the following new Recommendation No. (1):

- “(1) UMA Engineering Ltd. be retained to provide contracted professional services for the design, contract administration and site supervision services for the rehabilitation of the Leaside Bridge over the Don Valley in a total estimated amount of \$716,718.31, including contingencies and applicable taxes, for the construction period commencing in June 2004, to December 31, 2005, subject to funds being available in subsequent years’ budgets; and”.

- Clause No. 8** - **“Requirement for Developers to Install Irrigation Systems in City Rights-of-Way”**.

City Council on January 27, 28 and 29, 2004, amended this Clause by adding the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to include, in his report to the Works Committee on February 3, 2004, a procedure for consideration of individual applications, such applications to be considered on a case-by-case basis.”

REPORT NO. 1 OF THE TORONTO EAST COMMUNITY COUNCIL

- Clause No. 7** - **“Status Report - OPA and Rezoning Application TF CMB 2002 0015, Site Plan Control Application 03 157325 ESC 37 SA, Inaugural Source Inc. (Gabor & Popper Architects Inc.), West Side of Brimley Road, South of Lawrence Avenue East, Bendale Community (Ward 37 - Scarborough Centre)”**.

City Council on January 27, 28 and 29, 2004, amended this Clause by adding the following:

“It is further recommended that Council adopt the supplementary report dated January 29, 2004, from the Acting Director, Community Planning, East, containing the following recommendations:

‘It is recommended that City Council:

- (1) instruct the City Solicitor to appear at the OMB in support of a settlement based on the applicant's revised proposal, as illustrated by Attachments 1, 2 and 3, and as set out in this report;
- (2) support amendment to the Bendale Community Secondary Plan of the Scarborough Official Plan for the subject lands by replacing the existing Office Uses designation with a Medium Density Residential designation and replacing the text of Numbered Policy 1 such that the Medium Density Residential designation allows a maximum density of 65 units per hectare and 3 storeys;
- (3) support amendment to the Bendale Community Zoning By-law No. 9350 for the subject lands by deleting the existing Office Uses zoning and standards, repealing Exception No. 5 and adding a Multiple-Family Residential (M) zoning with the following development standards:
 - (a) maximum 25 dwelling units;
 - (b) minimum 3.0-metre building setback from the streetline;
 - (c) maximum three (3) storeys;
 - (d) minimum main wall building setback abutting a Single-Family Residential Zone is seven (7) metres;
 - (e) maximum 40 percent lot coverage;
 - (f) minimum 1.0-metre landscaping strip abutting a Single-Family Residential Zone, except that one parking space may encroach within the landscaping strip to a maximum of 0.9 metres;
 - (g) minimum 1.52 parking spaces per dwelling unit, of which a minimum of 0.2 spaces per dwelling unit shall be for visitors;
 - (h) an attached garage shall be erected with each dwelling unit having the following minimum inside dimensions:
 - (i) 3.0 metres by 6.0 metres for a garage containing a maximum of one parking space; and
 - (ii) 5.4 metres by 6.0 metres for a garage containing more than one parking space; and
 - (i) the provisions of the Zoning By-law shall apply collectively to the lands, notwithstanding its future division into two or more parcels;

- (4) authorize the City Solicitor, in consultation with City Planning staff, to prepare and make such stylistic and technical changes to an Official Plan Amendment and Zoning By-law Amendment as may be required to implement any OMB decision;
- (5) support OMB approval of the Site Plan Control application upon such terms and conditions as outlined below, and including the requirement for the owner to enter into the City of Toronto's standard Site Plan Control Agreement that is registered on title to the subject lands:
 - (a) all refuse storage is to be contained within the buildings, unless otherwise noted and approved on the plans;
 - (b) site lighting is to be constructed such that the angle of illumination does not extend onto the adjacent lands or public streets;
 - (c) all mechanical and other equipment located on the roof must be screened or integrated into the profile of the building to the satisfaction of the Director of Community Planning, East District, and any changes to the roofline as denoted on the drawing shall constitute a change to the site plan, which must have prior written approval of the Director of Community Planning, East District;
 - (d) prior to the issuance of a building permit, the owner is to make satisfactory arrangements with Toronto Works and Emergency Services regarding site access and required road improvements within the Brimley Road right-of-way;
 - (e) the proposed fence along the north side of the subject property, adjacent the hydro corridor, shall be constructed wholly on the subject property; and
 - (f) all work required by this agreement is to be completed within two (2) years from the date the agreement is registered on title;
- (6) authorize execution of any agreement that may be required to secure matters outlined in this report or to implement any OMB decision;
- (7) instruct the City Solicitor to request, if necessary, the OMB to withhold its Order pending completion of any outstanding matters; and
- (8) instruct the City Solicitor to request, prior to the commencement of the OMB hearing, a letter of undertaking from the owner's solicitor indicating that the appeal of the new Toronto Official Plan, as it affects the subject lands, will be withdrawn immediately upon the amendments to the Scarborough Official Plan and Bendale Community Zoning By-law coming into full force and effect.' "

- Clause No. 9** - **“Preliminary Report - OPA and Rezoning Application 03 154931 ESC 37 OZ, R.P.C. Design Group, Robbie Robinson, 1465 Birchmount Road (Ward 37 - Scarborough Centre)”**.

City Council on January 27, 28 and 29, 2004, referred this Clause back to the Toronto East Community Council for further consideration in conjunction with the results of the Land Use Study to be undertaken with respect to these and abutting lands.

- Clause No. 10** - **“Final Report - Rezoning Application 03 035264 ESC 44 OZ - Austin Burnett (Architecnics & Associate Architect) 10126 Sheppard Avenue East Rouge Community (Ward 44 - Scarborough East)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

REPORT NO. 1 OF THE TORONTO NORTH COMMUNITY COUNCIL

- Clause No. 28** - **“Designation of 108 Stayner Avenue (Jacob P. Ross House) (Ward 15 - Eglinton-Lawrence)”**.

City Council on January 27, 28 and 29, 2004, referred this Clause back to the Toronto North Community Council for further consideration.

- Clause No. 41** - **“Request to Remove One City-owned Tree - 2899-2901 Keele Street (Ward 9 - York Centre)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

REPORT NO. 1 OF THE TORONTO SOUTH COMMUNITY COUNCIL

- Clause No. 6** - **“Inclusion of Properties on the City of Toronto Inventory of Heritage Properties - Uno Prii Survey (Trinity-Spadina, Ward 20; St. Paul’s, Ward 22; and Toronto Centre-Rosedale, Ward 27)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

Clause No. 13 - **“Driveway Widening - 158 Prescott Avenue (Davenport, Ward 17)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

Clause No. 14 - **“Driveway Widening - 145 Silverthorn Avenue (Davenport, Ward 17)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

Clause No. 15 - **“Driveway Widening - 172 Duplex Avenue (St. Paul's, Ward 22)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

Clause No. 16 - **“Driveway Widening - 250 Poplar Plains Road (St. Paul's, Ward 22)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

Clause No. 17 - **“Driveway Widening - 68 Willow Avenue (Beaches-East York, Ward 32)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

Clause No. 29 - **“Angled Parking in Connection with Driveway Widening – 36 Alberta Avenue (Davenport, Ward 17)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

Clause No. 31 - **“Angled Driveway Widening - 23 Wilberton Road (St. Paul's, Ward 22)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

- Clause No. 35** - **“Application for Official Plan Amendment - 940, 980 and 1100 Lansdowne Avenue (former General Electric – Davenport Site) (Davenport, Ward 17)”**.

