

CERTIFICATE OF AMENDMENTS

Certified to be a true copy of amendments to:

Deferred Clauses:

Administration Committee Report 6, Clause 15b
Administration Committee Report 8, Clause 8a
Planning and Transportation Committee Report 6, Clause 4b
Policy and Finance Committee Report 8, Clauses 1a and 20a
Works Committee Report 9, Clauses 1a and 3a
North York Community Council Report 7, Clause 47b
North York Community Council Report 8, Clause 27a
Scarborough Community Council Report 8, Clause 7a
Board of Health Report 7, Clause 1a

New Reports:

Administration Committee Report 9
Community Services Committee Report 8
Economic Development and Parks Committee Report 8
Planning and Transportation Committee Report 9
Policy and Finance Committee Report 9
Works Committee Report 10
Joint Administration Committee and Planning and Transportation Committee Report 1
Etobicoke York Community Council Report 9
North York Community Council Report 9
Scarborough Community Council Report 9
Toronto and East York Community Council Report 9
Audit Committee Report 6
Striking Committee Report 7

Report dated November 24, 2004, from Mayor Miller, entitled "Review of the City's Administrative Structure".

and Notices of Motions as adopted by the Council of the City of Toronto at its regular meeting held on November 30, December 1 and 2, 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 ADMINISTRATION COMMITTEE REPORT 6

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

City Council on November 30, December 1 and 2, 2004, referred this Clause back to the Administration Committee for further consideration.

DEFERRED CLAUSE FROM ADMINISTRATION COMMITTEE REPORT 8

Clause 8a - **“Complaint regarding Actions at Committee Meetings”**.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

DEFERRED CLAUSE FROM PLANNING AND TRANSPORTATION COMMITTEE REPORT 6

Clause 4b - **“Taxicab Driver Safety”**.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its next regular meeting on February 1, 2005, and directed that it be designated as a ‘time sensitive’ matter.

DEFERRED CLAUSES FROM POLICY AND FINANCE COMMITTEE REPORT 8

Clause 1a - **“Capital Financing Strategy – 2004”**.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

DEFERRED CLAUSES FROM WORKS COMMITTEE REPORT 9

Clause 1a - **“Elimination of Duplicate/Triplicate Street Names - Completion of Phase 1 - Results of Public Consultation”**.

City Council on November 30, December 1 and 2, 2004, received this Clause and directed that no further action be taken.

Clause 3a - “Bus-Only Lanes (Bus Rapid Transit) Downsview Subway Station to York University”.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its next regular meeting on February 1, 2005.

DEFERRED CLAUSE FROM NORTH YORK COMMUNITY COUNCIL REPORT 7

Clause 47b - “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 November 30, December 1 and 2, 2004, amended this Clause:

- (1) in accordance with the following staff recommendation contained in the Recommendation Section of the supplementary report dated September 27, 2004, from the Commissioner of Urban Development Services, as contained in the Clause:

“It is recommended that:

- (1) Council amend Clause 47 of Report 7 of North York Community Council by deleting Section (2)(ii)(b) of Attachment 7: Draft Official Plan Amendment and Section 2(ii)(b) of Attachment 9: Draft Zoning By-law Amendment and insert instead the following:

‘(2)(ii)(b) all eligible tenants residing on the site on the date of the application, January 16, 2003, and who receive the six (6) months notice of termination set forth in (a) (“eligible tenants”) or who ceased occupancy on or after January 1, 2004, shall have a right of first refusal based on seniority to occupy a designated affordable replacement rental unit at an initial rent not exceeding the amount of their rent as of January 2003 plus the amount permitted by the Provincial rent increase guidelines between that date and the date of their first occupancy as adjusted by the anniversary date of each lease and a one-time allowance of 4 percent.’ ”; and

- (2) in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (undated) from the Commissioner of Urban Development Services:

“It is recommended that City Council:

- (1) amend Clause 47 of Report 7 of North York Community Council respecting Attachment 7: Draft Official Plan Amendment, Attachment 8: Draft Official Plan Modification, and Attachment 9: Draft Zoning By-law Amendment to:
 - (a) permit a sales office, provided not more than 270 square metres of the building located at 90 Broadway Avenue is used for the purpose of selling residential units to be constructed on the site; and
 - (b) make provisions in the Section 37 Agreement for the sales office as follows:
 - (i) in the event that the provision of the sales office requires any existing tenant to vacate their rental unit prior to the date they would have if there was no sales office, the tenants so affected shall receive additional compensation to be specified in the Section 37 Agreement; and
 - (ii) the setting of the date that vacant possession is required shall be to the satisfaction of the Commissioner Urban Development Services.”

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

DEFERRED CLAUSE FROM SCARBOROUGH COMMUNITY COUNCIL REPORT 8

Clause 7a - “Elimination of Sidewalks on Starry Crescent and Boulderbrook Drive (Ward 42 - Scarborough Rouge River)”.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its next regular meeting on February 1, 2005, in order to allow sufficient time for community consultation.

DEFERRED CLAUSE FROM BOARD OF HEALTH REPORT 7

Clause 1a - “Shade Policy and Technical Considerations for the City of Toronto”.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

ADMINISTRATION COMMITTEE REPORT 9

Clause 1 - "Improvement Initiative - Court Services Fine Collection".

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

Clause 3 - "York Civic Centre Renovations at 2696 and 2700 Eglinton Avenue West - Purchase Order 6011098 (Ward 12 - York South - Weston)".

City Council on November 30, December 1 and 2, 2004, adopted the following:

"That the staff recommendations contained in the Recommendations Section of the supplementary report dated November 18, 2004, from the Commissioner of Corporate Services, be adopted, subject to amending Recommendation (1) by adding the words 'noting that after the \$133,000.00 amendment is completed the purchase order will have been increased by \$633,000.00, or 8.03 percent, overall', so that the recommendations, as amended by Council, shall now read as follows:

'It is recommended that:

- (1) the Purchase Order 6011098 awarded to Canning Construction Ltd. for the York Civic Centre Renovations, be increased by \$133,000.00 from \$8,380,015.00 to \$8,513,015.00 including all charges and taxes, noting that after the \$133,000.00 amendment is completed the purchase order will have been increased by \$633,000.00, or 8.03 percent, overall; 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 4 - "Facilities Maintenance Standards".

City Council on November 30, December 1 and 2, 2004, amended the recommendations of the Administration Committee by deleting from Recommendation (1) contained in the staff report dated October 19, 2004, from the Commissioner of Corporate Services, as amended by the Administration Committee, the words "in principle", so that Recommendation (1) now reads as follows:

- "(1) the maintenance standards as set out in the attachment to this staff report be adopted for use in maintaining City-owned Departmental facilities;"

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

Clause 5 - "Service Improvement Review for Printing and Reproduction Services".

City Council on November 30, December 1 and 2, 2004, amended this Clause by:

- (1) deleting Recommendation (1) contained in the staff report dated October 28, 2004, from the Commissioner of Corporate Services, as amended by the Administration Committee, and inserting instead the following new Recommendation (1):

“(1) City Council authorize the Printing and Distribution Unit to be the City’s Printer and Copier of Record and adopt a policy on offset printing services and high-speed copy services (Attachment 1 to the report dated October 28, 2004, from the Commissioner of Corporate Services) setting out all Printing and Distribution Unit and client roles and responsibilities for all internal print and copy services and and/or brokering external print and copy services, subject to staff conducting semi-annual benchmarking of costs in comparison with the private sector, conducting annual meetings with clients to review costs and service requirements and reporting bi-annually to City Council on service improvements achieved;” and

- (2) adding the following:

“That:

- (a) the proposed policy not apply to Members of Council; and
- (b) the Director of Purchasing and the Chief Financial Officer and Treasurer, in conjunction with the Printing and Distribution Unit, be directed to explore options to procure used printing equipment through auction, or any other means, should the opportunity arise in the market place, and report back to Administration Committee in March 2005.”

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

Clause 10 - "Extension of Purchase Order 6013270 related to Request for Quotation 1004-03-3394 for the Supply, Delivery and Installation of Artopex Imagine Series Workstations to Various Locations throughout the City of Toronto".

