

CERTIFICATE OF AMENDMENTS

Certified to be a true copy of amendments to:

Deferred Clauses:

Toronto East Community Council Report 5, Clause 2a, and
Toronto North Community Council Report 5, Clause 10a.

New Reports:

Administration Committee Report 5,
Community Services Committee Report 5,
Economic Development and Parks Committee Report 5,
Planning and Transportation Committee Report 5,
Policy and Finance Committee Report 6,
Works Committee Report 6,
Works Committee Report 7,
Etobicoke York Community Council Report 6,
North York Community Council Report 6,
Scarborough Community Council Report 6,
Toronto and East York Community Council Report 6,
Audit Committee Report 4,
Board of Health Report 5,
Nominating Committee Report 3; and
Striking Committee Report 6,

and Notices of Motions as adopted by the Council of the City of Toronto at its regular meeting held on July 20, 21 and 22, 2004.

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

DEFERRED CLAUSE FROM TORONTO NORTH COMMUNITY COUNCIL REPORT 5

Clause 10a - "Proposed Renaming of Forest Hill Memorial Arena to Larry Grossman Memorial Arena (Ward 16 - Eglinton-Lawrence)".

City Council on July 20, 21 and 22, 2004, amended this Clause by adding the following:

“That the Forest Hill Memorial Arena be renamed ‘The Larry Grossman Forest Hill Memorial Arena’.”

This Clause, as amended, was adopted by City Council.

ADMINISTRATION COMMITTEE REPORT 5

Clause 9 - “Authority to Renew Option Years for RFP 9138-01-7489 for the Use of Collection Agency Services to Collect Outstanding Parking Tags (Contract No. 47008940)”.

City Council on July 20, 21 and 22, 2004, amended this Clause by:

- (1) deleting the recommendation of the Administration Committee and inserting instead the following:

“That the following Recommendation (1) of the staff recommendations contained in the Recommendations Section of the report dated June 15, 2004, from the Chief Financial Officer and Treasurer, be adopted:

- (1) the City exercise the option to renew the contract with Canadian Bonded Credits Ltd. for an additional one-year period under the same terms and conditions, to provide collection services for outstanding parking fines, with overall costs not to exceed \$250,000.00, including applicable taxes for the period ending February 8, 2005;’ ”; and

- (2) adding the following:

“That the Chief Financial Officer and Treasurer be requested to report to the Administration Committee on the feasibility or desirability of increasing the percentage remuneration to Canadian Bonded Credits Ltd. and on options for selling the \$54 million of receivables to Canadian Bonded Credits Ltd.”

This Clause, as amended, was adopted by City Council.

Clause 13 - “Toronto Election Finance Review Task Force Recommendations”.

City Council on July 20, 21 and 22, 2004, referred this Clause to the City Clerk for report, through the Policy and Finance Committee on September 15, 2004, to City Council on September 28, 2004.

Clause 20 - “Potential Exchange of Lands with Village Securities Limited (Ward 42 – Scarborough-Rouge River)”.

City Council on July 20, 21 and 22, 2004, amended this Clause by:

- (1) amending the recommendations of the Administration Committee by:
 - (a) adding to Recommendation (1), the words “subject to a substantial portion of the McCowan Site being designated for affordable housing”; and
 - (b) adding the following new Recommendation (4):

“(4) at this point in time, the City of Toronto neither contemplate nor commit to a contribution of either land or City funds in connection with this exchange of land.”,

so that the recommendations of the Administration Committee, as amended by Council, shall now read as follows:

“That:

- (1) City Council express, without any liability or cost on its part, its willingness to enter into discussions with Village Securities Ltd. and other stakeholders with respect to a potential land swap after the City has determined the nature of its interests, including finalization of the land use designation of the McCowan site pursuant to the Secondary Plan review, subject to a substantial portion of the McCowan Site being designated for affordable housing;
 - (2) should Village Securities Ltd. proceed to develop the site known as 311 Staines Road, that City Council encourage Village Securities Ltd. to erect an appropriate marker at their expense acknowledging the Iroquoian Village archaeological site;
 - (3) City Council encourage and support Village Securities Ltd. should it apply to the Government of Canada for ecological tax credit if it decides to donate this site to the City of Toronto at fair market value; and
 - (4) at this point in time, the City of Toronto neither contemplate nor commit to a contribution of either land or City funds in connection with this exchange of land.”; and
- (2) adding the following:

“That:

- (a) should the land swap be successful, the Heritage Division of the City of Toronto be requested to establish a working relationship with the Aboriginal Bands/Nations that have a connection with the Village Securities site, in order to develop a plan to protect and enhance the site, including the possibility of partial archaeological excavation, such plan to be submitted to the Economic Development and Parks Committee;
- (b) City Council recognize the importance of the site for the aboriginal and historical heritage of the Toronto area, and the need to protect our heritage resources;
- (c) the Commissioner of Corporate Services be requested to report to the Administration Committee on other possible alternatives that would bring Village Securities Ltd. under public ownership; and
- (d) the Commissioner of Economic Development, Culture and Tourism be requested to develop a policy on acquiring natural and cultural heritage sites and report on this policy to the Economic Development and Parks Committee in October 2004.”

This Clause, as amended, was adopted by City Council.

COMMUNITY SERVICES COMMITTEE REPORT 5

Clause 7 - “Update on the Implementation of the Review Recommendations for University Settlement and University Settlement Recreation Centre”.

City Council on July 20, 21 and 22, 2004, deferred consideration of this Clause to its next regular meeting on September 28, 2004.

ECONOMIC DEVELOPMENT AND PARKS COMMITTEE REPORT 5

Clause 2 - “Toronto Parks and Recreation Strategic Plan Our Common Grounds (All Wards)”.

City Council on July 20, 21 and 22, 2004, amended this Clause by:

- (1) adding to Recommendation (28)(c) contained in Attachment 1, entitled “Our Common Grounds: Toronto Parks and Recreation Strategic Plan”, the words, “and access to ice time in Toronto rinks”, so that Recommendation (28)(c) shall now read as follows:
 - “(c) more female programming, to level the gender playing field in sport and recreation, including dance, female-only sports and workshops, and access to ice time in Toronto rinks;” and

(2) adding the following:

“That:

- (a) the Commissioner of Economic Development, Culture and Tourism be requested to consult with Ward Councillors and report to the Economic Development and Parks Committee on:
 - (i) existing garbage collection in parks; and
 - (ii) options for ensuring the provision of a higher quality service; and
- (b) the Commissioner of Economic Development, Culture and Tourism, in consultation with the Acting Medical Officer of Health, be requested to report to the Economic Development and Parks Committee, in September 2004, on the feasibility of creating a reasonably-priced, fixed-cost, ‘healthy recovery’ monthly program pass for survivors of serious illnesses, such as cancer, heart disease, stroke and HIV.”

This Clause, as amended, was adopted by City Council.

Clause 15 - “Tourism Toronto Partnership Agreement 2004 to 2006 (All Wards)”.

City Council on July 20, 21 and 22, 2004, deferred consideration of this Clause to its next regular meeting on September 28, 2004.

PLANNING AND TRANSPORTATION COMMITTEE REPORT 5

Clause 1 - “Status Report on Negotiations of Ratepayer Appeals on the New Official Plan”.

City Council on July 20, 21 and 22, 2004, amended this Clause by deleting Recommendations (1), (2) and (3) of the Planning and Transportation Committee and inserting instead the following recommendations:

“(1) that the following statement be incorporated into the new Official Plan:

‘Wherever warranted, intensification of land along major roadways will be done through Secondary Plans, Avenue Studies and area specific policies, as determined by Council, created in consultation with local communities and designed to carefully control development so that adjacent neighbourhoods are protected from significant negative impact.’;

(2) that Policy 5 in Section 5.6 of the new Official Plan be revised to read as follows:

‘Boundaries of land use designations on Maps 13-18 inclusive are general except where delimited by a defined Secondary Plan or area specific policy, or where they coincide with fixed distinguishable features such as roads, public laneways, utility corridors, railroads, watercourses or other clearly defined physical features. In all other instances, regard will be had for existing zoning and land use patterns in locating the boundaries of land use designations. Where the intent of the Plan is maintained, minor adjustments to boundaries will not require amendment to this Plan. In those situations where Council determines that greater certainty is desirable, area specific mapping will be adopted through an amendment to this Plan.’; and

- (3) that Council direct staff of Urban Development Services to:
- (a) meet with the Councillor of each Ward to identify areas of sensitivity regarding land use boundaries with respect to the Official Plan and to report to the next meeting of the Planning and Transportation Committee with recommendations on addressing such boundary concerns by means of area specific policies, area specific mapping, or other like modifications, through modifications to the Plan; and
 - (b) prepare an amendment re-designating the northern part of the 4570 Yonge Street mausoleum property to the same designation as the southern part, in keeping with its cemetery use, for consideration at a statutory public meeting to be held in September.”

This Clause, as amended, was adopted by City Council.

Clause 4 - “IBMS Status and Enhancement Projects”.

City Council on July 20, 21 and 22, 2004, amended this Clause by adding the following:

“That the Commissioner of Urban Development Services be requested to brief the e-City Committee with respect to the Department’s efforts on the IBMS System.”

This Clause, as amended, was adopted by City Council.

Clause 6 - “Ravine Protection By-law - Revisions City-wide”.

City Council on July 20, 21 and 22, 2004, amended this Clause to provide that Council’s approval of the Ravine By-law not apply to the property known as 1 Botham; that this particular property be referred to the Planning and Transportation Committee for consideration, such matter to be listed as a timed item; and, as requested by the Committee, the Commissioner of Urban Development Services report on the results of the consultation with the applicant regarding this property.”

This Clause, as amended, was adopted by City Council.

Clause 8 - “Motion to Amend Municipal Code Chapter 545, Licensing, Concerning Private Parking Enforcement Agencies”.

City Council on July 20, 21 and 22, 2004, amended this Clause by adding the following:

“That:

- (1) the City of Toronto request the Province of Ontario to follow the lead of the Province of Alberta and revoke the contract that improperly gives Imperial Parking access to the Province’s motor vehicle registry; and
- (2) the Mayor or his designate be requested to meet with the Minister of Transportation to discuss this issue.”

This Clause, as amended, was adopted by City Council.

Clause 9 - “Selected Avenue Studies for 2004”.

City Council on July 20, 21 and 22, 2004, amended this Clause by deleting Recommendation (2)(ii) of the Planning and Transportation Committee and inserting instead the following:

- “(ii) for the 2005 budget process, the portion of St. Clair Avenue West, from Yonge Street to Scarlett Road, be included in the list of Avenue Studies for 2005.”

This Clause, as amended, was adopted by City Council.

POLICY AND FINANCE COMMITTEE REPORT 6

Clause 1 - “Recycling/Litter Bins Program – Options for Acquiring 1,000 Additional Bins”.

City Council on July 20, 21 and 22, 2004, amended this Clause by:

- (1) deleting the word “pilot” wherever it appears in the Clause, and inserting instead the word “test”;
- (2) deleting Recommendation (2)(c) of the Policy and Finance Committee and inserting instead the following new Recommendations (2)(c)(i) and (2)(c)(ii):

- “(2)(c) (i) that all advertising space on the EUCAN EcoMupis with advertising during the test project be used by the City of Toronto to promote the test to the citizens of Toronto and to solicit their feedback; and
 - (ii) that an appropriate e-mail address and telephone number be established to collect these comments, and that they be provided in a report to the Works Committee and the Policy and Finance Committee, prior to the approval of any new contract or amended contract with EUCAN;”;
- (3) adding to Recommendation (4)(v) of the Policy and Finance Committee, the words “in consultation with the local Councillor”, so that such recommendation shall now read as follows:
 - “(v) Eucan and the Toronto Association of Business Improvement Areas and the local Business Improvement Areas be consulted on the development of a protocol for placement of bins at new locations, and that the final decision of placement be determined by the City of Toronto, in consultation with the local Councillor;”;
- (4) deleting the following Recommendation (4)(x) of the Policy and Finance Committee:
 - “(x) the funding allocated in the 2004 Parks and Recreation budget for the purchase of bins be considered for another purpose other than bins (as these funds will no longer be needed with the City’s ownership of the 1800 Silver Boxes) and be in consultation with the Commissioner of Economic Development, Culture and Tourism;”;
- (5) adding the following:

“That:

 - (a) all EcoMupis and Ecoboxes in the test project display contact details for registration of public opinions;
 - (b) the financial review include consideration of the potential impact of the EcoMupi advertising on the current transit shelter advertising revenues;
 - (c) the Works Committee refer the results of the test project to the Community Councils for the hearing of depositions, and the Community Councils report back to the Works Committee with their recommendations;
 - (d) the Acting Commissioner of Works and Emergency Services be requested to:

- (i) develop a consultation process which will contact and solicit feedback from the Business Improvement Areas in the City of Toronto, resident and ratepayers associations and other interested groups, and Members of Council be permitted to add groups in their Wards to the list for consultation; and
 - (ii) consider, as an alternative, other opportunities to explore the feasibility of obtaining 1,000 non-advertising bins through other sources; and
- (e) the following motion be referred to the Roundtable on a Beautiful City for consideration:

Moved by Councillor Milczyn:

‘That the Acting Commissioner of Works and Emergency Services be requested to develop a uniform strategy for street furniture to include garbage bins, signage pylons, benches and other types of street furniture.’ ”

This Clause, as amended, was adopted by City Council.

Clause 2 - “Water Meter Replacement and Meter Reading Technology Project”.

City Council on July 20, 21 and 22, 2004, amended this Clause by amending Recommendation(1) of the Policy and Finance Committee to now read as follows:

- “(1) that the RFP for meter replacement and a Fixed Area Network (FAN) provide for a ‘Pilot’/‘Proof of Capability’ phase, covering Flat Rate and High Volume Accounts located in close proximity to the flat rate accounts, whereby the Award of the Contract for full implementation of a FAN will be conditional on the evaluation of the System’s performance during the Pilot phase, with a report back to the Works Committee and Policy and Finance Committee with the results of the Pilot and approval by Council following the installation of approximately 25,000 accounts (combination of flat rate and high volume accounts in former Toronto) and a further report following the installation of the remaining flat rate and high volume accounts;”.

This Clause, as amended, was adopted by City Council.

Clause 7 - “Woodbine Racetrack Slots Revenue (Ward 2 – Etobicoke North)”.

City Council on July 20, 21 and 22, 2004, amended this Clause by deleting Part (ii) of Recommendation(1) of the Policy and Finance Committee and inserting instead the following:

- “(ii) to advise that the City of Toronto’s support for the full expansion of the Slots at Woodbine is conditional on the City negotiating a better financial arrangement; and”

so that Recommendation (1) of the Policy and Finance Committee, as amended by Council, shall now read as follows:

- “(1) that the Mayor be requested to meet with the Minister of Consumer and Business Services:
- (i) to discuss a possible larger share of incremental revenue that could accrue to the City as a result of casino expansion; and
 - (ii) to advise that the City of Toronto’s support for the full expansion of the slots at Woodbine is conditional on the City negotiating a better financial arrangement; and”.

This Clause, as amended, was adopted by City Council.

Clause 11 - “Toronto Community Housing Corporation – 2003 Annual Report to Shareholder, Audited Consolidated Financial Statements, By-law Amendments and Annual General Meeting”.

City Council on July 20, 21 and 22, 2004, amended this Clause by adding the following:

“That a copy of the Clause also be forwarded to the Audit Committee for information.”

This Clause, as amended, was adopted by City Council.

Clause 15 - “Development of Transitional Housing and Housing with Supports, Request for Proposal No. 9155-04-7016 (Wards 12, 20, 27 and 31)”.