City Council considered this Clause at its regular meeting held on January 27, 28 and 29, 2004, and also considered it at its Special meeting held on January 30, 2004, which reconvenes on February 12, 2004. Please refer to the Certificate of Amendments from the Special meeting held on January 30 and February 12, 2004, for the final disposition on this Clause.

- Clause No. 76** - **“Traffic Operation and Pavement Narrowing - Derby Street and Erin Street (Toronto Centre-Rosedale, Ward 28)”**.

City Council on January 27, 28 and 29, 2004, referred this Clause back to Toronto South Community Council for further consideration.

- Clause No. 78** - **“Installation of Traffic Control Signals - Ossington Avenue and Geary Avenue/Acores Avenue (Davenport, Ward 17 and St. Paul’s, Ward 21)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

- Clause No. 80** - **“Removal of Speed Bumps - Public Lane Running North from Dewbourne Avenue, Between Peveril Hill North and Bathurst Street (St. Paul’s, Ward 21)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

- Clause No. 87** - **“Request for Speed Bumps – Pape Avenue, Abutting Public Lane Extending north, from Cavell Avenue to Hazelwood Avenue, Rear of Premises Nos. 631 to 685 Pape Avenue (Toronto-Danforth, Ward 30)”**.

City Council on January 27, 28 and 29, 2004, adopted the following recommendation:

“It is recommended that Council adopt the supplementary report dated January 16, 2004, from the Commissioner of Works and Emergency Services, containing the following recommendations:

‘It is recommended that:

- (1) the installation of speed bumps in the first lane east of Pape Avenue, extending from Hazelwood Avenue to Cavell Avenue, of the type and design noted and at the locations shown on Drawing No. 421F-7147 dated September 2003, be approved; and

- (2) the appropriate City officials be authorized and directed to take the necessary action to implement the foregoing, including the introduction in Council of any Bills that are required.’ ”

REPORT NO. 1 OF THE TORONTO WEST COMMUNITY COUNCIL

Clause No. 13 - “Introduction of Left-Turn Prohibition - 619 Evans Avenue (Ward 6 – Etobicoke-Lakeshore)”.

City Council on January 27, 28 and 29, 2004, amended this Clause by deleting from Recommendations Nos. (1) and (2) in the report dated December 1, 2003, from the Director, Transportation Services, West District, as contained in the Clause, the figure “50.0”, and inserting instead the figure “85.0”, so that Recommendations Nos. (1) and (2) shall now read as follows:

“It is recommended that:

- (1) westbound to southbound left turns be prohibited at all times on Evans Avenue at the access driveway to 619 Evans Avenue, approximately 85.0 metres west of Brown’s Line;
- (2) northbound to westbound left turns be prohibited at all times at the Evans Avenue access driveway to 619 Evans Avenue, approximately 85.0 metres west of Brown’s Line; and”.

Clause No. 16 - “Traffic Calming Poll Results (Speed Humps), Maple Leaf Drive, Donofree Road to Culford Road (Ward 12 - York South-Weston)”.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

Clause No. 17 - “Traffic Calming Poll Results (Speed Humps) - Gracefield Avenue, Culford Road to Keele Street (Ward 12 - York South-Weston)”.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

- Clause No. 18** - **“Traffic Calming Poll Results (Speed Humps) - Gracefield Avenue, Arkwright Street to Culford Road (Ward 12 - York South-Weston)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

- Clause No. 20** - **“Roadway Modification Poll Results - Feasibility of Community Safety Zones, Church Street Between Weston Road and Jane Street (Ward 11 - York South-Weston)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

- Clause No. 28** - **“Front Yard Parking Poll Results - 183 Marion Street (Ward 14 - Parkdale-High Park)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

- Clause No. 29** - **“Front Yard Parking Poll Results - 45 Hewitt Avenue (Ward 14 - Parkdale-High Park)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

- Clause No. 30** - **“Exemption from Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 131 Grenadier Road (Ward 14 - Parkdale-High Park)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

- Clause No. 31** - **“Exemption from Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 23 Kennedy Avenue (Ward 13 - Parkdale-High Park)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

- Clause No. 32** - **“Exemption from Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking for Two Vehicles at 273 High Park Avenue (Ward 13 – Parkdale-High Park)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

- Clause No. 33** - **“Exemption from Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 163 High Park Avenue (Ward 13 - Parkdale-High Park)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

- Clause No. 35** - **“Exemption from Chapter 248, Parking Licences, Former City of Toronto Municipal Code, to Permit Existing Paving to Remain for Driveway Widening at 45 Parkdale Road (Ward 14 - Parkdale-High Park)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

- Clause No. 36** - **“Exemption from Chapter 248, Parking Licences, Former City of Toronto Municipal Code, to Permit Driveway Widening for a Second Parking Space at 235 Grenadier Road (Ward 14 - Parkdale-High Park)”**.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

- Clause No. 41** - **“Extension to Part Lot Control Exemption By-law No. 81-2003; 1463291 Ontario Inc. 81 Prince Edward Drive (232-240 Berry Road) File No. TA PLC 2002 0003 (Ward 5 - Etobicoke-Lakeshore)”**.

City Council on January 27, 28 and 29, 2004, amended this Clause by adding the following:

“It is further recommended that Council adopt the supplementary report dated January 8, 2004, from the Commissioner of Urban Development Services, containing the following recommendations:

‘It is recommended that:

- (1) the application to extend Part-Lot Control Exemption By-law No. 81-2003 be approved, subject to the extension expiring one (1) year from the date of enactment and applying only to those lands which were not separately conveyed pursuant to the applicable Part-Lot Control Exemption By-law (No. 81-2003);
- (2) prior to bringing the amending Bill forward for enactment, the applicant shall provide to the City Solicitor a legal description of the lands not conveyed pursuant to Part-Lot Control Exemption By-law No. 81-2003;

- (3) the City Solicitor be authorized to introduce the necessary Bill to Council; and
- (4) the appropriate City officials be authorized and directed to register the Bill on title.’ ”

Clause No. 43 - **“Final Report - Application to Amend the Official Plan and Zoning Code; Studio Court Limited, 75 Lemonwood Drive; File No. TA CMB 2003 0003 (Ward 4 - Etobicoke Centre)”**.

City Council considered this Clause at its regular meeting held on January 27, 28 and 29, 2004, and also considered it at its Special meeting held on January 30, 2004, which reconvenes on February 12, 2004. Please refer to the Certificate of Amendments from the Special meeting held on January 30 and February 12, 2004, for the final disposition on this Clause.

Clause No. 44 - **“103 and 111 Ingram Drive (Ward 12 - York South-Weston)”**.

City Council on January 27, 28 and 29, 2004, referred this Clause back to the Toronto West Community Council for further consideration.

Clause No. 45 - **“Other Items Considered by the Community Council”**.

City Council on January 27, 28 and 29, 2004, amended this Clause as follows:

- (1) City Council waived the necessary provisions of Chapter 27 of the City of Toronto Municipal Code, in order to consider Item (a), entitled “Permanent Naming of Toronto West Community Council; Location of Community Council Meetings”.

City Council subsequently took the following actions:

- (a) deleted the following Part (2) of the action of the Toronto West Community Council:

“The Toronto West Community Council also reports having:

- (2) deferred consideration of the location of future Community Council meetings to its meeting on February 17, 2004.”; and

- (b) adopted the following recommendation:

“It is recommended that the Commissioner of Corporate Services be requested to submit a report to the Toronto West Community Council on the facility and other operational implications of using the Etobicoke or York Civic Centres for future meetings of the Community Council.”; and

- (2) City Council waived the necessary provisions of Chapter 27 of the City of Toronto Municipal Code, in order to consider Item (g), entitled "Payment-In-Lieu of Parking - 2921 Lake Shore Boulevard West (Ward 6 - Etobicoke-Lakeshore)".