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

- Clause 11** - **“Extension of Purchase Order 6013271 related to Request for Quotation 1004-03-3395 for the Supply, Delivery and Installation of Haworth Premise Series Workstations to Various Locations throughout the City of Toronto”.**

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

- Clause 20** - **“Review by the Toronto Public Service of the Ideas Presented by Councillor Giambrone for Implementation by the e-City Committee”.**

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following:

“That the e-City Committee request participation from the Toronto Transit Commission staff working on the e-transit initiative.”

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

- Clause 22** - **“Possible Acquisition of Toronto District School Board Property Located on Wanita Road for Stormwater Management Purposes (Ward 44 - Scarborough East)”.**

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

- Clause 24** - **“Improved Service to the Public through Introduction of ‘3-1-1’ (All Wards)”.**

City Council on November 30, December 1 and 2, 2004, referred this Clause back to the Administration Committee for further consideration.

Council also adopted the following:

“That:

- (1) a Councillor-Staff Working Group be struck with respect to 3-1-1, consisting of the Chair of the e-City Committee, one additional member of the e-City Committee and one member of each Standing Committee to be appointed by the Standing Committees;
- (2) the communication (undated) from Councillor Chow, entitled ‘Assessment of Multilingual Services Provided by the City of Toronto’, be referred to the Councillor-Staff Working Group on 3-1-1;

- (3) the following motion be referred to the Councillor-Staff Working Group on 3-1-1:

Moved by Councillor Minnan-Wong:

‘That City Council support the principle of a centralized call centre to City information and services’;

- (4) the Chief Administrative Officer, in conjunction with the Councillor-Staff Working Group on 3-1-1, be requested to submit a preliminary report, if necessary, in January 2005 for budget purposes, to the Administration Committee, through the e-City Committee, providing comprehensive details on the project layout of the components of each phase of the 3-1-1 initiative, with a detailed analysis of the costing of each phase, inclusive of Capital, Operating and consulting costs, and the resources needed from each Department to provide better front-line service standards and to investigate and include accessibility options for disabled people in the development of 3-1-1; and
- (5) the Chief Administrative Officer be requested to:
- (a) submit, to the Administration Committee, a summary listing of the preparedness of all departments for a 3-1-1 system; and
 - (b) report to the Administration Committee on options on how to improve existing versus business services.”

Clause 25 - “2003 Contribution Rebate Program”.

City Council on November 30, December 1 and 2, 2004, amended this Clause in accordance with the following motion:

“**WHEREAS** it is appropriate to amend By-law No. 1011-2002 to clarify an ambiguity based on advice from the City Solicitor, namely to ensure that contribution rebates are payable irrespective of financial filing by candidates beyond March 31, 2004, provided that the candidates have:

- (a) filed by March 31, 2004, or by August 30, 2004, or March 1, 2005, in case of the supplementary filings; or
- (b) filed within the 91-day period following the dates in (a) above; or
- (c) filed within the time frame set out in a court order authorizing a later time for filing the financial statements; and

WHEREAS it is desirable to make the amendment to Subsection 10(d) retroactive to the date that payments were first eligible to be made for the 2003 election under the by-law;

NOW THEREFORE BE IT RESOLVED THAT By-law No. 1011-2002, as amended, be further amended to clarify the provisions respecting the filing of financial statements by candidates to permit contribution rebates to be paid to campaign contributors.”

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

Clause 26 - “Software Maintenance Contract-Renewal Three (3) Years - Computer Associates Canada Company”.

City Council on November 30, December 1 and 2, 2004, adopted the following:

“That:

- (1) the staff recommendations contained in the Recommendations Section of the report dated October 26, 2004, from the Commissioner of Corporate Services, as contained in the Clause, be adopted; and
- (2) the Commissioner of Corporate Services be requested to submit, to the Administration Committee, a comprehensive listing of all computer maintenance contracts, their expiry dates and related costs.”

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

Clause 27 - “History of Pension Improvements to Benefits for City Sponsored Pension Plans and Establishment of a Policy in Regards to Future Pension Improvements”.

City Council on November 30, December 1 and 2, 2004, referred this Clause to the five City-sponsored Pension Plan Boards referred to in Recommendation (2), namely, the Metropolitan Toronto Pension Plan, the Toronto Fire Department Superannuation and Benefit Fund, the Toronto Civic Employee’s Pension and Benefit Fund, the Corporation of the City of York Employee Pension Plan and the Metropolitan Toronto Police Benefit Fund, for consideration and report to the Administration Committee; and requested the Chief Financial Officer and Treasurer to report to the appropriate Pension Plan Boards on the communication dated November 29, 2004, from the President, Toronto Civic Employees’ Union, Local 416.

Clause 31 - “Long Term Lease and Amendment to Lease-Part of Brock West Landfill Site (Pickering)”.

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following:

“That the following staff recommendation contained in the Recommendation Section of the confidential report dated November 30, 2004, from the Acting Commissioner of Works and Emergency Services be adopted, such recommendation is 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 Council approve the new lease agreement and an amendment to the existing lease between Eastern Power Limited and the City of Toronto at the Brock West Landfill site, as set out in Administration Committee Report 9, Clause 31.’ ”

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

Clause 34 - “Other Items Considered by the Committee”

City Council on November 30, December 1 and 2, 2004, received this Clause as information, subject to referring Item (a), headed “Acquisition by the City of Toronto of the Records of Members of Council”, back to the Administration Committee for further consideration.

The balance of this Clause was received as information.

COMMUNITY SERVICES COMMITTEE REPORT 8

Clause 7 - “Allocation of Capital Grant to Woodgreen Red Door Shelter to Meet the Space Standards for Shelters (Ward 31)”.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

Clause 10 - “Humanitarian Effort in Grenada For the Rebuilding of a Fire Station Destroyed by Hurricane Ivan”.

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following:

“That the City of Toronto acknowledge the efforts of these volunteers by hosting a send-off reception for the firefighters and their families, and that other donors be invited to attend.”

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

ECONOMIC DEVELOPMENT AND PARKS COMMITTEE REPORT 8

Clause 10 - “Toronto Centre for the Arts Operations and Governance (Ward 23 Willowdale)”.

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding to staff Recommendation (6)(b) contained in the Recommendations Section of the report dated November 10, 2004, from the Commissioner of Economic Development, Culture and Tourism, the words “while minimizing disruption to any existing user groups and any agreement with a long-term resident cultural client be subject to Council approval”, so that Recommendation (6)(b) shall now read as follows:

“(6)(b) securing a long-term resident cultural client who will sign a multi-year rental and cost sharing agreement for one of the facilities in the TCA, excluding the Weston Recital Hall, while minimizing disruption to any existing user groups and any agreement with a long-term resident cultural client be subject to Council approval; and”.

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

Clause 12 - “Humanitas: Feasibility Study for a New Cultural Attraction on Toronto's Waterfront (Various Wards)”.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

Clause 16 - “Developing a Reciprocal Agreement with the Toronto Catholic District School Board for Exchange of Services”.

City Council on November 30, December 1 and 2, 2004, adopted the following:

“That the following staff recommendations contained in the Recommendations Section of the supplementary report dated November 30, 2004, from the Commissioner of Economic Development, Culture and Tourism, be adopted:

‘It is recommended that:

- (1) authority be given to negotiate and execute a revenue neutral, one-year pilot exchange of services agreement with the Toronto Catholic District School Board to exchange daytime ice time in City operated ice rinks for school space for Parks and Recreation programs and camps, in form and content that is acceptable to the Commissioner of Economic Development, Culture and Tourism, the Chief Financial Officer and Treasurer, and the City Solicitor;

- (2) the Commissioner of Economic Development, Culture and Tourism report with an evaluation of this agreement, including any financial implications that may arise and the potential for extension of the agreement to the Economic Development and Parks Committee in the Fall of 2005;
- (3) the impact of any December 2004 waiver of ice time fees not exceed \$11,500.00 of forgone revenue; 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.