City Council on July 20, 21 and 22, 2004, amended this Clause by adding the following:

“That:

- (a) the following staff recommendations contained in the Recommendations section of the supplementary report dated July 16, 2004, from the Commissioner of Community and Neighbourhood Services, be adopted:

‘It is recommended that:

- (1) for the purposes of securing approximately 58 one-bedroom units of affordable rental housing at 111 Kendleton Drive (Ward 1):

- (a) Council approve the affordable housing project at 111 Kendleton Drive, substantially on the terms and conditions as set out in Appendix 1 of this report;
- (b) at the discretion of the Commissioner of Community and Neighbourhood Services, up to 12 units in the building be allocated to house seniors from the City's shelter system who meet all the eligibility requirements of the City and the Province for the supportive housing program at the building;
- (c) the Commissioner of Community and Neighbourhood Services be authorized to negotiate a Municipal Housing Project Facility Agreement and any other agreements deemed appropriate with The Toronto Community Housing Corporation (TCHC) or another entity associated and controlled by the Toronto Community Housing Corporation, on terms and conditions acceptable to the Commissioner of Community and Neighbourhood Services and in a form acceptable to the City Solicitor, for affordable housing at this site and to report back to Council on the results of the negotiations;
- (d) these agreements substantially implement the funding recommendations summarized in Appendix 1 which include \$115,000.00 from the Mayor's Homeless Initiative Reserve Fund, municipal development charge exemptions (estimated at \$120,000.00), exemption for 20 years from taxation for municipal and school purposes (estimated at a cost of \$29,650.00 per year to the City of Toronto and \$14,871.00 to the Province of Ontario), a PST rebate of \$2,000.00 per designated affordable unit or an estimated \$116,000.00 for the project and a federal grant to an estimated maximum of \$1,035,000.00;
- (e) Council designate the project proposed by the Toronto Community Housing Corporation for this site as a Pilot Project under the Community Rental Housing Program and authorize up to \$1,035,000.00 of Federal and Provincial funding for this initiative; and

- (f) the Commissioner of Community and Neighbourhood Services be authorized to submit any required documentation to the Province of Ontario for this project, pursuant to the agreement between the City and the Province for the administration of the Community Rental Housing Program – Pilot Project Component; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing, including the introduction in Council of any Bills necessary to give effect thereto.'; and
- (b) the following staff recommendations contained in the Recommendations section of the supplementary report dated July 19, 2004, from the Commissioner of Community and Neighbourhood Services, be adopted:

'It is recommended that:

- (1) Council approve the transitional housing project at 2600 Eglinton Avenue West (Ward 12) substantially on the terms and conditions set out in Appendix 1 of this report, including up to \$778,500.00 in Federal Supporting Communities Partnership Initiative 2003-2006 (SCPI) funding and up to \$86,500.00 in Mayor's Homeless Initiative Reserve Fund monies, subject to the project receiving all necessary planning and development approvals;
- (2) the Commissioner of Community and Neighbourhood Services be delegated authority to negotiate a SCPI Funding Agreement for the provision of SCPI and Mayor's Fund monies to the project, together with any other agreements deemed appropriate by the Commissioner with 873715 Ontario Ltd. or another entity associated or controlled by 873715 Ontario Ltd., on terms and conditions acceptable to the Commissioner of Community and Neighbourhood Services and in a form acceptable to the City Solicitor for transitional housing at this site and further, the Commissioner to report back to Council on the results of the negotiations;
- (3) the SCPI Funding Agreement in Recommendation (2) be consistent with the designation of the project as a Municipal Housing Facility pursuant to By-law No. 282-2002 and Section 110 of the *Municipal Act* to allow for appropriate municipal development charge exemption and exemption from taxation for municipal and school purposes for 25 years; and

- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing, including the introduction in Council of any Bills necessary to give effect thereto.’,

subject to the following amendments by City Council:

- (i) that Council support the conversion to residential of approximately two-thirds of the space in the Mahogany/Regeneration project at 2600 Eglinton Avenue West, and the staff recommendations contained in the Recommendations Section of the supplementary report dated July 19, 2004, from the Commissioner of Community and Neighbourhood Services be amended, as necessary, to accommodate this adjustment; and
- (ii) that the project proponent be encouraged to undertake best efforts to retain a mixed use on the ground floor, by retaining the existing pharmacy and as many doctors offices as possible, without jeopardizing the project’s viability.

This Clause, as amended, was adopted by City Council.

Clause 25 - **“Proposed Renewal of the License Agreement between the City of Toronto and the Community Association for Riding for the Disabled Situated in G. Ross Lord Park (Ward 10 – York Centre)”**.

City Council on July 20, 21 and 22, 2004, amended this Clause in accordance with the following motion:

“WHEREAS additional assessment information, identified following the issuance of the 2004 Final Tax bills in early June, has altered the 2004 taxes for the Community Association for Riding for the Disabled, reported as \$275.58 in the staff report dated June 10, 2004, to \$2,631.31;

NOW THEREFORE BE IT RESOLVED THAT the amount of the grant identified in Recommendation (2) of the staff report dated June 10, 2004, be amended to \$39,706.00, to reflect outstanding taxes for the 2001 to 2004 taxation years.”

This Clause, as amended, was adopted by City Council.

Clause 27 - **“Economic Development Sector Initiatives Program (EDSIP) Applicant/Project 2, ‘CATA Alliance – TechAction Toronto: Translating Strategy into Action’ ”**.

City Council on July 20, 21 and 22, 2004, amended this Clause by deleting amended Recommendation (2) contained in the communication dated July 6, 2004, from the Economic Development and Parks Committee, and replacing it with the following Recommendation (2) contained in the report dated June 30, 2004, from the Commissioner of Economic Development, Culture and Tourism:

- “(2) the Economic Development and Parks Committee appoint a Committee Member to act as co-chair of the Advisory Committee;”.

This Clause, as amended, was adopted by City Council.

Clause 36 - “Operating Variance Report for the Four Months Ended April 30, 2004”.

City Council on July 20, 21 and 22, 2004, amended this Clause by adding the following:

“That the following staff recommendations contained in the Recommendations section of the supplementary report dated July 16, 2004, from the Chief Administrative Officer, be adopted:

‘It is recommended that:

- (1) the Chief Administrative Officer, the Chief Financial Officer and Treasurer, the Acting Commissioner of Works and Emergency Services and the EMS Chief/General Manager pursue discussions with the Province on restoration of adequate and reliable funding levels for EMS services in Toronto and that they report on their progress to the Budget Advisory Committee at its September 2004 meeting; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

This Clause, as amended, was adopted by City Council.

Clause 40 - “2004 Community Action Policing Program”.

City Council on July 20, 21 and 22, 2004, amended this Clause by:

- (1) deleting from the recommendation of the Budget Advisory Committee contained in the communication dated July 7, 2004, from the Committee, the words “and that the funding come from under-expenditures in the 2004 approved Operating Budget of the Toronto Police Service”, and inserting instead the words “and that funding come from the increased 2004 Provincial payment in lieu of taxes”, so that the recommendation of the Budget Advisory Committee, as amended by Council, shall now read as follows:

“That City Council request the Toronto Police Services Board to undertake a 36-day period (August 1 to September 5, 2004) 2004 Community Action Policing Program at a cost not to exceed \$545,000.00; and that funding come from the increased 2004 Provincial payment in lieu of taxes.”; and

(2) adding the following:

“That:

- (a) the Toronto Police Services Board be requested to report to the Budget Advisory Committee on:
 - (i) efforts made to incorporate Community Action Policing into the regular mandate and functions of the Toronto Police Service; and
 - (ii) an evaluation of how the Community Action Policing Program can be implemented without the use of overtime; and
- (b) the Chief Financial Officer and Treasurer be directed to report on updated 2004 budget variance issues to the Budget Advisory Committee in September 2004.”

This Clause, as amended, was adopted by City Council.

Clause 41 - “Offer to Settle Claim Arising from Construction of the Ledbury Community Centre (Ward 16 – Eglinton-Lawrence)”.

City Council on July 20, 21 and 22, 2004, referred this Clause back to the Policy and Finance Committee for further consideration.

WORKS COMMITTEE REPORT 6

Clause 2 - “Deposit-Return System for LCBO Containers”.

City Council on July 20, 21 and 22, 2004, amended this Clause by adding the following:

“That the Acting Commissioner of Works and Emergency Services be requested to:

- (1) review the on-site physical facilities that are provided in other Provinces and are required to accommodate a deposit return system in Liquor Stores; and
- (2) develop, in consultation with the Commissioner of Urban Development Services, mandated site plan standards to accommodate a deposit return system in Liquor Stores, such standards to be incorporated into the planning regime in the City of Toronto as a requirement for all such retail outlets.”

This Clause, as amended, was adopted by City Council.

Clause 4 - “New Municipal Code Chapters Related to Traffic and Parking Matters - Consolidation of Existing Related Codes/By-laws”.

City Council on July 20, 21 and 22, 2004, amended this Clause by:

- (1) including a provision in the consolidated by-law which would prohibit the display or erection of any signage on private property that is false or misleading as it pertains to this Code or any portion thereof; and
- (2) adding the following:

“That the Acting Commissioner of Works and Emergency Services be requested to:

- (a) undertake a review of signage and ensure that all signage related to the Code is eventually standardized across the City of Toronto, such review to include:
 - (i) a determination of the advisability of either including or not including the by-law number in disabled parking signs and private parking signs, and
 - (ii) the possibility of some incentive for private property owners to keep signs up to date; and
- (b) ensure that any signage replacement program associated with the consolidation include a removal program to eliminate inaccurate or misleading signage, including that related to enforcement on private property.”

This Clause, as amended, was adopted by City Council.

Clause 5 - “Red-Light Camera Operations”.

City Council on July 20, 21 and 22, 2004, amended this Clause by adding the following:

“That the Acting Commissioner of Works and Emergency Services be requested to:

- (1) make Red Light Camera locations more easily identifiable; and
- (2) collect speed data for a period of six months, to determine the extent of excessive speeding on streets in the City of Toronto.”

This Clause, as amended, was adopted by City Council.

Clause 6 - “Traffic Calming – Criteria for Determining Public Support for Installation of Speed Humps”.

City Council on July 20, 21 and 22, 2004, deferred consideration of this Clause to its next regular meeting on September 28, 2004.

Clause 7 - “Avenue Road/Queen’s Park Avenue and Bloor Street West - Request to Review Feasibility of Realigning the Northerly Road Leg (Ward 27 – Toronto Centre-Rosedale)”.

City Council on July 20, 21 and 22, 2004, amended this Clause by adding the following:

“That the following staff recommendations contained in the Recommendations Section of the supplementary report dated July 20, 2004, from the Acting Commissioner of Works and Emergency Services, be adopted:

‘It is recommended that:

- (1) approval be given to alter sections of the roadway on the east side of Avenue Road by narrowing the pavement, north and south of the intersection of Davenport Road, for the purposes of widening the sidewalk, generally as shown on the attached print of Drawing No. 421F-7464, dated July, 2004;
- (2) the purchase order for Contract No. 04D1-07RD, Tender No. 159-2004 with Warren Bitulithic Limited for asphalt pavement resurfacing and partial sidewalk and curb reconstruction on Avenue Road, from Bloor Street West to Dupont Street, be amended to permit an increase in payment under the contract from \$1,183,934.49 to \$1,358,934.49, including all charges and applicable taxes, under the same terms and conditions;
- (3) should City Council adopt the recommendation of the Works Committee and Toronto South Community Council to narrow Avenue Road north of the Avenue Road/Bloor Street West intersection, resulting in the elimination of the existing curb lane, the northbound curb lane, south of the intersection, be designated for right turns only; and
- (4) the appropriate City officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required.’ ”

This Clause, as amended, was adopted by City Council.

Clause 15 - "Amendment to Open Contract No. 47007445 - Fiscal Year 2003 Biosolids Hauling Services - Ashbridges Bay Treatment Plant (Ward 32 – Beaches-East York)".

City Council on July 20, 21 and 22, 2004, amended this Clause by adding the following:

"That the communication dated July 14, 2004, from Tony O'Donohue, P. Eng. - President, Environmental Probe, be referred to the Acting Commissioner of Works and Emergency Services for direct response to Mr. O'Donohue."

This Clause, as amended, was adopted by City Council.

WORKS COMMITTEE REPORT 7

Clause 1 - "Portlands Energy Centre".

City Council on July 20, 21 and 22, 2004, amended this Clause by:

(1) deleting the following Recommendation (1) of the Works Committee:

"(1) the City of Toronto request an individual environmental assessment for the Portlands Energy Centre;"; and

(2) adding the following:

"That:

(a) on behalf of the City of Toronto, Mayor David Miller communicate to the Minister of the Environment, as part of the 15-day appeal process, that the City requests that an individual environmental assessment (EA) for the Portlands Energy Centre be ordered;

(b) the Mayor communicate the City of Toronto's concerns about the health and environmental impacts, land use issues (particularly in view of the City's commitment to waterfront revitalization), and energy policy concerns; and

(c) the City of Toronto request that, failing the Minister's agreement to order an Environmental Assessment, the Minister make the granting of an environmental Certificate of Approval subject to the conditions outlined in its decision dated July 16, 2004, and additionally, that:

(i) the Portlands Energy Centre (PEC) will only be permitted to open if it is operating full capacity as a co-generation facility, providing thermal (steam) energy through a thermal energy distribution company such as Enwave; and

- (ii) the operation of the PEC be conditional on there being a net reduction of emissions in the Greater Toronto Area (GTA) through the closure of the 1100 megawatt Lakeview coal-fired electricity generating station (i.e., the PEC cannot come on-line if Lakeview is still operating).”

This Clause, as amended, was adopted by City Council.

ETOBICOKE YORK COMMUNITY COUNCIL REPORT 6

Clause 17 - “Exemption from Part Lot Control - Fieldgate Two-Twenty Apts. Ltd. 2 Triburnham Place (Ward 3 - Etobicoke Centre)”.

City Council on July 20, 21 and 22, 2004, amended this Clause by deleting Recommendation (1) contained in the report dated June 15, 2004, from the Director, Community Planning, West District, and inserting instead the following new Recommendation (1):

- “(1) a part-lot exemption by-law with respect to Block A on Registered Plan M-1150 be prepared to the satisfaction of the City Solicitor and that such by-law shall expire one year after it has been enacted;”.

This Clause, as amended, was adopted by City Council.

Clause 33 - “Notice of Intention to Designate 89 Kingsway Crescent under the *Ontario Heritage Act* (Ward 5 – Etobicoke-Lakeshore)”.

City Council on July 20, 21 and 22, 2004, amended this Clause by adding the following:

“That the following staff recommendations contained in the Recommendations section of the supplementary report dated July 7, 2004, from the Commissioner of Economic Development, Culture and Tourism, be adopted:

‘It is recommended that:

- (1) Council state its intention to designate the property at 89 Kingsway Crescent (Isaac Scott House) under Part IV of the *Ontario Heritage Act*;
- (2) if there are any objections in accordance with Section 29(7) of the *Ontario Heritage Act*, the Clerk be directed to refer the proposed designation to the Conservation Review Board; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

This Clause, as amended, was adopted by City Council.

NORTH YORK COMMUNITY COUNCIL REPORT 6

Clause 31 - “Final Report - OPA & Rezoning Application 04 107621 NNY 23 OZ - B’Nai Brith Hillel of Toronto Inc. - Benjamin Schultz - 1 Kenton Drive (Ward 23 - Willowdale)”.

City Council on July 20, 21 and 22, 2004, amended this Clause in accordance with the following motion:

“WHEREAS Clause 31 of Report 6 of The North York Community Council, headed ‘Final Report - OPA & Rezoning Application 04 107621 NNY 23 OZ - B’Nai Brith Hillel of Toronto Inc. - Benjamin Schultz - 1 Kenton Drive (Ward 23 - Willowdale)’, recommends adoption of the report dated June 23, 2004, from the Director, Community Planning, North District, Urban Development Services, as amended; and

WHEREAS Recommendation (4)(a) of the report dated June 23, 2004, from the Director, Community Planning, North District, Urban Development Services, recommends the conveyance of a 6.1 metre corner rounding at the corner of Bathurst Street and Kenton Drive, and the depositing of the deeds for the corner rounding with the City Solicitor and the registration of these deeds by the City, before introducing the necessary Bills to City Council for enactment; and

WHEREAS the owner has requested that the deeds necessary for the corner rounding be deposited with the City Solicitor and registered by the City, prior to the issuance of an excavation and shoring permit for the development, rather than prior to the introduction of the Bills to City Council for enactment, and the Works and Emergency Services Department is in agreement;

NOW THEREFORE BE IT RESOLVED THAT the recommendations of the North York Community Council contained in Clause 31 of Report 6 be adopted, subject to:

- (1) the following amendments to the report dated June 23, 2004, from the Director, Community Planning, North District, Urban Development Services:
 - (a) the deletion of Recommendation (4)(a) and the renumbering of Recommendation (4)(b) to (4)(a); and
 - (b) the insertion of the following new Recommendation (5):

- '(5) require the owner to convey or cause to be conveyed to the City for dedication as public highway for a nominal sum, free of all encumbrances, a 6.1 metre corner rounding at the corner of Bathurst Street and Kenton Drive, and deposit with the City Solicitor deeds for these lands in a form satisfactory to the City Solicitor in consultation with the Commissioner of Works and Emergency Services, and have these deeds registered by the City prior to the issuance of an excavation and shoring permit for the development.'; and
- (2) amending Recommendation (2) of the North York Community Council to provide that the condition that the applicant be required to obtain an additional 6 parking spaces from Hydro be amended so that the applicant is required to make best efforts to obtain these parking spaces."

This Clause, as amended, was adopted by City Council.

Clause 34 - "OMB Settlement Report – Application to Amend the Official Plan and Zoning By-law – TB CMB 2002 0007 - Monarch Construction Limited (Hillier and Graziani and Corazza Architects Inc.) - 2025 – 2045 Sheppard Avenue East (Ward 33 - Don Valley East)".

