

CERTIFICATE OF AMENDMENTS

Certified to be a true copy of amendments to:

Deferred Clauses:

Community Services Committee Report 5, Clause 7a,
Economic Development and Parks Committee Report 5, Clause 15a,
Works Committee Report 6, Clause 6a, and
North York Community Council Report 6, Clause 37a.

New Reports:

Administration Committee Report 6,
Administration Committee Report 7,
Community Services Committee Report 6,
Economic Development and Parks Committee Report 6,
Planning and Transportation Committee Report 6,
Policy and Finance Committee Report 7,
Works Committee Report 8,
Etobicoke York Community Council Report 7,
North York Community Council Report 7,
Scarborough Community Council Report 7,
Toronto and East York Community Council Report 7,
Audit Committee Report 5,
Board of Health Report 6,
Nominating Committee Report 4, and
Nominating Committee Report 5,

and Notices of Motions as adopted by the Council of the City of Toronto at its regular meeting held on September 28, 29, 30 and October 1, 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 COMMUNITY SERVICES COMMITTEE REPORT 5

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

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

DEFERRED CLAUSE FROM ECONOMIC DEVELOPMENT AND PARKS COMMITTEE REPORT 5

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

City Council on September 28, 29, 30 and October 1, 2004, referred this Clause to the Commissioner of Economic Development, Culture and Tourism for further consideration.

DEFERRED CLAUSE FROM WORKS COMMITTEE REPORT 6

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

City Council on September 28, 29, 30 and October 1, 2004, did not adopt this Clause.

ADMINISTRATION COMMITTEE REPORT 6

- Clause 2** - **“Declaration as Surplus - Residual Portion of Closed Road Allowance Running North from Lawrence Avenue East, Between 6520 and 6530 Lawrence Avenue East (Ward 44 - Scarborough East)”.**

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004; and the Commissioner of Economic Development, Culture and Tourism was requested to submit a report to that meeting of Council, determining the future use of this property as a pedestrian access from a residential subdivision to the Port Union Waterfront Trail, which is presently under construction.

- Clause 5** - **“Acquisition of 319-321 Jarvis Street (Ward 27 - Toronto Centre-Rosedale)”.**

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by adding the following:

“That the following staff recommendations contained in the Recommendation Section of the confidential report (September 28, 2004) from the Commissioner of Corporate Services and the Commissioner of Community and Neighbourhood Services be adopted, such recommendations are now public and the balance of such report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information about the proposed or pending acquisition of land:

‘It is recommended that:

- (1) the Offer to Sublease and Consent Agreement for the property located at 319-321 Jarvis Street with Hotel Raffles Limited and 658478 Ontario Limited respectively, be approved on the terms and conditions set out in the body of this report and in a form acceptable to the City Solicitor;
- (2) the Commissioner of Corporate Services be authorized to execute the Offer to Sublease and Consent Agreement and any related sublease agreement or documentation to give effect thereto on behalf of the City, in a form acceptable to the City Solicitor;
- (3) the Commissioner of Corporate Services be authorized to administer and manage the Sublease and Consent Agreement described in Recommendation (1), including the provision of any consents, notices and notices of termination, provided that the Commissioner may, at any time, refer consideration of such matter (including their content) to City Council for its determination and direction;
- (4) all documentation necessary or desirable to permit the use and occupation of the Property as a shelter for homeless people and the operation of the Property by a related community operator, be authorized upon such terms and conditions as are satisfactory to the Commissioner of Community and Neighborhood Services, in consultation with the Commissioner of Corporate Services, to the extent applicable, and in a form acceptable to the City Solicitor; and
- (5) 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 10 - “Replacement Toner Cartridges”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 13 - “Settlement with Purchaser of Former City-Owned Property, South Side of Brooke Avenue, Between 133-141 Brooke Avenue (Ward 16 - Eglinton-Lawrence)”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by adding the following:

“That the City Solicitor be requested to review and report to the Administration Committee on the language used in the City’s agreements of purchase and sale to ensure that the City has the strongest possible protection against claims related to the condition of the land at the time of the sale, particularly as it relates to any City infrastructure, latent defects, or environmental contamination on the property.”

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

Clause 15 - “Redevelopment of TTC Yonge-Eglinton Lands – Issues (Ward 22 - St. Paul’s)”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 19 - “Disposition of a Vacant Parcel of Land - Located on the South Side of Ranee Avenue, West of the William R. Allen Expressway (Ward 15 - Eglinton-Lawrence)”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by adding the following:

“That City Council adopt the following staff recommendations contained in the Recommendations Section of the report (September 23, 2004) from the Commissioner of Corporate Services:

‘It is recommended that:

- (1) the Offer to Purchase from Walton Advocates to purchase the parcel of vacant land located on the south side of Ranee Avenue, west of the William R. Allen Expressway, being Part Lot 8 Concession 2, WYS and Part of Lot 5 on Registered Plan 4099, designated as Parts 2 to 8 on Reference Plan 66R-20608 (the “Property”) in the amount of \$521,000.00, be accepted on the terms outlined in the body of this report, and that either one of the Commissioner of Corporate Services or the Director of Real Estate Services be authorized to accept the Offer on behalf of the City;
- (2) authority be granted to direct a portion of the proceeds on closing to fund the outstanding expenses related to the Property;

- (3) the City Solicitor be authorized to complete the transaction on behalf of the City, including making payment of any necessary expenses and amending the closing date to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable; and
- (4) 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.

ADMINISTRATION COMMITTEE REPORT 7

Clause 1 - “Supply, Delivery and Installation of Desktop and Notebook Computers and Related Products and Services - Request for Proposal 3401-04-3216”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause:

- (1) to provide that should this contract be approved, the Commissioner of Corporate Services be requested to ensure that the contract section respecting Printers, not be awarded until the City is satisfied that the supplier is in agreement that the City has the right to use recyclable non-OEM cartridges and this requirement would not void the manufacturer’s warranty; and further, that the Commissioner of Corporate Services be requested to submit a report to the Administration Committee and Council on this requirement prior to the procurement of any printers contemplated in this RFP; and
- (2) by adding the following:

“That the Auditor General be requested to consider reviewing and recommending further improvements to the RFP process respecting the following:

 - (a) basket of items - compulsory or non-compulsory bidding necessity;
 - (b) ratings of bidders i.e., points scoring system, category or subject area under consideration, bidders teams and the effectiveness of this process; and
 - (c) the Fairness Commissioner selection and appointment process, including:
 - (i) when appointed;
 - (ii) terms of reference;
 - (iii) approval by Committee and Council; and
 - (iv) pre-qualified list of Commissioners, etc.”

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

COMMUNITY SERVICES COMMITTEE REPORT 6

Clause 1 - **“Amendments to the City of Toronto Municipal Code to Recover Fees Unpaid by Condominium Corporations to Toronto Fire Services”.**

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause to provide that prior to the City adding fees for false alarms to the tax roll, Toronto Fire Services provide for an opportunity for condominium corporations to make submissions, and that these corporations be issued a notice of hearing in this regard.

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

Clause 5 - **“Supporting Communities Partnership Initiative Allocations (2003-2006): SCPI Capital Projects, Transitional Housing and Programs Fund Recommendations”.**

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by adding the following:

“That for SCPI funded projects, the Commissioner of Community and Neighbourhood Services be requested to provide in each staff report, the indicators to be used to measure the outcome and impact of each project, and, based on the final results, report to the Community Services Committee on the actual outcome and impact at the conclusion of the program.”

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

Clause 10 - **“Update Regarding the Status of Litigation with The Learning Enrichment Foundation”.**

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

ECONOMIC DEVELOPMENT AND PARKS COMMITTEE REPORT 6

Clause 4 - **“Recreation Facilities Report (All Wards)”.**

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause:

- (1) to provide that the capital projects with development charges, parks levies and Section 37 benefits be advanced into five year capital expenditures;
- (2) by amending Recommendation (4) of the Economic Development and Parks Committee to provide that lower priority projects can proceed in advance of higher priority projects if circumstances such as availability of land, partnership opportunities, Section 37 benefits or development charges enable the work to proceed; and
- (3) by adding the following:

“That:

- (a) the Chief Financial Officer and Treasurer be requested to set up an appropriate reserve fund to receive contributions for the Wabash Sorauren Community Centre, identified as a priority in Recommendation (4)(g) of the report dated August 20, 2004, from the Commissioner of Economic Development, Culture and Tourism, so that contributors are able to receive tax contribution receipts from the City; and
- (b) Council acknowledges that development options under consideration in the TTC Subway Lands - Warden Corridor Land Use Planning Study have the potential to substantially increase the population in the Warden Corridor and the demand for parks, community and recreation facilities, and further, that the Commissioner of Economic Development, Culture and Tourism be directed to consider the findings of such Study in planning and implementation strategies for future parks, recreation and other community facilities and services required to serve the study area.”

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

Clause 7 - “Intention to Designate the Korea Town Business Improvement Area (BIA) (Wards 19 and 20 Trinity-Spadina)”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause:

- (1) by amending Recommendation (1) of the Economic Development and Parks Committee to provide that Map 1 be replaced with the revised Map 1 dated September, 2004;
- (2) to provide that the boundaries for the proposed Korea Town Business Improvement Area (BIA) be revised as per the revised Map 1;
- (3) by authorizing the City Clerk to send out a revised notice as soon as possible; and
- (4) to provide that, subject to a favourable poll, the poll results should be reported directly to Toronto Council.”

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

PLANNING AND TRANSPORTATION COMMITTEE REPORT 6

Clause 3 - “Age of Vehicles Used as Taxicabs”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by deleting the recommendations of the Planning and Transportation Committee, and adopting instead the staff recommendations contained in the Recommendations Section of the report dated July 26, 2004, from the Commissioner of Urban Development Services.

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

Clause 4 - “Taxicab Driver Safety”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 5 - “The Greater Golden Horseshoe Growth Plan Discussion Paper, ‘Places to Grow’ ”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by adding the following to Recommendation (1) contained in the report (August 27, 2004) from the Commissioner of Urban Development Services:

- “(1) (xv) request that the final version of the Plan include an acknowledgement of the complex needs of stable residential neighbourhoods and that intensification in urban centres must be balanced with those needs;”.

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

POLICY AND FINANCE COMMITTEE REPORT 7

Clause 1 - “St. Clair Avenue West Transit Improvement Environmental Assessment – Yonge Street to Gunns Road (just West of Keele Street) (St. Paul’s, Davenport, York South-Weston)”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by adding the following:

“That:

- (1) Council express its desire that the number of legal parking spaces along the St. Clair Avenue West right-of-way be no less than at present and preferably increased, on the street and at off-street locations, and that City of Toronto Departments, Agencies, Boards and Commissions be requested to implement this resolution;

- (2) during the construction phase of the St. Clair Avenue West transit improvements, parking enforcement on the side streets be conducted on a complaint basis only;
- (3) the Acting Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on the impact to businesses with respect to garbage collection on St. Clair Avenue West during road reconstruction;
- (4) the Acting Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services be requested to report to the Planning and Transportation Committee on an alternative which would use Queen Street West vehicle lane widths on St. Clair Avenue West and using the gained space for bicycles and/or wider sidewalks;
- (5) the Commissioner of Corporate Services, in conjunction with the Acting Commissioner of Works and Emergency Services, be requested to submit a confidential report to the Administration Committee identifying and detailing the expropriation and other related costs of each property required as a result of Council's adoption of this Clause;
- (6) the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Urban Development Services be requested to report to the Economic Development and Parks Committee on how the goals and objectives of 'Our Future Together: A Community Based Revitalization Strategy for St. Clair Avenue West', previously approved by Council, can be advanced in conjunction with this project, and on what resources can be provided by those departments, and the project budget, to support the goals and objectives;
- (7) the Toronto Transit Commission be requested to request the Chief General Manager, Toronto Transit Commission, to:
 - (i) liaise with GO Transit, in consultation with the Acting Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services, to ensure that the construction period does not negatively coincide with the 'GO Transit Rail-to-Rail Grade Separation diamond construction' near Old Weston Road, which will require a substantial number of road closures; and
 - (ii) report to the Toronto Transit Commission on:
 - (a) ways to make the City's streetcars accessible;
 - (b) the requirement for new streetcars to replace the aging fleet as it pertains to the projected 25-year life cycle of the St. Clair Avenue streetcar right-of-way; and
 - (c) implementing full bus transit services from Gunns Road to Scarlett Road;

- (8) the Toronto Parking Authority be requested to continue to ensure that parking rates remain affordable at current rates for five (5) years following completion of construction; and
- (9) Council extend its thanks to the staff involved in the Environmental Assessment Team for their diligence and hard work pertaining to this matter.”

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

Clause 2 - “Harmonized City-Wide Private Tree By-law (All Wards)”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause:

- (1) to provide that:
 - (i) the By-law become effective immediately;
 - (ii) enforcement for the first six months be on a complaint basis only;
 - (iii) the application fees shall not apply to trees that are designated by the Commissioner of Economic Development, Culture and Tourism to be dead, diseased or hazardous;
 - (iv) seniors (aged 65 and over) be exempt from all fees with respect to the Private Tree By-law;
 - (v) the provisions of the Private Tree By-law not apply to areas designated as ravines and protected under the Ravine Protection By-law; and
 - (vi) in non-commercial applications, the requirement for a report by a private Arborist may be waived at the discretion of the City Arborist; and
- (2) by adding the following:

“That:

 - (i) no front yard parking be allowed where a tree has to be removed;
 - (ii) all Councillors be requested to take steps to inform constituents of the new By-law;

- (iii) a 30-day threshold for processing of routine applications be set as the performance standard objective to be achieved, and that the Commissioner of Economic Development, Culture and Tourism be requested to report to the Economic Development and Parks Committee in May 2006, on the effectiveness of the Private Tree By-law and related application processing performance measures;
- (iv) the Chief Administrative Officer be requested to report to the Policy and Finance Committee on designating a department (and its budget) that is responsible for the upkeep and replacement of trees on TTC medians;
- (v) the Commissioner of Economic Development, Culture and Tourism be requested:
 - (a) to examine, in consultation with the Chief Financial Officer and Treasurer, a rebate program for planting trees on private property, and submit a report on this matter to the Economic Development and Parks Committee;
 - (b) to report to the Economic Development and Parks Committee on the feasibility of adjusting the staffing plan such that as many as possible of the seven new positions be seasonal, and that any money saved be allocated to planting new trees;
 - (c) to report to Council for its November 2004 meeting, through the Economic Development and Parks Committee, on the resource implications of the accelerated effective date of this By-law; and
 - (d) to report to the November 2004 meeting of the Economic Development and Parks Committee on:
 - (1) the current backlog of tree trimming/pruning, tree removal due to diseased or decayed trees, the outstanding stump removal and tree replacement requests made directly to City staff from all Council offices, or any other sources; and
 - (2) a strategy to eliminate the backlog, including any budgetary requirements necessary to deal with the number of requests outstanding and pending, i.e., the average number of requests for these services to City trees annually;
- (vi) the Commissioner of Urban Development Services and the Commissioner of Economic Development, Culture and Tourism be requested to report to the Economic Development and Parks Committee on a strategy to increase the tree canopy on private and public lands in the City of Toronto, to include space for planting groups of trees and the growth of mature trees;

- (vii) the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee on how the City, through site plan control and for sub-division agreements, can increase the number of trees or the size of the caliper of the trees that is asked for; and
- (viii) the City Solicitor be requested to report to the Economic Development and Parks Committee on how the By-law would be effectively enforced, and that such report include information on the number of City and private trees illegally removed since January 2002, what legal action was taken by the City, and the results of such action.”