Council subsequently adopted the report dated December 1, 2003, from the Director, Transportation Services, West District, Works and Emergency Services, entitled "Payment-In-Lieu of Parking - 2921 Lake Shore Boulevard West" (Ward 6 - Etobicoke-Lakeshore), containing the following recommendations:

"It is recommended that:

- (1) Council exempt the applicant at 2921 Lake Shore Boulevard West from the Etobicoke Zoning Code parking requirements of five stalls;
- (2) the applicant enter into an agreement with the City of Toronto for the payment-in-lieu of five stalls which, in this case, amounts to \$10,000.00; 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 may be required."

City Council received the balance of the Clause as information.

REPORT NO. 1 OF THE AUDIT COMMITTEE

Clause No. 1 - "SAP Financial and Human Resources/Payroll Information System, Post Implementation Review - Status of Recommendations".

City Council on January 27, 28 and 29, 2004, amended this Clause by adding the following:

"It is further recommended that:

- (1) for the 2005 budget cycle, all SAP systems-related expenditures from Capital or Operating Budgets, other than those relating to maintenance, be justified on the basis of service level improvements or promoting efficiencies;
- (2) the Chief Financial Officer and Treasurer be requested to submit a report to the Administration Committee on all projected savings from new SAP system implementation, such report to include the preparation of a savings schedule showing the cost savings and/or service improvements, and the year of realization;

- (3) the Commissioner of Corporate Services be requested to submit a report to the e-City Committee by June 30, 2004, on a process to identify cost-savings related to any new information technology initiatives; and
- (4) the Chief Financial Officer and Treasurer be requested to submit a report to the Administration Committee detailing all costs incurred in the running of SAP in 2003, and the projected expenditures for 2004.”

REPORT NO. 1 OF THE BOARD OF HEALTH

Clause No. 1 - “Proposed Amendment Regarding the Discharge of Guns and Other Firearms for Animal Control”.

City Council on January 27, 28 and 29, 2004, amended this Clause by adding the following:

“It is further recommended that the Medical Officer of Health be requested to submit a report to the Board of Health on alternative methods, if practical, to manage the coyote problem in the City’s parks.”

Clause No. 4 - “The Cost of the Nutritious Food Basket in Toronto for 2003”.

City Council on January 27, 28 and 29, 2004, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

REPORT NO. 1 OF THE NOMINATING COMMITTEE

Clause No. 1 - “Appointments of Citizens to the Toronto and Region Conservation Authority”.

City Council on January 27, 28 and 29, 2004, amended this Clause by adding the following:

“It is further recommended that:

- (1) Council receive the resignation of Councillor Lindsay Luby from the Toronto and Region Conservation Authority; and
- (2) Dick O’Brien be appointed to the Toronto and Region Conservation Authority, to replace Councillor Lindsay Luby, for a term of office to expire November 30, 2006, and until his successor is appointed.”

REPORT NO. 2 OF THE STRIKING COMMITTEE

Clause No. 2 - "Appointment of a Member of Council to the Federation of Canadian Municipalities (FCM) National Board of Directors".

City Council on January 27, 28 and 29, 2004, amended this Clause by:

- (1) deleting from Recommendation No. (1) of the Striking Committee, the name "B. Ashton", and inserting instead the name "P. McConnell"; and
- (2) inserting the following new Recommendations Nos. (3) and (4) and renumbering the existing Recommendation No. (3) as Recommendation No. (5):
 - “(3) Councillor Brian Ashton’s membership on the Economic Development Committee of the Federation of Canadian Municipalities be endorsed;
 - (4) the Federation of Canadian Municipalities be requested to allow municipalities with guaranteed seats to appoint alternates; and further, that the Chief Administrative Officer be requested to explore mechanisms to achieve this with the Federation of Canadian Municipalities; and”

so that the recommendations of the Striking Committee shall now read as follows:

“The Striking Committee recommends that:

- (1) the following Member be appointed to replace former Councillor Sherene Shaw on the FCM National Board of Directors for the remainder of the current term of office to expire on May 31, 2004:

P. McConnell;
- (2) the process for appointing Members of Council to the two positions on the FCM National Board of Directors, which are reserved for Toronto, be regularized by using the Striking Committee process, beginning with the appointments for the term of office commencing May 31, 2004;
- (3) Councillor Brian Ashton’s membership on the Economic Development Committee of the Federation of Canadian Municipalities be endorsed;
- (4) the Federation of Canadian Municipalities be requested to allow municipalities with guaranteed seats to appoint alternates; and further, that the Chief Administrative Officer be requested to explore mechanisms to achieve this with the Federation of Canadian Municipalities; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

NOTICES OF MOTION APPEARING UNDER ITEM J

J(1) Revised Date for March 2004 City Council Meeting

Moved by: Councillor McConnell

Seconded by: Councillor Bussin

“**WHEREAS** City Council at its First meeting held on December 2 and 4, 2003, approved the 2004 Schedule of Meetings by its adoption of Clause No. 2 of Report No. 1 of The Striking Committee, headed ‘2004 Budget Process and Schedule of Meetings’; and

WHEREAS City Council approved such 2004 Schedule of Meetings on the understanding that City Council may need to make subsequent revisions to the Schedule; and

WHEREAS the 2004 Schedule of Meetings includes a Council meeting in the first week of March from Tuesday, March 2 to Thursday, March 4, 2004, which overlaps with a Board of Directors Meeting of the Federation of Municipalities (FCM) scheduled for Wednesday, March 3, to Saturday, March 6, 2004;

NOW THEREFORE BE IT RESOLVED THAT City Council revise the March portion of its 2004 Schedule of Meetings by moving the start date for City Council back one day so that such meeting is scheduled to be held from Monday, March 1, to Wednesday, March 3, 2004.”

Disposition:

City Council on January 27, 28 and 29, 2004, adopted this Motion, without amendment.

J(2) Sewer Impost Charges – 268 Merton Street – Ewart Angus Homes Ltd.

Moved by: Councillor Rae

Seconded by: Councillor Jenkins

“**WHEREAS** on Monday, December 8, 2003, the Court of Revision for the City of Toronto orally confirmed a special sewer charge for the above noted property and subsequently issued the attached written decision that states ‘if this court [of Revision] could grant equitable relief it would have’; and

WHEREAS 268 Merton Street is operated by Ewart Angus Homes Ltd. and is a valued seniors residence with 20 specially-designed living quarters for Alzheimers patients, their spouses and 18 apartments for other frail elderly persons; and

WHEREAS the sewer impost charge of \$25,697.53 represents a significant hardship to Ewart Angus Homes Ltd., a non-profit agency that is entirely privately funded by a trust fund administered by the United Church of Canada; and

WHEREAS this development, if approved now, would be exempted from this sewer impost charge under the new City of Toronto Development Charges By-law; and

WHEREAS on September 22, 1997, the Executive Committee of the former City of Toronto voted to support, in principle, an exemption for the sewer impost levy for 268 Merton Street and that, if the property is determined not to be exempt, appropriate staff of the new City of Toronto report to the appropriate Committee;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto authorize a grant to Ewart Angus Homes Ltd., in the amount of \$25,697.53, to offset the sewer impost charge, such grant being deemed in the interests of the municipality;

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

Disposition:

City Council on January 27, 28 and 29, 2004, adopted this Motion, without amendment.