City Council on July 20, 21 and 22, 2004, amended this Clause by deleting the recommendations of the North York Community Council and inserting instead the following:

"That the following recommendation contained in the Recommendation Section of the confidential report dated July 19, 2004, from the City Solicitor, be adopted, such recommendation and Schedule 'A', as amended by Council, now public, 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 City Council endorse the settlement of the OMB appeals with respect to 2025-2045 Sheppard Avenue East on the basis set out in Schedule "A" to this report.'

subject to amending Schedule 'A' by:

- (1) amending Part (5)(e) to provide that the shuttle bus service operate for a period of 10 years commencing upon occupancy of the first residential building, so that Part (5)(e) shall now read as follows:

- '(e) The owner has entered into an Agreement under section 37 of the *Planning Act* agreeing to provide a private shuttle bus serving the development to the Don Mills subway station with approximately 25 seats, operating 6 hours daily Monday to Friday (morning and afternoon peak periods), assuming headways of approximately 15 minutes, such service to be for a period of 10 years commencing upon occupancy of the first residential building, and further that the owner will agree to meet with the TTC to explore the potential for such shuttle service to be operated by the TTC as a community bus, with operating losses to be covered by the applicant, on a mutually satisfactory terms.'; and
- (2) deleting from Part (5)(f), the amount "\$150,000.00", and inserting instead the amount "0.5 percent", so that Part (5)(f) shall now read as follows:
 - '(f) The owner has entered into an Agreement under Section 37 of the *Planning Act* agreeing to pay 0.5 percent for public art, such public art to be located at the applicant's discretion on the subject site in a publicly visible location.'

This Clause, as amended, was adopted by City Council.

Clause 37 - **"Request for Approval of a Variance from the former City of North York Sign By-law No. 30788, as amended, for the Erection of a Full-Colour Programmable Display at 5000 Yonge Street (Ward 23 - Willowdale)".**

City Council on July 20, 21 and 22, 2004, deferred consideration of this Clause to its next regular meeting on September 28, 2004.

Clause 38 - **"Parking Prohibitions - '122 Graydon Hall' Transit Route (Ward 34 - Don Valley East)".**

City Council on July 20, 21 and 22, 2004, amended this Clause by:

- (1) deleting the recommendation of the North York Community Council and inserting instead the following:

"That the staff recommendations contained in the Recommendations Section of the report dated June 25, 2004, from the Director, Transportation Services, North District, Works and Emergency Services, be adopted, and further, that in the event the six month trial run of the extension of the '122 Graydon Hall' transit route is unsuccessful, all parking prohibitions be immediately rescinded.";
- (2) adding the following:

“That the Chair of the Toronto Transit Commission be requested to:

- (a) convey to the Commission, on behalf of Council, its desire to improve the community consultation process; and
- (b) request the staff of the Commission to develop a community consultation process.”

This Clause, as amended, was adopted by City Council.

Clause 41 - “Deterioration of North York Civic Centre (Ward 23 - Willowdale)”.

City Council on July 20, 21 and 22, 2004, amended this Clause by adding the following:

“That Councillors Carroll, Moscoe and Pitfield be appointed to the North York Civic Centre Ad Hoc Building Committee.”

This Clause, as amended, was adopted by City Council.

Clause 43 - “Request for Approval of a Variance from the former Borough of East York Sign By-law No. 64-87, as amended, to permit the erection of two land development signs at 1929 Bayview Avenue (Ward 26 - Don Valley West)”.

City Council on July 20, 21 and 22, 2004, adopted the following:

“That Council grant the request for sign variance from the former Borough of East York Sign By-law No 64-87, as amended, to permit the erection of two land development signs at 1929 Bayview Avenue with the following dimensions:

- (1) Sign ‘A’ Advertising Signage:
 - Consists of three (3) panels.
 - The two (2) outside panels are 7.4 metres (~23.75 feet) high by 3.7 metres (12 feet) wide. Each outside panel has a sign area of 20 square metres (~215.3 square feet), for a total area of 40 square metres.
 - The central panel is 7.4 metres (~23.75 feet) high by 6.1 metres (20 feet) wide. The total sign area of the central panel is 34 square metres (366 square feet).
 - The total sign area of the advertising signage is 74 square metres.

- (2) Sign 'B' Directional Signage:
- Consists of one (1) double sided sign.
 - Each panel is 7.4 metres (~23.75 feet) high by 3.7 metres (12 feet) wide. Each panel has a sign area of 20 square metres (~215.3 square feet), for a total sign area of 40 square metres."

This Clause, as amended, was adopted by City Council.

SCARBOROUGH COMMUNITY COUNCIL REPORT 6

- Clause 4** - **"Removal of Interlocking Block Retaining Wall and Fence - 629 Warden Avenue (Ward 35 - Scarborough Southwest)".**

City Council on July 20, 21 and 22, 2004, referred this Clause back to the Scarborough Community Council for further consideration and the hearing of deputations.

- Clause 16** - **"Final Report - OPA and Rezoning Application 03 035242 ESC 38 OZ, PIC Property Management Limited Architect: Paul S. Anderson, 555 Brimorton Drive, Woburn Community (Ward 38 - Scarborough Centre)".**

City Council on July 20, 21 and 22, 2004, amended this Clause by adding the following:

"That the following recommendations of the Scarborough Community Council contained in the confidential communication dated July 8, 2004, from the Scarborough Community Council, be adopted:

'The Scarborough Community Council recommends to City Council:

- (1) the City Solicitor be directed to seek the largest fine possible in the Courts against the owner for the illegal construction of these units; and
- (2) the City of Toronto apply to the Court for injunctive relief to restrain on-going activity and for the removal of the illegally constructed units at 555 Brimorton Drive;

such instructions to be made public following Council's consideration of this matter.' "

This Clause, as amended, was adopted by City Council.

TORONTO AND EAST YORK COMMUNITY COUNCIL REPORT 6

Clause 10 - “Draft Zoning By-law – Consolidation of Concrete Works - 595 Commissioners Street”.

City Council on July 20, 21 and 22, 2004, amended this Clause in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report dated July 19, 2004, from the Commissioner of Urban Development Services:

“It is recommended that City Council:

- (1) amend the recommendations of the June 19, 2004 staff report by deleting Recommendations (3)(k), (l), (m) and (o) and replacing them with the following recommendations:

‘(3)(k) submit, prior to the issuance of a below grade permit, all environmental site assessment reports describing the current site conditions, the proposed remedial action plans indicating that a Site Specific Risk Assessment (SSRA) would be used along with any Health and Safety plans to protect the workers and the public to the satisfaction of the Commissioner of Works and Emergency Services;

(l) submit, prior to the issuance of an above-grade building permit, a copy of the completed SSRA that had been peer reviewed with confirmation that it has been submitted to the Ministry of the Environment (MOE) for review. Also, submit an agreement acceptable to the Commissioner of Works and Emergency Services that states the applicant will assume any inherent risk if the MOE requests modifications to the SSRA which results in changes to the building program;

(m) submit, prior to the issuance of an above grade building permit, a Statement from a Professional Engineer (sealed and dated) that:

(i) any land conveyed to the City is suitable for its intended use and meets the current MOE guidelines, objectives or regulations; and

(ii) it is unlikely that there is any off site contamination, resulting from the past land uses on the site, that has migrated from the site to the adjacent rights of way, that would exceed applicable MOE Guidelines, objectives or regulations;

- (o) submit a copy of the record of site condition acknowledged by the Ministry of the Environment along with a copy of the concurrence letter for the risk assessment signed by the Ministry of the Environment to the satisfaction of the Commissioner of Works and Emergency Services; and
- (2) authorize the City Solicitor to amend the draft Zoning By-law amendment to include the provision that employee parking and any vehicles associated with the concrete works operations are contained on site.”

This Clause, as amended, was adopted by City Council.

Clause 14 - “Draft By-laws - Official Plan Amendment and Rezoning – 40-42 Westmoreland Avenue (Davenport, Ward 18)”.

City Council on July 20, 21 and 22, 2004, adopted the following:

“That the staff recommendations contained in the Recommendations Section of the report dated June 15, 2004, from the Director, Community Planning, South District, be adopted, subject to amending such recommendations:

- (1) in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report dated July 20, 2004, from the Acting Commissioner of Works and Emergency Services:

‘It is recommended that:

- (1) should Council wish to accommodate an enhanced level of winter service over and above the approved standard for public lanes provided under City operations, on the section of the public laneway first west of Westmoreland Avenue, from the lane first north of Bloor Street West, excluding the portion abutting the Toronto Parking Authority parking lot, to the north limit of Premises No. 42 Westmoreland Avenue, at no cost to the City:
 - (a) the owner be required to secure, in the Section 37 Agreement, registration of a covenant against the title making all future condominium owners jointly responsible for the snow clearing of the public laneway at the rear of the site satisfactory to the City Solicitor, in consultation with the Commissioner of Works and Emergency Services, which will include these minimum standards:
 - (i) the laneway be maintained such that the pavement after any snowfall of accumulation less than 8 cm is in a safe and passable condition;

- (ii) at snow accumulation of 8 cm or greater, the Owner is responsible for the removal, haulage and relocation of snow and debris to a private snow dump, satisfactory to the Commissioner of Works and Emergency Services, to be identified prior to the start of the winter season; and
 - (iii) the Owner is responsible for the restoration of any damage caused by the snow removal to the pavement, street furniture, traffic calming devices, signs or abutting property; and
- (b) in the event that the owner fails to fulfil its obligation under Recommendation (1)(a) above, the City may recover the total cost of all labour and materials in carrying out and completing the snow removal from the laneway, plus a management fee equal to 15 percent of the cost as outlined above, and such costs may be added to the tax collector's roll against 42 Westmoreland and may be recovered in like manner as municipal taxes pursuant to Section 427 of the *Municipal Act S.O. 2001*, Chapter 25;
- (2) the owner be required to provide and maintain a minimum of 24 parking spaces, of which six spaces are designated for small cars only, and including two residential visitor spaces on the site to serve this project; and
- (3) the appropriate City officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required.'; and
- (2) in accordance with the following staff recommendation contained in the Recommendations Section of the supplementary report dated July 22, 2004, from the Commissioner of Urban Development Services:

'It is recommended that Council delete Recommendation (4) and replace it with the following recommendation:

- “(4) require the owner to enter into a Section 37 agreement with the City before introducing the necessary Bills to City Council for enactment, to secure the following:

- (a) the design of decks, terraces and windows on the south, west and north facades to reduce impacts on privacy to the satisfaction of Urban Development Services and Heritage Preservation Services;
- (b) registration of a heritage easement agreement on title, to the satisfaction of the Commissioner of Urban Development Services, in consultation with the Commissioner of Economic Development, Culture and Tourism (Heritage Preservation Services), prior to site plan approval;
- (c) snow removal in a portion of the lane at the rear of the site to minimum standards to the satisfaction of the Commissioner of Works and Emergency Services, as outlined in a supplementary report to City Council;
- (d) a community benefit contribution in the amount of \$100,000.00, to be indexed to the Construction Price Index from the date the zoning by-law comes into full force and effect and to be paid prior to issuance of the first building permit, for the improvement of:
 - (i) open spaces, parks and community facilities in the local area, which may include, but not be limited to, the Salem Parkette, the Westmoreland Parkette, the Symington Avenue Playground, the Dovercourt Boys and Girls Club or other appointee; and/or
 - (ii) researching and identifying other heritage resources in Ward 18 for eventual listing in the City's Inventory of Heritage Properties and/or designation under the *Heritage Act*." " "

This Clause, as amended, was adopted by City Council.

Clause 16 - "Request for Direction - 511 Bremner Boulevard and 2 and 20 Housey Street – Ontario Municipal Board Hearing (Trinity-Spadina, Ward 20)".

City Council on July 20, 21 and 22, 2004, adopted the following:

“That the following staff recommendations contained in the Recommendations Section of the supplementary report dated July 19, 2004, from the Commissioner of Urban Development Services, be adopted:

‘It is recommended that Council:

- (1) direct the City Solicitor and other City staff, as may be necessary, to attend at the Ontario Municipal Board hearing scheduled to continue on October 12, 2004, in support of the settlement package of facilities, services and matters to be secured through an agreement under Section 37 of the *Planning Act*, as detailed in this report;
- (2) confirm the application of development charges to Block 37 and the additional units on Block 33, in accordance with the City’s development charges by-law;
- (3) confirm that, in accordance with Section 5.2 of the Railway Lands West Part II Plan, Council intends to ensure that certain community services and facilities are secured through appropriate mechanisms, which may include the allocation of development charge funding for the library and community centre in the Railway Lands West;
- (4) forward a copy of this report to the Budget Advisory Committee to ensure that the provision of community services and facilities identified in Section 5.2 of the Railway Lands West Part II Plan be reviewed as part of the City’s capital budget process; and
- (5) authorize and direct the appropriate City officials to take the necessary action to give effect thereto.’ ”

This Clause, as amended, was adopted by City Council.

Clause 18 - **“Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code - 699 Yonge Street (Toronto Centre-Rosedale, Ward 27)”**.

City Council on July 20, 21 and 22, 2004, referred this Clause back to the Toronto and East York Community Council for further consideration.

Clause 24 - **“Listing on the City of Toronto Inventory of Heritage Properties - Coach House at 401 Huron Street (Rear) (Trinity Spadina, Ward 20)”**.

City Council on July 20, 21 and 22, 2004, amended this Clause by deleting the recommendation of the Toronto and East York Community Council and inserting instead the following:

“That:

- (1) the property at 401 Huron Street, specifically the North Coach House, South Coach House and two adjoining Outbuildings associated with Coach House Press, be included on the City of Toronto Inventory of Heritage Properties; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

This Clause, as amended, was adopted by City Council.

Clause 32 - “Inclusion on City of Toronto Inventory of Heritage Properties - 16-18 Kimberley Avenue (Beaches-East York, Ward 32)”.

City Council on July 20, 21 and 22, 2004, amended this Clause as recommended by the Toronto Preservation Board in its communication dated July 15, 2004, by deleting Paragraph 1 of the Reasons for Listing as contained in the report dated June 2, 2004, from the Commissioner of Economic Development, Culture and Tourism, and inserting instead the following new Paragraph 1:

“The property at 16-18 Kimberley Avenue is recommended for inclusion on the City of Toronto Inventory of Heritage Properties for its cultural resource value or interest. Located on the west side of Kimberley Avenue between Lyall and Swanwick Avenues in the East Toronto neighbourhood, the house and adjoining coach house were completed in 1889 and acquired by William Brown, a Grand Trunk Railway employee, in 1896. The date of the adjoining outbuilding, later described as a ‘coach house’ has not been confirmed. Between 1924 and 1935, it was used as a commercial garage and as the location of a stone manufacturer. The William Brown House is architecturally significant as a good example of late 19th century residential design that contributes to the character of the area.”

This Clause, as amended, was adopted by City Council.

Clause 33 - “Installation of Building Access Ramp - Fronting 14 Elm Street (Toronto Centre-Rosedale, Ward 27)”.

City Council on July 20, 21 and 22, 2004, amended this Clause by deleting from the recommendation of the Toronto and East York Community Council, the words “subject to the approval of the Toronto Preservation Board”.

This Clause, as amended, was adopted by City Council.

Clause 35 - **“Request for Authorization to Enter into Agreements - 26, 32 and 34 Isabella Street and 33 Charles Street (Toronto Centre-Rosedale, Ward 27)”**.

City Council on July 20, 21 and 22, 2004, amended this Clause by deleting the recommendation of the Toronto and East York Community Council and inserting instead the following:

“That the following staff recommendations contained in the Recommendations Section of the supplementary report dated July 15, 2004, from the Commissioner of Urban Development Services, be adopted:

‘It is recommended that:

- (1) the City Solicitor prepare and authority be granted to enter into a Limiting Distance Agreement and an Encroachment Agreement with respect to the adjacent George Hislop Park and the Isabella Street right-of-way;
- (2) a restoration plan be submitted to the satisfaction of the Commissioner of Economic Development, Culture and Tourism, prior to consideration of this matter by City Council;
- (3) the provisions of the recommended agreements be as outlined in this report; and
- (4) the appropriate City officials execute such Agreements.’ ”

This Clause, as amended, was adopted by City Council.

Clause 68 - **“Introduction of Parking Regulations and Intersection Controls on Ted Reeve Drive, Whistle Post Street, William Hancox Avenue and Crossovers Street (Beaches-East York, Ward 32)”**.

City Council on July 20, 21 and 22, 2004, amended this Clause by amending staff Recommendation (1) contained in the Recommendations Section of the report dated June 15, 2004, from the Director, Transportation Services, South District, to now read as follows:

“(1) the parking regulations outlined in Appendix 1 of this report be implemented, subject to amending the parking regulations for William Hancox Avenue by amending Part (2)(b) by deleting the words “the south side”, and inserting instead the words “the west side”, so that Part (2)(b) shall now read as follows:

‘(2)(b) the west side, from a point 28.5 metres south of Crossovers Street to a point 37 metres north of Gerrard Street.’ ”

This Clause, as amended, was adopted by City Council.

Clause 73 - “Requests for Endorsement of Events for Liquor Licensing Purposes”.