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

Clause 3 - “Toronto Election Finance Review Task Force Recommendations”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause:

- (1) by amending Recommendation (1)(ii) of the Policy and Finance Committee to provide that if the Minister of Municipal Affairs and Housing introduces legislation to amend the *Municipal Elections Act, 1996* to prohibit corporations and trade unions from making contributions to the campaigns of municipal candidates, that such legislation also include provisions to permit a municipal council to pass a by-law to provide for a method of public funding to candidates on such terms and conditions as may be provided for in the by-law;
- (2) by amending Recommendation (4) of the Policy and Finance Committee to provide that the application of this policy (Campaign Surpluses) not be retroactive, but be on a ‘go-forward’ basis;
- (3) by deleting Recommendation (5)(i) of Policy and Finance Committee, as it conflicts with Recommendation (5)(iv);
- (4) by amending Recommendation (5)(iii) of the Policy and Finance Committee to read as follows:
 - “(iii) to treat the replacement cost of election signs or other election materials that have been vandalized, stolen and/or destroyed and are subject to a police report, as an expense not subject to the spending limit for the office;”;
- (5) by amending Recommendation (6) of the Policy and Finance Committee to read as follows:

- “(6) That the reporting of revenues and expenditures should be made more transparent by implementing mandatory electronic filing, providing definitions for expense categories, the use of more detailed report forms (including Form 5) by all candidates, and a continuation of the requirement that audits be conducted for all campaigns;”;
- (6) by deleting Recommendation (8) of the Policy and Finance Committee, and inserting instead the following:
- “(8) That should the Province fail to enact the appropriate changes to the *Municipal Elections Act, 1996* prior to the 2006 election, the Auditor General, as part of his 2006/2007 workplan, review the financial statements filed by Members of Council after the 2006 election and report to Council, through the Audit Committee, on any other irregularities or inconsistencies contained therein.”
- (7) by amending Recommendation (10) of the Policy and Finance Committee to read as follows:
- “That a booklet and a CD listing all the contributors and their contributions over \$100.00 be published and posted on an appropriate section of the City Web page by the City Clerk’s office after the first financial filing at the end of March in the year following an election and that, for reporting purposes, the statistics for corporations and trade unions each be separated;”;
- (8) by adding the following:
- “That:
- (i) the Minister of Municipal Affairs and Housing be requested to amend the *Municipal Elections Act, 1996* to provide that the campaign period of a candidate elected by acclamation shall end on the Monday following nomination day unless the candidate’s campaign is in a deficit position on that date; and further, that if the candidate has a deficit, he or she may only continue to raise funds to:
- (a) eliminate any campaign deficit; and
- (b) provide for an amount equal to 10 percent of the spending limit for the office for the sole purpose of holding a post-election party; and
- (ii) the Chief Financial Officer and Treasurer, in consultation with the City Clerk, be requested to report to the Administration Committee on campaign surpluses being used to fund the Election Contribution Rebate Program.”

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

In summary, Council has adopted the following:

- (I) the Minister of Municipal Affairs and Housing was requested to amend the *Ontario Municipal Elections Act, 1996*:
 - (1) to provide that contributions to all candidates for councillor by an individual be limited to \$5,000 with a maximum of \$750 to any one candidate and to \$2,500 for all candidates for the office of head of a municipality with a maximum of \$2,500 to any one candidate;
 - (2) to prohibit corporations or trade unions from making municipal election contributions, and that such legislation also include provisions to permit a municipal council to pass a by-law to provide for a method of public funding to candidates on such terms and conditions as may be provided for in the by-law;
 - (3) to provide that contributions of goods and services must be reported and properly receipted as campaign contributions using provincial laws as the standard;
 - (4) to require that surpluses become the property of the municipality if they are not used in the election for which they were raised, and that the application of this policy not be retroactive, but be on a 'go-forward' basis;
 - (5) to include the necessary statutory provisions to clarify the intent of the Act that a person shall not raise money or incur expenses in connection with an election until such time as that person has filed a nomination paper;
 - (6) to treat the replacement cost of election signs or other election materials that have been vandalized, stolen and/or destroyed and are subject to a police report, as an expense not subject to the spending limit for the office;
 - (7) to permit fund-raising expenses up to an amount equal to the spending limit for the office to be an expense; (so as to change spending limits from 25 percent to 100 percent);
 - (8) to treat child care expenses as an excluded expense;
 - (9) to provide that the reporting of revenues and expenditures should be made more transparent by implementing mandatory electronic filing, providing definitions for expense categories, the use of more detailed report forms (including Form 5) by all candidates, and a continuation of the requirement that audits be conducted for all campaigns;

- (10) to provide that monitoring and enforcement of the provisions of the *Municipal Elections Act* be the responsibility of Elections Ontario and that sufficient power be given to Elections Ontario to provide appropriate enforcement of the provisions of the *Municipal Elections Act*; and that should the Province fail to enact the appropriate changes to the *Municipal Elections Act, 1996* prior to the 2006 election, the Auditor General, as part of his 2006/2007 workplan, review the financial statements filed by Members of Council after the 2006 election and report to Council, through the Audit Committee, on any other irregularities or inconsistencies contained therein;
 - (11) to permit a booklet and a CD listing all the contributors and their contributions over \$100.00 to be published and posted on an appropriate section of the City Web page by the City Clerk's office after the first financial filing at the end of March in the year following an election and that, for reporting purposes, the statistics for corporations and trade unions each be separated;
 - (12) to permit a rebate program or a grant program at the discretion of the local municipality;
 - (13) to provide that if a candidate is elected or receives 15 percent of the votes, the City pays for the cost of the audit; and
 - (14) to provide that the campaign period of a candidate elected by acclamation shall end on the Monday following nomination day unless the candidate's campaign is in a deficit position on that date; and further, that if the candidate has a deficit, he or she may only continue to raise funds to:
 - (a) eliminate any campaign deficit; and
 - (b) provide for an amount equal to 10 percent of the spending limit for the office for the sole purpose of holding a post-election party;
- (II) the following Recommendations (3), (7) and (13) of the Policy and Finance Committee were also adopted:
- “(3) receive the following Toronto Election Finance Review Task Force Recommendation No. (3) – “Debts of a Candidate”, as recommended by the Administration Committee:
- ‘That the debts of a candidate remaining unpaid 12 months after voting day will be deemed to be a contribution unless the candidate can show that he/she cannot afford to pay these debts;’;

- (7) receive the following Toronto Election Finance Review Task Force Recommendation No. (7) – “Joint Campaigns”, as recommended by the Administration Committee:

‘That joint campaigns be recognized in the Municipal Elections Act, be subject to written agreements between the participants, that a joint bank account be opened with specific rules set out for the operation of the account and a provision that all joint expenditures be paid only through this account on an equitable basis, that the agreement be filed at the time the bank account is opened, and that a separate filing be made for each joint account and each participant should attach a copy of the filing to the participant’s return.’; and

- (13) receive the report (September 1, 2004) from the City Clerk, entitled ‘Staff Report on the Toronto Election Finance Review Task Force Recommendations’.’; and

- (III) the Chief Financial Officer and Treasurer, in consultation with the City Clerk, was requested to report to the Administration Committee on campaign surpluses being used to fund the Election Contribution Rebate Program.

Clause 4 - “Ricoh Coliseum Proposal – Precondition of Signage Approval, Liability Issues and – Amendments to the Lease and Sublease”.

City Council on September 28, 29, 30 and October 1, 2004, adopted the following:

“That:

- (1) the staff recommendations contained in the Recommendations Section of the confidential report dated September 1, 2004, from the General Manager and CEO, Exhibition Place, entitled “Exhibition Place – Ricoh Coliseum – Amendments to the Lease and Sublease”, be adopted, such report to remain confidential in its entirety, in accordance with the provisions of the *Municipal Act*, as it contains information related to the security of the property of the Municipality; and
- (2) the Lease be amended on such terms and conditions as required by the Chief Financial Officer and Treasurer and the City Solicitor to provide that, upon the termination of the 20-year sublease to Maple Leaf Sports and Entertainment Limited, or the 10-year renewal term, by expiry or otherwise, the amount of the base and percentage rent to be paid by the Tenant for the remainder of the term of the Lease shall be based upon the current Lease terms with amendment as follows:
- (a) that the Tenant shall remain obligated to pay all costs under the current lease; and

- (b) that the current rent provisions of the Lease shall be amended so that the Tenant shall be obligated to pay to the City/Board as Landlord, the greater of:
 - (i) the Annual Basic Rent for the applicable Lease Year (calculated with increases for CPI); or
 - (ii) 50 percent of Net Cash Flow (defined as net of those costs as set out in clause (a)) generated from the operation of the premises by the Tenant or any subtenant of the premises.”

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

Clause 11 - “Emergency Medical Services (EMS) Operating Variance Report for Four Months Ended April 30, 2004”.

City Council on September 28, 29, 30 and October 1, 2004, received this Clause.

Council also requested the Chief Financial Officer and Treasurer to submit a report to the Policy and Finance Committee on outstanding dollars for programs, commitments, funding short falls and unfulfilled promises payable by the Province of Ontario and the Federal Government to the City of Toronto.

Clause 14 - “Toronto’s No Smoking By-law (Municipal Code Chapter 709-Smoking), Offer of Enforcement Enhancement from the Association of Local Public Health Agencies (alPHa)”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 15 - “Policy on Management of Operating Budget Surpluses”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by referring the following Recommendation (1) contained in the report (July 8, 2004) from the Chief Financial Officer and Treasurer, to the Budget Advisory Committee for consideration:

- “(1) the surplus carried forward be zero by the 2007 fiscal year and that this be accomplished by reducing the surplus carried forward in 2005 to a target level of \$10 million, in 2006 to \$5 million and 2007 to zero;”.

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

Clause 16 - “Summary of Changes in Approved Staff Positions and Gross Expenditures from 1997 to 2004”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 17 - “Water Meter Replacement and Meter Reading Technology Project”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause to provide that the number of installations for the Water Meter Replacement pilot project be changed from 25,000 to 10,000.

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

Clause 18 - “Toronto Transit Commission (TTC) Ridership Growth Strategy - 2004 Budget Adjustment and 2005 Budget Pre-Approval”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 20 - “Offer to Settle Claim Arising from Construction of the Ledbury Community Centre (Ward 16 - Eglinton-Lawrence)”.

City Council on September 28, 29, 30 and October 1, 2004, adopted the following:

“That Council adopt the staff recommendations contained in the Recommendations Section of the confidential report dated July 7, 2004, from the Commissioner of Economic Development, Culture and Tourism and the City Solicitor. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act*, as it contains information that is subject to litigation or potential litigation.”

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

Clause 23 - “Enwave Energy Corp – Assignment of Agreements as Collateral Security for Financing”.

City Council on September 28, 29, 30 and October 1, 2004, adopted the following:

“That:

- (1) Council adopt the following staff recommendations contained in the Recommendations Section of the confidential report dated September 3, 2004, from the Chief Financial Officer and Treasurer and the City Solicitor, such recommendations are now public and the balance of such report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information related to the security of the property of the Municipality:

‘It is recommended that:

- (1) the City consent to Enwave Energy Corporation assigning its interest in the Energy Transfer Agreement and the Share and Asset Purchase Agreement to the Green Municipal Investment Fund as collateral security for performance of Enwave’s obligations under its credit agreement with GMIF, subject to the assignments and consents being satisfactory to the City Solicitor and the Chief Financial Officer and Treasurer; and
- (2) the appropriate staff be authorized to sign the consent and acknowledgements and take any other actions and execute any other documents as may be required to give effect to these recommendations.’;
- (2) the Chief Financial Officer and Treasurer and the City Solicitor be requested to report to the Policy and Finance Committee in November 2004, on reasons why Enwave Energy Corporation entered into this agreement prior to Council approval; and
- (3) Enwave Energy Corporation again be reminded of the following recommendation adopted by City Council on January 27, 28 and 29, 2004:

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

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

Clause 31 - “Implementation of the Changes to the Employee Separation Program”.

City Council on September 28, 29, 30 and October 1, 2004, referred this Clause to the Employee and Labour Relations Committee for consideration at its November 2004 meeting, with a request that the Commissioner of Corporate Services provide the Committee with the following:

- the contract containing the Revision to Contract language, showing both the previous and revised wording;

- the actual research material on severance treatment in the private/public sector; and
- the actual research data supporting the 90 percent criteria on salary and benefits;

and that Councillor Balkissoon be invited to attend the meeting at which this matter will be considered.

Clause 32 - “Employee Suggestion Program”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 35 - “Member Requests for Information and Review of Council Procedures Regarding Various Matters”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by adding the following:

“That, in addition to the City Clerk, the following Members of Council be appointed to the Working Group on the Procedure By-law and the Meeting Management Initiative:

Councillor Adam Giambrone (Mayor’s designate);
Deputy Mayor Sandra Bussin (Member of City Council);
Councillor Peter Milczyn (Chair, e-city Committee);
Councillor David Soknacki (Member, Policy and Finance Committee); and
Councillor Michael Walker (Member, Administration Committee).”

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

Clause 36 - “Status Report on Performance Measurement in the City of Toronto”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 37 - “Appointment of Community Members for the Roundtable on a Beautiful City”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 39 - “Toronto Police Service - 2004 Race Relations Outreach Program”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

WORKS COMMITTEE REPORT 8

Clause 1 - “Publication Box Strategy - Beautiful City Initiative”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 2 - “Prohibition of Materials from Landfills in Michigan”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause:

- (1) in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (September 29, 2004) from the Acting Commissioner of Works and Emergency Services:

“It is recommended that City Council:

- (1) amend Municipal Code Chapter 844, Waste Collection, Residential Properties, to prohibit collection of tires, as specified in the attached proposed Bill (Appendix A);
 - (2) adopt a new City of Toronto Municipal Code Chapter, Waste Transfer Stations, to govern the receipt of materials at the City’s transfer stations and to amend Chapter 441, Fees, to include fees or charges for services at transfer stations, as specified in the attached proposed Bill (Appendix B); and
 - (3) authorize and direct the appropriate City officials to take the necessary action to give effect thereto.”; and
- (2) by adding the following:

“That the communication dated September 27, 2004, from Tony O’Donohue, President, Environmental Probe Ltd., be referred to the Works Committee for consideration.”

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

Clause 3 - “Solid Waste Collection in New Residential Developments”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by referring the following Recommendations (3) and (4) of the Works Committee to the Acting Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services for a report to the Planning and Transportation Committee:

- “(3) a moratorium be issued on the approval of private roads and laneways in new residential developments until staff report back on the standards for public streets; and
- (4) as the Works Committee does not support centralized garbage locations in new residential developments, Works and Emergency Services staff be directed to not provide garbage collection services to centralized locations in new residential developments.”

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

Clause 4 - “Getting to 60% Diversion and Beyond Report”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 6 - “Establishment of a Grants Sub-Committee of the Works Committee for the Community Program for Stormwater Management”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause to provide that the Grants Sub-Committee established by the Works Committee be named the Community Partnership Sub-Committee of the Works Committee.