PLANNING AND TRANSPORTATION COMMITTEE REPORT 9

Clause 1 - “Marijuana Grow Houses and Illegal Drug Laboratory Enforcement Protocol”.

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following:

“That:

- (1) City Council direct Municipal Licensing and Standards staff to continue to request owner compliance with structural or environmental engineering reports on all units found to be locations for marijuana grow house and drug lab operations;
- (2) Toronto Hydro Corporation, subject to the requirements of the *Electricity Act, 1998*, as amended, be requested to ensure that where electricity has been disconnected from a premises used as a marijuana grow operation or clandestine drug lab, it not be restored until the safety concerns contained in any order(s) issued by the City in respect of the premises have been addressed, and that this be included as part of the Co-ordinated Marijuana Grow House and Illegal Drug Laboratories Protocol; and
- (3) staff include this issue in their discussions with Toronto Hydro and the Province concerning Bill 128.”

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

Clause 3 - “2195 Yonge Street - Minto Construction Activity Ward 22 - St. Paul’s”.

City Council on November 30, December 1 and 2, 2004, received this Clause.

Clause 5 - “Bill 135 (Proposed Greenbelt Act) and the Greenbelt Draft Plan, and Bill 136 (Proposed Greater Golden Horseshoe Growth Plan)”.

City Council on November 30, December 1 and 2, 2004, adopted the following:

“That the following staff recommendations contained in the Recommendations Section of the supplementary report dated November 9, 2004, from the Commissioner of Urban Development Services, be adopted:

‘It is recommended that:

- (1) the Mayor write to the Minister of Municipal Affairs and Housing to:
 - (a) commend the Province on the introduction of Bill 135 and the draft Greenbelt Plan to establish a permanent Greenbelt across the Greater Golden Horseshoe area as part of an overall strategy to manage growth in the Greater Golden Horseshoe;
 - (b) communicate Council’s support for the draft Greenbelt Plan with the proviso that:
 - (i) section 9 of Bill 135 (the proposed *Greenbelt Act*) be amended to ensure that amendments made to official plans to bring them into conformity with the Greenbelt Plan not be subject to appeal to the Ontario Municipal Board;
 - (ii) the Toronto Official Plan, 2002 and the Rouge Park Management Plan be relied upon in determining the exact boundaries of protected natural features in the lower Rouge area in the final version of the Greenbelt Plan;
 - (iii) support the establishment of an Advisory Council for the Greenbelt as provided for in section 15 of the proposed *Greenbelt Act* and described in the draft Greenbelt Plan. The membership of the Advisory Council should include all affected municipalities and representation from the health sector;
 - (iv) request the Greenbelt Plan include provision for the appropriate development and placement of alternative “green” energy generation infrastructure within the Greenbelt Area; and

- (v) consider ways, including amendments to the *Planning Act*, to enable municipalities to protect significant local natural heritage features and functions, green spaces, natural corridors and hydrologic features and functions in those parts of the Greater Golden Horseshoe that lie outside of the Greenbelt; and
- (2) the Mayor write to the Minister of Public Infrastructure Renewal to:
- (a) include in the forthcoming Growth Plan for the Greater Golden Horseshoe policies that:
 - (i) identify Scarborough Centre and Etobicoke Centre, as designated by the City of Toronto Official Plan;
 - (ii) discourage low density, automobile dependant development;
 - (iii) strengthen transit and alternative transportation modes, optimize the use of existing highway infrastructure, and promote development and intensification along established transportation corridors in order to avoid or significantly reduce the need for future highway expansions which could cut through the Greenbelt; and
 - (iv) recognize the importance of local natural heritage systems outside of the Greenbelt and their role in maintaining the ecological integrity of the Greenbelt system and include policies to enhance protection of these local systems.’ ”

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

Clause 7 - “Removal of Fence at 7 Kingsgrove Boulevard, Ward 5 - Etobicoke Lakeshore”.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

POLICY AND FINANCE COMMITTEE REPORT 9

Clause 1 - “Governance Structure for Toronto Waterfront Revitalization”.

City Council on November 30, December 1 and 2, 2004, amended this Clause by rescinding Part (1) of the action taken by the Policy and Finance Committee with respect to Recommendation (3) of the report dated November 8, 2004, from the Commissioner of Urban Development Services, and adopted Recommendation (3), as follows:

- “(3) ABCCs with projects in the DWA that are in advanced stages of planning and in keeping with the approved waterfront vision, enter into agreements with TWRC to provide for continued implementation of these projects;”.

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

Clause 2 - “Plan to Maximize the Potential of the City of Toronto’s Toronto Film, Television and Commercial Production Industry”.

City Council on November 30, December 1 and 2, 2004, amended this Clause by:

- (1) deleting from Recommendation (A)(9) of the Policy and Finance Committee, the title “Film Advocate” and inserting instead the title “Film Commissioner”, so that the recommendation now reads:

“(9) the Film Commissioner, with the assistance of the industry, TFTO, the Ontario Media Development Corporation, Film Ontario and the Chair of the Culture Roundtable, immediately develop an action plan and background materials so that Toronto’s interests and those of the industry at large can be brought forward to the federal and provincial governments and relevant agencies;”;
- (2) deleting Recommendation (B) of the Policy and Finance Committee;
- (3) amending Item D, headed “Composition and Membership” of Appendix 1 to the report dated November 19, 2004, from Mayor Miller, as follows:
 - (a) amending Part (1) to provide that the composition of the Film Board be 18 members, with the following new Item (xiii):

“(xiii) Writers Guild of Canada;”;

and
 - (b) amending Part (3) by increasing the number of Members of Council from four to five;

(4) adding the following:

“That:

(a) Council adopt the following motion:

‘WHEREAS the film, television and commercial production industry directly employs twenty-five thousand full-time workers, thousands of part-time workers and indirectly thousands in supporting sectors; and

WHEREAS the industry has brought one billion dollars into the Toronto economy, with an equal spin-off benefit to the hospitality, tourism and entertainment industry; and

WHEREAS a healthy film, television and commercial production industry supports and feeds the cultural sector, by providing training and opportunity for actors, technicians, trades persons and others; and

WHEREAS the nature of the television industry has changed, replacing the “Movie of the Week” and the TV Mini-Series with reality and other programming and, thus, has had a significant negative impact on the business in Toronto since 2000; and

WHEREAS the sector suffered a 20 percent decrease, in 2003, due to the SARS outbreak for which it has not fully recovered; and

WHEREAS global competition and capacity has increased dramatically over the past few years and most provincial and state tax credits exceed those of Ontario and are drawing business away from Toronto; and

WHEREAS New York City has implemented its own tax credit and a no fees, costs or charges policy towards filming in that City, in addition to a new state tax credit, and just opened new purpose-built studios; and

WHEREAS the delegation of industry representatives, recently returned from Los Angeles, have been told that the differential between a Toronto shoot and one in Los Angeles has been reduced to as low as three percent and that a minimum often is needed to warrant serious attention for Toronto; and

WHEREAS the Canadian dollar is continuing to appreciate, causing both a further decline in competitiveness and an uncertainty about the actual costs for a picture to be made six or more months in the future; and

WHEREAS Toronto is also losing the public relations and promotional battle and it has become increasingly difficult to convince American producers, actors and directors to do work in Canada and Toronto;

NOW THEREFORE BE IT RESOLVED THAT Council, in acknowledgement of the foregoing and in support of the film, television and commercial production industry, will:

- (a) fix all fees and charges assessed to the industry, by departments, agencies, boards and commissions at a rate coincident with a 78-cent dollar;
 - (b) ask the industry to do the same; and
 - (c) ask both the Provincial and Federal governments to take immediate corrective action to support the industry.'; and
- (b) the following recommendations of the Striking Committee contained in the Recommendations Section of the communication dated November 29, 2004, from the Committee, be adopted:

'The Striking Committee recommended to Council that:

- (1) should Council establish the proposed Film Board with four Members of Council, City Council appoint the following Members to the Film, Television and Commercial Production Industry Committee (Film Board) for a term of office ending May 30, 2005, and until successors are appointed, in addition to the Mayor:

S. Carroll
M. Feldman
P. Fletcher
K. Rae;

- (2) should Council increase the composition to add a fifth Member of Council, City Council appoint the following additional Member to the Film, Television and Commercial Production Industry Committee (Film Board) for a term of office ending May 30, 200, and until a successor is appointed:

D. Shiner; and

- (3) Council authorize and direct the relevant City Officials to take any necessary action to give effect to these appointments.' "

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

Clause 3 - "Clean and Beautiful City - Five-Point City Action Plan to Make Toronto a Clean and Beautiful City - All Wards".