City Council on July 20, 21 and 22, 2004, amended this Clause:

- (1) to provide that the Alcohol and Gaming Commission be advised that Council objects to the request for an extension of the patio licence of Murphy’s Law Irish Pub at 1702 Queen Street East for a “Neighbourhood Summer Patio Party”, to be held from Thursday, July 22, 2004, to Saturday, July 24, 2004, inclusive, and that City Council did not endorse the action contained in Recommendation (3)(b) of the Toronto and East York Community Council pertaining to Murphy’s Law Irish Pub; and
- (2) by adding the following new Recommendations (5), (6) and (7) to the recommendations of the Toronto and East York Community Council:
 - “(5) declare the following to be events of municipal and/or community significance and advise the Alcohol and Gaming Commission of Ontario that it has no objection to their taking place:
 - (a) Taste of South Asian Culture and Cuisine to be held by the Gerrard India Bazaar to be held on Saturday, August 28, 2004, from 12:00 noon to 2:00 a.m., and on Sunday, August 29, 2004, from 12:00 noon to 8:00 p.m.;
 - (b) Feast of St. Lawrence to be held from Friday, August 13, 2004, to Sunday, August 15, 2004, inclusive, in the Market Lane Park and the North Market Building of the St. Lawrence Market Complex; and
 - (c) Little Italy’s Fiera Event to be held on September 25, 2004, nor to the extension of patio licences set out in the communication (July 14, 2004) from Grace Russo, Little Italy Business Improvement Association, to permit the sale and service of alcohol from 12:00 noon to 11:00 p.m. on September 25, 2004, in conjunction with the event;
 - (6) advise the Alcohol and Gaming Commission that it is aware of the change of dates of the Greektown Olympic Opening and Closing Ceremony Celebration to August 13, 2004, and August 29, 2004, from 1:00 p.m. to 11:00 p.m., and has no objection to the revised dates; and

- (7) declare the 29th Toronto International Film Festival taking place at various locations from September 9, 2003, to September 18, 2004, inclusive, to be an event of international, national and municipal significance and indicate that it has no objection to its taking place; nor to the granting of an extension of operating hours until 4:00 a.m. of Bistro 990, 990 Bay Street, the Rosewater Supper Club, 19 Toronto Street, The Drake Hotel, 1150 Queen Street West, Flow Restaurant and Lounge, 133 Yorkville Avenue and The Courthouse, 57 Adelaide Street East (the film festival host restaurants) for the duration of the festival.”

This Clause, as amended, was adopted by City Council.

BOARD OF HEALTH REPORT 5

Clause 1 - **“Air Pollution Burden of Illness in Toronto: 2004 Summary Agenda for Action on Air and Health”.**

City Council on July 20, 21 and 22, 2004, amended this Clause by:

- (1) deleting Recommendation (3) of the Board of Health and inserting instead the following:

“(3) request the Premier of Ontario to:

- (a) develop a strategy to phase-out Ontario’s coal-fired power plants by a combination of measures, in the following order of priority: energy conservation and efficiency, ecologically sustainable renewable electricity supply sources and small scale high-efficiency natural gas-fired co-generation power plants that replace existing mono-generators and provide electricity and heat to local district heating grids, rather than by nuclear energy;
- (b) ensure that where any new gas-fired co-generators are considered, then the plants should be subject to continuous emissions monitoring, have their emissions conform to all existing or new emissions standards, such co-generation plants to supply funding to the Toronto Atmospheric Fund or other such local initiatives and must support establishment of effective local community liaison programs; and
- (c) ensure that no new source of emissions are considered unless there is a net gain in reduction of emissions through shut down of current sources of emissions;”;

(2) adding the following:

“That:

- (a) Council endorse a voluntary Car Free Day for September 22, 2005;
- (b) Toronto Public Health, as lead, working with the City’s Works and Emergency Services Department, Toronto Public Health, the TTC, the Toronto Cycling Committee, the Toronto Pedestrian Committee, Special Events and the Roundtable on the Environment, in concert with relevant stakeholders, such as the Sierra Club of Canada, establish a Working Group and take ownership of the event and build the event into each applicable department’s annual work plan;
- (c) the Working Group report to Council, in November 2004, through the Policy and Finance Committee, on the potential impacts of Car Free Day 2005 on air pollution, TTC ridership and public awareness of sustainable transportation;
- (d) staff of the Works and Emergency Services Department and Public Health be directed to allocate funding within their budget for Car Free Day 2005; and
- (e) in future reports relating to air pollution, the Medical Officer of Health be requested to recognize the benefits of an all inclusive tree canopy.”

This Clause, as amended, was adopted by City Council.

STRIKING COMMITTEE REPORT 6

Clause 1 - “Appointments of Members of Council to the Association of Municipalities of Ontario”.

City Council on July 20, 21 and 22, 2004, amended this Clause by deleting from Recommendation (1) of the Striking Committee, the name “M. Walker”, and inserting instead the name “O. Chow”, so that Recommendation (1) shall now read as follows:

- “(1) City Council appoint the following Members to the Association of Municipalities of Ontario (AMO) Board of Directors, for a term of office starting after the Annual Meeting in August 2004 and ending at the AMO Annual Meeting scheduled for August, 2005 and until successors are appointed:

B. Ashton
B. Balkissoon
S. Carroll
O. Chow
J. Davis
S. Hall
H. Moscoe; and”.

This Clause, as amended, was adopted by City Council.

NOTICES OF MOTION APPEARING UNDER ITEM J

J(1) Request for Approval of a Special Occasion Permit – Community Festival Event, Parroquia San Lorenzo and the San Lorenzo Latin American Community Centre, ‘Abya Yala’ Festival – Saturday, August 7, 2004 and Sunday, August 8, 2004

Moved by: Councillor Moscoe

Seconded by: Councillor Filion

“**WHEREAS** the San Lorenzo Latin American Community Centre is requesting approval of a Special Occasion Permit for the ‘Abya Yala’ Festival to be held on Saturday, August 7, 2004, from 1:00 p.m. to 11:00 p.m., and on Sunday, August 8, 2004, from 1:00 p.m. to 10:00 p.m., at the Parroquia San Lorenzo and the San Lorenzo Latin American Community Centre church parking lot located at 2981 Dufferin Street; and

WHEREAS this event is considered to be an event of municipal and/or community significance; and

WHEREAS this event will include a Special Occasion Beer Garden (from 1:00 p.m. to 11:00 p.m. on Saturday, August 7, 2004, and from 1:00 p.m. to 10:00 p.m. on Sunday, August 8, 2004); and

WHEREAS the Alcohol and Gaming Commission of Ontario requires that for events of this nature, approval be granted by City Council; and

WHEREAS the time sensitive nature of this request requires the endorsement of Toronto City Council at the Council meeting which will be held on July 20, 21 and 22, 2004;

NOW THEREFORE BE IT RESOLVED THAT the Toronto City Council, for liquor licensing purposes, declare this to be an event of municipal and/or community significance, and advise the Alcohol and Gaming Commission of Ontario that it has no objection to the event taking place.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(2) Encroachment Agreement on City's Spadina Storm Trunk Sewer Easement at 70 Poplar Plains Crescent (Ward 22 – St. Paul's)

Moved by: Councillor Walker

Seconded by: Councillor Pitfield

“**WHEREAS** by the adoption of Clause No. 8 of Report No. 9 of the Works Committee, at its meeting held on May 10, 1989, the Council of the former Municipality of Metropolitan Toronto authorized various encroachments into the Metro Sewer Easement area located over the privately-owned property municipally known as 70 Poplar Plains Crescent (the ‘Property’), including a brick garage and driveway (the ‘Encroachments’); and

WHEREAS the owner of the Property proposes to add a second story to the garage, thereby altering the Encroachments previously specifically approved; and

WHEREAS the encroachment agreement requires amendment; and

WHEREAS the Works and Emergency Services Department has no objection to the proposed addition; and

WHEREAS the Property owners are anxious to proceed and have requested that approval of the necessary Council authority be expedited;

NOW THEREFORE BE IT RESOLVED THAT City Council consider and adopt the staff recommendations contained in the Recommendations Section of the report dated July 12, 2004, from the Acting Commissioner of Works and Emergency Services.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

In adopting Motion J(2), without amendment, Council adopted, without amendment, the following staff recommendation contained in the Recommendation Section of the report dated July 12, 2004, from the Acting Commissioner of Works and Emergency Services, entitled “Encroachment Agreement on City's Spadina Storm Trunk Sewer Easement at 70 Poplar Plains Crescent (the ‘Property’) Ward 22 - St. Paul's”:

‘It is recommended that appropriate City staff be authorized and directed to amend the existing encroachment agreement with the property owners, permitting them to construct a second floor addition on the existing dwelling within the City's Spadina storm trunk sewer easement area at the property, on such terms and conditions as may be required by the Acting Commissioner of Works and Emergency Services and the City Solicitor.’ ”

J(3) Amendment of Existing Licences and Easement for Underground Vehicular Passage at the Toronto Eaton Centre to Facilitate Construction of a New Commercial Development at the South West Corner of Bay Street and Dundas Street West

Moved by: Councillor Rae

Seconded by: Councillor Chow

“**WHEREAS** the owners of the lands at the south-east corner of Bay Street and Dundas Street West wish to construct a new commercial building thereon which will include the Ryerson Business School and an expansion of the Toronto Eaton Centre retail uses; and

WHEREAS the construction of this new facility will terminate the use of the northern truck entrance to the Toronto Eaton Centre from Bay Street (over the former closed Terauley Street) and force all truck traffic through the south truck entrance underneath Louisa Street (also running beneath the Bell Trinity Square Building); and

WHEREAS the City granted to the former owners of the Toronto Eaton Centre, rights to interconnect, via tunnel, certain subsisting below-grade ramp and truck receiving facilities in two locations upon the Toronto Eaton Centre lands, by way of a series of agreements being a May 28, 1973 Licence Agreement, a November 12, 1984 Agreement and a November 12, 1984 Easement; and

WHEREAS the owners of the Toronto Eaton Centre wish to facilitate deliveries to the new commercial development at the south-east corner of Bay Street and Dundas Street West and elsewhere at the Toronto Eaton Centre, and have accordingly requested that the 1973 Licence Agreement, the 1984 Agreement and the 1984 Easement, be amended to provide that Ontrea/TEC Holdings Inc., Ontrea/TEC Acquisition Limited, Ontrea/250 Yonge Acquisition Limited, CF/TEC Holdings Inc., CF/TEC Acquisition Limited, CF/250 Yonge Acquisition Limited, T.E.C. Leaseholds Limited and T.E.C. 250 Leaseholds Limited, being the current owners of the Toronto Eaton Centre, Sears Canada Inc., being the largest subtenant in the Toronto Eaton Centre, The Incorporated Synod of the Diocese of Toronto, being the owner of the lands upon which the Marriott Hotel is located, and HMC Toronto EC Company, being the ground tenant of the Marriott Hotel, may all enjoy the benefit of such licences and easement;

NOW THEREFORE BE IT RESOLVED THAT authority be granted to amend each of the 1973 Licence Agreement, the 1984 Agreement and the 1984 Easement, to give effect to the request as delineated in the immediately foregoing Recital paragraph, all documentation to be in a form satisfactory to the City Solicitor.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(4) Moon Light Movie Night Series in High Park

Moved by: Councillor Saundercook

Seconded by: Councillor Grimes

“**WHEREAS** the 1st Annual Moon Light Movie Night is planned for the next seven Monday evenings beginning July 26th, 2004; and

WHEREAS the Ward Councillor and the High Park Advisory Council would like to see better use of High Park by the public; and

WHEREAS any donations will go to the High Park Initiative which is responsible for improvements to High Park; and

WHEREAS Universal will provide seven evenings of free movies under the stars at the first ever Moon Light Movie Night series in High Park;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto support these initiatives by authorizing the Acting Commissioner of Works and Emergency Services to issue the necessary permits, subject to the appropriate liability protection for the City, for the placement of banners on the Sunnyside Bridge at Roncesvalles, Queen and King Streets, overlooking the Gardner Expressway to advertise this great event, and that these signs stay in place until the C.N.E. signs are erected over the Gardner Expressway.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, subject to deleting from the first Operative Paragraph, all of the words after the word “initiatives”, so that the Operative Paragraph now reads:

“NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto supports these initiatives.”

J(5) Reallocation of Funds within the Waterfront Capital Account

Moved by: Deputy Mayor Pantalone

Seconded by: Mayor Miller

“**WHEREAS** Council on April 19 to 23 and 26 to 28, 2004 approved a capital allocation of \$26.159 million (net) for the Waterfront Revitalization Initiative; and

WHEREAS of this amount, \$25.955 million represented the City’s contribution to the Toronto Waterfront Revitalization Corporation (TWRC) for the year; and

WHEREAS the TWRC's projects within this allocation were developed during the summer of 2003, when the TWRC was still in the process of retaining staff to bring appropriate expertise in-house, and refining its work plan for its 2004/05 fiscal year which began on April 1, 2004; and

WHEREAS transitions at the federal level in 2003 and 2004 resulted in funding delays to the TWRC and the inability to finalize Contribution Agreements among the four parties; and

WHEREAS these issues have been successfully resolved, but necessitated the temporary slowdown of selected TWRC's projects until June of 2004, and the repriorization of 2004/05 activities; and

WHEREAS a reallocation of \$2.175 million within the approved capital contribution to the TWRC of \$25.955 million is required to more accurately and effectively reflect the TWRC's revised work plan and organizational capacity for the year, with no net impact on the overall contribution total for the year;

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached report dated July 5, 2004 from the Commissioner, Urban Development Services, entitled 'Reallocation of Funds within the Waterfront Capital Account' and that such report be received for information."

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

In adopting Motion J(5), without amendment, Council received, for information, the report dated July 5, 2004, from the Commissioner of Urban Development Services, entitled "Reallocation of Funds within the Waterfront Capital Account".

J(6) Technical Amendment with respect to the Installation of Speed Humps on Pauline Avenue, from Bloor Street West to Wallace Avenue (Davenport, Ward 18)

Moved by: Councillor Giambrone

Seconded by: Councillor Davis

"WHEREAS City Council, at its meeting held on June 22, 23 and 24, 2004, adopted without amendment, Toronto South Community Council Report 5, Clause 67, headed 'Request for Speed Humps – Pauline Avenue from Bloor Street West to Wallace Avenue (Davenport, Ward 18)'; and

WHEREAS Recommendation (2)(i) of the Toronto South Community Council contained in the above-mentioned Clause recommended that a by-law be prepared for traffic calming purposes for:

‘The construction of two asphalt speed humps on Pauline Avenue, from Bloor Street West to Wallace Avenue, generally as shown on the attached print of Drawing No. 421F-7020, dated June 2003’; and

WHEREAS Drawing No. 421F-7020, dated June 2003, indicates that five speed humps are to be constructed on Pauline Avenue, from Bloor Street West to Wallace Avenue, rather than the two speed humps noted in the aforementioned Recommendation;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto South Community Council Report 5, Clause 67, headed ‘Request for Speed Humps – Pauline Avenue from Bloor Street West to Wallace Avenue (Davenport, Ward 18)’ be re-opened for further consideration, only insofar as it pertains to Recommendation (2)(i) of the Toronto South Community Council, and that such recommendation be amended by deleting the word ‘two’ and replacing it with the word ‘five’.

Disposition:

City Council on July 20, 21 and 22, 2004, re-opened Toronto South Community Council Report 5, Clause 67, headed “Request for Speed Humps – Pauline Avenue from Bloor Street West to Wallace Avenue (Davenport, Ward 18)”, for further consideration, only insofar as it pertains to Recommendation (2)(i) of the Toronto South Community Council. City Council subsequently adopted the balance of this Motion, without amendment.