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

Clause 7 - “Wet Weather Flow Management Master Plan - Outstanding Issues”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by:

- (a) deleting from Recommendations (1) and (3) contained in the report dated August 26, 2004, from the Acting Commissioner of Works and Emergency Services the words “caused by the Humber River discharge”, so that the recommendations now read:
 - “(1) the environmental assessment process be initiated to develop an integrated set of solutions, both short term and long term, that address all options for resolving water pollution along the Western Beaches;

- (2) funding of \$50,000 from the approved 2004 Water and Wastewater Services Capital Budget be used to initiate the environmental assessment process in 2004; and
- (3) staff be authorized to undertake the environmental assessment that will address pollution along the Western Beaches.”; and

(b) adding the following:

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

- (1) report separately to a future meeting of the Works Committee on the establishment of a Wet Weather Flow Management Master Plan (WWFMMP) Implementation Committee; and
- (2) provide a presentation on the implementation plan for the Wet Weather Flow Management Master Plan at the time he submits the report requested in Part (1) above; and further, that the presentation include a summary of sewer separation projects that are included in road reconstruction capital plans.”

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

Clause 9 - “Harbour Remediation and Transfer Inc. - Claim and Related Third Party Claim of Fred Dominelli”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 10 - “Disposal of Abandoned Shopping Carts”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by adding the following:

“That:

- (1) the Acting Commissioner of Works and Emergency Services, the Commissioner of Urban Development Services and the Commissioner of Economic Development, Culture and Tourism, in consultation with industry stakeholders, be requested to report to the Works Committee, as soon as possible, on a strategy to prevent shopping carts from being abandoned in the stairwells of apartment buildings, in the City’s ravines, and other public areas; and
- (2) the Acting Commissioner of Works and Emergency Services be requested to arrange for the Albion Creek, from Martingrove Road to Stevenson Road, to be cleared of obstructions that are currently impeding the flow of the river and destroying the vegetation.”

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

Clause 13 - "Purchase of Sole-Sourced Essential Goods and Services Required by the Solid Waste Management Services Division".

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by amending Recommendation (2) of the Works Committee to read as follows:

- “(2) the Acting Commissioner of Works and Emergency Services be requested to meet with the Auditor General and the Director of Purchasing and Materials Management, and report back as soon as possible on a process for controlling and monitoring sole source contracts.”

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

Clause 20 - "Other Items Considered by the Committee".

City Council on September 28, 29, 30 and October 1, 2004, waived the necessary provisions of Chapter 27 of the City of Toronto Municipal Code, in order to consider the following Items:

- Item (m), entitled “R.C. Harris Filtration Plant - Residue Management Facility, Contract No. 04FS-50WS, Tender Call No. 170-2004 (Ward 36 – Scarborough Southwest)”; and
- Item (x), entitled “Second Quarter Operating Financial Report”.

(1) with respect to Item (m), Council adopted the following:

“WHEREAS at its meeting of September 8, 2004, the Works Committee had before it a report from the Acting Commissioner of Works and Emergency Services concerning the Award of Contract No. 04FS-50-WS- for the Residue Management Facility at the R.C. Harris Filtration Plant; and

WHEREAS the Works Committee referred the report back to the Acting Commissioner to issue an addendum to the contract to pre-qualified vendors and to report back to the Works Committee on the barging option; and

WHEREAS the Acting Commissioner has reviewed the matter and the actions adopted by the Works Committee and, in particular, has reviewed and considered possible options with respect to the removal of excavated material from the site during construction, through barging; and

WHEREAS, in order to expedite the award of the Contract and the performance of the contract work, the Acting Commissioner is prepared to make recommendations directly to Council, and has prepared a report for the consideration of Council to that effect;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the following recommendations contained in the Recommendations Section of the report dated September 27, 2004, from the Acting Commissioner of Works and Emergency Services:

‘It is recommended that:

- (1) the following recommendations of the staff report dated August 19, 2004, from the Acting Commissioner of Works and Emergency Services and Chief Financial Officer and Treasurer, for the R.C. Harris Filtration Plant, Residue Management Facility, Contract No. 04FS-50WS, Tender Call No. 170-2004, be adopted:
 - (a) a project cost of \$58,088,000.00 net of GST, be approved for the construction of the R.C. Harris Filtration Plant - Residue Management Facility, with 2004 cashflow of \$1,874,000.00 and future year commitments of \$28,037,000.00 in 2005; \$26,168,000.00 in 2006 and \$2,009,000.00 in 2007;
 - (b) subject to approval of Recommendation (1)(a), Contract No. 04FS-50WS, Tender Call No. 170-2004 for the construction of Residue Management Facility at the R.C. Harris Filtration Plant be awarded to Kenaidan Contracting Ltd. in the total amount of \$62,150,000.00.00, including all taxes and charges, being the lowest Tender received;
- (2) subject to the approval of Recommendation (1), that the contract provide for the Contractor to remove excavated material from the construction site by means of barges and tugboats, as more particularly set out in Option 1, in this report, at an additional cost of \$3,223,375.00, including the costs of standby barges and delays to the project schedule and winter concrete costs and including taxes and contingencies, and that project cost of \$3,012,500.00, net of GST, and future year commitments of \$3,012,500.00 in 2005, be approved for capital project CPW007-4, Harris Residue Management Construction in the 2004 Water Services Capital Budget;
- (3) subject to the approval of Recommendation (2), that in order to reduce the costs set out in Recommendation (2) as more particularly set out in this report, and to expedite the project in consideration of the delays that may be caused by the barging, the contract also provide that up to 5,000 m3 per month of excavated material may be removed from the construction site by trucking, provided that the trucking is limited to no more than 25 truckloads per day and to only occur from December 1, 2004, until March 31, 2005, and only between the hours of 9:30 a.m. and 4:00 p.m.; and

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

- (2) with respect to Item (x), Council adopted the following:

“**WHEREAS** City Council at its meeting of June 22, 23 and 24, 2004 referred a motion to the Chief Administrative Officer that the Chief Financial Officer and Treasurer be requested to provide the most up-to-date financial package to each meeting of the Standing Committees; and

WHEREAS Council requested the Chief Administrative Officer, in consultation with the Chief Financial Officer and Treasurer, to report to the Policy and Finance Committee, as soon as possible, such report to include, but not be limited to, how the City can accomplish the direction of Council of receiving financial information in a timely manner;

NOW THEREFORE BE IT RESOLVED THAT the Works Committee’s request of the Acting Commissioner of Works and Emergency Services to provide SAP line-by-line output for the next meeting of the Works Committee on October 6, 2004, be referred to the next meeting of the Policy and Finance Committee for consideration with the joint report from the Chief Administrative Officer and the Chief Financial Officer and Treasurer regarding the reporting of financial and non-financial results of City programs to Committees and Council; and that the request for the SAP line-by-line output be deferred, pending consideration of the above by the Policy and Finance Committee; and that the report requested of the Chief Administrative Officer and the Chief Financial Officer and Treasurer, referred to above, also be submitted to the Works Committee for information.”

City Council received the balance of the Clause for information.

ETOBICOKE YORK COMMUNITY COUNCIL REPORT 7

- Clause 1 - “Request for Exemption to Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 22 Nairn Avenue (Ward 17 - Davenport)”.**

City Council on September 28, 29, 30 and October 1, 2004, referred this Clause back to the Etobicoke York Community Council with a request that the Acting Commissioner of Works and Emergency Services, in consultation with the Commissioner of Economic Development, Culture and Tourism, report further to the Community Council on the issue of the setback of the proposed tree in relation to the parking pad.

- Clause 2** - **“Request for an Exemption to Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 24 Nairn Avenue (Ward 17 - Davenport)”**.

City Council on September 28, 29, 30 and October 1, 2004, referred this Clause back to the Etobicoke York Community Council with a request that the Acting Commissioner of Works and Emergency Services, in consultation with the Commissioner of Economic Development, Culture and Tourism, report further to the Community Council on the issue of the setback of the proposed tree in relation to the parking pad.

- Clause 8** - **“Request for All-way Stop Controls on Allanhurst Drive (Ward 4 - Etobicoke Centre)”**.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

- Clause 15** - **“Traffic Calming on Seacliff Boulevard (Ward 7 - York West)”**.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

- Clause 18** - **“Installation of Speed Bumps - Amendment to Existing Plan Riverview Gardens between Bloor Street West and Halford Avenue (Ward 13 - Parkdale-High Park)”**.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

- Clause 23** - **“Proposed Installation of Speed Bumps in First Public Lane North of Davenport Road between Alberta Avenue and Mount Royal Avenue (Ward 17 - Davenport)”**.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

- Clause 27** - **“Liquor Licence Application - 1178 Weston Road (Ward 11 - York South-Weston)”**.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by deleting the Motion (August 27, 2004) by Councillor Nunziata contained in the Clause, and inserting instead the following:

“WHEREAS the occupants of 1178-1180 Weston Road have applied to the Alcohol and Gaming Commission of Ontario (AGCO) for the establishment of a license to serve and sell alcohol; and

WHEREAS the City Councillor has received complaints from residents regarding the misconduct of patrons of other licensed establishments located close to 1178-1180 Weston Road; and

WHEREAS the City Councillor has been advised by the Toronto Police Service of violations of the criminal code by these nearby licensed establishments; and

WHEREAS it has been determined that more than six other licensed establishments already exists within the same block; and

WHEREAS the Toronto Police Service has expressed concerns about the generally high crime rate in the area and the lack of parking in the immediate area and the consequences of increased pedestrian use at night among other things; and

WHEREAS the past and present conduct of patrons of nearby licensed establishments affords reasonable grounds in a belief that a liquor licence at 1178-1180 Weston Road may result in the behaviour of a certain and significant number of patrons not being in accordance with the law, integrity or honesty, making the operation of a licensed establishment at this address among other complaints demonstrate that a liquor licence is not in the public interest having regard to the needs and wishes of the residents of the municipality in which the premises are located;

NOW THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor to advise the Alcohol and Gaming Commission of Ontario (AGCO) that it opposes any application for a liquor licence for the premises at 1178-1180 Weston Road, or adjacent or related addresses, and provide a copy of the Council resolution;

AND BE IT FURTHER RESOLVED THAT the AGCO be requested to provide the City with an opportunity to participate in any proceedings involving these premises to oppose any liquor licence operations, and the City Solicitor be authorized to participate in any proceedings involving 1178-1180 Weston Road and or adjacent or surrounding premises.”

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

Clause 36 - “Implications of Holding Committee of Adjustment Public Hearings for the Etobicoke York Panel at Two Meeting Locations - Etobicoke Civic Centre and York Civic Centre”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 42 - **“Request for Variance from Chapter 215, Signs, of the Former City of Etobicoke Municipal Code - 801 The Queensway (Ward 5 - Etobicoke-Lakeshore)”**.

City Council on September 28, 29, 30 and October 1, 2004, adopted the following:

“That Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report dated September 16, 2004, from the Acting Director of Building, West District:

‘It is recommended that:

- (1) the request for variances be approved for the reasons outlined in this report; and
- (2) the applicant be advised, upon approval of variances, of the requirement to obtain the necessary sign permits.’ ”

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

Clause 53 - **“Jurisdiction of the Committee of Adjustment – 1555 Jane Street (Ward 13 - York South-Weston)”**.

City Council on September 28, 29, 30 and October 1, 2004, received this Clause.

NORTH YORK COMMUNITY COUNCIL REPORT 7

Clause 28 - **“40 Km/h Speed Limit - Downsview Avenue (Ward 9 - York Centre)”**.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 31 - **“All Way Stop Control - Cavotti Crescent and Evanston Drive (Ward 10 – York Centre)”**.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 35 - **“Request for Poll - Speed Hump Plan - Times Road between Stayner Avenue and Lilywood Road (Ward 15 – Eglinton-Lawrence)”**.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

- Clause 36** - **“Request for Poll - Speed Hump Plan - Lauder Avenue from Vaughan Road to Amherst Avenue (Ward 15 – Eglinton-Lawrence)”**.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

- Clause 37** - **“Request for Poll - Speed Hump Plan - Roselawn Avenue, west of Dufferin Street to Miranda Avenue (Ward 15 - Eglinton-Lawrence)”**.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

- Clause 38** - **“Request for Poll - Speed Hump Plan - Bolingbroke Road (Ward 15 - Eglinton-Lawrence)”**.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

- Clause 47** - **“Final Report - OPA & Rezoning Application and Site Plan Approval - 03 035054 (TD CMB 2003 0001) - Westdale Construction Co. Ltd. (E.I. Richmond Architects) - 82, 86, 90 Broadway Avenue (Ward 25 - Don Valley West)”**.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

- Clause 50** - **“Traffic Control Signals - The Pond Road at Ian MacDonald Boulevard (Ward 8 - York West)”**.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by amending the second Operative Paragraph contained in the Resolution by Councillor Li Preti, as amended by the North York Community Council, so that it now reads as follows:

“AND BE IT FURTHER RESOLVED THAT the City of Toronto reimburse York University for half of these funds, if and when the budget request for traffic control signals at the intersection of Pond Road and Ian MacDonald Boulevard is approved as part of the annual traffic control signal installation program, and, in the event that York University does not agree with the Council’s resolution, the Acting Commissioner of Works and Emergency Services be authorized to move forward as quickly as possible with the already approved pedestrian crosswalk.”

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

Clause 51 - “Appointments to Committee of Adjustment - North York Panel”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by deleting from Recommendations (1) and (2) of the North York Community Council, the words “as listed in the confidential letter (September 15, 2004) from the North York Community Council” and inserting instead the words “as listed in the confidential letter (September 1, 2004) from the Nominating Committee”, so that these recommendations now read as follows:

- “(1) the appointment of citizens to the Committee of Adjustment - North York Panel, for a term of office at the pleasure of Council ending November 30, 2006, and until their successors are appointed, as listed in the confidential letter (September 1, 2004) from the Nominating Committee;
- (2) the appointment of two alternates to the Committee of Adjustment - North York Panel, who are members effective if a vacancy occurs, at the pleasure of Council for the remainder of the term of office ending November 30, 2006 and until their successors are appointed, as listed in the confidential letter (September 1, 2004) from the Nominating Committee;”.

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

Council has appointed the following citizens to the Committee of Adjustment, North York Panel:

- Isaac Lallouz
- David Peacock
- Robert Pletsch
- Gordon Sterling
- Jon Williams;

and has appointed the following alternates, who are appointed to the Committee of Adjustment, North York Panel, effective if a vacancy occurs:

- William Steele (if one vacancy occurs)
- Gino Cucchi (if a second vacancy occurs).

TORONTO AND EAST YORK COMMUNITY COUNCIL REPORT 7

Clause 1 - “Inclusion on City of Toronto Inventory of Heritage Properties - 508 Eastern Avenue (Toronto-Danforth, Ward 30)”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by adding the following:

“That Council adopt the following recommendation of the Toronto Preservation Board contained in the Recommendation Section of the communication dated September 23, 2004, from the Toronto Preservation Board:

‘The Toronto Preservation Board recommended to City Council the adoption of the [following] staff recommendations in the Recommendations Section of the report (September 9, 2004) from the Commissioner of Economic Development, Culture and Tourism:

“It is recommended that:

- (1) Council include the property at 508 Eastern Avenue (Ayre Hotel) 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 2 - “Exemption from Moratorium on Vending for Non-Profit Organization – John Street and Queen Street West”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause in accordance with the following resolution:

“WHEREAS Sketch is a non-profit organization teaching at risk youth to use creative and artistic skills; and

WHEREAS from time to time Sketch wishes to sell the items fashioned by the youth; and

WHEREAS it is appropriate to waive the fees applicable to any vending location allocated to Sketch;

NOW THEREFORE BE IT RESOLVED THAT Council direct the Commissioner of Urban Development Services to work with ‘Sketch’ to allocate an existing designated area in the vicinity of John Street and Queen Street West and to waive the application and licensing fees.”