City Council on November 30, December 1 and 2, 2004, amended this Clause:

(1) to provide that:

- (a) all parks receive an extra grass cutting in 2005, subject to the normal budget approval process;
- (b) all boulevards receive one extra cut in 2005, subject to the normal budget approval process; and
- (c) the funds that are allocated for 2005 and beyond for the Action Plan for a Beautiful City, be equally distributed across all 44 Wards in the City of Toronto; and

(2) by adding the following:

"That:

- (a) the Postering By-law be considered by the Planning and Transportation Committee at its first meeting in January 2005;
- (b) the Budget Advisory Committee be requested to consider giving the Toronto Police Service additional funding to deal with graffiti enforcement;
- (c) the Acting Commissioner of Works and Emergency Services look at ways to hire extra students, at student rates, for litter picking, and report to the Works Committee in January 2005; and
- (d) the Acting Commissioner of Works and Emergency Services be requested to report to the Works Committee in two months on operational changes to ensure streets are clean."

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

Clause 11 - "2004 Status Report - Implementation of the Environmental Plan Recommendations".

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following:

“That the City of Toronto:

- (1) again request the Provincial Government to implement a Green Building Code, and the Chief Administrative Officer be requested to report in six months on the progress of this matter; and
- (2) incorporate energy efficiency and conservation objectives into the construction of new buildings in the City that are higher than are currently required by the Ontario Building Code.”

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

Clause 12 - “Toronto’s Environmental Awards of Excellence”.

City Council on November 30, December 1 and 2, 2004, amended this Clause by deleting from the recommendation of the Policy and Finance Committee, the words “through the Roundtable on the Environment”, so that the recommendation now reads as follows:

“The Policy and Finance Committee recommends that City Council adopt, in principle, the recommendations in the Recommendations Section of the report (October 25, 2004) from Deputy Mayor Joe Pantalone; and further, that the appropriate City staff report thereon to the Works Committee.”.

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

Clause 20 - “Funding Approvals for the 2005 Redirection of Emergency Hostel Funding Initiative”.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

Clause 21 - “Funding Approvals for the 2005 Community Partners Program”.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

Clause 22 - “Funding Approvals for the 2005 Supports to Daily Living Program”.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

Clause 23 - **“By-laws for an Affordable Rental Housing Project at 1555 Jane Street Under the Community Rental Housing Program - Pilot Component (Ward 12, York South-Weston)”**.

City Council on November 30, December 1 and 2, 2004, adopted the following:

“That the recommendations of the Community Services Committee contained in the communication dated November 10, 2004, from the Community Services Committee, as contained in the Clause, be adopted.”

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

Clause 24 - **“By-laws Necessary to Facilitate the Development of Six Affordable Housing Projects (Wards 12, 20, 27 and 31)”**.

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following:

“That the following staff recommendations contained in the Recommendations Section of the supplementary report dated November 30, 2004, from the Commissioner of Community and Neighbourhood Services, be adopted:

‘It is recommended that:

- (1) Council approve a one time allocation for 2005 of \$100,000.00 from the Mayor’s Homelessness Initiative Fund to St. Clare’s Multifaith Housing Society, to assist with security and resident support services; 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 29 - **“Appeal of the City’s Development Charges By-law”**.

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following:

“That the Chief Building Official, in consultation with the Chief Financial Officer and Treasurer and the City Solicitor, be requested to report to the Policy and Finance Committee at its meeting in January 2005, on the following matters:

- (1) the criteria used by the Chief Building Official to determine what constitutes a ‘complete building permit application’ for the purposes of Section 415-12 of the City’s Development Charges By-law 547-2004;

- (2) the internal control measures, if any, that are in place to ensure that only those applicants that have met the grandfathering provisions of the by-law receive the benefit of these provisions; and
- (3) a list of all residential building permit applications (in excess of 10 units) that are received as complete before the deadline and the estimated Development Charge revenue foregone from these applications.”

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

Clause 32 - “Ontario Ministry of Energy Request for Proposals for 2,500 Megawatts of New Clean Generation and Demand-Side Projects”.

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following:

“That the supplementary report dated November 30, 2004, from the City Solicitor, be received.”

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

Clause 33 - “Litigation with MFP Financial Services Limited”.

City Council on November 30, December 1 and 2, 2004, adopted the following:

“That the staff recommendations contained in the Recommendations Section of the confidential report dated November 29, 2004, from the City Solicitor, be adopted, such report remains confidential, in its entirety, in accordance with the provisions of the Municipal Act, as it contains information pertaining to litigation or potential litigation.”

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

Clause 37 - “Homes for the Aged - Community-Based Services Furnishings and Equipment”.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

Clause 38 - “2005 Water and Wastewater Rate Increase, 2006-2007 Rate Strategy and Rate Projections for 2008-2014”.

City Council on November 30, December 1 and 2, 2004, amended this Clause by:

- (1) deleting Recommendations (II), (III) and (IV) of the Policy and Finance Committee; and

(2) adding the following:

“That:

- (a) the Chief Financial Officer and Treasurer be directed to create within Schedule #11 (Water/Wastewater Reserves) a new cost centre called the ‘Land Acquisition for Source Water Protection Reserve’, for the purpose of providing funding for the acquisition of land to protect water sources to be controlled by Toronto Water;
- (b) a transfer of \$2 million from the Wastewater stabilization Reserve, Account No. XQ1004, to the ‘Land Acquisition for Source Water Protection Reserve’ be approved;
- (c) in accordance with Chapter 227 of the City of Toronto Municipal Code - Article II - Establishment of Reserves and Reserve Funds, the Chief Financial Officer and Treasurer and the Acting Commissioner of Works and Emergency Services be requested to report to the February 2005 meetings of the Works Committee and Policy and Finance Committee, respectively, on setting out specific criteria for the Protection Reserve, including a contribution policy and a withdrawal policy; and
- (d) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction of any necessary bills in Council.”

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

Clause 41 - “Operating Variance Report for the Nine Months Ended September 30, 2004”.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

Clause 42 - “2004 Capital Variance Report for the Nine-Month Period Ended September 30, 2004”.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

Clause 43 - “Funding Pressures in Provincial/Municipal Cost-sharing Programs”.

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following:

“That the Province of Ontario be again requested to phase out dependence on the property tax system to pay for income redistributive programs like the Ontario Disability Support Program (ODSP), Ontario Drug Benefits (ODB), Child Care, Hostel Allowances and other such programs.”

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

Clause 49 - “2005 Recommended Operating and Capital Budgets for Toronto Water”.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

Clause 51 - “Pre-Approval Request for 2005 Capital Projects”.