J(7) Prohibition of Day Time Parking on the East Side of Goddard Street, between Sheppard Avenue West and Cocksfield Avenue

Moved by: Deputy Mayor Feldman

Seconded by: Councillor Minnan-Wong

“**WHEREAS** a new development which includes a commercial component has been constructed on the north-west corner of Sheppard Avenue West and Goddard Street; and

WHEREAS employees and patrons of the commercial property are parking on both sides of Goddard Street, north of Sheppard Avenue West; and

WHEREAS three-hour on-street parking is currently permitted on both sides of Goddard Street, between Sheppard Avenue West and Cocksfield Avenue; and

WHEREAS two-way traffic cannot be safely maintained with parking on both sides of Goddard Street; and

WHEREAS local residents are concerned with motorist and pedestrian safety with vehicles parked on both sides of Goddard Street; and

WHEREAS local residents identified their support in a petition to prohibit daytime parking on the east side of Goddard Street between Sheppard Avenue West and Cocksfield Avenue;

NOW THEREFORE BE IT RESOLVED THAT Schedule VIII of By-law No. 31001, of the former City of North York be amended to prohibit parking on the east side of Goddard Street from 8:00 a.m. to 6:00 p.m., Monday to Friday, between Sheppard Avenue West and Cocksfield Avenue;

AND BE IT FURTHER RESOLVED THAT City staff take the necessary action to bring effect thereto, including the introduction of any necessary bills.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(8) Watermain Easements from Province (Ontario Realty Corporation) in Hydro Corridor

Moved by: Councillor Watson

Seconded by: Councillor Shiner

“**WHEREAS** in order to complete a proposed water main in the Finch (hydro) corridor, an easement from the Province of Ontario is required;

WHEREAS City Council, at its meeting held on May 18, 19, and 20, 2004, requested the Province of Ontario, through the Chair of Management Board, to expeditiously provide an easement for the water main in the Finch (hydro) corridor with terms and conditions that do not pose unacceptable potential risk and open-ended cost to the City of Toronto and directed staff to report back to the Administration Committee;

WHEREAS the Province has now agreed to sell to the City permanent easements in the Finch (hydro) corridor on revised terms and conditions more acceptable than those previously stipulated; and

WHEREAS Works and Emergency Services has indicated that as a result of the time it has taken to obtain these more reasonable easement terms from the Province (represented by the Ontario Realty Corporation) its water main project has been significantly delayed;

NOW THEREFORE BE IT RESOLVED THAT City Council consider and adopt the staff recommendations contained in the Recommendations Section of the confidential joint report dated July 19, 2004, from the Commissioner of Corporate Services and the Acting Commissioner of Works and Emergency Services;

AND BE IT FURTHER RESOLVED THAT in the event of a relocation of the water main, York Region be required to pay the share of costs consistent with the cost sharing arrangement for this Project;

AND BE IT FURTHER RESOLVED THAT the City make a request of the Province of Ontario to consider permitting a pedestrian walkway over the water main as part of the restoration of the hydro lands without increasing the capital cost of the Project and in the event of a negative response by the Province of Ontario, staff be requested to report back to the Administration Committee on the issue of the walkway.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

In adopting Motion J(8), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated July 19, 2004, from the Commissioner of Corporate Services and the Acting Commissioner of Works and Emergency Services. The following recommendations contained in the report are now public and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, as it contains information regarding the proposed acquisition of land for municipal purposes:

“It is recommended that:

- (1) authority be granted for the execution of an Offer to Purchase the water main easements from the Crown, at a purchase price of \$660,000.00 (plus GST), incorporating the terms outlined in the attached Schedule ‘A’ and on such other terms satisfactory to the Commissioner of Corporate Services and the Commissioner of Works and Emergency Services, and in a form satisfactory to the City Solicitor;***
- (2) authority be granted for the execution of a crossing agreement with CN, at a cost to the City of up to \$40,000.00 (plus GST), on terms satisfactory to the Commissioner of Corporate Services and the Commissioner of Works and Emergency Services, and in a form acceptable to the City Solicitor;***
- (3) the City Solicitor be authorized to complete the transactions for the water main easements agreement and the crossing agreement on behalf of the City, including the payment of fees and setting of dates; and***

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

J(9) 280 Coxwell Avenue - “Adam’s Sports Bar” Application for Proposed Liquor Licence Application (Toronto- Danforth, Ward 30)

Moved by: Councillor Fletcher

Seconded by: Deputy Mayor Bussin

“**WHEREAS** a hearing has been scheduled by the Alcohol and Gaming Commission for August 18, 2004, at 6:00 p.m. pursuant to the Commission’s Notice of Proposal dated May 28, 2004, to refuse to remove conditions from the liquor licence of the above named restaurant; and

WHEREAS Councillors Fletcher and Bussin held a community meeting on July 8, 2004, with the applicant, area residents and business owners, City staff and the Police to discuss the liquor licence application; and

WHEREAS the applicant has indicated a willingness to work with the community and City staff to resolve concerns pertaining to the liquor licence application; and

WHEREAS City Council at its meeting on April 15 and 16, 2004, adopted a motion that authorized staff to ‘take any necessary steps and contact any relevant parties to prepare for the community consultation meeting and any AGCO hearing’;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be authorized to participate in any proceedings involving 280 Coxwell Avenue and to represent the City on this matter at the AGCO hearing to ensure that any impact of noise from the establishment on the community is minimized.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(10) 2004 Levy on Institutions under Section 323 of the *Municipal Act*

Moved by: Councillor Soknacki

Seconded by: Councillor Pitfield

“**WHEREAS** Section 323 of the *Municipal Act, 2001* provides for municipalities to pass by-laws to levy an annual tax on certain Universities and Colleges, Public Hospitals and Provincial Mental Health Facilities and Correctional Facilities (Institutions) in an amount not to exceed the prescribed amount; and

WHEREAS Ontario Regulation 384/98, as amended, has prescribed the applicable rate to levy on Institutions; and

WHEREAS the Province has recently provided the municipality with the list of designated institutions and the applicable capacity figures (i.e., number of full-time students, provincially-rated beds and resident places) for the 2004 taxation year; and

WHEREAS the required information from the Province was not available at the time of the July 2004 meeting of Policy and Finance Committee; and

WHEREAS the information required to calculate the levy is now available; and

WHEREAS delaying the adoption of the necessary by-laws to the Fall session of Committee and Council will delay the billing of \$12,590,250 in taxation levies; and

WHEREAS enacting the necessary by-laws at this July 2004 Council will facilitate an earlier billing of \$12,590,250 in taxation levies thus improving cash flow to the City;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the attached report dated July 16, 2004, from the Chief Financial Officer and Treasurer, entitled '2004 Levy on Institutions under Section 323 of the *Municipal Act*', and that the staff recommendations contained in Recommendations Section of such report be adopted;

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

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

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

In adopting Motion J(10), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated July 16, 2004, from the Chief Financial Officer and Treasurer, entitled "2004 Levy on Institutions under Section 323 of the Municipal Act, 2001":

"It is recommended that:

- (1) Council authorize the levy of taxes for the 2004 taxation year on hospitals, colleges and universities and correctional facilities as authorized by Section 323 of the Municipal Act, 2001;***

- (2) *the maximum prescribed amount of \$75.00 be applied per provincially rated hospital bed, full time student, or resident place; and*
- (3) *authority be granted for the introduction of the necessary bills in Council to levy taxes for the year 2004 on hospitals, colleges and universities and correctional facilities in the form or substantially in the form of the draft by-laws attached hereto.”*

J(11) 2004 Levy of Railway Roadways and Rights of Way and on Power Utility Transmission and Distribution Corridors

Moved by: Councillor Soknacki

Seconded by: Councillor Pitfield

“**WHEREAS** Subsection 315 (1) of the *Municipal Act, 2001* requires municipalities, in accordance with the regulations, to levy an annual tax for municipal purposes on railway roadways and rights of ways and on transmission and distribution corridors owned by certain power utilities; and, Subsection 257.7(1) of the *Education Act* requires municipalities to levy and collect taxes based on the rates prescribed for school purposes on the railway and power utility lands described in subsection 315 (1) of the *Municipal Act, 2001*; and

WHEREAS Ontario Regulations 387/98 and 392/98, as amended, prescribe the applicable rates for railway and power utility rights of way acreage levies for 1998 to 2005; and

WHEREAS tax rates are prescribed every year as amendments to Ontario Regulations 387/98 and 392/98; and

WHEREAS the regulation prescribing the 2004 rates was filed on June 30, 2004 as Ontario Regulation 200/04; and

WHEREAS the City of Toronto has the information required to calculate the levy on railway roadways and rights of ways on transmission and distribution corridors owned by certain power utilities; and

WHEREAS delaying the adoption of the necessary by-laws to the Fall session of Committee and Council will delay the billing of \$8.8 million (\$7.2 million for City purposes and \$1.6 million for education) in taxation levies; and

WHEREAS enacting the necessary by-laws at this July 2004 Council will facilitate an earlier billing of \$8.8 million in taxation levies thus improving cash flow to the City;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the attached report dated July 16, 2004, from the Chief Financial Officer and Treasurer, entitled '2004 Levy of Railways and Rights of Way and on Power Utility Transmission and Distribution Corridors', and that the staff recommendations contained in the Recommendations Section of such report be adopted;

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

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

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, subject to adding the following additional Operative Paragraph:

"AND BE IT FURTHER RESOLVED THAT the Province again be requested to amend the assessment of railway rights-of-way to exclude any and all of the portion of these lands to be utilized for telecommunications infrastructure to a width of one metre on either side of a fibre optic cable installation."

In adopting Motion J(11), as amended, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated July 16, 2004, from the Chief Financial Officer and Treasurer, entitled "2004 Levy of Railway Roadways and Rights of Way and on Power Utility Transmission and Distribution Corridors":

"It is recommended that:

- (1) Council authorize the levy and collection of taxes for the 2004 taxation year on roadways and rights of way of railways and on transmission and distribution corridors owned by power utilities, in accordance with subsection 315 (1) of the Municipal Act, 2001 and subsection 257.7(1) of the Education Act;*
- (2) authority be granted for the introduction of the necessary bill in Council to levy taxes for the year 2004 on such roadways and rights of way and transmission and distribution corridors; and*
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."*

J(12) Final Application for Part Lot Control Exemption 203a, 205b and 207a Raglan Avenue

Moved by: Councillor Mihevc

Seconded by: Councillor Walker

“WHEREAS an application has been filed on July 9, 2004, to renew part-lot control exemption as it applies to lands municipally known as 203-207 Raglan Avenue to permit three remaining lots constructed with a semi-detached dwelling to be conveyed as freehold lots; and

WHEREAS the lands have been previously exempt from part-lot control under By-law No. 516-2003; and

WHEREAS By-law No. 516-2003 expired on June 25, 2004; and

WHEREAS the application to renew part lot control exemption is required to permit the remaining lots to be conveyed prior to City Council’s meeting at the end of September 2004; and

WHEREAS a planning report dated July 12, 2004, has been prepared recommending approval of the part lot control exemption application and authorization to introduce the necessary Bills in Council to give effect to the approval recommendation;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the attached report dated July 12, 2004, from the Commissioner of Urban Development Services, and that the staff recommendations contained in the Recommendations Section of such report be adopted.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

In adopting Motion J(12), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated July 12, 2004, from the Commissioner of Urban Development Services, entitled “Final Report, Application for Part Lot Control Exemption 203a, 205b and 207a Raglan Avenue, Atlas Life Style Development Inc., File No. 04155456 STE PL, St. Paul’s (Ward 21)”:

“It is recommended that:

(1) the application be approved;

- (2) *the City Solicitor be authorized to introduce the necessary Bill in Council to give effect to Recommendation 1;*
- (3) *the by-law respecting the exemption shall expire three months from the date of enactment;*
- (4) *staff obtain proof of payment of all current property taxes for the subject site from the owner prior to the enactment of the Part Lot Control Exemption By-law; and*
- (5) *the appropriate City officials be authorized and directed to register the By-law on title.”*

J(13) Regent Park – Deferral of Planning Application Fees for Toronto Community Housing Corporation

Moved by: Councillor Rae

Seconded by: Councillor Chow

“**WHEREAS** the Toronto Community Housing Corporation (TCHC) has made an application to amend the Official Plan and will be filing an application to amend the zoning by-law in the near future, both relating to the redevelopment of Regent Park as a mixed use market housing and non-profit housing neighbourhood; and

WHEREAS the City has exempted non-profit housing corporations from paying Planning Application Fees, Building Permit Fees and Parkland Dedication Requirements, in addition to the development charges imposed by the City under the *Development Charges Act, 1997, S.O. 1997, c.27*; and

WHEREAS it is not known at this time what percentage of the neighbourhood will be developed by non-profit housing corporations and what percentage will be market units, so the fees to be charged cannot be quantified at this time;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Development Services be authorized and directed to defer payment of all planning application fees, in addition to development charges imposed by the City under the *Development Charges Act, 1997, S.O. 1997, c.27* until such time as the percentage of the neighbourhood to be comprised of non-profit housing is known and the fees for the market housing can be calculated;

AND BE IT FURTHER RESOLVED THAT authority be granted to enter into an agreement with TCHC setting out the terms and conditions of the deferment, acceptable to the Commissioner of Urban Development Services and in a form acceptable to the City Solicitor.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(14) Noise By-law Exemption for Pan Alive

Moved by: Councillor Mihevc

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** Pan Alive, an annual Caribana-associated event showcasing the talents of participating Steel Bands, is a crowd favourite of Caribana-goers; and

WHEREAS the Pan Alive event is being held on Friday, July 30th, 2004; and

WHEREAS the Ontario Steelpan Association (OSA) requires an exemption to the noise by-law to allow them to continue Pan Alive, being hosted at Fort York, until 12 midnight on Saturday, August 1st, 2004;

NOW THEREFORE BE IT RESOLVED THAT City Council grant the Ontario Steelpan Association (OSA) an exemption from the noise by-law to permit the Pan Alive event to proceed until 12 midnight on Saturday, August 1st, 2004.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(15) 1st Annual Lakeshore Mardi Gras Festival - August 21 and 22, 2004

Moved by: Councillor Grimes

Seconded by: Councillor Saundercook

“**WHEREAS** the 1st Annual Lakeshore Mardi Gras Festival is an important festival activity within the City of Toronto and will be held on Saturday, August 21, 2004, from 11:00 a.m. to 11:00 p.m. and Sunday, August 22, 2004, from 12:00 noon to 9:00 p.m. in Colonel Samuel Smith Park; and

WHEREAS the 1st Annual Lakeshore Mardi Gras Festival is an enriching event, providing the community with many opportunities for sharing and is organized in co-operation with the Grenadier Group; and

WHEREAS the 1st Annual Lakeshore Mardi Gras Festival is seeking, on behalf of its participants, a special occasion permit under the Community Festival section of the *Ontario Liquor Licence Act*;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto, for liquor licensing purposes, declare the 1st Annual Lakeshore Mardi Gras Festival to be an event of municipal and/or community significance, and advise that the Alcohol and Gaming Commission of Ontario that it has no objection to its taking place.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(16) Committee of Adjustment Appeal - 1104-1106 Dovercourt Road

Moved by: Councillor Palacio

Seconded by: Councillor Nunziata

“**WHEREAS** the Committee of Adjustment on May 18, 2004, authorized variance application A140/04HY to legalize and maintain an altered building at 1104 - 1106 Dovercourt Road to permit six dwelling units and tandem parking spaces within the building; and

WHEREAS an appeal of the Committee of Adjustment decision to the Ontario Municipal Board has been filed by an abutting resident but the Ontario Municipal Board has not yet scheduled a hearing on the application; and

WHEREAS City Planning staff recommended that the application be deferred for up to three months to permit the applicant to consult with Planning staff to address parking, landscaped open space and rear yard setback issues; and

WHEREAS in the event a deferral was not agreed to, City Planning staff recommended refusal of the application; and

WHEREAS having met with the appellant and City Planning staff, I believe there is merit in investigating the opportunity to arrive at a settlement of the issues of concern to the satisfaction of all participants;

NOW THEREFORE BE IT RESOLVED THAT City Legal and Planning staff, in collaboration with the appellant, be requested to investigate the opportunity to reach a settlement with the applicant in respect of the issues that Planning staff and the appellant have with the application;

AND BE IT FURTHER RESOLVED THAT if a settlement opportunity exists and a settlement is reached satisfactory to all involved participants, the settlement be presented to the Ontario Municipal Board;

AND BE IT FURTHER RESOLVED THAT if no opportunity for settlement exists or no settlement is reached, City Legal staff and Planning staff appear at the Ontario Municipal Board in opposition to the application.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(17) Hospitality Workers Resource Centre

Moved by: Councillor Carroll

Seconded by: Councillor Ashton

“**WHEREAS** the Hospitality Workers Resource Centre is a unique labour management initiative created in August 2003 to assist Toronto hospitality and tourism workers who experienced reduced hours of work, job loss, or other hardship resulting from the initial impact of SARS; and

WHEREAS the Hospitality Workers Resource Centre has helped several thousand hospitality and tourism workers during the past 10 months by providing support in diverse areas such as employment counselling, general educational, vocational and industry training programs, job placement, and intensive advocacy and assistance with financial and personal hardship; and

WHEREAS the Hospitality Workers of Toronto Resource Centre is currently facing a financial crisis due to the imminent premature cessation of funding by Human Resources Development Canada and the Ministry of Training, Colleges and Universities; and

WHEREAS the Hospitality Workers Resource Centre has proven to be an exemplary model for providing access to a wide range of employment, skills upgrading, and social service programs and services to Toronto hotel and restaurant workers; and

WHEREAS labour force development in this key sector is a priority for the City of Toronto;

NOW THEREFORE BE IT RESOLVED THAT the Mayor and Toronto City Council support the Hospitality Workers Resource Centre in its request to the federal and provincial governments to continue to operate the Centre until the current funding lapses;

AND BE IT FURTHER RESOLVED THAT City Council set up a task force:

- (1) mandated to devise a long term plan for the Centre as part of a broader labour force development strategy in this key sector of the Toronto economy;

- (2) composed of the Commissioner of Economic Development, Culture and Tourism, Councillors S. Carroll, P. Fletcher and J. Mihevc, other interested Councillors who may add their names when this motion is debated, and appropriate staff;
- (3) having a sunset date of December 31, 2004; and
- (4) supported by Economic Development Culture and Tourism staff and reporting to the Economic Development and Parks Committee.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(18) Appointment of a City Integrity Commissioner

Moved by: Mayor Miller

Seconded by: Councillor Soknacki

“**WHEREAS** the Policy and Finance Committee established a sub-committee to recommend a preferred candidate as a City Integrity Commissioner selected from a list of candidates recruited by an independent search firm; and

WHEREAS Council approved sufficient funds for the 2004 operating budget to establish the part-time City Integrity Commissioner function inclusive of the recruitment process; and

WHEREAS the Selection Panel members Deputy Mayor Sandra Bussin, Deputy Mayor Joe Pantalone, and Councillor David Soknacki, have undertaken a rigorous review, short-listing and interview process of candidates, assisted by the Chief Administrative Officer; and

WHEREAS the Selection Panel process was completed subsequent to the final meeting of the Policy and Finance Committee before the summer recess; and

WHEREAS it is desirous for the City Integrity Commissioner to assume his or her duties at the earliest possible opportunity;

NOW THEREFORE BE IT RESOLVED THAT Council consider and approve the recommendations contained in the Recommendations Section of the attached confidential report dated July 13, 2004, from the Integrity Commissioner Selection Panel, with respect to the personnel matter of appointing a City Integrity Commissioner.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