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

Clause 10 - **“Draft By-laws - Official Plan Amendment, Rezoning and Removal of Forty Privately Owned Trees – 825 Dundas Street East; 46 Hamilton Street; 35 Carroll Street and 120 Broadview Avenue (Don Mount Court) (Toronto-Danforth, Ward 30)”**.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by amending Recommendation (18)(n) of the Toronto and East York Community Council to read as follows:

“(n) provide a minimum right-of-way width of 16.0 metres, or such lesser amount as deemed appropriate by the Acting Commissioner of Works and Emergency Services, with pavement widths of 7.3 metres and a reinforced concrete sidewalk of 1.65 metres in width on one side of the street, permitting parking on the other side for the Munro Street Extension (Block 7), the Carroll Street Realignment (Block 8) and that part of Kintyre Avenue in Block 10, and providing a pavement width of 6 metres with no parking for that part of Kintyre Avenue in Block 9 on the final Plan of Subdivision prior to registration.”

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

Clause 16 - **“Preliminary Report - Official Plan Amendment, Rezoning and Site Plan Approval - 76 Wychwood Avenue (St. Paul’s, Ward 21)”**.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by adding the following:

“That Council adopt the following alternative recommendation contained in the supplementary report dated September 27, 2004, from the Commissioner of Urban Development Services:

‘That Council waive the planning fees totalling \$6,395.25 and refund the paid fees in the amount of \$6,958.93 for the Official Plan Amendment and Rezoning Application 04 168392 STE 21 OZ and Site Plan Approval Application 04 168398 000 00 SA.’ ”

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

Clause 18 - “Variance from Chapter 297, Signs, of the former City of Toronto Municipal Code – 2 Strachan Avenue (Trinity-Spadina, Ward 19)”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause to provide that the sign be approved, in principle, subject to a review by the Commissioner of Urban Development Services and the Acting Commissioner of Works and Emergency Services, of the size of the video panels and operating parameters (extent of animation, brightness) to ensure compliance with the interim guidelines for Commercial Advertising adopted by Council at its meeting of July 22, 2003.

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

Clause 19 - “Appointments - Committee of Adjustment, Toronto and East York Panel”.

City Council on September 28, 29, 30 and October 1, 2004, adopted the following recommendations of the Nominating Committee contained in the Recommendations Section of the communication dated September 16, 2004, from the Nominating Committee:

“The Nominating Committee recommended to Council that Council, by by-law:

- (1) appoint citizens to the Committee of Adjustment, Toronto and East York Panel, for a term of office at the pleasure of Council ending November 30, 2006, and until their successors are appointed, as listed in the confidential letter dated September 16, 2004, from the Nominating Committee, which was circulated under separate confidential cover;
- (2) appoint alternates to the Committee of Adjustment Toronto and East York Panel, who are members effective if a vacancy occurs, at the pleasure of Council for the remainder of the term of office ending November 30, 2006, and until successors are appointed, as listed in the confidential letter dated September 16, 2004, from the Nominating Committee, which was circulated under separate confidential cover;
- (3) authorize and direct the City Solicitor to introduce the necessary bylaws in Council to give effect to these appointments; and
- (4) authorize and direct the appropriate officials to take any necessary actions to give effect to these appointments.”

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

Council has appointed the following citizens to the Committee of Adjustment, Toronto and East York Panel:

- Abby Bushby
- Michael Clark
- Kay Gardner
- George Hislop
- Mitchell Kosny;

and has appointed the following alternates, who are appointed to the Committee of Adjustment, Toronto and East York Panel, effective if a vacancy occurs:

- George Vasilopoulos (if one vacancy occurs); and
- Fernando Costa (if a second vacancy occurs).

Clause 24 - “Driveway Widening - 53 Hillsdale Avenue West (St. Paul’s, Ward 22)”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 26 - “Front Yard Parking for Two Vehicles - 13 Ritchie Avenue (Parkdale-High Park, Ward 14)”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 27 - “Front Yard Parking - 137 Dowling Avenue (Parkdale-High Park, Ward 14)”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 31 - “Installation of Bicycle Lanes – Cosburn Avenue, from Broadview Avenue to Oak Park Avenue (Toronto-Danforth, Ward 29; Beaches-East York, Ward 31)”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by adding the following:

“That the Director, Transportation Infrastructure Management, Works and Emergency Services, be requested to send out a survey to residents and businesses from Ward 29 and Ward 31 to gauge public impact and perception of the proposed bicycle lanes, traffic infiltration, traffic flows and parking issues on Cosburn Avenue and surrounding streets; and further, that the survey questions, timing and distribution be determined in consultation with the Councillors for Ward 29 and Ward 31, and the results be reported on in the follow-up transportation reports to be submitted to the Toronto and East York Community Council one year after the installation of the bicycle lanes.

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

Clause 32 - “Requests for Endorsement of Events for Liquor Licensing Purposes”.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by adding the following additional recommendations to the recommendation of the Toronto and East York Community Council:

- “(6) advise the Alcohol and Gaming Commission of Ontario that it is aware of the Ein-Stein ‘Street’ Hockey Tournament to be held on October 2, 2004 or October 9, 2004, from 12.00 noon to 8.00 p.m., and has no objection to the granting of a liquor licence extension to the patio area of Ein-stein café and pub, 229 College Street for the duration of this event; and
- (7) declare the SHURUM BURUM Jazz Circus, running from October 6 to 17, 2004, at the Stone Distillery in the Distillery Historic District 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 its taking place.”

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

Clause 33 - “Installation of Speed Humps - Rushton Road, between Vaughan Road and Arlington Avenue (St. Paul’s, Ward 21)”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 43 - “Ontario Municipal Board Hearing - 20, 22, 22A and 24 Bathurst Street (Trinity-Spadina, Ward 19)”.

City Council on September 28, 29, 30 and October 1, 2004, referred this Clause back to the Toronto and East York Community Council for further consideration, and directed that the report previously requested of the Commissioner of Urban Development Services, in consultation with the Chief Financial Officer and Treasurer, be submitted directly to the Toronto and East York Community Council.

Clause 44 - “Ontario Municipal Board Hearing - 511 Bremner Boulevard and 2 and 20 Housey Street (Trinity-Spadina, Ward 20)”.

City Council on September 28, 29, 30 and October 1, 2004, referred this Clause back to the Toronto and East York Community Council for further consideration, and directed that the report previously requested of the Commissioner of Urban Development Services, in consultation with the Chief Financial Officer and Treasurer, be submitted directly to the Toronto and East York Community Council.

Clause 53 - “Installation of Speed Humps – Sterling Road, between Bloor Street West and Perth Avenue (Davenport, Ward 18)”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 54 - “Installation of Speed Humps - Ruskin Avenue, between Edwin Avenue and Perth Avenue (Davenport, Ward 18)”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 55 - “Installation of Speed Humps – Sheridan Avenue, between Florence Street and Muir Avenue (Davenport, Ward 18)”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 56 - “Installation of Speed Humps - Walmer Road, between St. Clair Avenue West and Heath Street West (St. Paul’s, Ward 21)”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 57 - “Installation of Speed Humps - Heath Street West/Tichester Road between Bathurst Street and Spadina Road (St. Paul’s, Ward 21)”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

Clause 58 - “Installation of Speed Humps - Russett Avenue, between Bloor Street West and Wallace Avenue (Davenport, Ward 18)”.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

- Clause 59** - **“Installation of Speed Humps - Tweedsmuir Avenue between St. Clair Avenue West and Heath Street West (St. Paul’s, Ward 21)”**.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

- Clause 63** - **“Installation of Speed Humps - Withrow Avenue, between Broadview Avenue, and Logan Avenue (Toronto-Danforth, Ward 30)”**.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

- Clause 69** - **“Removal of Speed Humps - Wade Avenue, between Paton Road and the East/West section of Wade Avenue (Davenport, Ward 18)”**.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

- Clause 73** - **“Installation of Speed Bumps - Sussex Mews (Public Lane), between Bloor Street West and Sussex Avenue (Trinity-Spadina, Ward 20)”**.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

- Clause 80** - **“Prohibition of Northbound left turn - Intersection of Bloor Street West and Sussex Mews (Trinity-Spadina, Ward 20)”**.

City Council on September 28, 29, 30 and October 1, 2004, deferred consideration of this Clause to its next regular meeting on October 26, 2004.

NOMINATING COMMITTEE REPORT 5

- Clause 1** - **“Citizen Appointment to the Police Services Board”**.

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause by:

- (1) deleting from Recommendation (1) of the Nominating Committee the date “October 30, 2004” and inserting instead the word “immediately”, so that such recommendation now reads:

“(1) Council appoint the citizen listed in the confidential communication (September 24, 2004) from the Nominating Committee, headed “Citizen Appointment to the Police Services Board”, for a term of office starting immediately and ending November 30, 2006, at the pleasure of Council, and until a successor is appointed;” and

(2) adding the following:

“That the Mayor request the Integrity Commissioner to investigate the circumstances which led to the September 28, 2004, Toronto Star article respecting the candidates for appointment to the Toronto Police Services Board.”

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

NOTICES OF MOTION APPEARING UNDER ITEM I

I(1) 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 and 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:

City Council on September 28, 29, 30 and October 1, 2004, referred this Motion to the Board of Health.

I(2) 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; and

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:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

In adopting Motion I(2), without amendment, and enacting By-law No. 862-2004, Council increased the composition of the St. Lawrence Centre for the Performing Arts Board of Directors to add one citizen nominated by the St. Lawrence Forum.

Council has appointed Irene Jones to the St. Lawrence Centre for the Performing Arts Board of Directors - St. Lawrence Forum, for a term of office ending November 30, 2006, and until a successor is appointed, in accordance with Nominating Committee Report 3, Clause 2, adopted by City Council on July 20, 21 and 22, 2004.

NOTICES OF MOTION APPEARING UNDER ITEM J

J(1) Terms of Reference for the Roundtable on a Beautiful City

Moved by: Mayor Miller

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 a Beautiful City;

AND BE FURTHER RESOLVED THAT the Terms of Reference for the Roundtable on a Beautiful City be amended to increase the membership from 15 to 26.”

Disposition:

City Council on September 28, 29, 30 and October 1, 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, and adopted the balance of this Motion, without amendment.

J(2) Eva’s Initiative – Shelter for Homeless Youth, 25 Canterbury Place (Ward 23, Willowdale)

Moved by: Councillor Shiner

Seconded by: Councillor Mihevc

“**WHEREAS** City Council at its meeting on April 14, 15, and 16, 2003, approved the development of a City-owned shelter for homeless youth at 25 Canterbury Place; and

WHEREAS the Shelter, Housing and Support Division of the Community and Neighbourhood Services Department is responsible for the development of this site; and

WHEREAS the report dated March 12, 2003, from the Commissioner of Community and Neighbourhood Services, stated that a minor variance to increase the density would be required through an application to the Committee of Adjustment; and

WHEREAS the Committee of Adjustment on June 3, 2004, authorized variance application A047/04NY which granted variances, subject to conditions noted in the decision, from the provisions of Zoning By-law No. 7625 and By-law No. 138-2003, as amended, to allow the development; and

WHEREAS an appeal of the Committee of Adjustment decision to the Ontario Municipal Board has been filed by business owners in proximity to 25 Canterbury Place; and

WHEREAS City staff concur with the decision of the Committee of Adjustment that the variances are appropriate; and

WHEREAS the hearing date for the Ontario Municipal Board has been set for Wednesday, October 13, 2004;

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 variances required in relation to the City development of a City-owned shelter for homeless youth at 25 Canterbury Place.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(3) Municipal Housing Project Facility Agreement with Toronto Community Housing Corporation - 600 Rogers Road (Ward 12 - York South-Weston)

Moved by: Councillor Shiner

Seconded by: Deputy Mayor Feldman

“WHEREAS the Toronto Community Housing Corporation (TCHC) is requesting that, pursuant to the City’s Municipal Housing Facility By-law No. 282-2002, the City enter into a Municipal Housing Project Facility Agreement with Toronto Community Housing Corporation for seven (7) new affordable housing units at 600 Rogers Road, establish the facility as a municipal capital facility, and exempt the facility from taxation for municipal and school purposes; and

WHEREAS TCHC had Silverthorn Place at 600 Rogers Road built as apartments for seniors, in 1990; and

WHEREAS the ground floor commercial space has remained vacant since 2002; and

WHEREAS TCHC has received planning approval to convert the vacant commercial space into seven (7) affordable housing units, two of which will be barrier-free units, starting in October 2004, for occupancy January 2005; and

WHEREAS TCHC will be assuming all the costs of the conversion, except for \$21,000.00 in exemptions from the City’s development charges and planning application fees that it is entitled to as a non-profit providing affordable housing; and

WHEREAS this project has not been approved for assistance provided by other levels of government; and

WHEREAS the financial assistance of the City is required to make this affordable rental housing project economically viable;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) authority be granted for the City to enter into a Municipal Housing Project Facility Agreement with the Toronto Community Housing Corporation, pursuant to By-law No. 282-2002, establishing the facility as a municipal capital facility;
- (2) authority be granted for exempting the seven (7) new affordable housing units at the property municipally known as 600 Rogers Road from taxation, for municipal and school purposes, for a period of 20 years; and
- (3) 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 Bill necessary to give effect thereto.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(4) Transfer of Funding from Youth Clinical Services Inc. to Toronto Community Housing Corporation and Authority to Enter into Long-Term Lease Negotiations with the Toronto Community Housing Corporation for a Portion of 1900 Sheppard Avenue West

Moved by: Deputy Mayor Feldman

Seconded by: Councillor Shiner

“WHEREAS City Council, at its meeting held September 22, 23, 24 and 25, 2003, approved \$2.0 million of federal Supporting Communities Partnership Initiative (SCPI) funding for Youth Clinical Services Inc. (YCS) to develop a transitional housing project for youth on the City-owned site at 1900 Sheppard Avenue West; and

WHEREAS City Council at its meeting held September 22, 23, 24 and 25, 2003, declared a portion of 1900 Sheppard Avenue West surplus to the City’s requirements, save and except the portion required by the Toronto Public Library (Library), with the intended method of disposal by way of a long-term lease to YCS for the development of a transitional housing project; and

WHEREAS City Council, at its meeting of October 29, 30 and 31, 2002, approved capital project pre-approval to construct a library at 1900 Sheppard Avenue West, in co-development with Shelter, Housing and Support, at net zero cost based on cost savings of approximately \$270,000.00 achieved through co-development with a housing project; and

WHEREAS YCS is no longer able to proceed with the development of the site; and

WHEREAS it is necessary to replace YCS as the co-developer of the site, in order to facilitate the timely development of a transitional housing project and to accommodate the Toronto Public Library Board’s need to proceed in relation to its relocation plans; and

WHEREAS Shelter Housing and Support has sought to find a new proponent for a transitional housing project at the 1900 Sheppard Avenue West site that is credible and able to proceed in a timely fashion to carry on the project, similar in form and site plan as designed to date in co-development with the Library; and

WHEREAS the Toronto Community Housing Corporation (TCHC) is an experienced housing developer and has developed projects in co-development with the Library, most recently 659 Northcliffe Boulevard and the Maria Schuka Library; and

WHEREAS due to the time sensitivity of ensuring that a new proponent will have sufficient time to proceed to construction in co-development with the Library and expend its SCPI funding by the federal March 31, 2006 deadline, it is necessary that the transfer of SCPI funding to a new proponent and the authority to enter into lease negotiations with a new proponent be considered at the September 2004 Council meeting;

NOW THEREFORE BE IT RESOLVED THAT the \$2.0 million SCPI funding previously awarded to YCS for the development of 1900 Sheppard Avenue West, be transferred to the Toronto Community Housing Corporation, upon TCHC Board approval, for its use in the development of a transitional project for youth on the site that is based on the project design developed to date in co-development with the Library;

AND BE IT FURTHER RESOLVED THAT authority be granted to the Commissioner of Community and Neighbourhood Services to negotiate with TCHC the terms and conditions of a long-term lease and any other agreements deemed appropriate by the Commissioner of Community and Neighbourhood Services and the City Solicitor to facilitate the co-development and provision of transitional housing for youth and a library at 1900 Sheppard Avenue West, generally in accordance with the intentions outlined in the body of this Motion, all such terms and conditions to be satisfactory to the Commissioner and in a form acceptable to the City Solicitor;

AND BE IT FURTHER RESOLVED THAT the local Councillor be consulted with respect to the above, prior to finalizing any and all of the agreements.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(5) All Way Stop Control - Bryant Street and Searle Avenue (Ward 10 - York Centre)

Moved by: Deputy Mayor Feldman

Seconded by: Councillor Minnan-Wong

“**WHEREAS** City Council, by its adoption of Toronto North Community Council Report 1, Clause 3, without amendment, received a request to install an all way stop control at the intersection of Bryant Street and Searle Avenue; and

WHEREAS since the adoption of this Clause, a petition has been received from residents in Ward 10 - York Centre who are concerned about safety at this intersection; and

WHEREAS many children cross at the intersection of Bryant Street and Searle Avenue, and an all way stop control at this intersection will provide the children and other pedestrians with some protection;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto North Community Council Report 1, Clause 3, headed ‘All Way Stop Control - Bryant Street and Searle Avenue (Ward 10 York Centre)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the Acting Commissioner of Works and Emergency Services be directed to install an all-way stop control at the Bryant Street and Searle Avenue intersection.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, re-opened Toronto North Community Council Report 1, Clause 3, headed “All Way Stop Control - Bryant Street and Searle Avenue (Ward 10 York Centre)”, for further consideration, and adopted the balance of this Motion, without amendment.