J(3) **Toronto Computer Leasing Inquiry (“TCLP”) and Toronto External Contracts Inquiry (“TECI”) – Letter from Commissioner Bellamy to Mayor Miller**

Moved by: Mayor Miller

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** Commissioner Bellamy has written to Mayor Miller requesting City Council to consider the future of the Toronto External Contracts Inquiry (‘TECI’); and

WHEREAS the City Solicitor has prepared a report dated January 26, 2004, providing a status of the TCLI and the TECI to assist City Council in its deliberations;

NOW THEREFORE BE IT RESOLVED THAT Council consider the report from the City Solicitor dated January 26, 2004.”

Disposition:

City Council on January 27, 28 and 29, 2004, adopted this Motion, subject to adding the following new Operative Paragraphs:

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

‘WHEREAS, under section 100 of the Municipal Act, R.S.O. 1990, c. M.45, a Council of a municipality may, by Resolution, request a Judge of the Ontario Superior Court of Justice to inquire into or concerning any matter connected with the good government of the municipality or the conduct of any part of its public business; and

WHEREAS any Judge so requested shall make inquiry and shall report with all convenient speed, to Council, the result of the inquiry and the evidence taken, and for that purpose shall have all the powers of a commission under Part II of the Public Inquiries Act, R.S.O. 1990 c. P. 41; and

WHEREAS Madame Justice Denise Bellamy was designated as Commissioner for an inquiry established by the Council of the City of Toronto under s. 100 of the Municipal Act by Resolution dated February 14, 2002 (“Toronto Computer Leasing Inquiry” and/or “TCLP”); and

WHEREAS Madame Justice Denise Bellamy was designated as Commissioner for a second inquiry established by the Council of the City of Toronto under s. 100 of the Municipal Act by Resolution dated October 3, 2003 (“Toronto External Contracts Inquiry” and/or “TECI”); and

WHEREAS Commissioner Bellamy has appointed Commission Counsel who have been conducting investigations including the interview of witnesses and the review of documents involving the terms of reference for both Inquiries since that time; and

WHEREAS City Council has reviewed Commissioner Bellamy’s letter dated December 30, 2003, to Mayor Miller, and the City Solicitor’s report to Council dated January 26, 2004;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) the Commission be urged to investigate fully all information relevant to the TCLI terms of reference and to complete that investigation as soon as possible;***
- (2) the Commission be encouraged to call all evidence that may shed light on the issues raised in the TCLI terms of reference;***

- (3) *City Council defer further consideration of the letter dated December 30, 2003, to Mayor Miller, from Commissioner Bellamy, until Commissioner Bellamy or her Counsel advise the City that all evidence related to TCLI has been called. In the interim, Council does not expect the Commissioner to begin hearings in the TECI;*
- (4) *the City's outside Counsel be permitted to criticize current employees in closing submissions, only if justified by the evidence; and*
- (5) *the budget amount estimated for the cost of the City's outside counsel be increased to \$3,440,000.00 from \$3,250,000.00 to complete TCLI.';*

AND BE IT FURTHER RESOLVED THAT Toronto City Council request Commissioner Bellamy to release the good government phase of her Inquiry at such time as she has completed that phase, in order for City Council to consider and implement her recommendations as soon as possible;

AND BE IT FURTHER RESOLVED THAT if Council decides not to proceed with the TECI, the collected evidence and all other information gathered to date through existing expenses be requested of the Commissioner by City Council to be made public;

AND BE IT FURTHER RESOLVED THAT the following motion be referred to the City Solicitor for a report to City Council when this matter is again before Council:

Moved by Councillor Mammoliti:

'That Part (5) of the motion by Mayor Miller, be amended to provide that the increase to the budget amount be limited to \$3,000,000.00.' ”

J(4) Settlement of Legal Action Relating to a Personnel Matter

Moved by: Mayor Miller

Seconded by: Deputy Mayor Pantalone

“WHEREAS the Commissioner of Corporate Services has received advice from outside legal counsel and has prepared a confidential report with respect to a legal action relating to a personnel matter; and

WHEREAS consideration of this matter by Council is required on an urgent basis to provide instructions to outside legal Counsel in relation to this matter;

NOW THEREFORE BE IT RESOLVED THAT Council consider the confidential report from the Commissioner of Corporate Services dated January 26, 2004.”

Note:

City Council considered this Motion at its regular meeting held on January 27, 28 and 29, 2004, and also considered it at its Special meeting held on January 30, 2004, which reconvenes on February 12, 2004. Please refer to the Certificate of Amendments from the Special meeting held on January 30, 2004 and February 12, 2004, for the final disposition on this Motion.

J(5) **Settlement of Legal Action Relating to Contracts Nos. 58449, 58451, 58453 and 58425 - Relining Various Lengths of Clay Sewer Pipe**

Moved by: Councillor Pitfield

Seconded by: Deputy Mayor Bussin

“**WHEREAS** the City Solicitor and the Commissioner, Works and Emergency Services have prepared a report seeking authority for the settlement of legal actions brought by the City of Toronto for breach of sewer re-lining contracts; and

WHEREAS consideration of this matter by Council is required on an urgent basis to provide instructions to staff in relation to this matter;

NOW THEREFORE BE IT RESOLVED THAT Council consider the confidential joint report dated January 20, 2004, from the City Solicitor and the Commissioner of Works and Emergency Services, and that such report be adopted.”

Disposition:

City Council on January 27, 28 and 29, 2004, adopted this Motion, without amendment.

In adopting Motion J(5), without amendment, Council adopted, without amendment, the confidential joint report dated January 20, 2004, from the City Solicitor and Commissioner of Works and Emergency Services. The following recommendations contained in this report are now public and the balance of this report remains confidential, in accordance with the provisions of the Municipal Act, as it contains information which is subject to solicitor-client privilege:

“It is recommended that:

- (1) *City Council authorize the City Solicitor to settle Actions 98-CV-14015CM and 99-CV-170958CM in the all-inclusive amount of:*
 - (a) *\$150,000.00 to be paid to the City by Guarantee; and*
 - (b) *\$36,014.81 holdback amount to be retained by the City;*
- (2) *City Council request staff to take all appropriate action to give effect thereto, including the execution of any releases; and*
- (3) *City Council authorize the City Solicitor to return original Performance Bonds numbered 83001874, 83001902, 83001903 and 3004413A to Counsel for the Guarantee Company of North America, for cancellation.”*

J(6) Proposed Adjustments to the Boundaries of the Toronto South Community Council and the Toronto West Community Council

Moved by: Councillor Watson

Seconded by: Councillor Palacio

“WHEREAS on May 21, 22 and 23, 2003, City Council elected to establish a Four Community Council Model to come into effect following the November 2003 election; and

WHEREAS on July 22, 23 and 24, 2003, Council elected to establish the boundaries for the four Community Councils based on Map Option No. 2, as recommended by the Policy and Finance Committee; and

WHEREAS the Council-approved boundary principles of 2000 provide that ‘[c]ommunity council boundaries should reflect local physical and neighbourhood boundaries and communities of interest’ and that ‘[c]ommunity council boundaries should reflect the community councils’ mandate to enable a better focus on local matters of common interest than could be achieved by a city-wide standing committee of Council’; and

WHEREAS community councils are responsible for making recommendations on local issues including planning, development and licensing matters; and