In adopting Motion J(18), without amendment, Council adopted, without amendment, the recommendations contained in the Recommendations Section of the confidential report dated July 13, 2004, from the Integrity Commissioner Selection Panel. The following recommendations contained in the report are now public and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, as it contains personal information about an identifiable individual:

“It is recommended that:

- (1) Mr. David J. Mullan be appointed to the position of City Integrity Commissioner, effective September 1, 2004, subject to the execution of an employment contract prior to that date;*
- (2) the Chief Administrative Officer be authorized to negotiate the terms and conditions of employment with the recommended candidate based on mutually satisfactory terms reflective of the part-time responsibilities of the City Integrity Commissioner, and to execute any documents necessary to do so; and*
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”*

J(19) Intention to Designate the Property at 40 Kingswood Road under Part IV of the Ontario Heritage Act

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Pitfield

“WHEREAS the property at 40 Kingswood Road is located in the Balmy Beach Heritage Conservation District Study Area; and

WHEREAS the property contains a house dating to 1920 that has architectural and historical value as a good example of Period Revival design whose occupants included the notable stained glass artisan F. S. Hollister; and

WHEREAS the property owner submitted an application to the Committee of Adjustment to replace the heritage building with a new house; and

WHEREAS the owner can appeal the results of the Committee of Adjustment, which deferred the application *sine die*, to the Ontario Municipal Board, and can also apply to demolish the heritage building; and

WHEREAS, at its meeting of July 15, 2004, the Toronto Preservation Board endorsed a motion that Council state its intention to designate the property under Part IV of the *Ontario Heritage Act*;

NOW THEREFORE BE IT RESOLVED THAT Council of the City of Toronto give notice of its intention to designate the property at 40 Kingswood Road under Part IV of the *Ontario Heritage Act* for its cultural resource value or interest;

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 July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(20) Ontario Needs a Raise

Moved by: Councillor Mihevc

Seconded by: Councillor Fletcher

“**WHEREAS** the minimum wage is only being increased to 30 cents per year until 2007, despite larger increases in the cost of living; and

WHEREAS a full-time worker earning the current minimum wage in a large city is approximately \$5,000.00 below the poverty line, and to reach the poverty line would need an hourly wage of at least \$10.00; and

WHEREAS social assistance rates were slashed by 21.6 percent in 1995, and with increases to the cost of living, today that cut is worth about 34.4 percent; and

WHEREAS social assistance recipients are not able to adequately feed and shelter themselves, resulting in parents often having to choose between paying the rent or feeding the kids; and

WHEREAS the Jury at the Inquest into the death of Kimberly Rogers recommended that social assistance rates be reviewed to ensure they reflect actual costs of living; and

WHEREAS the minimum wage and social assistance should provide people with an adequate standard of living; and

WHEREAS the National Child Benefit Supplement is currently being clawed-back from families on social assistance, OW, and ODSP, which greatly decreases their ability to provide an adequate standard of living;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto request that the Ontario Government immediately increase the shelter portion of Ontario Works and Ontario Disability Support Program benefits to the average Canada Mortgage and Housing Corporation rent, and index Ontario Works and Ontario Disability Support Program to the cost of living;

AND BE IT FURTHER RESOLVED THAT the Council of the City of Toronto refuse to administer the National Child Benefit supplement claw back;

AND BE IT FURTHER RESOLVED THAT the Council of the City of Toronto request that the Ontario Government immediately increase the minimum wage to \$10.00 an hour and index it to the cost of living.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, subject to deleting the three Operative Paragraphs and inserting instead the following:

“NOW THEREFORE BE IT RESOLVED THAT Council recommend that the Mayor, in his discussions with the Province on the ‘New Deal’, consider advocating that the Ontario Government:

- (1) immediately increase the shelter portion of Ontario Works and Ontario Disability Support Program benefits to the average Canada Mortgage and Housing Corporation rent, and index Ontario Works and Ontario Disability Support Program to the cost of living; and***
- (2) immediately increase the minimum wage to \$10.00 an hour and index it to the cost of living.”***

J(21) Appeal to Ontario Municipal Board – Committee of Adjustment Decision 47 Mayfield Avenue

Moved by: Councillor Saundercook

Seconded by: Councillor Grimes

“WHEREAS the Committee of Adjustment refused the application for 47 Mayfield Avenue to maintain the existing two-storey detached dwelling, to construct a new two-storey detached dwelling with an integral below grade garage, and to obtain consent to sever the land into two undersized residential lots and to create a right-of-way, on March 29, 2004; and

WHEREAS the Committee of Adjustment refused the application on the basis that the general intent of the Official Plan and Zoning By-law was not maintained, the variance(s) was not considered desirable for the appropriate development of the land, and in the opinion of the Committee, the variance(s) was not minor; and

WHEREAS the community has voiced strong concerns over density, intensity of use, parking and safety issues; and

WHEREAS the applicant has appealed the Committee of Adjustment's decision to the Ontario Municipal Board and will be heard on August 24, 2004;

NOW THEREFORE BE IT RESOLVED THAT the City send a City Solicitor and Planner to the Ontario Municipal Board to defend the Committee of Adjustment's decision to refuse the application."

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, subject to amending the Operative Paragraph by inserting the word "outside", before the word "Planner", so that the Operative Paragraph now reads:

"NOW THEREFORE BE IT RESOLVED THAT the City send a City Solicitor and outside Planner to the Ontario Municipal Board to defend the Committee of Adjustment's decision to refuse the application;"

J(22) Official Plan and Zoning By-law Amendments – 1245 Dupont Street

Moved by: Councillor Giambrone

Seconded by: Councillor Walker

“WHEREAS City Council, at its meeting of June 22, 23 and 24, 2004, considered Toronto South Community Council Report 5, Clause 4, headed ‘Draft By-laws – Official Plan Amendment and Rezoning – 1245 Dupont Street (Davenport, Ward 18)’, and adopted a report dated May 25, 2004 from the Director, Community Planning South District, which contained a recommendation to amend the Official Plan and Zoning By-law to permit a mixed-use commercial residential development containing 1600 residential units at the southwest corner of Dufferin and Dupont (Galleria Mall); and

WHEREAS the owner and the City have discussed a package of community benefits outlined in the May 25, 2004, staff report to be secured in a Section 37 Agreement between the City and the owner; and

WHEREAS a number of proposed changes have been made regarding the timing of the community benefits as outlined in the attached supplementary staff report dated July 16, 2004, from the Commissioner of Urban Development Services;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto adopt the staff recommendation contained in the Recommendation Section of the attached supplementary report dated July 16, 2004, from the Commissioner of Urban Development Services, and that no further public notice be given in respect to the proposed Official Plan and Zoning By-law Amendments.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

In adopting Motion J(22), without amendment, Council adopted, without amendment, the following staff recommendation contained in the Recommendation Section of the report dated July 16, 2004, from the Commissioner of Urban Development Services, entitled “Supplementary Report, OPA and Rezoning Application 02 035148 SHY 18 OZ, Owner: Marca Development Corporation, Architect: Quadrangle Architects, 1245 Dupont Street, Ward 18 - Davenport”:

“It is recommended that City Council adopt the final form of the Section 37 Agreement with the proposed amendments as described in this report.”

J(23) Request of Toronto Police Services Board to Rescind Decision Respecting the Chief of Police

Moved by: Councillor Holyday

Seconded by: Councillor Thompson

“WHEREAS in June 2004, media reports indicate that the Toronto Police Services Board voted not to renew the Police Chief’s contract beyond March 2005, by virtue of a 3-3 tie vote; and

WHEREAS there has been an enormous outpouring of public sentiment aimed at overturning the decision of the Toronto Police Service Board and renewing the Chief of Police’s contract; and

WHEREAS the vote of the Toronto Police Services Board was not taken at a time and in a manner that would have resulted in a decision that would have been seen to have been made fairly and unequivocally; and

WHEREAS the issue of the head of the Toronto Police Service is a very critical one for the organization and should not be made by a Board that does not have a full complement and that has been described by both the Chair of the Board and the media as ‘dysfunctional’; and

WHEREAS two current members of the Board do not intend to seek reappointment when their terms expire in September 2004;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council request the Toronto Police Services Board to set aside its decision regarding the Police Chief’s contract extension and defer the matter until such time as a new Board is appointed.”

Disposition:

At City Council on July 20, 21 and 22, 2004, Motion J(23) was ruled out of order.

J(24) Request for Amendments to the *Police Services Act*

Moved by: Councillor Kelly

Seconded by: Councillor Palacio

“**WHEREAS** in June 2004, media reports indicate that the Toronto Police Services Board voted not to renew the Police Chief’s contract beyond March 2005 by virtue of a 3-3 tie vote; and

WHEREAS thousands of Torontonians have expressed outrage and their disapproval with the Board’s decision not to the renew the Police Chief’s contract; and

WHEREAS the Board has been publicly described by its own Chair as being dysfunctional – in part, due to the even number of members; and

WHEREAS this self-described dysfunction compromises the Board’s ability to provide effective oversight of the Toronto Police Service;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto Council requests that the Province seek a mechanism to prevent tie votes at the Board and to amend the *Police Services Act* accordingly;

AND BE IT FURTHER RESOLVED THAT the City of Toronto Council forward this Notice of Motion to the Boards of Directors of the Association of Municipalities of Ontario, the Toronto Police Service and the Association of Police Services Boards for their endorsements.”

Disposition:

City Council on July 20, 21 and 22, 2004, referred this Motion to the Policy and Finance Committee.

J(25) Appointment of a Member of Council to Food and Hunger Action Committee

Moved by: Councillor Carroll

Seconded by: Councillor Watson

“**WHEREAS** Council, by adopting Striking Committee Report 3, Clause 1, Item 15, appointed three interested Members of Council to the Food and Hunger Action Committee, and by adopting Motion J(24) on June 22, 23 and 24, 2004, appointed a fourth Member; and

WHEREAS the Food and Hunger Action Committee’s composition includes five Members of Council; and

WHEREAS the Committee’s importance became clear through the budget process, so that additional Members would like to serve on the Committee; and

WHEREAS it is important to have representation from Scarborough Community Council; and

WHEREAS the requirement under Municipal Code Chapter 27, Council Procedures, that all Members be canvassed for their interest in this appointment was already satisfied and one position remains available;

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Striking Committee Report 3, Clause 1, be re-opened for further consideration, only as it concerns appointments to the Food and Hunger Action Committee;

AND BE IT FURTHER RESOLVED THAT the following Member of Council be appointed to the vacant position on the committee for a term of office expiring May 31, 2005 and until his successor is appointed:

R. Cho.”

Disposition:

City Council on July 20, 21 and 22, 2004, re-opened Striking Committee Report 3, Clause 1, headed "Appointments of Members of Council to Advisory Committees and Tree Advocate Position", for further consideration, only as it concerns appointments to the Food and Hunger Action Committee. City Council subsequently adopted the balance of this Motion, without amendment.

J(26) 212 Forest Hill Road – Ontario Municipal Board Appeal

Moved by: Councillor Walker

Seconded by: Councillor Jenkins

“WHEREAS on Thursday, April 8, 2004, the Midtown Panel of the Committee of Adjustment refused an application for minor variances at 212 Forest Hill Road; and

WHEREAS the applicant has appealed the decision of the Committee of Adjustment to the Ontario Municipal Board; and

WHEREAS the applicant proposes to build a new three-storey building at a density of .66 times the area of the lot; and

WHEREAS the Zoning By-law permits a maximum density of 0.35 times the area of the lot in Forest Hill; and

WHEREAS the proposed dwelling would extend 8.25 metres beyond the permitted 17 metres with minimal setbacks instead of the 7.5 metre setback as required by the By-law; and

WHEREAS this proposal is out-of-keeping with the character of Forest Hill and creates undesirable overlook conditions thereby reducing the amenity of neighbouring backyards; and

WHEREAS this development was opposed by Urban Development Services, by the North Hill District Homeowners Association and the immediate neighbours and City Planning staff;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor, in consultation with the Commissioner of Urban Development Services, be directed to seek status and to attend all Ontario Municipal Board hearings with respect to 212 Forest Hill Road to oppose the appeal.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(27) Request for National Registry of Veterans Memorial Dedications

Moved by: Councillor Carroll

Seconded by: Councillor Stintz

“**WHEREAS** City of Toronto Heritage Staff have reported extreme challenges in researching origins of veteran memorial dedications; and

WHEREAS Heritage staff would appreciate the direction of Veterans Affairs in researching veterans memorials on City of Toronto lands;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council request the Federal Government to initiate, through its Veterans Affairs Department, the creation of a national registry of veterans memorial dedications;

AND BE IT FURTHER RESOLVED THAT the Federation of Canadian Municipalities be requested to support this request.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(28) Facilitate Purchase of 530 and 532 St. Clair Avenue West and Lease of Strip of Land, 528 St. Clair Avenue West, for Municipal Parking Purposes (Ward 21 - St. Paul's)

Moved by: Councillor Mihevc

Seconded by: Councillor Rae

“**WHEREAS** Policy and Finance Committee Report 1, Clause 31 (the ‘Report’), as adopted by the Council of the City of Toronto at its meeting held on January 27, 28 and 29, 2004, authorized the acquisition and development of 530 and 532 St. Clair Avenue West from 589968 Ontario Inc. for a municipal surface parking lot, including authority to negotiate a lease with the owner of the adjacent property at 528 St. Clair Avenue West for a 3.5 foot strip of land as described in the report; and

WHEREAS in the event Toronto Parking Authority is unable to negotiate a lease with the owner of 528 St. Clair Avenue West, the Toronto Parking Authority wishes to initiate the expropriation process for the 3.5 foot strip of land;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 1, Clause 31, headed ‘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)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT authority be granted to initiate the expropriation process for the 3.5 foot strip of land, and to serve and publish Notices of Application for Approval to Expropriate, to forward to the Chief Inquiry Officer any requests for hearings that are received and to report the Inquiry Office’s recommendations to Council for its consideration, and that the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Disposition:

City Council on July 20, 21 and 22, 2004, re-opened Policy and Finance Committee Report 1, Clause 31, headed “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)”, for further consideration.

City Council subsequently adopted the balance of this Motion, subject to adding the following additional Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT any costs related to the expropriation of this land are to be borne by the Toronto Parking Authority.”

J(29) Request of the Toronto Transit Commission to Waive Street Closure Fees for Dragonfest and Taste of India Bazaar

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Fletcher

“WHEREAS spring and summer reconstruction of the Toronto Transit Commission (TTC) tracks on Gerrard Street has had a negative impact on business operations of the Gerrard India BIA and the East Chinatown Business District; and

WHEREAS the three-week strike aggravated the already difficult situation and caused increased economic hardship; and

WHEREAS each business district has had to postpone their annual festivals to accommodate reconstruction; and

WHEREAS the ‘Dragonfest’ and ‘Taste of Gerrard India Bazaar’ are intending to draw much needed customers back onto Gerrard Street East;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council ask the TTC to waive its street closure fee for this year for designated areas of ‘Dragonfest’ on Saturday, September 25, 2004, and for the Taste of India Bazaar on Saturday, August 28, 2004.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, subject to deleting the Operative Paragraph and inserting instead the following:

“NOW THEREFORE BE IT RESOLVED THAT all Toronto Transit Commission related issues for Dragonfest, Taste of India Bazaar and Roncesvalles Harvest Festival be dealt with directly by the TTC at the request of the Ward Councillors;

AND BE IT FURTHER RESOLVED THAT, due to the recent three-week strike on the Gerrard Street East Reconstruction and the hardship for the BIAs, the City fees for Dragonfest and the Taste of India Bazaar be waived;

AND BE IT FURTHER RESOLVED THAT a copy of this Motion also be referred to the Economic Development and Parks Committee for its consideration of this issue.”