J(6) Use of Toronto’s Shelter System

Moved by: Councillor Holyday

Seconded by: Councillor Kelly

“**WHEREAS** all citizens have a right to adequate shelter; and

WHEREAS those who choose to remain homeless make this choice voluntarily or through ignorance of existing shelter facilities; and

WHEREAS the homeless often have need for medical assistance, clothing, sleep and food; and

WHEREAS it is manifestly unfair and inhumane to expose the homeless to potential exploitation and harm; and

WHEREAS the City of Toronto expends at least \$150 million annually towards the resolution of this social inequity, but the tragedy of homelessness persists; and

WHEREAS other large jurisdictions throughout North America have successfully enacted measures to shelter the homeless;

NOW THEREFORE BE IT RESOLVED THAT a zero tolerance policy be adopted with respect to sleeping on City property;

AND BE IT FURTHER RESOLVED THAT a voluntary registry be set up and homeless persons be identified, listed and offered choices for regular shelter, if they so request;

AND BE IT FURTHER RESOLVED THAT a tracking system be developed to monitor the whereabouts of those registered, to ascertain the efficacies of the program;

AND BE IT FURTHER RESOLVED THAT those who do not wish to avail themselves of the opportunity to seek shelter be encouraged to use the City's available shelter facilities."

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on October 26, 2004.

J(7) Lease of 200 Madison Avenue to Furniture Bank

Moved by: Councillor Chow

Seconded by: Councillor Walker

"WHEREAS by Notice of Motion J(12), adopted by City Council at its meeting held on March 1, 2 and 3, 2004, Council directed the Commissioner of Corporate Services to notify the tenants of the City-owned property known as 200 Madison Avenue (the 'Premises') to vacate the Premises by September 30, 2004; and

WHEREAS the City's sole tenant of the Premises, Friends for Poverty Relief, Inc., also known as 'Chill Out' was, by notice dated June 15, 2004, directed to vacate the Premises by September 30, 2004; and

WHEREAS Chill Out is proceeding to vacate the Premises by September 30, 2004, in accordance with the said notice; and

WHEREAS Chill Out's subtenant of the Premises, Furniture Bank, has requested that the City permit Furniture Bank to stay at the Premises, on a month-to-month basis, until the Premises are required for development as affordable housing; and

WHEREAS the Property Management Committee allocated the Premises for use as affordable housing, and development of the Premises for affordable housing is expected to begin in 2005; and

WHEREAS Furniture Bank is currently occupying the Premises to provide services to homeless and low-income families and individuals; and

WHEREAS Furniture Bank has agreed to enter into a direct lease of the Premises with the City on the terms outlined in this Motion;

NOW THEREFORE BE IT RESOLVED THAT the City enter into a lease agreement with Furniture Bank on the following terms and conditions:

- (1) the lease to be on a month-to-month basis, commencing October 1, 2004, terminable by either party on not less than 60 days' prior written notice;

- (2) rent will be nominal, provided Furniture Bank is a non-profit corporation that meets the City's eligibility criteria for renting City-owned properties below market rent;
- (3) the lease will be completely net to the City, and Furniture Bank will be responsible for all utilities (including hydro costs), realty taxes, repairs and maintenance, and insurance coverage, effective October 1, 2004. Furniture Bank will seek tax-exempt status from M.P.A.C, however, if any realty taxes are attributable to Furniture Bank's use of the Premises, Furniture Bank will be liable for payment of such taxes;
- (4) the Premises may be used by Furniture Bank only for the storage and distribution of donated furniture and household items to homeless or low-income persons or families. The Commissioner of Corporate Services will designate the areas of the Premises that may be utilized by Furniture Bank at her sole discretion for safety reasons;
- (5) Furniture Bank shall provide a certificate of insurance on terms satisfactory to the Commissioner of Corporate Services, prior to October 1, 2004;
- (6) Furniture Bank shall not assign or sublet the Premises, or any part of the Premises;
- (7) Furniture Bank agrees that the Premises shall be inspected by the Fire Department, prior to the commencement of the lease, and Furniture Bank shall rectify, at its sole cost, all matters directed by the Fire Department, in order to make the Premises safe and in compliance with all fire safety requirements;
- (8) Furniture Bank shall comply with all laws, including all enactments, by-laws and regulations of any governmental authority with respect to the use of or condition of the Premises;
- (9) the lease shall contain such other terms and conditions required by the Commissioner of Corporate Services and the City Solicitor; and
- (10) the Commissioner of Corporate Services be authorized to execute the lease and administer the lease, including the delivery of all notices (including notices of termination) on behalf of the City."

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(8) Donation and Naming of a Vince Carter Playground at Wickson Trail Park

Moved by: Councillor Saundercook

Seconded by: Councillor Ashton

“**WHEREAS** the Embassy of Hope Foundation is a non-profit foundation, established in 1998 by Vince Carter of the Toronto Raptors, to help address the needs of children and their parents, and

WHEREAS the Mayor’s Community Safety Plan was adopted by City Council on March 1, 2 and 3, 2004; and

WHEREAS the Mayor’s Community Safety Plan encourages developing appropriate solutions and contributing to their success, in partnership with the public, private and community-based sectors; and

WHEREAS leveraging funds and services in-kind assists in enhancing the Economic Development, Culture and Tourism Department’s services; a number of successful service enhancements have been delivered in partnership with the public, private and community based sectors including: Toronto Blue Jays Charitable Foundation – Field of Dreams Program, Esso Street Buds, Hockey in the Neighbourhood, Bell Raptor Ball and Dixon Park; and

WHEREAS the donation by the Embassy of Hope Foundation for a constructed playground at Wickson Trail Park will have beneficial effects on local children and would encourage an active and positive lifestyle for children in this neighbourhood;

NOW THEREFORE BE IT RESOLVED THAT the donation of the playground equipment at Wilson Trail Park by the Embassy of Hope Foundation be approved;

AND BE IT FURTHER RESOLVED THAT the new playground equipment be identified as the Vince Carter Playground for a period not to exceed five years, in recognition of Vince Carter’s commitment to children in this City and particularly to children in ‘at risk’ neighbourhoods;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be authorized to enter into an agreement with the Embassy of Hope Foundation, such agreement to provide for the following:

- (1) permission for the Foundation to construct, or have constructed, a playground in Wickson Trail Park; and

- (2) that the playground be built to City standards, that appropriate liability insurance be provided by the Foundation during the period of construction and that acceptance by the City of this improvement be subject to the inspection by City staff;

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 September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(9) Committee of Adjustment Decision - 64 Brunswick Avenue

Moved by: Councillor Chow

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** the Ontario Municipal Board case regarding an appeal of the decision of the Committee of Adjustment regarding 64 Brunswick Avenue will be heard on November 5, 2004;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor appear at the Ontario Municipal Board to defend the position taken by the Committee of Adjustment and support the neighbourhood association, the ‘Harbord Village Residents Association’, in opposition to the position of the owner of this property.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(10) Provision of Appeal Mechanism in the *Immigration and Refugee Protection Act*

Moved by: Councillor Mihevc

Seconded by: Councillor Carroll

“**WHEREAS** Toronto is one of the most diverse cities in the world and is home to immigrants and refugees from around the world; and

WHEREAS Toronto City Council is committed to supporting access, equity and human rights to ensure that everyone has the right to live in conditions of dignity, respect and peace; and

WHEREAS in July 2000 and April-May 2001, Toronto City Council in its submissions to the Government of Canada on Bill C-31 and Bill C-11, *The Immigration and Refugee Protection Act*, supported the provision in the new immigration legislation to establish a Refugee Appeal Division of the Immigration and Refugee Board to ensure fairness and due process to the refugee determination process (Bill C-31, *The Immigration and Refugee Protection Act*, Administration Committee, Report 14, Clause 16, July 2000; Bill C-11, *The Immigration and Refugee Protection Act*, Administration Committee, Report 5, Clause 24, April-May 2001); and

WHEREAS an appeal on the merits of a negative refugee determination constitutes a necessary element of international protection, since a refugee claim is decided by a single member on the Immigration and Refugee Board and refugees can only claim refugee protection in Canada once in their lifetime; and

WHEREAS the Minister of Citizenship and Immigration has stated that churches should cease offering sanctuary to refugee claimants, which has caused great concern among churches and civil society as there exists no refugee appeal mechanism;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council once again calls on the Government of Canada to immediately implement the establishment of a Refugee Appeal Division, as specified in the Immigration and Refugee Protection Act.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, referred this Motion to the Administration Committee.

J(11) Dedication of Lands for Public Highway Purposes and Naming of Proposed Public Street at 2131 Lake Shore Boulevard West

Moved by: Councillor Grimes

Seconded by: Councillor Saundercook

“**WHEREAS** certain lands for public highway purposes have been constructed in accordance with a development agreement between Water View Corporation, Monarch Construction and the City of Toronto and the conveyance of these lands to the City is imminent; and

WHEREAS it is necessary for the developer to have these lands dedicated as public highway and the proposed street named, prior to its early November deadline for registering the condominium under the *Condominium Act*; and

WHEREAS the naming of a public highway is subject to *Municipal Act, 2001* compliance, in accordance with the provisions of Municipal Code, Chapter 162, Notice, Public and, as a result of the urgency of this request, it is necessary to waive one of the timelines of the Municipal Code Chapter and to rely on another of the timelines set out in that Municipal Code Chapter; and

WHEREAS the particulars of the dedication and proposed naming are set out in the report dated September 28, 2004, from the Acting Commissioner of Works and Emergency Services, attached to this Motion;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the recommendations contained in the Recommendations Section of the report dated September 28, 2004, from the Acting Commissioner of Works and Emergency Services.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

In adopting Motion J(11), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated September 28, 2004, from the Acting Commissioner of Works and Emergency Services, headed “Dedication of Lands for Public Highway Purposes and Naming of Proposed Public Street at 2131 Lake Shore Boulevard West”:

“It is recommended that:

- (1) the lands identified as PARTS 2, 3 and 4 on Plan 66R-20319, to be acquired by the City, be dedicated as public highway;*
- (2) subject to Municipal Act, 2001 compliance, the proposed public street referred to as Street A in the Development Agreement and identified as PART 4 on Plan 66R-20319, be named ‘Brookers Lane’;*
- (3) the requirement in Municipal Code, Chapter 162, Notice, Public, that public notice be given the earlier of the publication of the main agenda for the City committee meeting and the fourth working day before the City committee meeting be waived, to allow for the publication to be on or before the fourth working day before the City committee meeting, to permit the proposed name to be considered at the Etobicoke-York Community Council meeting scheduled for October 12, 2004; and*
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”*

J(12) Coliseum Renovation Corporation (CRC)

Moved by: Councillor Mammoliti

Seconded by: Councillor Ootes

“**WHEREAS** in the 2003 and 2004 season, the projected sales of Roadrunners ticket sales fell well below original projections, where an average of 2,295 tickets were sold per game, rather than the 7,000 per game on which the project performance had been based; and

WHEREAS, as a result, the Coliseum Renovation Corporation (CRC) defaulted on its required payments for rent, payment of services supplied by the Board and payment of the affiliation fee to the Edmonton Oilers; and

WHEREAS it has been further estimated that by August 31, 2004, CRC would have accumulated debts totalling \$4.0 million;

NOW THEREFORE BE IT RESOLVED THAT the General Manager and Chief Executive Officer of Exhibition Place and the City of Toronto’s Chief Financial Officer and Treasurer be requested to submit a joint report to the next meeting of the Policy and Finance Committee, outlining all operating losses experienced by the CRC and Exhibition Place, and advising who will be absorbing any debt experienced.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(13) Authority to Receive Grant for Tourism Visitor Information Centre

Moved by: Councillor Ashton

Seconded by: Councillor Rae

“**WHEREAS** the Province of Ontario has established the Tourist Destination Development Initiative for the purpose of providing support for regional tourism development projects in key tourist destinations; and

WHEREAS the Tourism Division of the Economic Development, Culture and Tourism Department has submitted a proposal to initiate new visitor information services for consideration from the Tourist Destination Development Initiative; and

WHEREAS the Minister of Tourism and Recreation has approved a contribution of \$200,000.00 to fund the City of Toronto's proposal, subject to the City entering into a grant agreement which obligates the City to contribute \$50,000.00 towards the project and to complete it by March 15, 2005; and

WHEREAS the appropriate staff have reviewed the clauses and conditions of the draft grant agreement and have determined that the obligations requested of the City can be met within approved budgets and normal operating practices;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be authorized to enter into a grant agreement with the Province of Ontario in a form satisfactory to the City Solicitor."