City Council on November 30, December 1 and 2, 2004, amended this Clause in accordance with the following recommendations of the Budget Advisory Committee contained in the communication dated November 26, 2004, from the Budget Advisory Committee:

“The Budget Advisory Committee recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (November 16, 2004) from the Chief Financial Officer and Treasurer, subject to amending Appendices 2 and 3 as follows:

(A) that Appendix 2 be amended as follows:

Solid Waste:

- (a) Source Separated Organics in North York – that the amount of \$3,000.0 under the 2005 Requested Cashflow be changed to \$0.0, and that the \$3,000.0 for this project be referred to the 2005 Capital Budget Review process for consideration with the Solid Waste Program;

Fire:

- (b) CAD/RMS – Computer Aided Dispatch System – that the amount of \$4,590.0 under Commitments and Debt be changed to \$1,715.0, and that the balance be referred to the 2005 Capital Budget Review process for consideration with the Fire Services Program;
- (c) Replace Station 1 – West Command – that this project be referred to the 2005 Capital Budget Review process for consideration with the Fire Services Program;

Transportation:

- (d) Morningside Avenue/Finch Avenue Grade Separation – that the name of the project be amended to read “North York Centre Acquisition”, and that the amount of \$1,989.0 under Commitments and Debt be changed to \$198.8;
- (e) Front Street Delivery (Full Recoverable) – that this project be referred to the 2005 Capital Budget Review process for consideration with the Transportation Program;

Culture:

- (f) Casa Loma Exterior Restoration – that the Ward number be changed to 22;

Information and Technology:

- (g) that the last two projects “Disaster Recovery” and “Network Security Upgrade” under Information and Technology be deleted, as they are listed twice;

End of Lease:

- (h) End of Lease Buyout – that this project be deleted and transferred to the 2004 Carry-forward;

Toronto Public Library:

- (i) Public Database Remediation – that the amount of \$500.0 under Commitments and Debt be changed to \$75.0;
- (j) Intranet Document Management – that the amount of \$312.0 under Commitments and Debt be changed to \$47.0;

TTC:

- (k) SRT Car Overhaul Program – that the amount of \$2,349.0 under Commitments be changed to \$300.0, and that the amounts under Provincial Subsidy & Other and Debt be amended accordingly;
- (l) Streetcar Overhaul Program – that the amount of \$17,272.0 under Commitments be changed to \$1,500.0, and that the amounts under Provincial Subsidy & Other and Debt be amended accordingly;

- (m) Subway Car Overhaul Program – that the amount of \$13,437.0 under Commitments be changed to \$11,200.0, and that the amounts under Provincial Subsidy & Other and Debt be amended accordingly;
- (n) Rail Non-Revenue Vehicle Overhaul – that the amount of \$889.0 under Commitments be changed to \$400.0, and that the amounts under Provincial Subsidy & Other and Debt be amended accordingly; and
- (o) Rail Non-Revenue Vehicle Purchase – that the amount of \$3,256.0 under Commitments be changed to \$1,500.0, and that the amounts under Provincial Subsidy & Other and Debt be amended accordingly;

(B) that Appendix 3 be amended as follows:

Emergency Medical Services:

- (a) Ambulance Multiple Book-On Utilization Station – that this project be referred to the 2005 Capital Budget Review process for consideration with the Emergency Medical Services Program;

Solid Waste:

- (b) Source Separated Organics in North York – that this project be referred to the 2005 Capital Budget Review process for consideration with the Solid Waste Program;
- (c) Transfer Stations Asset Management – that the amount of \$3,090.0 under Commitments and Debt be changed to \$500.0, and that the amount of \$772.5 under 2005 Cashflow and Debt be changed to \$500.0;

Parks and Recreation:

- (d) 61 Edgehill Road – Fire and Safety Code Work – that the Ward number be changed to 4;

Toronto Public Library:

- (e) Toronto Reference Library Renovation and Retrofit 2005 – that the amount of \$2,000.0 under Commitment be changed to \$50.0 and the amount of \$1,953.0 under Debt be changed to \$3.0 respectively, and that the amounts of \$50.0 under 2005 Cashflow and Debt be changed to \$47.0 under Development Charges and \$3.0 under Debt respectively; and

Exhibition Place:

- (f) Trigeration Project – that this project be deleted.”,

subject to the following amendments:

- (1) that there be a pre-approval commitment of \$250,000.00 gross and net to the Parks and Recreation Capital Budget to ensure the continued implementation of the Tree Advocacy Program, in order to secure the necessary plant materials (e.g., appropriate species and sizes) for the 2005 spring planting season; and
- (2) that Appendix 3, headed 'Recommended 2005 Pre-approval for New and Change in Scope Projects/Sub-Projects', to the report (November 16, 2004) from the Chief Financial Officer and Treasurer, be further amended to provide that under Toronto Parking Enforcement, the Handheld Parking Device project be approved, subject to the Chief Administrative Officer for the City of Toronto, the Chief Administrative Officer for the Toronto Police Service, and the President of the Toronto Parking Authority agreeing on a common technology for handheld devices for parking ticket issuance.

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

Clause 57 - "Membership - Roundtable on Access, Equity and Human Rights".

[Note:

City Council on November 30, December 1 and 2, 2004, by its adoption, without amendment, of Motion J(12), moved by Councillor Mihevc, seconded by Mayor Miller, re-opened Policy and Finance Committee Report 2, Clause 5, headed "Terms of Reference for Roundtables on – Access, Equity and Human Rights; Arts and Culture; Beautiful City; Children, Youth and Education; Environment; Seniors; and the Employee and Labour Relations Committee", for further consideration, only as it pertains to composition of, and the term of office for appointments to the Roundtable on Access, Equity and Human Rights, in order that Council could consider the recommendation of the Policy and Finance Committee, contained in this Clause.]

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following:

"That:

- (1) the membership of the Roundtable on Access, Equity and Human Rights be increased by one representative to include representation from the lesbian, gay, bisexual, transgender, transsexual community as outlined in Clause 3 of Policy and Finance Committee Report 1 dated January 15, 2004; and

- (2) that City Council extend its appreciation to the members of the former Advisory Committees and Working Groups on Access, Equity and Human Rights and that the Chief Administrative Officer be requested to hold a reception to thank the members for their contribution to the City.”

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

Clause 58 - “Measures Needed Respecting Homelessness Issues”.

City Council on November 30, December 1 and 2, 2004, adopted the following:

“That:

- (1) the following staff recommendations contained in the Recommendations Section of the supplementary report dated November 29, 2004, from the Chief Administrative Officer and the Commissioner of Community and Neighbourhood Services, be adopted:

‘It is recommended that:

- (1) Council approve additional services as a component of the City’s Winter Plan to assist homeless persons access better alternatives than sleeping outside. These services to include a temporary emergency shelter facility for single adults and couples of up to 80 beds with an assessment and referral service located at 110 Edward Street; and extended hours of operation for a number of drop-in centres;
- (2) Council approve the Shelter, Housing and Support 2005 Budget Request for an 80-bed mixed adults shelter for the period December 1, 2004 through May 31, 2005, as a new initiative under the Winter Plan for \$1,073,775.00 gross and \$0 net with \$710,563.00 funded from MHIF and \$363,212.00 from provincial cost-sharing, including 26 temporary positions;
- (3) Council approve the Shelter, Housing and Support 2005 Budget Request for an assessment and referral service from December 1, 2004 through May 31, 2005, as a new initiative under the Winter Plan for \$415,055.00 gross and \$0 net with \$207,527.00 funded from MHIF including 7.7 temporary positions;
- (4) Council approve the allocation of \$207,527.00 from the Supporting Communities Partnership Initiative for the operation of the assessment and referral service from December 1, 2004 to May 31, 2005, representing 50 percent of the total costs;

- (5) the purpose of the Mayor's Homelessness Initiative Reserve Fund be revised as follows: Provides funding for one-time capital and /or operating support to projects which help homeless people move towards stable housing, in particular, hostel users, street homeless and high risk groups;
- (6) given the temporary nature of the proposed shelter at 110 Edward Street (the Laughlen Centre), Council waive the following requirements for the establishment of a new shelter at this location on a one-time basis only:
 - (a) “moratorium on the location of new municipal shelters where no municipal shelter sites be approved in wards having 500 or more municipal shelter beds”; and
 - (b) “deliberations at the respective Community Council, in addition to the Community Services Committee”;
- (7) Council approve the re-allocation of up to \$80,000.00 gross and \$0 net within the Community Partnership and Investment Program from the City of Toronto Homeless Initiatives Fund to fund winter drop-in extended hours;
- (8) the Commissioner of Community and Neighbourhood Services be delegated authority to sign agreements with community agencies to fund winter drop-in extended hours up to a maximum of \$80,000.00 as per Recommendation (7);
- (9) Council urge the federal and provincial governments to provide new permanent housing options, rent supplements, housing supports, mental health services, addiction treatment, detox facilities and infirmary beds to assist homeless persons access better and more appropriate alternatives than living in the streets or long-term use of shelters;
- (10) the Commissioner of Community and Neighbourhood Services report back to Council as soon as possible in the New Year on actions necessary to implement additional new housing solutions and also on actions to improve co-ordination of services to the homeless by the correctional system, hospitals, mental health and addiction treatment agencies;
- (11) this report and any actions taken by Council be forwarded to the next meeting of the Advisory Committee on Homeless and Socially Isolated Persons for their information and input in finding solutions to homelessness in Toronto;
- (12) this report be forwarded to Budget Advisory Committee for its information; and

- (13) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.';
- (2) the Commissioner of Community and Neighbourhood Services be requested to report monthly to the Community Services Committee on the number of homeless people still sleeping on the streets in the Downtown area, and on what measures have been taken each month to reduce these numbers;
- (3) the Commissioner of Community and Neighbourhood Services be requested to investigate the feasibility of converting the property at 110 Edward Street to permanent affordable housing following the closure of the temporary winter facility, and to hold discussions with appropriate parties and report to the Community Services Committee in early 2005 on the outcome of these discussions; and
- (4) a performance target of 30 percent be established at the 110 Edward Street shelter to support the transition of homeless/underhoused persons to appropriate transitional/affordable housing.”