J(30) City’s Role in Private Garbage Pick-up in New Residential Developments

Moved by: Councillor Pitfield

Seconded by: Deputy Mayor Bussin

“WHEREAS Solid Waste Management Services will only provide door-to-door garbage pick-up at new residential development projects if the roads within the development meet various City standards; and

WHEREAS many recent small residential development applications are proposing private garbage pick-up because their internal roads are not to City standards; and

WHEREAS in many of these small developments, future residents have raised issues about the financial burden of private garbage pick-up; and

WHEREAS the future residents of the residential developments believe they are paying taxes for municipal garbage pick-up and are not receiving this service; and

WHEREAS in many cases these complaints and concerns rest with the City and the local Councillor because the developer is no longer involved, once the project is completed;

NOW THEREFORE BE IT RESOLVED THAT the Acting Commissioner of Works and Emergency Services, in consultation with the Commissioner of Urban Development Services, be requested to report to the next Works Committee meeting on how these small developments with private pick-up are discouraged or deemed to be against City policies.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(31) Discontinuation of Centralized Garbage Locations within Residential Developments

Moved by: Councillor Pitfield

Seconded by: Deputy Mayor Bussin

“**WHEREAS** Solid Waste Management Services staff has struggled to solve illegal dumping of garbage wherever garbage receptacles are placed on concrete pads at central locations within residential projects; and

WHEREAS it is the goal of the Solid Waste Management Services to reduce waste and encourage diversion through such programs as the Blue Bin and the Green Bin; and

WHEREAS Solid Waste Management Services envisions a reduction in the number of bags per household, leading eventually to the possibility of a pay-as-you-throw program; and

WHEREAS Solid Waste Management Services’ success in achieving its goals and future visions would require discontinuation of centralized locations within residential projects; and

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

NOW THEREFORE BE IT RESOLVED THAT the Acting Commissioner of Works and Emergency Services be requested to report to the next Works Committee meeting on amending current policies to discourage these centralized garbage locations within new residential development projects.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(32) Court of Appeal Decision Respecting a Request for a Refund of Business Taxes

Moved by: Councillor Rae

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** on June 30, 2004 the Ontario Court of Appeal released its decision overturning the Divisional Court’s ruling concerning Friedberg and Co. Inc., A. P. Friedberg Inc. and Friedberg Mercantile Group’s refund request for business taxes for the years 1994-1996 levied against its offices at 181 and 347 Bay Street, Toronto;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the attached confidential report dated July 19, 2004, from the City Solicitor and the Chief Financial Officer and Treasurer, and that the staff recommendations contained in the Recommendations Section of such report be adopted.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

In adopting Motion J(32), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated July 19, 2004, from the City Solicitor and the Chief Financial Officer and Treasurer. The following recommendations contained in the report are now public and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, as it contains information that is subject to litigation or potential litigation:

“It is recommended that:

- (1) Council instruct the City Solicitor not to seek leave to appeal the Court of Appeal’s decision to the Supreme Court of Canada;***
- (2) Council consider and approve Friedberg & Co. Inc., A.P. Friedberg Inc. and Friedberg Mercantile Group’s request for a partial refund of its business taxes for the years 1994, 1995, 1996, respecting Assessment Roll Nos. 1994-06-01-140-0025-5140; 1994-06-01-140-0025-5250 (181 Bay Street); and 1904-06-3-150-0020-010; 1904-06-3-150-0020-7000 (347 Bay Street);***
- (3) Council approve payment of Friedberg’s legal costs of \$8,000.00 awarded by the Court of Appeal and costs of \$3,500.00 for the Divisional Court proceeding to be paid from the Non-Program Tax Deficiency Account; and***

- (4) *the appropriate City officials be given authority to take all necessary steps to give effect hereto.”*

J(33) Instructions for Ontario Municipal Board Hearings Relating to 700 Huron Street

Moved by: Councillor Walker

Seconded by: Councillor Jenkins

“**WHEREAS** the City Solicitor has prepared a confidential report seeking instructions respecting 700 Huron Street; and

WHEREAS consideration of this matter by Council is required on an urgent basis to establish a City position in relation to the Ontario Municipal Board scheduled for September 14, 2004;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the attached confidential report dated July 19, 2004, from the City Solicitor.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

In adopting Motion J(33), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated July 19, 2004, from the City Solicitor. The following recommendations contained in the report are now public and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, as it contains information that is subject to litigation or potential litigation:

“It is recommended that City Council:

- (1) *authorize the City Solicitor and municipal staff to attend the continuation of the hearing at the Ontario Municipal Board to oppose the appeals and referrals of revised Applications 103022 and 193339 in their current form;*

- (2) *authorize the City Solicitor and municipal staff to support revisions to the Official Plan Amendment and rezoning satisfactory to the Commissioner of Urban Development Services such that the proposed height no longer negatively impacts the views from the Spadina House Belvedere/Battery Structure to the Financial District, the physical context of the Escarpment and the surrounding neighbourhood and provided the proposal is revised to the satisfaction of the Commissioner with respect to various other matters, including additional set backs required between Buildings A and B;*
- (3) *authorize municipal staff to support conditions of Site Plan approval and the execution of a Site Plan Agreement, provided the application is revised to the satisfaction of the Commissioner of Urban Development Services to address her concerns, including reduction of the numerous vehicular access points proposed on Madison Avenue; and*
- (4) *authorize staff to request the OMB, in the event the application is approved with density or height in excess of current zoning, to retain jurisdiction but provide the applicant and municipal staff, in consultation with the Ward Councillor, with an opportunity to finalize an agreement for community benefits pursuant to s. 37 of the Planning Act with respect to streetscape improvements in the area, with the agreement to include provisions as appropriate with respect to environmental and servicing issues, to the satisfaction of the City Solicitor and the Commissioner of Urban Development Services.”*

J(34) Proposal to Waive Parks and Recreation Fees for Fundraisers

Moved by: Councillor Nunziata

Seconded by: Councillor Lindsay Luby

“**WHEREAS** on April 21, 2004, Louise Russo was left paralyzed by a stray bullet becoming a tragic victim of crime; and

WHEREAS many individuals and companies around the G.T.A. have donated their time and specified skill in an attempt to aid the Russo family; and

WHEREAS the City of Toronto should do its part to aid the Russo family;

NOW THEREFORE BE IT RESOLVED THAT Council waive any and all Parks and Recreation related fees with respect to any Russo family fundraisers organized by the Members of Toronto City Council.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, subject to adding the following additional Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the next meeting of the Economic Development and Parks Committee on a policy to waive Parks and Recreation fees for fundraisers.”

J(35) 2350 Finch Avenue West, Emery Village – Public Walkway (Ward 7, York West)

Moved by: Councillor Nunziata

Seconded by: Councillor Palacio

“WHEREAS it is the goal of the Emery Village Secondary Plan to provide a connected, attractive, safe and comfortable system of pedestrian and bicycle routes for the Emery Village area; and

WHEREAS in keeping with this goal, it is desirable to provide a public walkway from Finch Avenue West to Toryork Drive over lands abutting the west limit of 2340 Finch Avenue West and over abutting lands to the north; to be secured by easement or land conveyance with a width and subject to terms and conditions satisfactory to City staff;

NOW THEREFORE BE IT RESOLVED THAT City staff use their best efforts during the processing of any development applications for 2340 Finch Avenue West, to secure a surface, open to the sky, walkway by easement or conveyance along the west limits of the subject property and over abutting lands to the north, to the satisfaction of the City for public access purposes and to accommodate any necessary structure encroachment to provide access from 2350 Finch Avenue West to the walkway.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(36) 2350 Finch Avenue West, Emery Village – Streetscape Component (Ward 7, York West)

Moved by: Councillor Nunziata

Seconded by: Councillor Palacio

“WHEREAS it is the goal of the Emery Village Secondary Plan to encourage streetscape improvements to create an attractive pedestrian environment; and

WHEREAS Economic Development, Culture and Tourism staff and the Emery Village B.I.A. are coordinating the preparation of a streetscape plan for the Emery Village B.I.A. which includes the Emery Village Secondary Plan area; and

WHEREAS it is desirable to ensure that streetscape improvements within the Emery Village Secondary Plan area are undertaken, having regard to the proposed streetscape plan initiative;

NOW THEREFORE BE IT RESOLVED THAT Economic Development, Culture and Tourism staff, in consultation with Urban Development Services and Works and Emergency Services staff, be requested to assist the Emery Village B.I.A. to develop Phase 1 of their streetscape plan that is satisfactory to the City, and that covers an area consistent with the Emery Village Secondary Plan area;

AND BE IT FURTHER RESOLVED THAT the streetscape component of development applications in the Secondary Plan area be consistent with the Phase 1 Streetscape Plan.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(37) 2350 Finch Avenue West, Emery Village – Zoning By-law Amendments (Ward 7, York West)

Moved by: Councillor Nunziata

Seconded by: Councillor Palacio

“**WHEREAS** the North York Community Council held a Public Meeting pursuant to Section 34 of the *Planning Act*, at its meeting of July 9, 2003, with respect to a Zoning By-law Amendment application for 2350 Finch Avenue West, as contained in Clause No. 12 of Report No. 6 of the North York Community Council, headed ‘Final Report - Application to Amend the Zoning By-law – File: TB CMB 2001 0005 – City of Toronto (Robert Reimers Architect Ltd.) – 2350 Finch Avenue West (Ward 7 – York West)’; and

WHEREAS City Council on July 22, 23 and 24 2003, approved Clause No. 12 of Report No. 6 of the North Community Council; and

WHEREAS the conditions to permit the introduction of the necessary Bills at Council to amend the Zoning By-law have been satisfied; and

WHEREAS the proposed draft Zoning By-law Amendment included in the Final Report as Attachment 6 sets out zoning provisions to permit and regulate the development and use of the proposed residential development with ground floor commercial uses; and

WHEREAS the addition of the following provisions to the Zoning By-law Amendment are in keeping with the Emery Village Secondary Plan and the objective to promote a healthy and vibrant pedestrian environment in the Public Rights of Way and adjacent privately owned lands and to permit a village-like, street oriented and mixed use pattern of development; and

WHEREAS the addition of the following provisions results in the need to amend the Draft By-law after the Public Meeting; and

WHEREAS City Planning staff are in agreement that the revision is in keeping with the policies of the Emery Village Secondary Plan, is supportable and is reflective of the proposed development;

NOW THEREFORE BE IT RESOLVED THAT the draft Zoning By-law Amendment be revised as follows:

(1) amend section 64.20 – A(134) RM6(134) Permitted Uses (a) to add the following:

- ‘(iv) take out restaurant
- (v) outdoor eating areas in conjunction with a take out restaurant
- (vi) professional office
- (vii) restaurant
- (viii) outdoor storage and display of goods and materials in conjunction with a retail store’;

(2) amend Section 64.20 – A(134) RM6(134) Exception Regulations (g) by:

(a) deleting the words ‘retail store’ in the first sentence and inserting the word ‘commercial’ in its place; and

(b) by adding the following:

‘Outdoor eating areas shall be subject to the requirements of Section 6(22) for outdoor cafes of By-law 7625 and there shall be no minimum parking requirements. The maximum total gross floor area for restaurant uses shall be 50 square metres. The outdoor storage and display of goods and materials shall be subject to the provisions of Section 22(9) of By-law 7625.’;

AND BE IT FURTHER RESOLVED THAT Council, under Section 34 (17) of the *Planning Act*, determine that no further notice to the public is required in respect of the proposed By-law.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(38) 2350 Finch Avenue West, Emery Village - Affordable Housing (Ward 7, York West)

Moved by: Councillor Nunziata

Seconded by: Councillor Palacio

“**WHEREAS** the current City Let’s Build program is directed to increasing the supply of newly constructed rental units; and

WHEREAS affordable home ownership is a vital component of strong communities;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Community and Neighbourhood Services, in consultation with the Commissioner of Urban Development Services and the City Solicitor, be authorized to consider the feasibility of establishing an affordable housing component of the Let’s Build program to enhance the City’s Strong Community objectives, and report to Council on the required policy and program implementation requirements.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, subject to deleting from the Operative Paragraph, the words “report to Council”, and inserting instead the words “report to the Community Services Committee”, so that the Operative Paragraph now reads:

“NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Community and Neighbourhood Services, in consultation with the Commissioner of Urban Development Services and the City Solicitor, be authorized to consider the feasibility of establishing an affordable housing component of the Let’s Build program to enhance the City’s Strong Community objectives, and report to the Community Services Committee on the required policy and program implementation requirements.”

J(39) Sole Source to Marshall Macklin Monaghan for Leslie Street Widening and North York General Hospital Bridge Projects

Moved by: Deputy Mayor Feldman

Seconded by: Councillor Cho

“WHEREAS Canadian Tire Corporation is obliged to construct an East-West Road from Provost Drive to Leslie Street, as identified by the City’s Sheppard Corridor Environmental Assessment Study, at no cost to the City, as a condition of approval of their proposed development at Sheppard Avenue East and Provost Drive; and

WHEREAS the proposed East-West Road will be an underpass below the CN Rail corridor and will require a storm sewer outlet along Leslie Street to the Don River at Sheppard Avenue East; and

WHEREAS the proposed Leslie Street widening and reconstruction of the North York General Hospital Bridge across Leslie Street are identified in the Sheppard Corridor Environmental Study and included in the approved 2004 and proposed 2005 Works and Emergency Services Capital Budget; and

WHEREAS to minimize disruption to traffic, storm sewer work on Leslie Street will need to be co-ordinated with the proposed Leslie Street widening and the reconstruction of the North York General Hospital Bridge across Leslie Street; and

WHEREAS the developer, Canadian Tire Corporation, has retained the services of the engineering consultant, Marshall Macklin Monaghan, to design and construct the proposed East-West Road and the related storm sewer work along Leslie Street; and

WHEREAS the issues related to project co-ordination, timely delivery of design and tendering services, review and approval by multiple key stakeholders and traffic disruption would be more efficiently and cost-effectively handled by a single engineering consultant; and

WHEREAS the developer’s engineering consultant, Marshall Macklin Monaghan, has submitted an Expression of Interest and Provision of Design Services and Construction Administration to undertake the City’s infrastructure projects in co-ordination with the developer’s proposed East-West Road project; and

WHEREAS the inter-related timing, scheduling and co-ordination of design approvals and tendering of the projects necessitate an August 2004 start for the project design;

NOW THEREFORE BE IT RESOLVED THAT Council authorize Works and Emergency Services to retain the developer’s engineering consultant, Marshall Macklin Monaghan, to undertake design and construction administration services for the City’s Leslie Street widening and North York General Hospital Bridge reconstruction projects, based on the submitted documents, and at a cost of \$954,922.00 for pre-design, detailed design, tendering services, construction services and post construction services and a weekly cost of up to \$10,745.00 for construction supervision in the event construction exceeds estimated timeframes.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(40) Ontario Municipal Board Appeal - 20 Triller Avenue (Parkdale- High Park)

Moved by: Councillor Watson

Seconded by: Councillor Hall

“**WHEREAS** an application was made to the Toronto West Committee of Adjustment for 20 Triller Avenue requesting relief from provisions of Zoning By-law 438-86 of the former City of Toronto to permit an increase in the number of residents in a residential care facility and to permit a residential care facility less than 245 metres from another residential or crisis care facility; and

WHEREAS it was the decision of the Toronto West Committee of Adjustment on May 4, 2004, to refuse the application for a residential care facility at 20 Triller Avenue; and

WHEREAS the applicants have chosen to appeal the Committee’s decision to the Ontario Municipal Board and said appeal will be heard on a date to be announced by the Board; and

WHEREAS the community is strongly opposed to the proposed development and believe that the variances that would be necessary for the approval of the facility are not minor; and City Staff did not take a position concerning the application;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council instruct the City Solicitor and other appropriate City staff to attend the Ontario Municipal Board Hearing in support of the Committee of Adjustment’s decision.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(41) Harmonized City Naming Policy for Municipal Properties

Moved by: Councillor Mihevc

Seconded by: Councillor Stintz

“**WHEREAS** the incidents of requests to Community Councils to rename parks, public buildings and other municipal properties appear to be on the increase; and

WHEREAS consideration of such requests are being done on an ad hoc basis, due to the absence of a transparent and harmonized naming policy; and

WHEREAS a clear and objective naming policy is needed to create an opportunity to recognize our current and recent ‘history makers’ within a context that continues to recognize earlier ‘history makers’ as well;

NOW THEREFORE BE IT RESOLVED THAT the Chief Administrative Officer be directed to prepare a municipal property naming policy that has due regard to protecting the heritage of the City as well as the policies of the former municipalities;

AND BE IT FURTHER RESOLVED THAT such policy be forwarded to the Administration Committee, no later than December 2004.”

Disposition:

City Council on July 20, 21 and 22, 2004, referred this Motion to the Administration Committee.

J(42) Proposed Exemption from the Smoking By-law for Retail Tobacco Stores

Moved by: Councillor Stintz

Seconded by: Councillor Nunziata

“**WHEREAS** the Council of the City of Toronto has chosen to take no action on Clause No. 2 of Report No. 7 of the Economic Development and Parks Committee, headed ‘Environmental Tobacco Smoke By-law (ETS), Designated Smoking Rooms (All Wards)’, at its meeting on September 22, 23, 24, 2003; and

WHEREAS the intention of the Environmental Tobacco Smoke By-law was to regulate smoking in bars and restaurants; and

WHEREAS the Board of Health in May 2004, recommended that, should the Provincial Government not implement province-wide legislation by June of 2005 that requires the closure of all DSRs by June 1, 2007, the Medical Officer of Health report further on amending Toronto’s No Smoking By-law so that all DSRs in Toronto are closed by June 1, 2007; and

WHEREAS ‘Retail Tobacco Shops’ are neither bars or restaurants, and serve no alcohol or food;

NOW THEREFORE BE IT RESOLVED THAT an exemption to the City of Toronto Smoking By-law be granted for Retail Tobacco Stores and that they be defined as a retail establishment whose sales are comprised primarily of tobacco and related products.”

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on September 28, 2004.