WHEREAS the communities within Ward 14 are historically, geographically, socially and structurally part of the downtown core of the City of Toronto; and

WHEREAS the Toronto South Community Council is more representative of the issues facing Ward 14; and

WHEREAS the residents of Ward 14 have expressed serious concerns about access to City services and their ability to participate in community council discussions as a result of Ward 14's inclusion in the Toronto West Community Council; and

WHEREAS the Toronto West Community Council is more representative of the issues facing Ward 17; and

WHEREAS adjusting the boundaries of the Toronto South Community Council and the Toronto West Community Council would not cause an undue impact on either community council as the number of Wards and population levels of each would remain the same; and

WHEREAS the alignment of City service district boundaries with community council boundaries has not been completed; and

WHEREAS including Ward 14 in the Toronto South Community Council and Ward 17 in the Toronto West Community Council would meet all of the boundary principles identified by Council in 2000;

NOW THEREFORE BE IT RESOLVED THAT Council consider adjusting the boundary of the Toronto South Community Council to include Ward 14 and the boundary of Toronto West Community Council to include Ward 17;

AND BE IT FURTHER RESOLVED THAT notice of a proposed By-law to amend Chapter 27, Council Procedures, be given in accordance with Toronto Municipal Code Chapter 162, Notice, Public, and s.150(4) of the Municipal Act, 2001, and that the Policy and Finance Committee consider this matter at its meeting to be held on February 19, 2004;

AND BE IT FURTHER RESOLVED THAT, in the interim, the Chief Administrative Officer be directed to await the outcome of City Council's decision concerning this proposed alignment before altering the existing City service district boundaries for Wards 14 and 17."

Disposition:

City Council on January 27, 28 and 29, 2004, referred this Motion to the Policy and Finance Committee.

J(7) Report on Local 3888 Memorandum of Agreement for the Term 2002 - 2006

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Walker

“WHEREAS the City of Toronto and the Toronto Professional Fire Fighters' Association, Local 3888, engaged in collective bargaining from September 2, 2003, to December 23, 2003; and

WHEREAS the City of Toronto and the Toronto Professional Fire Fighters' Association have signed a Memorandum of Agreement in respect of the terms and conditions for the collective agreement covering the term; and

WHEREAS; the City of Toronto and the Toronto Professional Fire Fighters' Association have committed to recommend the Memorandum of Agreement to their principals; and

WHEREAS the financial impacts associated with this Motion are described in the attached confidential joint report dated January 16, 2004, from the Commissioner of Works and Emergency Services, the Chief Financial Officer and Treasurer and the Commissioner of Corporate Services;

NOW THEREFORE BE IT RESOLVED THAT City Council give consideration to the attached confidential joint report dated January 16, 2004, from the Commissioner of Works and Emergency Services, the Chief Financial Officer and Treasurer and the Commissioner of Corporate Services, and that such report be adopted.”

Note:

City Council considered this Motion at its regular meeting held on January 27, 28 and 29, 2004, and also considered it at its Special meeting held on January 30, 2004, which reconvenes on February 12, 2004. Please refer to the Certificate of Amendments from the Special meeting held on January 30, 2004 and February 12, 2004, for the final disposition on this Motion.

- J(8) **Supply of all Labour, Materials and Equipment required to provide Winter Maintenance at various locations of the Toronto Fire Services during the 2003-2004 Winter season with an option to renew for the 2004-2005 and 2005-2006 Winter seasons. Quotation Request No. 6032-03-0102**

Moved by: Councillor Chow

Seconded by: Councillor Walker

“**WHEREAS** the Administration Committee, at its meeting on January 9, 2004, considered the recommendations of the Bid Committee to adopt the report dated October 20, 2003, from the Commissioner of Works and Emergency Services and Director of Purchasing and Materials Management respecting the supply of all Labour, Materials and Equipment required to provide Winter Maintenance at various locations of the Toronto Fire Services during the 2003-2004 winter season, with an option to renew for the 2004-2005 and 2005-2006 Winter seasons; and

WHEREAS the Administration Committee recommended the adoption of Recommendations Nos. (2), (3), (4) and (5) of this report, subject to approval of funding in subsequent years, and, because of 2004 budget implications, forwarded this matter to the Policy and Finance Committee; and

WHEREAS inadvertently this matter did not appear on the Policy and Finance Committee agenda for its meeting on January 15, 2003; and

WHEREAS staff have advised that, although the Bid Committee approved the quotation for snow removal at various Fire Stations for the period November 15, 2003, to December 31, 2003, it is important that Council, at this meeting, approve the balance of this contract for the 2003/2004 Winter Season, in order to ensure that there is no disruption in this vital service;

NOW THEREFORE BE IT RESOLVED THAT Council amend the joint report dated October 20, 2003, from the Commissioner of Works and Emergency Services, and the Director of Purchasing and Materials Management by striking out Recommendation No. (2) and inserting in its place the following:

- '(2) the balance of the award to Lima's Gardens and Construction Inc., in the total estimated amount of \$162,757.69, including all charges and applicable taxes for the period commencing January 1, 2004, to April 15, 2004, be approved';

AND BE IT FURTHER RESOLVED THAT Council adopt the joint report dated October 20, 2003, from the Commissioner of Works and Emergency Services and the Director of Purchasing and Materials Management, as amended, containing the following Recommendations Nos. (2), (3), (4) and (5), subject to approval of funding in subsequent years:

- '(2) the balance of the award to Lima's Gardens and Construction Inc., in the total estimated amount of \$162,757.69, including all charges and applicable taxes, for the period commencing January 1, 2004, to April 15, 2004, be approved;
- (3) the option to renew the contract with Lima's Gardens and Construction Inc. for two (2) additional one (1) year periods (2004-2005 and 2005-2006 Winter seasons), in the amount of \$238,323.78, including all charges and applicable taxes, for 2004-2005 Winter season, and in the amount of \$244,281.86, including all charges and applicable taxes for 2005-2006 Winter season, for a total of \$482,605.64, including all charges and applicable taxes, under the same terms, conditions and pricing be reviewed by the Commissioner of Works and Emergency Services, in co-operation with the Purchasing Agent, provided the Supply of all Labour, Material and Equipment required to provide Winter Maintenance at various locations in the North and West Command Districts of the Toronto Fire Services was performed at a satisfactory level, to ensure it is feasible to extend the contract and that funds are available in the Toronto Fire Services operating budget, for each additional one (1) year renewal period;

The total funds required for award of the contract to Lima's Gardens and Construction Inc., to provide Winter Maintenance from November 15, 2003, to April 15, 2006, at various locations in the North and West Command Districts of the Toronto Fire Services is \$715,116.63, including all charges and applicable taxes.

- (4) provided that there is a favourable review, in accordance with Recommendation No. 3, the Commissioner of Works and Emergency Services be delegated the authority to exercise the option to renew on the terms and conditions set out above to be authorized to instruct the Purchasing Agent to process the necessary contract; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.' ”

Note:

City Council considered this Motion at its regular meeting held on January 27, 28 and 29, 2004, and also considered it at its Special meeting held on January 30, 2004, which reconvenes on February 12, 2004. Please refer to the Certificate of Amendments from the Special meeting held on January 30, 2004 and February 12, 2004, for the final disposition on this Motion.