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

WORKS COMMITTEE REPORT 10

Clause 1 - “Development of a Citizen Participation Model for Public Consultation Related to Solid Waste”.

City Council on November 30, December 1 and 2, 2004, amended this Clause by deleting Recommendations (1) and (2) of the Works Committee, and inserting instead a new Recommendation (1), and renumbering the original Recommendation (3) accordingly, so that the recommendations adopted by Council now read as follows:

- “(1) City Council approve in principle the Citizen Participation Model for Public Consultation Related to Solid Waste recommended by the Roundtable on the Environment, subject to approval by Council of a report from the Acting Commissioner of Works and Emergency Services, the Chief Financial Officer and Treasurer and the City Solicitor, in consultation with the Chair and Vice-Chair of the Works Committee and Councillor Fletcher, Member of the Roundtable on the Environment, regarding administration, accountability and financial aspects of the model; and further that the report be submitted to the Works Committee for its meeting on January 5, 2005; and
- (2) the Chair and Vice-Chair of the Works Committee be authorized to select the Community Environmental Assessment Team.”

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

Clause 4 - “Status of Negotiations of Outstanding Issues with Eastern Power Limited”.

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following:

“That:

- (1) the following staff recommendation contained in the Recommendation Section of the confidential report dated November 30, 2004, from the Acting Commissioner of Works and Emergency Services be adopted, such recommendation is 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 Council approve the new lease agreement and an amendment to the existing lease between Eastern Power Limited and the City of Toronto at the Brock West Landfill site, as set out in Administration Committee Report 9, Clause 31.’; and

- (2) the Chief Financial Officer and Treasurer be requested to submit to the February 2005, meeting of the Policy and Finance Committee, a copy of Corporate Services Committee Report 4, Clause 6, headed ‘Insurance Claims Administration’, which was adopted by City Council on April 13, 14 and 15, 1999, for the purpose of reviewing the role of the ‘Claims Review Group’ and amending the policy to include a more current process of reporting to City Council on all claim settlements.”

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

Clause 5 - “Toronto Water 2005 Multi-Year Business Plan”.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

Clause 10 - “Contract 04WD-04RD, Tender Call 274-2004, Park Lawn Reverse Ramp (Ward 6 - Etobicoke-Lakeshore)”.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

JOINT ADMINISTRATION COMMITTEE AND PLANNING AND TRANSPORTATION COMMITTEE REPORT 1

Clause 1 - "Report on the Union Station Draft Master Plan 61 - 71 Front Street West (Toronto Centre-Rosedale - Ward 28)".

City Council on November 30, December 1 and 2, 2004, amended this Clause:

(1) by referring Recommendations (B) and (C) of the Joint Committee to the Toronto Transit Commission, GO Transit and VIA Rail for comments to the Planning and Transportation Committee, prior to any decision, and the TTC, GO Transit and VIA Rail be encouraged to have a joint meeting on this matter and to invite the Council representatives on the TEDCO Board and the Chair of the Planning and Transportation Committee to attend the meeting;

(2) by amending Recommendation (E) of the Joint Committee by inserting the word "public", prior to the word "consultation", so that the recommendation now reads as follows:

"(E) the appropriate City officials be requested to report to the appropriate committee should there be any deviation in the future from the Master Plan that places the Master Plan in contravention of the Secondary Plan; and that the necessary public consultation process take place prior to any change in the Master Plan.";

(3) in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report dated November 26, 2004, from the Commissioner of Urban Development Services:

"It is recommended that City Council:

(1) adopt the draft Master Plan prepared by the independent peer review team, incorporating the revisions set out in Appendix A, attached to this report;

(2) authorize staff to make minor amendments and corrections as necessary to put the Master Plan in final form;

(3) receive the attached submission (Appendix C) from GO Transit, for information; and

(4) authorize and direct the appropriate City Officials to take the necessary action to give effect thereto.";

(4) by adding the following:

"That:

- (a) in view of the \$20 million cost to Toronto per year, over the next 10 years, GO Transit be requested to prioritize the spending of a significant amount of this capital investment in City of Toronto capital priorities including Union Station;
- (b) City Council request the Board of Directors of GO Transit to increase the number of escalators and elevators in Union Station, in order to properly access trains and ensure that the shed renovation is completed within a five-year time frame;
- (c) the Chief Administrative Officer and the Mayor be requested to report to the Policy and Finance Committee no later than February 2005, on a process involving the TTC, TEDCO, and other appropriate officials, so as to reach a conclusion on how to achieve an Inter-City Bus Terminal that best serves its users in Toronto;
- (d) the Commissioner of Urban Development Services, working with the public and the Union Pearson Group, be directed to find ways and means of implementing the bold new initiative contained in the Master Plan, as soon as possible;
- (e) the Commissioner of Urban Development Services be requested to:
 - (i) report, as soon as possible, to the Budget Advisory Committee and the Planning and Transportation Committee, as part of the 2005 budget process, on a budget, terms of reference and continuing the Master Plan with the urban design study for Union Station and its environs, as set out in the Master Plan document;
 - (ii) report to the Planning and Transportation Committee on plans for the integration of taxis into the fabric of Union Station, as previously requested by Council; and
 - (iii) report, as soon as possible, to the Planning and Transportation Committee on an urban design study; and
- (f) Toronto Heritage staff be requested to report to the Planning and Transportation Committee on a plan that includes public participation;
- (g) City officials, in consultation with the Toronto Railway Historical Association, consider locating the rail museum in the empty store area of Union Station on an interim basis and until the beginning of renovations.”

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

ETOBICOKE YORK COMMUNITY COUNCIL REPORT 9

- 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 November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

- 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 November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

- Clause 12** - **“Removal of One Privately Owned Tree - 52 Ellis Park Road (Ward 13 - Parkdale-High Park)”.**

City Council on November 30, December 1 and 2, 2004, amended this Clause by deleting from Recommendation (2) of the Etobicoke York Community Council the words “on a yearly basis”, and inserting instead the words “in September 2005”, so that the recommendation now reads as follows:

- “(2) the Commissioner, Economic Development, Culture and Tourism, inspect the tree in September 2005, to determine the safety of the community if the tree begins to show signs of failure or unhealthiness.”

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

NORTH YORK COMMUNITY COUNCIL REPORT 9

- Clause 9** - **“Request for Variance from the former City of North York Sign By-law No. 30788, as amended, for the Erection of a Third Party Roof Sign at 2928 Dufferin Street (Ward 15 - Eglinton-Lawrence)”.**

City Council on November 30, December 1 and 2, 2004, amended this Clause by deleting the following Recommendation (1) of the North York Community Council.

- “(1) the sign being installed with a timer to switch off the illumination between the hours of 10:00 p.m. and 6:00 a.m. daily;”.

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

- Clause 11** - **“Request for Variances from the former City of North York Sign By-law No. 30788, as amended, for the Erection of Four (4) Projecting Signs at 4952 Dufferin Street (Ward 8 - York West)”.**

City Council on November 30, December 1 and 2, 2004, referred this Clause back to the North York Community Council for further consideration.