J(43) Community Safety Plan - Jobs for Youths Program

Moved by: Councillor Thompson

Seconded by: Councillor Soknacki

“**WHEREAS** the Community Safety Plan identifies the need to increase economic opportunity for youth in at risk communities; and

WHEREAS the Province of Ontario has agreed to provide funding in the amount of \$500,000.00; and

WHEREAS many youth in Jamestown, Jane Finch and Malvern are trying to secure employment; and

WHEREAS many employers have expressed a desire to employ youth;

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached report dated July 20, 2004, from the Commissioner of Community and Neighbourhood Services and the Chief Financial Officer and Treasurer, and that the staff recommendations contained in the Recommendations Section of such report be adopted.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

In adopting Motion J(43), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated July 20, 2004, from the Commissioner of Community and Neighbourhood Services and the Chief Financial Officer and Treasurer, entitled “Jobs for Youth Program”:

“It is recommended that:

- (1) the Commissioner of Community and Neighbourhood Services be authorized to enter into agreement with the Ministry of Community Safety and Correctional Services (MCSCS) to receive funds in an amount not to exceed \$500,000.00 as the program costs for Jobs for Youth Program;*

- (2) *the Commissioner of Community and Neighbourhood Services be authorized to enter into a service agreement with Tropicana Community Services for the delivery of the Jobs for Youth Program;*
- (3) *the Social Development and Administration Division's 2004 Operating Budget be increased by \$500,000.00 gross, zero net; and*
- (4) *the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."*

J(44) Terms of Reference for the Roundtable on Children, Youth and Education

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Chow

"WHEREAS City Council on March 1, 2 and 3, 2004, adopted, without amendment, Policy and Finance Committee Report 2, Clause 5, headed 'Terms of Reference for Roundtables on – Access, Equity and Human Rights; Arts and Culture; Beautiful City; Children, Youth and Education; Environment; Seniors; and the Employee and Labour Relations Committee';

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 2, Clause 5, headed 'Terms of Reference for Roundtables on – Access, Equity and Human Rights; Arts and Culture; Beautiful City; Children, Youth and Education; Environment; Seniors; and the Employee and Labour Relations Committee', be re-opened for further consideration, only as it pertains to the Terms of Reference for the Roundtable on Children, Youth and Education;

AND BE FURTHER RESOLVED THAT the Terms of Reference for the Roundtable on Children, Youth and Education be amended to increase the membership from 25 to 28."

Disposition:

City Council on July 20, 21 and 22, 2004, re-opened Policy and Finance Committee Report 2, Clause 5, headed "Terms of Reference for Roundtables on – Access, Equity and Human Rights; Arts and Culture; Beautiful City; Children, Youth and Education; Environment; Seniors; and the Employee and Labour Relations Committee", for further consideration, only as it pertains to the Terms of Reference for the Roundtable on Children, Youth and Education. City Council subsequently adopted the balance of this Motion, without amendment.

J(45) Terms of Reference for the Roundtable on the Environment

Moved by: Deputy Mayor Bussin

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** City Council on March 1, 2 and 3, 2004, adopted, without amendment, Policy and Finance Committee Report 2, Clause 5, headed ‘Terms of Reference for Roundtables on – Access, Equity and Human Rights; Arts and Culture; Beautiful City; Children, Youth and Education; Environment; Seniors; and the Employee and Labour Relations Committee’;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 2, Clause 5, headed ‘Terms of Reference for Roundtables on – Access, Equity and Human Rights; Arts and Culture; Beautiful City; Children, Youth and Education; Environment; Seniors; and the Employee and Labour Relations Committee’; be re-opened for further consideration, only as it pertains to the Terms of Reference for the Roundtable on the Environment’;

AND BE IT FURTHER RESOLVED THAT the Terms of Reference for the Roundtable on the Environment be amended to increase the membership from 15 to 18.”

Disposition:

City Council on July 20, 21 and 22, 2004, re-opened Policy and Finance Committee Report 2, Clause 5, headed “Terms of Reference for Roundtables on – Access, Equity and Human Rights; Arts and Culture; Beautiful City; Children, Youth and Education; Environment; Seniors; and the Employee and Labour Relations Committee”, for further consideration, only as it pertains to the Terms of Reference for the Roundtable on the Environment. City Council subsequently adopted the balance of this Motion, without amendment.

J(46) St. Lawrence Centre for the Arts Board of Directors - Notice of Motion for September Council

Moved by: Councillor Mihevc

Seconded by: Councillor Jenkins

“**WHEREAS** former City of Toronto Municipal Code Chapter 11, established the Board of Management of the St. Lawrence Centre for the Arts with a composition of seventeen (17) members appointed by Council, two (2) of whom shall be members of Council and the remaining members shall be persons qualified to be elected as members of Council or who are residents of the City and have attained the age of eighteen (18) years, provided that three (3) persons shall be nominated for appointment as members of the Board as follows: one (1) person by a music presenter in the Jean Mallet Theatre and two (2) persons by Canadian Stage Company; and

WHEREAS the St. Lawrence Forum is the only program provider without a nominee to the Board of Directors and has requested that they be allowed to nominate a citizen to the Board;

WHEREAS the Nominating Committee in its Report 3, Clause 2, has recommended a Forum nominee to be appointed to the Board should Council increase the composition;

NOW THEREFORE BE IT RESOLVED THAT notice be given to the Board of Council’s intention to amend the composition, as required by the *Municipal Act, 2001*;

AND BE IT FURTHER RESOLVED THAT Council amend former City of Toronto Municipal Code Chapter 11 to increase the composition of the St. Lawrence Centre to add one citizen member nominated by the St. Lawrence Forum, and that the City Solicitor be authorized to introduce the necessary by laws to give effect to this.”

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on September 28, 2004.

J(47) Request for extended City Boulevard Permitted Patio Operating Hours for the Beaches International Jazz Festival

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Rae

“**WHEREAS** the Beaches International Jazz Festival’s street festival will take place on July 22, 23 and 24, 2004; and

WHEREAS Toronto City Council in May 2003 approved extension of hours of operation from 11:00 p.m. to 12:00 midnight on Friday, July 25, 2003 and Saturday, July 26, 2003 during the Beaches International Jazz Festival, at City permitted boulevard cafés on Queen Street East, between Woodbine Avenue and Beech Avenue, as a pilot project; and

WHEREAS the extension of hours during the 2003 Jazz Festival was successfully conducted and received overall community approval; and

WHEREAS the extension of hours proved to be an important economic benefit to the restaurants with boulevard café permits on Queen Street East, within the boundaries of the Beaches International Jazz Festival;

NOW THEREFORE BE IT RESOLVED THAT Council approve the extension of hours of operation of City-permitted boulevard cafés, from 11:00 p.m. to 12:00 midnight on Queen Street East, between Woodbine Avenue and Beech Avenue, on Friday, July 23, 2004 and Saturday, July 24, 2004, during the Beaches International Jazz Festival.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(48) Instructions for Ontario Municipal Board Appeal – 2 Dunbloor Road (Ward 5, Etobicoke -Lakeshore)

Moved by: Councillor Milczyn

Seconded by: Councillor Grimes

“**WHEREAS** the City Solicitor has prepared a confidential report seeking further instructions respecting the Ontario Municipal Board hearing relating to 2 Dunbloor Road; and

WHEREAS consideration of this matter by Council is required on an urgent basis to establish a City position in relation to the Ontario Municipal Board hearing on July 26 to 28, 2004;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the attached confidential report dated July 20, 2004, from the City Solicitor.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

In adopting Motion J(48), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated July 20, 2004, from the City Solicitor. The following recommendations contained in the report are now public and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, as it contains information that is subject to litigation or potential litigation:

“It is recommended that City Council authorize the City Solicitor to support, in principle, the applicant’s proposal, but request the Ontario Municipal Board to withhold its Order until:

- (1) the Six Points Interchange Study progresses sufficiently to allow the proposal to be sited without affecting the ultimate design of the Six Points Interchange, with work on the Study to be completed no later than December 31, 2004;*
- (2) submission of required By-laws in a form satisfactory to the City Solicitor and the Director of Community Planning, West District; and*
- (3) the applicant enters into a Section 37 agreement to secure community benefits to the satisfaction of the Commissioner of Urban Development Services, in consultation with the Ward Councillor and the City Solicitor, with such agreement to reference studies that will be required at the time of site plan application.”*

J(49) An Interim Control By-law for Bayview Institutions Area, East of Bayview Avenue

Moved by: Councillor Pitfield

Seconded by: Deputy Mayor Bussin

“WHEREAS the former City of North York Official Plan and the new City of Toronto Official Plan do not permit residential uses for the Bayview institutions located east of Bayview Avenue and north of Kilgour Road; and

WHEREAS the existing Multiple Family Dwellings Third Density Zone (RM3) for the same area permits residential development; and

WHEREAS area residents have expressed concern regarding the potential of the institutional area east of Bayview Avenue and north of Kilgour Road for redevelopment for residential purposes;

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached report dated July 14, 2004, from the Commissioner of Urban Development Services, entitled ‘Proposed Interim Control By-law, Bayview Institutions Area East of Bayview Avenue’, and that the staff recommendation contained in the Recommendation Section of such report be adopted;

AND BE IT FURTHER RESOLVED THAT City staff take the necessary action to bring effect thereto, including the introduction of any necessary bills.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

In adopting Motion J(49), without amendment, Council adopted, without amendment, the following staff recommendation contained in the Recommendation Section of the report dated July 14, 2004, from the Commissioner of Urban Development Services, entitled "Proposed Interim Control By-law, Bayview Institutions Area East of Bayview Avenue, File No. 04 157195Z, Ward 26 - Don Valley West":

"It is recommended that the proposed Interim Control By-law, pursuant to Section 38 of the Planning Act, applying to the Bayview Institutions located east of Bayview Avenue and north of Kilgour Road, contained in Attachment 1 to this report, be approved for a one year period and that Planning staff be directed to undertake a review of the zoning regulations which apply to these lands and report back to the North York Community Council within one year."

Council subsequently enacted By-law No. 568-2004.

J(50) Communication Strategy Respecting 911 Service

Moved by: Councillor Chow

Seconded by: Councillor Filion

“WHEREAS recently a non-English speaking grandmother delayed a call to 911 as she did not know the service is multilingual; her grandchild was drowning in a family pool; and

WHEREAS many new immigrants arriving to Toronto would not know that the 911 service offers multilingual service; and

WHEREAS no resident should delay or hesitate dialing 911 when he or she is in need of life saving emergency services;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Corporate Services, through the Communications Division, and in consultation with the Acting Commissioner of Works and Emergency Services and the Emergency Management Office, be requested to report to the Community Services Committee in September 2004, on an ongoing communication strategy to educate all residents of Toronto, especially recent immigrants, that the 911 service is multilingual.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(51) Delegation of Authority to the General Manager, Water and Wastewater Business Unit, for Designating Overall Responsible Operator under the *Ontario Water Resources Act*

Moved by: Councillor Pitfield

Seconded by: Deputy Mayor Bussin

“**WHEREAS** the Government of Ontario has adopted Ontario Regulation 128/04 under the *Safe Drinking Water Act, 2002*, and Ontario Regulation 129/04 under the *Ontario Water Resources Act*; and

WHEREAS the City, as the owner of certain water and wastewater facilities, and subsystems is required under the regulations to designate an ‘overall responsible operator’ having the qualifications set out in the regulations with respect to each facility or subsystem it owns; and

WHEREAS the Ontario Ministry of the Environment has indicated that it expects there to be a designated overall responsible operator at each facility or subsystem at all times during the operations of the facility or subsystem; and

WHEREAS such designation must be made before August 1, 2004;

NOW THEREFORE BE IT RESOLVED THAT the General Manager of the Water and Wastewater Business Unit of the City of Toronto be delegated the authority to designate such overall responsible operators with respect to each facility and subsystem as may be required to comply with Ontario Regulation 128/04 and Ontario Regulation 129/04;

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 July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(52) Fixing the Date of the Municipal Election to a Four Year Term

Moved by: Councillor Moscoe

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** the Provincial Government is currently undertaking a review of the provincial electoral system; and

WHEREAS, as part of that review, the Premier has indicated that they will be fixing the date of provincial elections so that they occur on the same date every four years; and

WHEREAS this change will result in both provincial and municipal elections occurring at established, predictable times; and

WHEREAS this change will provide an opportunity to create a stable electoral cycle and a system which clarifies the electoral process for citizens; and

WHEREAS there may be opportunities for cost efficiencies by co-ordinating the two electoral systems;

NOW THEREFORE BE IT RESOLVED THAT the Province of Ontario be requested to extend the municipal term of office to coincide with the new provincial term of office;

AND BE IT FURTHER RESOLVED THAT the provincial election date be offset from the municipal election date so that it occurs within the year preceding the municipal election date;

AND BE IT FURTHER RESOLVED THAT once the dates have been established, the Province of Ontario grant a one time extension of the current municipal term of office to permit the system to be in place for the next municipal and provincial elections; and

AND BE IT FURTHER RESOLVED THAT the Clerk be requested to submit a report to the Policy and Finance Committee on savings that might accrue from such matters as:

- (a) common voters lists;
- (b) the use of shared electoral organizations;
- (c) shared facilities like constituency offices;
- (d) the oversight of election finances; and
- (e) an extended term of office;

AND BE IT FURTHER RESOLVED THAT this position be conveyed to the Association of Municipalities of Ontario with a request that the Association support this proposal and convey it to the Minister of Municipal Affairs and Housing on the City's behalf."

Disposition:

City Council on July 20, 21 and 22, 2004, referred this Motion to the Administration Committee.

J(53) By-law to Deem Parts of Plan 2053 to not be a Registered Plan for the Purpose of Subdivision Control, under the *Planning Act*

Moved by: Deputy Mayor Feldman

Seconded by: Councillor Minnan-Wong

“**WHEREAS** authority is given to Council by subsection 50(4) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, to pass a by-law to designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision, for the purpose of subdivision control; and

WHEREAS Plan 2053 was registered more than eight years ago; and

WHEREAS Plan 2053 created lots that are 9.14 m wide; and

WHEREAS it is expedient and prudent to ensure that the creation of lots in this area that are 9.14m wide be considered either by Council, or by the Committee of Adjustment;

NOW THEREFORE BE IT RESOLVED THAT a By-law that deems parts of Plan 2053 not to be a registered plan for the purpose of subdivision control, as set out in subsection 50(3) of the *Planning Act*, be brought forward for enactment at the Toronto City Council meeting of July 20, 21 and 22, 2004;

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 July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(54) 134, 136 and 138 Finch Avenue West, rear portion of 16, 18 and 18A Altamont Road and Part Lot 23, Registered Plan 2056

Moved by: Councillor Filion

Seconded by: Councillor Moscoe

“**WHEREAS** Clause 28, Report 7 of The North York Community Council, as adopted by City Council at its meeting held on September 22, 23, 24 and 25, 2003, headed ‘Final Report - Application to Amend the Official Plan and Zoning By-law 7625 - TB OPA 2003 0011 – Berkley Homes (Finch) Inc. (RN Design) – 134, 136 and 138 Finch Avenue west, rear portions of 16, 18 and 18A Altamont Road and Part Lot 23, Registered Plan 22056’, as amended; and

WHEREAS Recommendation (4)(e) of the Final Staff Report recommended that the applicant have obtained Site Plan Approval under Section 41 of the *Planning Act* from the Acting Director, Community Planning, North District, prior to the introduction of the necessary Bills to City Council for enactment; and

WHEREAS the site plan requires further minor revisions that will not substantially alter the Council approved proposal for these lands;

NOW THEREFORE BE IT RESOLVED THAT Recommendation (4)(e) of the Final Staff Report be deleted and the necessary Bills be introduced to City Council for approval.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

J(55) Ontario Municipal Board Appeal – 275 Yonge Street

Moved by: Councillor Rae

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** the Urban Development Services Department received a Site Plan application from Prime Properties to redevelop 275 Yonge Street (a historically designated building) into a modern retail building on February 9, 2004; and

WHEREAS the City provided comments to the applicant on April 15, 2004 stating that the development could proceed, based on revisions requested by City staff; and

WHEREAS the applicant appealed this application to the Ontario Municipal Board pursuant to Section 41 (12) of the *Planning Act*;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto instruct the City Solicitor and the Acting Chief Planner to attend the Ontario Municipal Board in support of appropriate massing and other changes to the application that respect the heritage designation of the property, and authorize use of outside planning consultants, if deemed necessary by the City Solicitor.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion, without amendment.

CONDOLENCE MOTION:

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

Seconded by: Councillor Ashton

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of Mr. John ‘Cameron’ Watson on July 16, 2004, in his eighty-third year; and

WHEREAS Cameron Watson was born and lived his whole life on the Watson Farm in Highland Creek where he grew apples which he and his family sold at the Watson Farm, and at the St. Lawrence North Saturday Market for over 75 years, until his recent failing health prevented his farming activity; and

WHEREAS Mr. Watson was a long-standing member of the Centennial Rouge United Church and a charter member of the Centennial Recreation and Community Association; and

WHEREAS in memory of his mother, he established The Beatrice Acheson-Watson Foundation, a charitable organization dedicated to alleviating the suffering of all animals; and

WHEREAS more than twenty-five years ago he created The Kindness Club, an educational program established to teach children to be kind to all creatures; and

WHEREAS over those twenty-five years, The Kindness Club was expanded throughout the Greater Toronto Area schools and more than one-million students benefited from his message of kindness to animals;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to his surviving sister Mrs. Margaret Krainik and her family, and also to those he considered to be his ‘community family’ in the Centennial-Rouge United Church and within the Centennial Community.”

Disposition:

City Council on July 20, 21 and 22, 2004, adopted this Motion unanimously.

Toronto, Ontario
July 27, 2004

City Clerk.