J(9) **Harmonization of By-laws Concerning Long Grass and Weeds**

Moved by: Councillor Altobello

Seconded by: Councillor De Baeremaeker

“**WHEREAS** on July 9, 2003, City of Mississauga Council adopted a by-law under the Municipal Act, 2001, S.O. 2001, Chapter 25, to prescribe standards to maintain private property free of tall grass and weeds; and

WHEREAS it is the interest of the City of Toronto to have a harmonized by-law of a similar nature;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor, in consultation with the Commissioner of Urban Development Services, be requested to submit a report, accompanied by a draft by-law, for consideration by the Planning and Transportation Committee at its meeting on June 1, 2004.”

Disposition:

City Council on January 27, 28 and 29, 2004, referred this Motion to the Planning and Transportation Committee.

J(10) **Court Application by Toronto District School Board against the City of Toronto with respect to a Portion of the Saranac Public School Lands**

Moved by: Councillor Filion

Seconded by: Deputy Mayor Feldman

“**WHEREAS** the City Solicitor has prepared a report dated January 22, 2004, providing an analysis of the legal issues raised in the Court Application brought by the Toronto District School Board (‘TDSB’), in relation to a portion of the Saranac Public School Lands;

NOW THEREFORE BE IT RESOLVED THAT Council consider the confidential report dated January 22, 2004, from the City Solicitor, and that such report be adopted.”

Disposition:

City Council on January 27, 28 and 29, 2004, adopted this Motion, without amendment.

In adopting Motion J(10), without amendment, Council adopted, without amendment, the confidential report dated January 22, 2004, from the City Solicitor. This report remains confidential in its entirety, in accordance with the provisions of the Municipal Act, as it contains information which is subject to solicitor/client privilege.

J(11) **Request for Report on Possible Expropriation of Lands - 3514 Finch Avenue West**

Moved by: Councillor Mammoliti

Seconded by: Councillor Hall

“**WHEREAS** the Emery Village Secondary Plan, Finch Avenue West and Weston Road, was adopted by Council, at its regular meeting held on November 26, 27 and 28, 2002; and

WHEREAS the Plan requires improved pedestrian and cycling connections throughout the area, to provide greater access to public space; and

WHEREAS the Plan encourages streetscape improvements in the Plan area to create an attractive environment; and

WHEREAS the Plan requires the provision of visual focal points and public amenity spaces, including special corner treatments, at the intersection of Finch Avenue West and Weston Road; and

WHEREAS the Plan encourages a pedestrian friendly environment; and

WHEREAS Imperial Oil Limited ('Imperial') owns property at the corner of Finch Avenue West and Weston Road, known as 3514 Finch Avenue West; and

WHEREAS the site has an existing gas bar and service bay building; and

WHEREAS Imperial seeks to redevelop the site, removing the existing buildings and building a new format service station with car wash, gas bar and convenience store; and

WHEREAS the City has passed a comprehensive zoning by-law to implement the new Emery Village Secondary plan; and

WHEREAS the zoning by-law would not permit the existing or proposed use; and

WHEREAS Imperial has appealed to the Ontario Municipal Board; and

WHEREAS the adjoining land owner Centrillium has shown an interest in the lands known as 3514 Finch Avenue West for development; and

WHEREAS Centrillium wishes to develop a significant portion of the adjacent lands for public space purposes; and

WHEREAS Centrillium has indicated a commitment to pay the legal fees and associated costs related to the expropriation of the subject lands; and

WHEREAS the City of Toronto would retain complete ownership of the subject lands;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor, in consultation with appropriate staff, be requested to explore the possibilities of expropriating the lands known as 3514 Finch Avenue West, and submit a report to the next meeting of Council on that possibility."

Disposition:

City Council on January 27, 28 and 29, 200, referred this Motion to the Administration Committee.

J(12) **Enwave District Energy Limited - Special Shareholder's Meeting**

Moved by: Deputy Mayor Pantalone

Seconded by: Deputy Mayor Bussin

“WHEREAS pursuant to the Shareholders Agreement between BPC Penco Corporation, the City of Toronto (the 'City') and Enwave District Energy Limited ('Enwave'), each of the shareholders is currently entitled to nominate three directors to the Board of Directors of Enwave; and

WHEREAS the City has notified Enwave and BPC Penco Corporation that it wishes to have Mayor David Miller replace Councillor David Shiner, as one of its directors for the balance of the three-year term of the Enwave Board; and

WHEREAS BPC Penco Corporation has notified Enwave and the City that it wishes to have Paul George Haggis fill the vacancy on the Board of Directors created by the resignation of Dale Richmond, to have Dominique Y. Hansen replace Tomlinson Gunn on the Board, and to have Michael Nobrega re-elected to the Board for the balance of the three-year term;

NOW THEREFORE BE IT RESOLVED THAT the attached report dated January 27, 2004, from the Chief Administrative Officer, be adopted, in order to elect three successor new directors and re-elect a current director to the Enwave Board.”

Disposition:

City Council on January 27, 28 and 29, 2004 adopted this Motion, without amendment.

In adopting Motion J(12), without amendment, Council adopted, without amendment, the report dated January 27, 2004, from the Chief Administrative Officer, entitled “Enwave District Energy Limited Special Shareholders’ Meeting”, containing the following recommendations:

“It is recommended that:

- (1) Council appoint the City Chief Administrative Officer or her designate as the City’s proxyholder to attend and vote the City’s common shares of Enwave District Energy Limited (‘Enwave’) at a special meeting of the shareholders of Enwave to be held at 11:00 a.m., on February 9, 2004, and at any continuation of that meeting (the ‘Special Shareholders’ Meeting’);***
- (2) Council direct the City’s proxyholder to vote the City’s common shares in Enwave as follows:***
 - (a) to accept the resignation of Dale Richmond as a director of Enwave, effective December 31, 2003;***
 - (b) to either accept the resignations of Tomlinson Gunn and Councillor David Shiner as Enwave directors, or to remove them as directors of Enwave, effective as of the date of the special shareholders meeting;***
 - (c) to elect:***
 - (i) Mayor David Miller;***
 - (ii) Michael Nobrega;***
 - (iii) Paul George Haggis; and***
 - (iv) Dominique Y. Hansen,***

to the Board of Directors of Enwave, effective as of the date of the special shareholders meeting, to hold office for a term of approximately two years or until their successors are elected or appointed;

(d) *to allow for a variation in the term of the appointments of the above-mentioned directors from the three years provided for in the shareholders agreement between the City, BPC Penco Corporation and Enwave, for this time only; and*

(e) *to vote at her or his discretion on any other minor matter as may properly come before the Special Shareholders Meeting;*

(3) *Council authorize and direct the City Clerk and the City's Chief Financial Officer and Treasurer or their designates, to execute, on behalf of the City, the proxy substantially in the form of Attachment Two; and*

(4) *Council authorize and direct the City Chief Administrative Officer or her designate and the City Clerk or her designate to take or cause to be taken all necessary action to give full effect to the foregoing."*

J(13) Request for a Special Meeting of Council Regarding Violent Crime

Moved by: Councillor Mammoliti

Seconded by: Councillor Ootes

“WHEREAS notwithstanding the consistent denial by various media outlets and pundits that there is no violent crime problem in Toronto, our City has recently been gripped with a wave of violent crime the likes of which the City has never before seen; and

WHEREAS criminals are becoming more brazen and more vicious in their attacks on our residents; and

WHEREAS this criminal activity is not some isolated anomaly, but part of an escalating pattern of violent crime within our City; and

WHEREAS trivializing and understating our City's violent crime problem will not stop our streets from being overrun by the criminal element and will not save any lives; and

WHEREAS there has been an average of 60 murders over the last five years; and

WHEREAS there were a total of 65 homicide victims in the City of Toronto in 2003; and

WHEREAS the number could climb as high as 69, if four pending cases are all ruled homicides; and

WHEREAS of the 65 homicides, 31 victims were shot, 13 victims died from stab wounds, 11 victims were beaten or bludgeoned with weapons, 6 victims were strangled, 3 victims died from fire, 1 victim was killed by a car, and 1 victim died from a cocaine overdose while bound; and

WHEREAS of the 65 homicides, 52 victims were men and 13 victims were women, 14 of the victims were teens, 7 victims were under 18, 5 victims were charged with killing partners or ex-partners, and four sex trade workers were killed; and

WHEREAS 31 cases involved gangs, 9 cases were robbery-related, 1 case was counted as a revenge killing, and 1 case was part of a sex assault; and

WHEREAS in the first three weeks of 2004, there have already been 5 homicides;

NOW THEREFORE BE IT RESOLVED THAT City Council urge Mayor Miller to call a Special Meeting of Council to discuss the violent crime crisis in the City of Toronto, and that senior Police staff be made available.”