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(14) Designation of Lyall Avenue – Heritage Conservation District Study Area Under the Ontario Heritage Act

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Pitfield

WHEREAS Lyall Avenue consists of a series of houses dating to the early 1900s that display architectural features of Edwardian Classicism and share similar setbacks; and

WHEREAS property owners on Lyall Avenue have expressed interest in carrying out the studies required for Council to consider, at some point in the future, designating Lyall Avenue as a Heritage Conservation District under the *Ontario Heritage Act*; and

WHEREAS staff are of the opinion that Lyall Avenue does qualify as an area that could be studied for a Heritage Conservation District; and

WHEREAS an appeal is currently before the Ontario Municipal Board from a decision of the Committee of Adjustment regarding 35 Lyall Avenue that may affect the heritage character of Lyall Avenue;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto pass a by-law under Part V of the *Ontario Heritage Act* designating all the properties fronting on both sides of Lyall Avenue, from Main Street to Malvern Avenue, as the Lyall Avenue Heritage Conservation District Study Area, and the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(15) Knob Hill Plaza - 2605 to 2705 Eglinton Avenue East

Moved by: Councillor Altobello

Seconded by: Councillor De Baeremaeker

“**WHEREAS** the Knob Hill Plaza is located at 2605 to 2705 Eglinton Avenue East in the former City of Scarborough; and

WHEREAS the plaza is comprised of 39 separately assessed properties with a common parking lot with a service lane way along the rear of the properties, which is actually comprised of a series of individual lots owned by each of the respective adjacent store/building owners; and

WHEREAS, while in the past, patch work repairs have been done by the various property owners in an ad-hoc and unco-ordinated fashion, and a complete repair of the paving to address general pavement repair, grading, ponding and the need for a property drainage system is desperately required; and

WHEREAS Property Standards Orders were issued to all the property owners with respect to these matters; and

WHEREAS the voluntary compliance period expired and all the orders are confirmed and remain outstanding; and

WHEREAS I have worked with this group of property owners regularly and repeatedly over the past many years to develop a majority consensus among the property owners to work collectively to have the necessary repairs carried out; and

WHEREAS a very small number of the 39 properties and property owners at this location are unwilling to co-operate in the shared responsibility to contract for and order the repairs to be undertaken; and

WHEREAS, should any of the 39 properties change ownership before the required work is commenced, orders pertaining to that property would have to be re-issued and time to comply and appeal periods exhausted before the entire property could be dealt with; and

WHEREAS required repairs, particularly the grading and drainage for the properties, cannot be carried out without the co-operation and participation of all property owners; and

WHEREAS the standard City of Toronto Purchasing and Tender processes are sufficiently time consuming so as to prohibit the necessary process and completion of work before the 2004/2005 winter season; and

WHEREAS I am concerned that the majority consensus that has been built over the past number of months may dissipate if the work is not completed in a timely manner, and before this coming winter season;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) the Commissioner of Urban Development Services be directed to obtain quotations from three (3) companies approved by the City to undertake paving, grading and drainage work. These quotations should include provision for the preparation of detailed specifications of the paving, grading and drainage work to be undertaken, including but not limited to paving materials to be used, disposal of the existing paving materials, municipal sewer hook-ups, required permits, and all related technical drawings required to design and undertake the project; and
- (2) upon receiving these quotations, that existing City Purchasing procedures be followed to select the successful bidder and enter into a contract to undertake the necessary repairs at the expense of the adjacent property owners and billed through their property taxes, per the authority of the *Building Code Act* (noting the issuance and outstanding compliance of orders issued pursuant to the *Act*).

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(16) Wishing former Mayor Mel Lastman a Speedy Recovery

Moved by: Councillor Ootes

Seconded by: Councillor Walker

“WHEREAS former Mayor Mel Lastman served as the first Mayor of the newly amalgamated City of Toronto from 1998 to 2003; and

WHEREAS Mel Lastman served as the Mayor of the former City of North York and was honoured for all his years of public service; and

WHEREAS Mel Lastman is one of the longest serving Mayors of any City in the World; and

WHEREAS Mel Lastman’s former colleagues and residents of Toronto were saddened to hear of his recent heart problems; and

WHEREAS Mel Lastman has undergone successful surgery and is recovering in hospital;

NOW THEREFORE BE IT RESOLVED THAT, Mayor David Miller and Members of the City of Toronto Council, on behalf of our 2.4 Million residents, wish former Mayor Mel Lastman a speedy recovery and all the best for future good health.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion unanimously.

J(17) Committee of Adjustment (Humber York Panel) - 23 Black Creek Boulevard

Moved by: Councillor Nunziata

Seconded by: Councillor Palacio

“**WHEREAS** on March 23, 2004, the Committee of Adjustment (Humber York Panel) refused a minor variance application (A255/01HY) related to 23 Black Creek Boulevard, in order to legalize and maintain an accessory uncovered deck that was constructed without a building permit; and

WHEREAS the applicant appealed the decision to the Ontario Municipal Board and the hearing commenced on August 18, 2004; and

WHEREAS City Planning Staff did not oppose the application at the Committee of Adjustment but did recommend conditions relating to mitigating the impact of the development and ensuring the structural integrity of the development; and

WHEREAS the City Solicitor and City Planning staff were not previously instructed to attend the Ontario Municipal Board in connection with the appeal; and

WHEREAS Ontario Municipal Board staff have advised that, after commencing, the hearing was adjourned to permit the opportunity for potential resolution of the issues between the parties in attendance; and

WHEREAS Ontario Municipal Board staff have advised that there was no resolution of outstanding issues and that the matter is scheduled to resume for a hearing on the merits on November 1, 2004; and

WHEREAS following commencement of the hearing, a neighbouring resident contacted me with respect to dealing with this development and application;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor and applicable City Staff be directed to attend the Ontario Municipal Board to request status and for the purpose of advising the Ontario Municipal Board that the application should not be approved unless conditions, satisfactory to the Director of Community Planning, West District, were imposed to mitigate the impact of the development both on neighbouring residents and the parkland, ensure the structure integrity of the development and to secure the implementation of such requirements;

AND BE IT FURTHER RESOLVED THAT Council authorize the execution of an Agreement between the owner and the City, pursuant to section 45(9) of the *Planning Act*, to be registered on title and secure such conditions, as may be imposed.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(18) Committee of Adjustment (Humber York Panel) – 4 Garrow Avenue

Moved by: Councillor Nunziata

Seconded by: Councillor Palacio

“**WHEREAS** on September 21, 2004, the Committee of Adjustment (Humber York Panel) approved minor variance Application No. A234/04HY, related to 4 Garrow Avenue, to permit the construction of a two-storey, 3 unit, residential building at the rear of and connected to an existing 2 storey residential building containing 3 dwelling units; and

WHEREAS City Planning staff recommended refusal of the application; and

WHEREAS the appeal period related to the Committee of Adjustment decision expires on October 12, 2004;

NOW THEREFORE BE IT RESOLVED THAT Council direct the City Solicitor to appeal the decision of the Committee of Adjustment and pay the requisite appeal fee;

AND BE IT FURTHER RESOLVED THAT Council direct the City Solicitor and applicable City staff to attend at the Ontario Municipal Board in support of the appeal and to oppose minor variance Application No. A234/04HY.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(19) Committee of Adjustment (Humber York Panel) – 210 Gary Drive

Moved by: Councillor Nunziata

Seconded by: Councillor Palacio

WHEREAS on May 4, 2004, the Committee of Adjustment (Humber York Panel) refused consent and variance application Nos. B19/04HY, A123/04HY and A124/04HY related to 210 Gary Drive; and

WHEREAS the proposal was to sever the property into two undersized lots and to seek relief from the Zoning By-law provisions to allow the proposed construction of the two, 2-storey dwellings, each with a below grade garage; and

WHEREAS City Planning staff recommended refusal of the applications; and

WHEREAS the applicant appealed the Committee of Adjustment decisions to the Ontario Municipal Board, and a hearing has been scheduled to commence on October 8, 2004;

NOW THEREFORE BE IT RESOLVED THAT Council direct the City Solicitor and applicable City staff to attend at the Ontario Municipal Board to oppose consent and minor variance application Nos. B19/04HY, A123/04HY, A124/04HY related to 210 Gary Drive.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(20) Requesting an Additional Appointment to Scarborough Hospital Board

Moved by: Councillor De Baeremaeker

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** the Scarborough Hospital Board oversees the affairs of two hospitals, formerly known as Scarborough General Hospital in Ward 38 and Scarborough Grace Hospital in Ward 39; and

WHEREAS the City of Toronto Councillors representing these two Wards are Councillor Glenn De Baeremaeker and Councillor Michael Del Grande, respectively; and

WHEREAS Councillor Glenn De Baeremaeker, from Ward 38, is currently the City of Toronto representative on the Scarborough Hospital Board, but Ward 39 has no political representation on the Hospital Board;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto request the Scarborough Hospital Board to appoint Councillor Michael Del Grande as Councillor Glenn De Baeremaeker's alternate on the Scarborough Hospital Board."

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(21) Parking Prohibitions - Leacrest Road (Ward 26 - Don Valley West)

Moved by: Councillor Pitfield

Seconded by: Councillor Minnan-Wong

"**WHEREAS** City Council at its meeting on July 20, 21 and 22, 2004, adopted North York Community Council Report 6, Clause 13, headed 'Parking Prohibitions – Leacrest Road (Ward 26 – Don Valley West)', without amendment; and

WHEREAS these parking prohibitions were to discontinue the parking at anytime on the north side of Leacrest Road, from the easterly limit of Mallory Crescent (east leg) to the westerly limit of Rolph Road; and

WHEREAS a poll of the residents was not conducted prior to this report coming forward to Community Council and to City Council; and

WHEREAS many residents have voiced their opposition to these parking prohibitions;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, North York Community Council Report 6, Clause 13, headed 'Parking Prohibitions – Leacrest Road (Ward 26 – Don Valley West)', be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT a poll of the Leacrest residents be conducted and the results of the poll be reported to Council, through the North York Community Council;

AND BE IT FURTHER RESOLVED THAT the Toronto Police Service Parking Enforcement Unit be requested to stop ticketing at this location until the results of the poll are known."

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, re-opened North York Community Council Report 6, Clause 13, headed "Parking Prohibitions – Leacrest Road (Ward 26 – Don Valley West)", for further consideration, and adopted the balance of this Motion, without amendment.

J(22) National Hockey League – 2004/2005 Season

Moved by: Councillor Grimes

Seconded by: Councillor Ashton

“WHEREAS a labour dispute occurred between the National Hockey League and the National Hockey League Players Association, resulting in the suspension of the start of the 2004/2005 National Hockey League schedule; and

WHEREAS Hockey is enjoyed by thousands of men, women and children in organized leagues throughout the City of Toronto and is a healthy form of recreation for all; and

WHEREAS many residents enjoy professional hockey and support the home town team, and this is a genuine expression of civic pride and passion and children look up to NHL players as role models; and

WHEREAS the hospitality sector and small businesses throughout the City of Toronto generate significant revenues from patrons who enjoy watching professional hockey in a social environment, and a lengthy suspension of play will result in financial hardship for many entrepreneurs and layoffs of workers may occur; and

WHEREAS many National Hockey League Teams raise significant funds for local charities;

NOW THEREFORE BE IT RESOLVED THAT the Mayor, on behalf of the citizens of the City of Toronto, send a letter to the National Hockey League and the National Hockey League Players Association to encourage both parties to return to the bargaining table, in order to swiftly develop an agreement which would lead to a resumption of the 2004/2005 National Hockey League schedule;

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 September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(23) Request to Withdraw Application for an Encroachment Agreement – St. Ives

Moved by: Councillor Jenkins

Seconded by: Councillor Stintz

“**WHEREAS** North York Community Council Report 4, Clause 23, headed ‘Encroachment Agreement Application – 1 St. Ives’, was adopted by City Council at its meeting on May 18, 19 and 20, 2004; and

WHEREAS the Applicant has agreed to revise the plans dated July 6, 2004; and

WHEREAS the Application for an Encroachment Agreement, dated October 28, 2003, has been withdrawn so that a revised Application for an Encroachment Agreement can be duly processed and presented at the meeting of the North York Community Council on October 12, 2004;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, North York Community Council Report 4, Clause 23, headed ‘Encroachment Agreement Application – 1 St. Ives’, be re-opened for further consideration, and that the Clause be referred back to the North York Community Council meeting on October 12, 2004, for further review.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, re-opened North York Community Council Report 4, Clause 23, headed “Encroachment Agreement Application – 1 St. Ives”, for further consideration.

Council adopted the balance of this Motion, subject to amending the Operating Paragraph by deleting the words “and that the Clause be referred back to the North York Community Council meeting on October 12, 2004, for further review”, and inserting instead the words “and that the applicant be permitted to submit a new application”, so that the Operative Paragraph, as amended by Council, shall now read as follows:

“NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, North York Community Council Report 4, Clause 23, headed ‘Encroachment Agreement Application – 1 St. Ives’, be re-opened for further consideration, and that the applicant be permitted to submit a new application.”

J(24) Lease of 8270 Sheppard Avenue East for Hurricane Relief Effort

Moved by: Councillor Balkissoon

Seconded by: Councillor De Baeremaeker

“**WHEREAS** the City of Toronto’s Hurricane Relief Effort has received a tremendous response from the residents of Toronto; and

WHEREAS hundreds of kilograms of non-perishable food, clothing, water and medicines have been donated to assist victims of Hurricane Ivan and Hurricane Jeanne; and

WHEREAS the Consulates for Grenada, Haiti and Jamaica are co-ordinating shipment of these goods to their respective countries; and

WHEREAS the Consulates require additional space in which to store donated materials; and

WHEREAS the City of Toronto is currently storing donations collected at its 81 Fire Halls, Civic Centres and City Hall, and at a vacant city-owned warehouse at 8270 Sheppard Avenue East; and

WHEREAS the Consulates for Grenada, Haiti and Jamaica have expressed an interest in consolidating their efforts to sort, pack and store donated items; and

WHEREAS Facilities and Real Estate Division of the Corporate Services Department, has identified 8270 Sheppard Avenue East, consisting of approximately 12,400 square feet, to be suitable to meet the temporary storage needs of the consulates; and

WHEREAS the subject property at 8270 Sheppard Avenue East is not surplus to the City’s requirements. Works and Emergency Services has indicated its interest in utilizing the property as a Works Yard, pending approval from the Property Management Committee;

NOW THEREFORE BE IT RESOLVED THAT 8270 Sheppard Avenue East be offered for lease for a nominal fee of \$2.00 for a term of three months, jointly to the Consulates of Grenada, Haiti and Jamaica (the Tenants);

AND BE IT FURTHER RESOLVED THAT the Tenants shall enter into a four-party Lease Agreement with the City and shall each provide individual insurance certificates in the City’s standard form. The Tenants shall be responsible for all expenses, such as utilities associated with their use.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(25) 221 Todd Baylis Boulevard - Application for Demolition Approval

Moved by: Councillor Di Giorgio

Seconded by: Councillor Nunziata

“**WHEREAS** a demolition permit application has been submitted to the City to demolish an industrial building located at 221 Todd Baylis Boulevard, in the former City of York; and

WHEREAS the entire area of the former City of York is designated as an area of demolition control by By-law No. 3102-95, which was passed pursuant to the *City of York Act 1994* (Bill PR147); and

WHEREAS the *City of York Act 1994*, provides the authority for the Council of the former City of York to enact special demolition control legislation for the purpose of securing beautification measures on the lands and abutting municipal boulevards, where appropriate, as a condition of the approval of demolition permit applications; and

WHEREAS the Commissioner of Urban Development Services has prepared a report dated September 28, 2004, recommending that City Council approve the demolition permit application for 221 Todd Baylis Boulevard, with no conditions of approval related to beautification;

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached report dated September 28, 2004, from the Commissioner of Urban Development Services, and the recommendations contained in the Recommendations Section of the report be adopted.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

In adopting Motion J(25), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated September 28, 2004, from the Commissioner of Urban Development Services, headed “Application for Demolition Approval Applicant: Todd Baylis Self Storage Corporation, 221 Todd Baylis Boulevard, File Nos. 10/4/14-1 (Demo Permit No: 04 154082 DEM 00 DM, York South-Weston (Ward 12))”:

“It is recommended that City Council:

- (1) approve the application to demolish the building as shown on the Plan attached as Attachment 1 to this report, pursuant to By-law No. 3102-95, with no conditions of approval related to beautification;*
- (2) direct staff to advise the owner of the following:*
 - (a) the requirement to submit to the Acting Commissioner of Works and Emergency Services, for review and acceptance, a storm water management report and grading drawing showing how stormwater within the site is to be handled, prior to commencement of demolition work;*
 - (b) the requirement to apply to the Acting Commissioner of Works and Emergency Services for the abandonment of any existing drain or water service connections, prior to issuance of a demolition permit;*
 - (c) of the need to make separate application to the Acting Commissioner of Works and Emergency Services for permits to carry out any works involving construction in, or occupancy of, the abutting public right-of-way; and*
 - (d) that no demolition, construction, grading or other soil disturbances shall take place on the subject property, prior to the City’s Culture Division (Heritage Preservation Services Unit) and the Ministry of Culture (Heritage Operations Unit) confirming, in writing, that all archaeological licensing and technical review requirements have been satisfied.”*

J(26) Negotiations on Development Proposal for 754 Indian Road

Moved by: Councillor Watson

Seconded by: Councillor Walker

“WHEREAS the Committee of Adjustment (Humber York Panel) on May 4, 2004, heard and approved consent application B75/03HY and minor variance applications A329/03HY, A330/03HY, A331/03HY and A332/03HY to permit the construction of four (4) detached houses at 754 Indian Road (the ‘Property’); and

WHEREAS the variances approved were for an increase in the permitted gross floor area, and a decrease in the permitted front yard setback, setbacks from adjacent residential buildings, side yard setbacks and setbacks from a flanking street; and

WHEREAS the City of Toronto appealed the decision of the Committee of Adjustment (Humber York Panel) to the Ontario Municipal Board, under section 45(12) of the *Planning Act* (Council authority under Motion J(33), Council Meeting of May 18, 19 and 20, 2004); and

WHEREAS the owner of the property, 1320793 Ontario Ltd. (the ‘Applicant’), the City Solicitor, the Commissioner of Urban Development Services, the Ward Councillor and area residents have entered into discussions to potentially achieve a revised proposal that is satisfactory to all parties involved; and

WHEREAS there is a reasonable expectation that the Applicant, the City and the area residents will settle prior to the scheduled hearing date of October 21, 2004; and

NOW THEREFORE BE IT RESOLVED THAT City Council authorize the City Solicitor, in consultation with the Commissioner of Urban Development Services and the Ward Councillor, to negotiate with the Applicant to achieve a suitable development proposal for the 754 Indian Road appeal;

AND BE IT FURTHER RESOLVED THAT City Council authorize the City Solicitor, in consultation with the Commissioner of Urban Development Services and the Ward Councillor, to settle with the Applicant and enter into Minutes of Settlement, provided a suitable proposal that is satisfactory to the Commissioner of Urban Development Services is achieved.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(27) Grant of Permanent Subsurface Easement to Enwave District Energy Limited Over a Portion of 100 Queen Street West – Nathan Phillips Square (Ward 27 – Toronto Centre-Rosedale)

Moved by: Councillor Rae

Seconded by: Councillor Walker

“**WHEREAS** in September 1997, the Councils of both the former City of Toronto and Metropolitan Toronto had approved Deep Lake Water Cooling (‘DLWC’), a district cooling system concept that would serve the downtown core; and

WHEREAS in July 1999, City Council approved the restructuring of Enwave District Energy Limited (‘Enwave’), formerly the Toronto District Heating Corporation, as a share capital corporation with the City and BPC Penco Corporation, a subsidiary of OMERS, as equal shareholders; and

WHEREAS the DLWC Distribution System serving the southern part of downtown Toronto, from Lake Shore Boulevard West to King Street West, became operational on July 29, 2004; and

WHEREAS Enwave has advised that a northerly extension, which could ultimately provide service to Old City Hall and Queen's Park, is now under construction and the most cost effective route is to continue tunneling in a northeasterly direction, from the corner of York Street and Queen Street West, under Queen Street West and the Nathan Phillips Square parking structure to Bay Street; and

WHEREAS the Commissioner of Corporate Services has prepared the attached report dated September 21, 2004, to Council, recommending the granting of a permanent subsurface easement to Enwave over a portion of Nathan Phillips Square, on the terms and conditions set out in the report; and

WHEREAS it is necessary that Council consider this matter immediately, as the Enwave DLWC tunnel boring machine operating on York Street will reach Queen Street West in October 2004;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the attached report dated September 21, 2004, from the Commissioner of Corporate Services, entitled 'Grant of a Permanent Subsurface Easement to Enwave District Energy Limited Over a Portion of 100 Queen Street West - Nathan Phillips Square', and that the recommendations contained in the Recommendations Section of the report be adopted."

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

In adopting Motion J(27), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated September 21, 2004, from the Commissioner of Corporate Services, headed "Grant of a Permanent Subsurface Easement to Enwave District Energy Limited Over a Portion of 100 Queen Street West – Nathan Phillips Square (Ward 27 – Toronto Centre-Rosedale)":

"It is recommended that:

- (1) authority be granted to convey a permanent subsurface easement to Enwave District Energy Limited ('Enwave') for the Deep Lake Water Cooling ('DLWC') Distribution System Project, over a portion of Nathan Phillips Square, on the terms outlined in the body of this report and as is satisfactory to the Commissioner of Corporate Services, and in a form and content acceptable to the City Solicitor;***

- (2) *the City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses; and*
- (3) *the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”*

J(28) 2772-2778 Keele Street –Official Plan Amendment and Zoning Appeal - Instructions for an Ontario Municipal Board Hearing

Moved by: Councillor Augimeri

Seconded by: Councillor Minnan-Wong

“**WHEREAS** Vincent Baffa, Beaverbrook Homes Inc. (the ‘Applicant’) has made an application to amend the former City of North York Official Plan and Zoning By-law No. 7625 on the lands municipally known as 2772-2778 Keele Street, in order to permit an 8 to 10 storey, 140 unit residential apartment building; and

WHEREAS the Applicant appealed to the Ontario Municipal Board under sections 17(40) and 34(11) of the *Planning Act* for Council’s failure to make a decision within 90 days; and

WHEREAS the Toronto North Community Council at its meeting held on May 4, 2004, recommended that the application be approved, subject to conditions contained in a Resolution submitted by Councillor Moscoe, which included supporting the application on the basis of the draft by-laws attached to the report dated February 24, 2004, from the Acting Director of Community Planning; and

WHEREAS City Council at its meeting held on May 18, 19 and 20, 2004, adopted the Toronto North Community Council Report 4, Clause 21; and

WHEREAS further direction is required with respect to the gross floor area provisions of the draft zoning by-law;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor, in consultation with the Ward Councillor, be instructed to negotiate with regard to provisions respecting gross floor area, as set out in the draft zoning by-law, to allow for a maximum of an additional 450 square metres, provided that this would not permit additional massing of the building and, if negotiations are successful, City staff be authorized to enter into Minutes of Settlement and request that the Ontario Municipal Board implement this settlement.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(29) Notice of Intention to Change Composition of Toronto Atmospheric Fund Board of Directors

Moved by: Councillor Moscoe

Seconded by: Deputy Mayor Bussin

“**WHEREAS** the *Toronto Atmospheric Fund Act, 1992* (the ‘TAF Act’) creates a Board of Directors of the Toronto Atmospheric Fund (‘TAF Board’) which is currently comprised of six citizen members and four Council members all appointed by the Council of the City of Toronto; and

WHEREAS Section 216 of the *Municipal Act, 2001*, provides that the Council of a municipality may, by by-law, dissolve or make prescribed changes to a local board, provided that notice is first given to the local board of Council’s intention to pass the by-law; and

WHEREAS despite Section 10 of the *TAF Act*, Ontario Regulation 214/96 made under *Municipal Act, 2001*, provides that the Toronto Atmospheric Fund is a local board for the purposes of the regulation and that Council may, by by-law, make changes to the local board with respect to membership on the board, including changes related to the number of members, their terms, their remuneration and the manner in which they become members; and

WHEREAS Council has previously amended the composition of the TAF Board by the enactment of By-law Nos. 544-2002 and 389-2000; and

WHEREAS the TAF Board, at its meeting held on September 23, 2004, resolved to request that Council expand the TAF Board to include seven citizen members; and

WHEREAS the TAF Board, as recorded in the Minutes of its meeting on September 23, 2004, and the Nominating Committee, as set out in Clause 3 of its Report 5, currently before Council for consideration, recommended citizen members for appointment for the term of office ending November 30, 2006, and an additional nominee to be appointed to the TAF Board should Council increase the TAF Board’s membership;

NOW THEREFORE BE IT RESOLVED THAT notice of Council’s intention to pass a by-law to change the TAF Board’s composition be given to the TAF Board, as required by *Municipal Act, 2001*;

AND BE IT FURTHER RESOLVED THAT Council change the composition of the TAF Board by adding one other citizen member, with the new TAF Board structure to consist of seven citizen members and four Council members, and that the City Solicitor be authorized to introduce the necessary by-laws to give effect to this change after the required notice has been provided to the TAF Board.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(30) MFP Financial Services Ltd., Equipment Schedule No. 838-2 under Master Lease Agreement No. 838 – Oracle Corporation Canada Inc.

Moved by: Councillor Walker

Seconded by: Councillor Milczyn

“**WHEREAS** the City Solicitor and the Commissioner of Corporate Services have prepared a confidential report regarding the motion before Master MacLeod on September 16, 2004, dealing with the annual support and maintenance payments to Oracle Corporation Canada Inc. (‘Oracle’) for the years 2002-2004; and

WHEREAS Master MacLeod made an order on September 16, 2004, relating to the support and maintenance payments for the years 2002, 2003 and 2004, due by MFP Financial Services Ltd. to Oracle Corporation Canada Inc.; and

WHEREAS the City Solicitor and the Commissioner of Corporate Services wish to report upon the matter and obtain instructions in respect of Master MacLeod’s decision;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the staff recommendations contained in the Recommendations Section of the confidential report dated September 28, 2004, from the City Solicitor and the Commissioner of Corporate Services.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

In adopting Motion J(30), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated September 28, 2004, from the City Solicitor and the Commissioner of Corporate 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 that is subject to solicitor-client privilege:

“It is recommended that:

- (1) *City Council provide instructions to the City's external solicitors not to appeal the decision of Master MacLeod, dated September 16, 2004;*
- (2) *City Staff take all necessary steps to arrange for the sum of \$1,383,529.48, plus applicable taxes, to be paid out of court to Oracle; and*
- (3) *City staff report back to City Council for approval on the results of the negotiations between the City and Oracle and SAP regarding any overpayment issues for support for certain runtime licences that the City traded in."*

J(31) Extension to the Closing Date in an Agreement with 863880 Ontario Limited – 9 Hanna Avenue

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Giambrone

“WHEREAS City Council at its meeting on December 4, 5 and 6, 2001, adopted Administration Committee Report 18, Clause 23, headed ‘Front Street Extension Project - Acquisition of Lands Owned by 863880 Ontario Limited, known as Liberty Street Village (Ward 19 – Trinity Spadina)’, authorizing the City to enter into a Section 30 Agreement with 863880 Ontario Limited to purchase a property west of Strachan Avenue under a Section 30 Agreement, for the future provision of land for the Front Street Extension; and

WHEREAS City Council at its meeting on July 22, 23 and 24, 2003, adopted Policy and Finance Committee Report 8, Clause 20, headed ‘9 Hanna Avenue Purchase of Building for Toronto Police Services Central Traffic and Garage and Court Services (Ward 19 – Trinity – Spadina)’, and requested that staff report back on the minimization of existing easements located on 9 Hanna Avenue; and

WHEREAS City Council at its meeting on May 18, 19 and 20, 2004, adopted Motion J(27), which introduced a confidential report dated May 13, 2004, headed ‘Extension to the Closing date in an Agreement with 863880 Ontario Limited - 9 Hanna Avenue (Ward 19 - Trinity-Spadina)’, from the Commissioner of Corporate Services, recommending that the City Solicitor be authorized to extend the closing date of the previously approved Section 30 Agreement with 863880 Ontario Limited to October 15, 2004. The report further authorized the Commissioner of Corporate Services to report to the Administration Committee on the outcome of negotiations with respect to the new proposal from 863880 Ontario Limited and Toronto Hanna Properties Limited, to minimize the effect of existing easements on 9 Hanna Avenue or, in the event that negotiations are not completed in sufficient time, to report directly to City Council on September 28, 2004; and

WHEREAS staff is continuing to negotiate with Toronto Hanna and 863880 Ontario Limited, in order to finalize the terms for the release of the existing easements over 9 Hanna Avenue, and requires authority to extend the closing date of the Section 30 Agreement;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached confidential report dated September 24, 2004, from the Commissioner of Corporate Services, and that the staff recommendations contained in the Recommendations section of the report be adopted;

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

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, subject to adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Acting Commissioner of Works and Emergency Services, in consultation with the Commissioner of Corporate Services, be requested to report back to the Administration Committee on the status of the Front Street Extension, prior to closing the real estate transaction.”

In adopting Motion J(31), as amended, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated September 24, 2004, from the Commissioner of Corporate Services. This report remains confidential, in its entirety, in accordance with the provisions of the Municipal Act, as it contains information that is subject to litigation or potential litigation.

J(32) Committee of Adjustment Decision – 55 Guthrie Avenue

Moved by: Councillor Milczyn

Seconded by: Councillor Grimes

“WHEREAS the Etobicoke Committee of Adjustment refused an application for a minor variance at 55 Guthrie Avenue; and

WHEREAS the relief sought was not minor in nature; and

WHEREAS the applicant has appealed the Committee of Adjustment’s decision to the Ontario Municipal Board (OMB); and

WHEREAS the OMB hearing date is October 19, 2004; and

WHEREAS the applicants proposal would result in an inappropriate development which would alter the character of the neighbourhood;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be directed to attend the Ontario Municipal Board and to make appropriate arrangements for expert witnesses to defend the Committee of Adjustment's decision.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(33) Instructions for Ontario Municipal Board Hearing – 5365 Dundas Street West (Etobicoke-Lakeshore – Ward 22)

Moved by: Councillor Milczyn

Seconded by: Councillor Grimes

“**WHEREAS** the City Solicitor has prepared a confidential report seeking instructions respecting the Ontario Municipal Board hearing relating to the land development application for 5365 Dundas Street West; 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 November 1, 2004;

NOW THEREFORE BE IT RESOLVED THAT Council consider the confidential report dated September 27, 2004, from the City Solicitor, and the staff recommendations contained in the Recommendations Section of the report be adopted.”