- Clause 30** - **“Final Report - Application to Amend the Zoning By-law 1916 of the former Borough of East York – 2003 035114 SMI 26 OZ - Sherman Brown Dryer Karol Lebow - 851 Millwood Road (Ward 26 - Don Valley West)”.**

City Council on November 30, December 1 and 2, 2004, referred this Clause back to the North York Community Council for further consideration at its meeting on January 18, 2005.

- Clause 32** - **“Final Report - Application to Amend Zoning By-law 7625 - 04 169386 NNY 09 OZ - Independence Way Inc. - 2701 Keele Street (Ward 9 - York Centre)”.**

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following:

“That the following staff recommendations in the Recommendations Section of the supplementary report dated November 30, 2004, from the Commissioner of Urban Development Services, be adopted:

‘It is recommended that:

- (1) the draft undertaking dated November 16, 2004, for conveyance of lands for a public highway received by the applicant be received, and that the City Solicitor, in consultation with the Acting Commissioner of Works and Emergency Services and the applicant, prepare an undertaking for such conveyance to be entered into by the Owner of 2701 Keele Street, prior to condominium approval; and
- (2) the attached amending zoning by-law for 2701 Keele Street be enacted and no further notice of public meeting of the draft by-law as amended, be required.’ ”

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

Clause 33 - “Final Report - OPA & Rezoning Application - TD CMB 2003 0005 - Kolter Property Company – Page & Steele - 1900 Bayview Avenue (Ward 25 - Don Valley West)”.

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following words to Recommendation (2) of the North York Community Council:

“based on the following planning rationale:

- (a) the property is designated ‘institutional’ and not ‘apartment neighbourhood’;
- (b) the Ontario Municipal Board has twice determined that the property violated overview, privacy and compatibility;
- (c) the property violates the height limitation of 9.2 metres in the site-specific by-law; and
- (d) park development is not part of the Bayview Avenue development.”,

so that Recommendation (2) of the North York Community Council shall now read as follows:

- “(2) refuse the application to amend the Official Plan and Zoning By-law for three apartment buildings of five, six and seven storeys, based on the following planning rationale:
- (a) the property is designated ‘institutional’ and not ‘apartment neighbourhood’;
 - (b) the Ontario Municipal Board has twice determined that the property violated overview, privacy and compatibility;
 - (c) the property violates the height limitation of 9.2 metres in the site-specific by-law; and
 - (d) park development is not part of the Bayview Avenue development.”

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

- Clause 34** - **“Final Report - OPA and Rezoning Application – 03 193501 NNY 23 OZ - Site Plan Application 03 193513 NNY 23 SA - Michael Kraljevic, Deltera Inc. – Rafael & Bigauskas Architects - Block bounded by Finch Avenue West, Duplex Avenue, Hendon Avenue and Greenview Avenue; and North York Centre Secondary Plan (Ward 23 - Willowdale - Development Site) (Wards 23 & 24 - Willowdale - Proposed General Official Plan Amendment)”**.

City Council on November 30, December 1 and 2, 2004, amended this Clause by amending staff Recommendations (1) and (7)(a)(iv) contained in the Recommendations Section of the report dated November 3, 2004, from the Director, Community Planning, North District, Urban Development Services, as contained in the Clause, to now read as follows:

- “(1) amend the North York Centre Secondary Plan substantially in accordance with the draft Official Plan Amendment contained in Attachment 8, and enact the necessary Bill;”; and
- “(7)(a)(iv) a monetary contribution toward the cost of land acquisition for the North York Centre Service Road and/or toward the cost of constructing and furnishing a Public Recreation Centre serving the North York Centre, for the proposed 13,247 m² density incentive, in accordance with the provisions of the proposed general Official Plan Amendment (Attachment 8), with the required monies to be paid to the City, in a form satisfactory to the City Treasurer, prior to the introduction of the necessary site-specific Bills to City Council for enactment;”.

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

- Clause 37** - **“Request for Direction Report No. 2 - Application to Amend the Official Plan and Zoning By-law – Consent Application – 04 120027 NNY 15 OZ - B08/04NY – Savoia Developments Ltd. (Cityscape Design Innovations Inc.) -108 Stayner Avenue (Ward 15 - Eglinton-Lawrence)”**.

City Council on November 30, December 1 and 2, 2004, amended this Clause by:

- (1) amending Recommendation (1) of the North York Community Council so that it now reads as follows:
- “(1) refuse the revised application, including revisions submitted under cover of November 23, 2004;”;
- (2) adding to Recommendation (3) of the North York Community Council, the following new Part (vii):

- “(vii) restoration of the heritage building be incorporated into the development;”;
- (3) deleting Recommendation (4) of the North York Community Council; and
- (4) by adding the following:

“That:

- (a) the recommendations contained in the Recommendations Section of the confidential report dated November 29, 2004, from the City Solicitor be adopted, such report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information pertaining to litigation or potential litigation, except for following Recommendation (1) which is now public:

‘(1) Recommendation (5) of the North York Community Council be deleted;’;
and

- (b) the following Motion be adopted:

‘WHEREAS an application to redevelop the property at 108 Stayner Avenue in the Glencairn Avenue and Dufferin Street neighbourhood was refused; and

WHEREAS this property has been designated as being of historical significance, being the original 150 year-old farm that preceded the development of this area, the village of Fairbank; and

WHEREAS the property contained a large number of mature trees, some of which were of historical significance; and

WHEREAS on the day that Council was debating its Private Tree By-law, the new owner of this property, the developer, clear cut all of the trees on the property; and

WHEREAS it is the neighbourhood’s desire to see as many of these trees replaced as may be possible when the land is built upon;

NOW THEREFORE BE IT RESOLVED THAT the City Forester report to the North York Community Council on the number, approximate age and size of all trees that previously existed on the property;

AND BE IT FURTHER RESOLVED THAT the City Forester determine the cost of replacing all trees of significance and a reasonable replacement plan which will be imposed on the owner when this matter eventually comes before the City for site plan approval;

AND BE IT FURTHER RESOLVED THAT the files for this property in all appropriate departments be red flagged in City files so that all prospective purchasers of this property are advised in advance of the high sight plan standards that will be imposed on whatever development ultimately is built there;

AND BE IT FURTHER RESOLVED THAT all prospective purchasers be advised of this condition.’ ”

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

Clause 44 - **“Status respecting OMB Direction - Site Plan Revision Application 04 151777 NNY 24 SA Applicant: Passionist Community of Canada Architect: Larkin Architect Limited 650 Sheppard Avenue East (Ward 24 – Willowdale)”**.

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following:

“That the following staff recommendations contained in the Recommendations Section of the supplementary report dated November 30, 2004, from the Commissioner of Urban Development Services, be adopted:

‘It is recommended that:

- (1) City Council request that the Ontario Municipal Board adjourn the hearing currently scheduled for November 30 and December 1, 2004;
- (2) Planning staff continue discussions with the applicant respecting a revised site plan based on the following three options in order of preference:
 - (i) that the site be developed in accordance with the approved plans and drawings with all parking spaces located below grade;
 - (ii) all parking spaces currently proposed along the east edge of the site be relocated to the west side of the driveway with the balance being located below grade; or
 - (iii) the current proposal before the Board, as illustrated on Attachment 1, subject to certain revisions and conditions satisfactory to the Director, Community Planning North District; and
- (3) City Council endorse the three options in order of preference as set out in this report.’ ”

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

- Clause 46** - **“Request for Poll - Speed Hump Plan Golfdown Drive (Ward 2 - Etobicoke North)”**.

At City Council on November 30, December 1 and 2, 2004, this Clause was ruled out of order.

SCARBOROUGH COMMUNITY COUNCIL REPORT 9

- Clause 22** - **“Status Report - Official Plan and Rezoning Application TF 01 036249 ESC 40 OZ, Plan of Subdivision Application TF 02 035523 ESC 40 SB Site Plan Control Application TF 02 035533 ESC 40 SA, 2055 Kennedy Road – Urban Strategies Inc. Agincourt Centre Community (Ward 40 – Scarborough Agincourt)”**.