Disposition:

City Council on January 27, 18 and 19, 2004, referred this Motion to the Policy and Finance Committee.

J(14) **Transfer of Ward 15 (Eglinton-Lawrence) Committee of Adjustment Matters to the North York Committee of Adjustment**

Moved by: Councillor Minnan-Wong

Seconded by: Councillor Filion

“**WHEREAS** at its meeting held on July 22, 23, 24 and 25, 2003, Council approved a move to four Community Councils; and

WHEREAS the Community Council boundaries were adjusted with the intent that they be serviced by the existing four administrative districts; and

WHEREAS Ward 15 (Eglinton-Lawrence) was included within the boundaries of the North District because Council determined that its residents would be best served from the North District; and

WHEREAS the Committee of Adjustment boundaries have not yet been revised to reflect the wishes of City Council; and

WHEREAS as a result of the closure of the York Civic Centre, the functions of the York Committee of Adjustment have been transferred to the Etobicoke Civic Centre; and

WHEREAS as a result, residents of, for example, the Bathurst Street and Highway 401 area, are forced to attend Committee of Adjustment meetings at the Etobicoke Civic Centre, which is a great distance away; and

WHEREAS one of Council's primary objectives in adjusting the Community Council boundaries was to make government in the City of Toronto more accessible to its citizens;

NOW THEREFORE BE IT RESOLVED THAT henceforth, all Committee of Adjustment matters pertaining to properties in Ward 15 (Eglinton-Lawrence) be transferred to the North York Committee of Adjustment and this be done immediately."

Disposition:

City Council on January 27, 28 and 29, 2004 adopted this Motion, without amendment.

J(15) **Possible Funding for Skateboarding Parks Across the City of Toronto**

Moved by: Deputy Mayor Bussin

Seconded by: Deputy Mayor Pantalone

“WHEREAS the City of Toronto Parks and Recreation Division, recognizes that skateboarding is fast becoming a popular sport and that there are not sufficient dedicated areas in which this sport can be enjoyed; therefore, the 2004 Capital Budget should incorporate a plan to help fund skateboarding parks across the City; and

WHEREAS the Parks and Recreation Division enters into a partnership with existing skateboarding community groups to help with fundraising across the City to aid with this fast-growing, popular sport; and

WHEREAS the Parks and Recreation Division works with these groups to distinguish areas, in and around the City of Toronto, where future skateboarding parks might be built;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to report, in time for Council approval of the 2004 Capital Budget plan, on possible funding for skateboarding parks across the City.”

Disposition:

City Council on January 27, 28 and 29, 2004, adopted this Motion, without amendment.

J(16) **Supreme Court of Canada Decision in Toronto (City) v. CUPE Local 79**

Moved by: Councillor Minnan-Wong

Seconded by: Councillor Ootes

“**WHEREAS** Clause No. 29(v) of Report No. 1 of The Administration Committee received the report dated December 29, 2003 from the City Solicitor regarding the decision of the Supreme Court of Canada in Toronto (City) v. CUPE Local 79; and

WHEREAS a recreation instructor with the City of Toronto’s Parks and Recreation Department was convicted of sexual assaulting a boy under his supervision; and

WHEREAS C.U.P.E., Local 79, defended this worker at Divisional Court, at the Ontario Court of Appeal, and at the Supreme Court of Canada; and

WHEREAS Council is shocked and appalled that C.U.P.E., Local 79, would defend the actions of a convicted sexual offender;

NOW THEREFORE BE IT RESOLVED THAT Council congratulate City staff on successfully defending the City’s interest at the Supreme Court of Canada;

AND BE IT FURTHER RESOLVED THAT the City of Toronto express its disappointment to C.U.P.E., Local 79, for its irresponsible conduct in defending a convicted sexual offender.”

Disposition:

The Motion was ruled out of order.

J(17) **Appeal to the Ontario Municipal Board - Committee of Adjustment Decision - 422 to 432 Sherbourne Street**

Moved by: Councillor Rae

Seconded by: Mayor Miller

“**WHEREAS** the Salvation Army has received approval from the Committee of Adjustment (South District) for the variances required to expand their existing operations at 422 to 432 Sherbourne Street; and

WHEREAS the Presidents of both the adjacent neighbourhood associations have indicated their support for this project; and

WHEREAS the Committee of Adjustment (South District) decision has been appealed to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto direct the City Solicitor and the Chief Planner to attend the hearing of the Ontario Municipal Board in support of the decision of the Committee of Adjustment (South District), and authorize use of outside planning consultants, if deemed necessary by the City Solicitor.”

Disposition:

City Council on January 27, 28 and 29, 2004, adopted this Motion, without amendment.

J(18) **Ontario Municipal Board Appeal – 4 Dale Avenue (Toronto Centre – Rosedale, Ward 27)**

Moved by: Councillor Rae

Seconded by: Councillor McConnell

“**WHEREAS** on August 13, 2003, the Committee of Adjustment refused an application to demolish an existing home located on 4 Dale Avenue, in order to allow for the construction of a new three-storey single detached dwelling, which required a minor variance as the gross floor area of the proposed new dwelling exceeded the as of right coverage by 66 square metres; and

WHEREAS the applicant appealed the Committee’s decision to the Ontario Municipal Board on August 27, 2003; and

WHEREAS City Council, on September 22, 23, 24 and 25, 2003, by adopting Toronto East York Community Council Report No. 9, Clause No. 64, directed the City Solicitor, the Chief Planner and the Executive Director of Culture (Heritage) to attend at the Ontario Municipal Board hearing in support of the Committee’s decision; and

WHEREAS the Ontario Municipal Board has scheduled February 4, 2004, for the hearing of the Appeal; and

WHEREAS the applicant, working together with City staff, has produced revised plans and drawings which have fully addressed and satisfied all issues and concerns raised by City staff; and

WHEREAS it is no longer necessary for the City Solicitor, the Chief Planner or the Executive Director of Culture (Heritage) to attend at the Ontario Municipal Board hearing on February 4, 2004;

NOW THEREFORE BE IT RESOLVED THAT City Council direct the City Solicitor, the Chief Planner and the Executive Director of Culture (Heritage) to not attend at the Ontario Municipal Board hearing on February 4, 2004.”

Disposition:

City Council on January 27, 28 and 29, 2004, adopted this Motion, without amendment.