Disposition:

City Council on September 28, 29, 30 and October 1, 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 September 27, 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 solicitor-client privilege:

“It is recommended that City Council:

- (1) authorize the City Solicitor and municipal staff to attend the hearing at the Ontario Municipal Board to oppose the applicant’s appeals of the Etobicoke Centre Secondary Plan and implementing Zoning By-law 1088-2002 and the applicant’s site specific appeals of application TA CMB 2003 0005 in its current form;*
- (2) authorize the City Solicitor and municipal staff to support revisions to the site specific Official Plan Amendment and rezoning satisfactory to the Commissioner of Urban Development Services, such that the resulting density will not exceed 4.23 times lot area and height will step up from approximately 8 storeys along Dundas Street West and will not exceed 69 metres (approximately 25 storeys) at the rear of the site adjacent to the rail line; and*
- (3) authorize staff to request the Ontario Municipal Board, 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. Such benefits may include streetscape improvements in the local area, public art, improvements to the local Business Improvement Area and/or improvements to local parks. Based on the latest revisions presented by the applicant, staff propose a financial contribution of \$266,000.00. The agreement shall include provisions, as appropriate, with respect to transportation, TTC, environmental, parkland, CP Rail and servicing issues to the satisfaction of the City Solicitor and the Commissioner of Urban Development Services.”*

J(34) Former Lakeshore Hospital Site - Toronto District Catholic School Board/City of Toronto Joint Use Agreement (Etobicoke-Lakeshore – Ward 22)

Moved by: Councillor Grimes

Seconded by: Deputy Mayor Feldman

“WHEREAS City Council at its meeting of July 24, 25 and 26, 2001, adopted Economic Development and Parks Committee Report 7, Clause 20 (the ‘Clause’); and

WHEREAS the Commissioner of Corporate Services and the Commissioner of Economic Development, Culture and Tourism have prepared a confidential report requesting an amendment to the Clause, and the authority to finalize negotiations and enter into the transactions and agreements required to implement the terms generally described in the Clause, as amended;

NOW THEREFORE BE IT RESOLVED THAT Council consider the confidential report dated September 28, 2004, from the Commissioner of Corporate Services and the Commissioner of Economic Development, Culture and Tourism, and the staff recommendations contained in the Recommendations Section of the report be adopted.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

In adopting Motion J(34), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated September 28, 2004, from the Commissioner of Corporate Services and the Commissioner of Economic Development, Culture and Tourism. 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 solicitor-client privilege:

“It is recommended that:

- (1) the Umbrella Agreement, all Lease Agreements and the Option to Lease the elementary school lands, between the City and the Toronto Catholic District School Board (TCDSB) for the Lakeshore Grounds, be approved in accordance with the terms and conditions set out in paragraphs 1 through 5 on page 4 of this report together with Appendices B and C, such other terms as are satisfactory to the Commissioner of Corporate Services, and in a form acceptable to the City Solicitor;***
- (2) subject to the resolution of the Humber College easement issue in accordance with paragraphs 1 and 2 on page 5 of this report, the agreements referenced in Recommendation No. (1) be executed by the appropriate City officials;***
- (3) costs associated with the City’s obligations under the Umbrella Agreement, Lease Agreements and Option to Lease, including any related taxes, and the operating costs for new facilities for the Lakeshore Grounds project be included in Parks and Recreation 2006 and 2007 Operating Budget submissions and referred for consideration during the 2006 and 2007 budget processes;***

- (4) *the Commissioner of Corporate Services shall administer and manage the Lease Agreements and the Option to Lease, including provision of any consents, approvals, notices and notices of terminations, provided that the Commissioner may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction; and*
- (5) *the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”*

J(35) 108 Stayner Avenue – Removal of Private Trees

Moved by: Councillor Moscoe

Seconded by: Councillor Soknacki

“**WHEREAS** City of Toronto Council has before it Policy and Finance Committee Report 7, Clause 2, headed ‘Harmonized City-Wide Private Tree By-law’; and

WHEREAS certain property in the former City of North York, known municipally as 108 Stayner Avenue (Jacob P. Ross House), has been designated under Part IV of the *Ontario Heritage Act*; and

WHEREAS the owner or persons authorized by the owner of 108 Stayner Avenue are proceeding to remove trees from the property; and

WHEREAS the proposed Harmonized City-Wide Private Tree By-law, as recommended by the Policy and Finance Committee, would prohibit the cutting of trees on private property, including 108 Stayner Avenue; and

WHEREAS City of Toronto Council desires that the trees on 108 Stayner Avenue not be removed at this time;

NOW THEREFORE BE IT RESOLVED THAT City of Toronto Council take the necessary action to preserve the trees at 108 Stayner Avenue by enacting a by-law specific to 108 Stayner Avenue which shall be in force until City Council has had the opportunity to deal with the report of the Policy and Finance Committee with respect to a harmonized City-wide private tree by-law, and the City Solicitor be authorized to commence such legal proceedings to give effect to Council’s desire to preserve the trees at 108 Stayner Avenue;

AND BE IT FURTHER RESOLVED THAT the provisions of the existing private tree by-law of the former City of Toronto under Municipal Code Chapter 331, Trees, Article III, shall be deemed to be in effect with respect to 108 Stayner Avenue, until such time as City Council has dealt with Policy and Finance Committee Report 7, Clause 2, headed ‘Harmonized City-Wide Private Tree By-law’;

AND BE IT FURTHER RESOLVED THAT the City Solicitor is hereby authorized and instructed to commence such proceedings as may be necessary to give effect to the foregoing by way of injunction or as may otherwise be deemed necessary and prudent.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, subject to adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT 13 Division of the Toronto Police Service be immediately notified and requested to give effect to the will of Council.”

J(36) Instructions for Ontario Municipal Board Hearing – 975 The Queensway (Etobicoke-Lakeshore – Ward 5)

Moved by: Councillor Milczyn

Seconded by: Councillor Grimes

“WHEREAS the owner of 975 The Queensway has applied for a site specific Official Plan Amendment and Zoning By-law to permit redevelopment of the subject site for residential purposes; and

WHEREAS an original application was filed on March 31, 2003, for a 750-unit, multiple building housing development, with 1,200 square metres of commercial gross floor area, with buildings ranging in height from 8 to 17 storeys and a floor space index of 5.0 times the lot area; and

WHEREAS the applicant has provided a draft Revised Plan dated June 23, 2003, revised to June 23, 2004, by Burka Varacalli Architects, that would propose a floor space index of approximately 1.13 times the lot area, 74 townhouse units ranging from 3 to 3.5 storeys, and the park on the south portion of the site and not fronting on The Queensway; and

WHEREAS the owner has appealed the Applications, as amended, to the Ontario Municipal Board, due to Council’s failure to approve the Applications within the required time frames;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) the City Solicitor be directed to settle the appeals, generally on the basis of the draft Revised Plan dated June 23, 2003, revised to June 23, 2004, by Burka Varacalli Architects, which proposes a floor space index of approximately 1.13 times the lot area, 74 townhouse units ranging from 3 to 3.5 storeys, and the park located as proposed on the south portion of the site and not fronting on The Queensway; and
- (2) the Ontario Municipal Board be requested to withhold its Order pending site plan approval.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion, without amendment.

J(37) Request to Re-open Harmonized City-Wide Private Tree By-law

Moved by: Councillor Hall and Councillor Lindsay Luby

Seconded by: Councillor Nunizata

“**BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 7, Clause 2, headed ‘Harmonized City-Wide Private Tree By-law’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the Clause be amended to provide that, in cases of hardship, the Commissioner of Economic Development, Culture and Tourism be authorized to waive the permit application fees.”

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on October 26, 2004.

CONDOLENCE MOTIONS

(1) **Moved by: Mayor Miller**

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** Members of Council are saddened to learn of the passing of Raymond (Ray) Bremner on July 25, 2004; and

WHEREAS Mr. Bremner served as the Construction Co-ordinator of the New City Hall, followed by his appointment by Toronto City Council in 1964 as the Commissioner of Public Works, a position he held for 25 years until his retirement; and

WHEREAS the reputation Toronto enjoys as a clean and litter-free City is, in large part, the result of the dedication he showed in leading his department and in fighting tirelessly for his vision of Toronto; and

WHEREAS during his time as Commissioner, Mr. Bremner established various initiatives including long-term infrastructure planning and its continued maintenance, innovative approaches for financing needed improvements, as well as several pollution abatement projects and recycling programs; and

WHEREAS Mr. Bremner's outstanding abilities were recognized by Toronto City Council through his secondments to reorganize and operate two other civic agencies, Cityhome and Toronto Hydro; and Bremner Boulevard (south of Skydome) was named after him; and

WHEREAS our City continues to benefit from his pioneering work on energy initiatives such as district steam heating and deep lake-water cooling; and

WHEREAS Mr. Bremner will be sorely missed by all of his former colleagues and those who admired and respected him for his passion, dedication and commitment to serving the public;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to his wife Jean, his three sons, and his family and friends.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion unanimously.

(2) **Moved by: Councillor Lindsay Luby**

Seconded by: Councillor Holyday

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of Brian John Flynn on August 10, 2004; and

WHEREAS he was son of the late former Metropolitan Toronto Chairman C. Dennis Flynn; and

WHEREAS Brian Flynn served on Etobicoke City Council from 1991 to 1997; and

WHEREAS he was involved with his community and a tireless fundraiser for the C. Dennis Flynn Foundation and, most recently, Jake's House for autistic children; and

WHEREAS he will be lovingly remembered by his mother Margaret, his devoted wife Belen (Pabelico), his children, Jonathan, Stefanie and Shannon Pollock and her husband Tieg and his grandson Gavin;

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 the family of Brian Flynn."

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion unanimously.

(3) **Moved by: Councillor Lindsay Luby**

Seconded by: Mayor Miller

“WHEREAS the Members of City Council are deeply saddened to learn of the passing of seven year old Robert Fordjour Jr. on July 31, 2004; and

WHEREAS Robert Fordjour Jr. drowned in Mimico Creek while playing with his 14-year-old brother and friends in the Willowridge area; and

WHEREAS this avoidable tragedy has saddened the entire Etobicoke community; and

WHEREAS the Willowridge Information Centre has led the community to help cope with this tragedy, by providing support through fundraising, crisis intervention, and water safety presentations; and

WHEREAS the Willowridge community has been identified as a high needs area;

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 the family of Robert Fordjour Jr.;

AND BE IT FURTHER RESOLVED THAT the City of Toronto thank the Willowridge Information Centre for its leadership in the community;

AND BE IT FURTHER RESOLVED THAT the City of Toronto offer assistance to the Willowridge Information Centre to help educate the community about the dangers of the Creek, to avoid future tragedies.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion unanimously.

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

Seconded by: Councillor Giambrone

“**WHEREAS** the Members of City Council are very saddened to learn of the passing on July 22, 2004, of Ms. Elizabeth Clarke (Betsy) Swift, an active member of the Riverdale community; and

WHEREAS Elizabeth Clarke Swift was a respected activist and friend of South Riverdale, where she devoted much of her energies to the South Riverdale neighbourhood for more than a decade; and

WHEREAS at the time of her passing, she was serving her second term on the Ralph Thornton Community Centre Board, where she contributed a sense of reality about the life and issues of the community, and was instrumental in saving the Queen/Saulter branch of the Toronto Public Library when it was threatened with closure in 2002; and

WHEREAS she was also a leading force in the establishment of the John Chang Neighbourhood Park on June 19, 2004; and

WHEREAS Betsy recognized the need for support of small businesses in the South Riverdale area, and was the organizer of Greater Riverdale Economic Action Together (GREAT), a local agency designed to fill that need; and

WHEREAS, believing that individuals can make a significant difference in their communities, Betsy was dedicated to community building and environmental action; and

WHEREAS Betsy will be remembered in the hearts of those in the South Riverdale Community for her hard work and dedication over the past years and will also be remembered by her co-workers who had the great pleasure to know and work with her;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to her mother Jean F. Swift, her family, a multitude of friends, and the many people she touched with love during her lifetime.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion unanimously.

(5) **Moved by: Councillor Thompson**

Seconded by: Councillor De Baeremaeker

“**WHEREAS** Members of Council are saddened to learn of the passing of Bruce Lorimer on August 19, 2004; and

WHEREAS he was known as a gentle, kind and generous man, always ready and willing to help others; and

WHEREAS Mr. Lorimer was a long-time resident of Ward 37, Scarborough Centre, and will be greatly missed by the community;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of members of City Council, our sincere sympathy to his partner Lise Cook, his family and friends.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion unanimously.

(6) **Moved by: Councillor Rae**

Seconded by: Mayor Miller

“**WHEREAS** the Members of City Council are deeply saddened to learn of the recent passing of Jim Shea at the age of 43; and

WHEREAS Jim Shea was a pioneer in the creation of Casey House, the world’s first independent hospice for those living with HIV/AIDS; and

WHEREAS Jim Shea was an on-going supporter of Casey House, involved in fundraising and operational matters at Casey House; and

WHEREAS Jim Shea went on to work with the Government of Ontario as a liaison between the government and local agencies; and

WHEREAS Jim went on to nurture his creativity with a career in photography and was the chair of SNAP, a fundraiser for the AIDS Committee of Toronto; and

WHEREAS Jim recorded and presented, in photographic art, the CBC media tower at Jarvis and Carlton, dubbing the series, ‘Eiffel on Jarvis’;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to Jim's parents, Dick and Connie Shea, and to all those who were touched by Jim's outstanding contributions to his community."

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion unanimously.

(7) **Moved by:** Councillor Nunziata

Seconded by: Councillor Lindsay Luby

"WHEREAS, Members of Council are saddened to learn of the passing of the Reverend Canon Clifford Ward, of St. Hilda's Anglican Church (located at Dufferin Street and Eglinton Avenue), on September 27, 2004; and

WHEREAS Clifford Ward dedicated his life to serving the community, and particularly those in need; and

WHEREAS he served the community as Chairman of St. Hilda's Towers, and Rector of St. Hilda's Anglican Church, and as a member of Borough of York Council during the period from 1975 to 1977; and

WHEREAS he was a leading advocate for affordable housing for seniors which resulted in municipal and provincial support for the establishment of St. Hilda's Towers; and

WHEREAS, through his stewardship, St. Hilda's Towers has evolved to become one of Ontario's leading examples of affordable not for profit seniors' housing, where a continuum of care from independent living to assisted care is available, including the provision of medical, nursing, therapeutic and activation programs, to ensure that seniors are able live independently and with dignity; and

WHEREAS the parish of St. Hilda's continues to be a strong supporter of care for seniors in the City of Toronto; and

WHEREAS Canon Clifford Ward will be greatly missed by his community and the residents of the City of Toronto;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to his wife Audrey, his children Elizabeth and Janet, and their families and friends."

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion unanimously.

(8) **Moved by:** Councillor McConnell

Seconded by: Councillor Chow

“**WHEREAS** the Members of City Council are deeply saddened to learn of the sudden passing of Frederick Grant Gloger at the age of 43, while on vacation in Paris, France; and

WHEREAS Fred Gloger was long time political analyst, strategist and researcher with the New Democratic Party; and

WHEREAS Fred worked at Parliament Hill for MPs Michael Cassidy and Dan Heap, in the 1980s, where he also had an active role on the Ottawa Carleton Tenants Association; and

WHEREAS Fred moved back to Toronto in 1990 to work at Queen’s Park in the Office of the Premier as Policy Coordinator, between 1990 and 1995, and thereafter was a researcher specializing in energy, housing and urban issues for the Ontario NDP caucus until his untimely passing; and

WHEREAS Fred’s work in writing the NDP’s position paper on cities, A Brighter Idea for Ontario Cities, reflected the integration of his greatest loves, art, architecture, politics, travelling and all things urban; and

WHEREAS Fred’s passion for politics and fighting for what is right will be greatly missed by his colleagues at Queen’s Park and City Hall; and

WHEREAS Fred’s wonderful generosity, and compassion will be missed by his many close friends and family;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey on behalf of Members of City Council, our sincere sympathy to his mother Nancy Gloger and his sister Ann Gloger.”

Disposition:

City Council on September 28, 29, 30 and October 1, 2004, adopted this Motion unanimously.