J(19) **Transfer of Strip of Land Adjoining 317 Dundas Street West (Ward 20 - Trinity Spadina)**

Moved by: Councillor Chow

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** the City of Toronto purchased a strip of land on the south side of Dundas Street West, between Beverley and McCaul Streets from the Art Gallery of Ontario (AGO) in 1973 for the price of \$1.00, for a road widening, that did not occur; and

WHEREAS the Art Gallery of Ontario would like to re-purchase this strip of land from the City in order to facilitate its plans for expanding the Gallery; and

WHEREAS it has been determined that this piece of land cannot be used for any purpose other than contributing to the streetscape of the AGO frontage; and

WHEREAS the Administration Committee has approved a staff recommendation that declares the land surplus to the City’s need and that it should be sold to the AGO; and

WHEREAS at its meeting on September 22, 23, 24 and 25, 2003, City Council adopted Clause No. 19 of Report No. 9 of The Administration Committee, headed, ‘Declaration as Surplus - Strip of Land Adjoining 317 Dundas Street West (Ward 20 - Trinity Spadina)’, to declare the land surplus, with an amendment stating that negotiations with the AGO include the future of Grange Park; and

WHEREAS upon closer examination of the lease and discussion with the Art Gallery of Ontario, it is determined that Grange Park is owned by the AGO, but has been leased and maintained by the City since 1911 with no termination date for the lease,

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Corporate Services be directed to report directly to this Council or any continuation thereof, on the process to transfer the land back to the Art Gallery of Ontario, on the condition that half of the present day value of the land (estimated at \$150,000.00) be dedicated to improvements of Grange Park.”

Disposition:

City Council on January 27, 28 and 29, 2004, adopted this Motion, without amendment.

J(20) **946 Lawrence Avenue East – OMB Hearing – Ward 25 (Don Valley West)**

Moved by: Councillor Jenkins

Seconded by: Councillor Pitfield

“**WHEREAS** the owner of the property, municipally known as 946 Lawrence Avenue East, applied to the Committee of Adjustment (Midtown Panel) for a minor variance to By-law No. 7526, as amended, to permit the construction of an eight-storey residential building on the property; and

WHEREAS the requested variance is to permit a reduction in the amount of required landscaped open space provided for the residential building on the property; and

WHEREAS in a Decision dated October 23, 2003, the Committee of Adjustment approved the variance; and

WHEREAS the Committee of Adjustment’s Decision has been appealed by the Don Mills Residents Inc. and Metropolitan Toronto Condominium Corporation No. 950 (‘The Tapestry’) to the Ontario Municipal Board; and

WHEREAS an Ontario Municipal Board Hearing has been set for February 3, 2004;

NOW THEREFORE BE IT RESOLVED THAT City Council oppose the minor variance;

AND BE IT FURTHER RESOLVED THAT the City Clerk be authorized to immediately send a letter to the Ontario Municipal Board advising of City Council’s opposition to the minor variance.”

Disposition:

City Council on January 27, 28 and 29, 2004, adopted this Motion, without amendment.

J(21) **Request for Direction – Pickford Road (Ward 43-Scarborough East)**

Moved by: Councillor Soknacki

Seconded by: Councillor Cho

“**WHEREAS** Council, at its meeting held on September 22, 23, 24 and 25, 2003, requested the City Solicitor and staff to attend the yet unscheduled Ontario Municipal Board hearing of an appealed Zoning By-law Amendment and Plan of Subdivision by 758893 Ontario Limited, after consideration of the results of a community consultation meeting, and a further review by staff; and

WHEREAS City staff has reviewed two alternative plans of subdivision, submitted by 758893 Ontario Limited, to address the concerns raised by the residents and staff with the original proposal; and

WHEREAS by a report dated January 28, 2004, to City Council, the Commissioner of Urban Development Services is recommending that one of the alternative subdivision proposals and Zoning By-law Amendments, submitted by 758893 Ontario Limited, be accepted and supported at the upcoming Ontario Municipal Board Hearing; and

WHEREAS the Ontario Municipal Board has now scheduled the hearing of this matter to commence on February 16, 2004, for four days;

NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the report dated January 28, 2004, from the Commissioner of Urban Development Services.”

Note:

City Council considered this Motion at its regular meeting held on January 27, 28 and 29, 2004, and also considered it at its Special meeting held on January 30, 2004, which reconvenes on February 12, 2004. Please refer to the Certificate of Amendments from the Special meeting held on January 30, 2004 and February 12, 2004, for the final disposition on this Motion.

CONDOLENCE MOTIONS

(1) **Moved by: Councillor Fletcher**

Seconded by: Mayor Miller

“**WHEREAS** the Members of City Council are very saddened to learn of the murder of Clayton Kempton Howard on December 13, 2003, in his 24th year; and

WHEREAS Kempton Howard was a respected and effective youth leader and mentor in the Blake/Boulton community; was a part-time staff person at Eastview Neighbourhood Community Centre, contributing as the leader of the Torch Club (a junior leadership program); was an after-school children’s program leader, a head summer day camp counselor; and was a basketball coach for youth; and

WHEREAS Kempton made contributions as a youth leader and mentor of children in other communities in Toronto; and

WHEREAS Kempton grew up in the Blake/Boulton community, over time developed into a role model for other young people, was awarded a youth Ontario Volunteer Service Award, and had secured a Boys and Girls Clubs of Ontario scholarship for college this year; and

WHEREAS Kempton will be forever remembered in the hearts of the children and youth of the Blake/Boulton community, colleagues at Eastview and other Boys and Girls Clubs, and many community residents;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk to directed to convey, on behalf of the Members of City Council, our sincere sympathy to his mother Joan Howard, brother Kareem, and relatives in Trinidad, and the entire Blake/Boulton Community.”

Disposition:

City Council on January 27, 28 and 29, 2004, adopted this Motion unanimously.

(2) **Moved by: Councillor Hall**

Seconded by: Councillor Ford

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing on January 9, 2004, of Arthur John Holyday, father of Councillor Doug Holyday; and

WHEREAS Arthur John Holyday, long-time resident of Long Branch in south Etobicoke, contributed significantly to the City of Toronto; and

WHEREAS Arthur John Holyday was a veteran of the Royal Canadian Navy, a Member of the Royal Canadian Legion – Branch 101 and a Member of one of the founding families of St. Agnes Anglican Church in Long Branch; and

WHEREAS Arthur John Holyday showcased many significant contributions and instilled much pride and recognition for his selfless work; and

WHEREAS Arthur John Holyday was a dedicated employee of Canada Post for over 40 years; and

WHEREAS Arthur John Holyday played in ‘The Stardusters’ of the Royal Canadian Navy Jazz Band and was a collector of jazz music;

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

Disposition:

City Council on January 27, 28 and 29, 2004, adopted this Motion unanimously.

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

Seconded by: Mayor Miller

“WHEREAS we are saddened to learn of the passing of former City Councillor Marie Labatte on January 25, 2004; and

WHEREAS Marie Labatte was a tireless advocate of community and a strong believer in the leadership role of women; and

WHEREAS Marie Labatte served with distinction as City of North York Councillor from 1976 to 1988, and as Metro Councillor from 1988 to 1996; and

WHEREAS while serving her communities and our City, Marie Labatte touched the hearts of many people and will be sorely missed; and

WHEREAS Marie Labatte was a beloved wife, mother and Grandmother;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of City Council, our sincere sympathy to her family.”

Disposition:

City Council on January 27, 28 and 29, 2004, adopted this Motion unanimously.

Toronto, Ontario
February 5, 2004

City Clerk