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following:

“That the following staff recommendation contained in the Recommendation Section of the supplementary confidential report dated November 26, 2004, from the City Solicitor, be adopted, such recommendation is 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 an above-ground stormwater management facility not be pursued in respect of the development proposal for 2055 Kennedy Road.’ ”

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

- Clause 26** - **“Request for Direction - Rezoning Application 03 035266 ESC 44 OZ, Official Plan Amendment Application 03 035716 ESC 44 OZ, Site Plan Control Application 04 116702 ESC 44 SA, Sundance Development Corp, - 4 Tideswell Boulevard, West Side Rouge Community (Ward 44 - Scarborough East)”**.

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following:

“That the following staff recommendation contained in the Recommendation Section of the confidential report dated November 30, 2004, from the City Solicitor, be adopted, such recommendation is now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information pertaining to litigation or potential litigation:

'It is recommended that City Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board to represent the City's interests and support the proposed settlement regarding the Site Plan Control Application and further request that the Ontario Municipal Board defer the issuance of its final order on the Site Plan Control Application until all outstanding Site Plan matters have been addressed to the satisfaction of commenting City Departments and relevant agencies, subject to the Principles of Site Plan Settlement as substantially outlined in Appendix 2 of this report.' "

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

TORONTO AND EAST YORK COMMUNITY COUNCIL REPORT 9

Clause 4 - **"Final Report - Application to Amend the Official Plan and Zoning By-law – 5 Everett Crescent (Beaches-East York, Ward 31)"**.

City Council on November 30, December 1 and 2, 2004, adopted the following:

"That:

- (1) the staff recommendations contained in the Recommendations Section of the report dated October 25, 2004, from the Director, Community Planning, South District, as contained in the Clause, be adopted; and
- (2) the following action taken by the Toronto and East York Community Council be confirmed:
 - (2) requested the Commissioner of Urban Development Services to:
 - (a) report to the Toronto and East York Community Council on the Site Plan; and
 - (b) arrange a meeting with the applicants, adjacent property owners and neighbours to discuss any outstanding issues prior to the Site Plan approval.' "

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

Clause 8 - **"Revised Final Report - Application to Amend the Official Plan and Zoning by-law - 450, 470 and 500 Lakeshore Boulevard West (Trinity-Spadina, Ward 20)"**.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its next regular meeting on February 1, 2005.

Clause 9 - **“Final Report - Application to Amend the Official Plan and Zoning By-law - 40 The Esplanade (Toronto Centre-Rosedale, Ward 28)”**.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to the next regular meeting of City Council on February 1, 2005, and the appropriate City staff, in consultation with the applicant, were requested to report to Council on February 1, 2005, on ways to reconfigure the space within the podium in order to:

- (a) examine the feasibility of eliminating above-ground parking;
- (b) have uses on all four walls that animate the neighbourhood at street level;
- (c) provide uses for the space that create an appropriate facing condition for neighbouring buildings; and
- (d) provide recreational amenity space that meets zoning by-law requirements;

such report to address options for ways to accomplish any further adjustments to the heights of the towers.

Clause 10 - **“Status Report - Site Plan Control Application - 433-437 Roncesvalles Avenue (Parkdale-High Park, Ward 14)”**.

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following:

“That the supplementary report dated November 20, 2004, from the Medical Officer of Health be received.”

Clause 14 - **“Intention to Designate under Part IV of the Ontario Heritage Act - 6 Howard Street (James Chalmers Building) (Toronto Centre-Rosedale, Ward 28)”**.

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following:

“That the Commissioner of Urban Development Services be requested to undertake a review and prepare a planning framework report for the area bounded by Bloor Street, Howard Street, Sherbourne Street and Parliament Street and submit her report to the Toronto and East York Community Council.”

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

Clause 42 - **“Short-term Parking Area - Carlaw Avenue in the Vicinity of Our Happiness Day Care (Toronto-Danforth, Ward 29)”**.

City Council on November 30, December 1 and 2, 2004, amended this Clause by deleting from Recommendation (4) contained in the report dated October 27, 2004, from the Director, Transportation Services, South District, the words “from a point 22 metres north of Danforth Avenue to a point 22 metres north thereof”, and inserting instead the words “from a point 22 metres north of Danforth Avenue to a point 16 metres north thereof”, so that Recommendation (4) shall now read as follows:

- “(4) a ‘No Parking, from 9:00 a.m. to 11:30 a.m., 1:00 p.m. to 3:00 p.m., and 6:00 p.m. to 7:00 a.m., Monday to Friday and Anytime, Saturdays, Sundays and Public Holidays’ regulation be established on the east side of Carlaw Avenue from a point 22 metres north of Danforth Avenue to a point 16 metres north thereof; and”.

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

Clause 53 - **“Ontario Municipal Board Hearing - 20, 22, 22A and 24 Bathurst Street (Trinity-Spadina, Ward 19)”**.

City Council on November 30, December 1 and 2, 2004, referred this Clause back to the Toronto and East York Community Council for further consideration.

Clause 54 - **“Ontario Municipal Board Hearing - 511 Bremner Boulevard and 2 and 20 Housey Street (Trinity-Spadina, Ward 20)”**.

City Council on November 30, December 1 and 2, 2004, referred this Clause back to the Toronto and East York Community Council for further consideration.

Clause 58 - **“Installation of Speed Humps - Howard Street, between Parliament Street and Sherbourne Street (Toronto Centre-Rosedale, Ward 28)”**.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its next regular meeting on February 1, 2005.

Clause 63 - **“Amendments to Parking Regulations, Front Street West, South Side, between York Street and Bay Street (Toronto Centre-Rosedale, Ward 28)”**.

City Council on November 30, December 1 and 2, 2004, amended this Clause by deleting from Recommendation (1) contained in the report dated November 2, 2004, from the Director, Transportation Services, South District, the distance “173 metres”, and inserting instead the distance “155.3 metres”, so that Recommendation (1) now reads as follows:

- “(1) an on-street disabled persons loading zone be designated at all times on the south side of Front Street West, from a point 155.3 metres east of York Street to a point 11 metres further east thereof; and”.

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

AUDIT COMMITTEE REPORT 6

- Clause 4** - **“CLASS Recreation Registration and Permitting System Information Technology Review - Economic Development, Culture and Tourism Department”.**

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

- Clause 6** - **“Hostel Operations Review - Community and Neighbourhood Services”.**

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its Special meeting on December 6, 2004.

- Clause 15** - **“Toronto Hydro Corporation – “2003 THC Audit Observations and Recommendations” (Management Letter)”.**

City Council on November 30, December 1 and 2, 2004, referred this Clause back to the Audit Committee for further consideration.

ADDITIONAL MATTER:

Review of City’s Administrative Structure

City Council on November 30, December 1 and 2, 2004, adopted the following:

“That:

- (I) the recommendations contained in the Recommendations Section of the report dated November 24, 2004, from Mayor Miller (the Mayor’s Report) be adopted, subject to the following amendments:

- (a) amending Recommendation (7) to provide that the Chief Administrative Officer report to the Policy and Finance Committee in three months' time on expanding the mandate of the Toronto Community Housing Corporation to include housing development services for the City, while working closely with the City to support its objectives of strengthening neighbourhoods, beautifying the City, and building affordable housing;
- (b) amending Recommendation (9) to provide that the report requested of the Mayor, also address the following issues:
 - (i) employment contracts in ABCs and other arms-length organizations in which Council is a stakeholder; and
 - (ii) the financial impacts to the City of Toronto from any termination of contracts';
- (c) amending the report to provide that:
 - (i) the 'Parks and Recreation' division be changed to 'Parks, Forestry and Recreation' and the title of the General Manager be amended accordingly; and
 - (ii) the 'Heritage Preservation Services' unit be aligned under the Planning Department;

so that the recommendations, as amended, now read as follows:

'It is recommended that:

- (1) the new senior management model (Chart 2), and the senior management roles and responsibilities outlined in this report be approved effective April 15, 2005, subject to:
 - (a) the 'Parks and Recreation' division being changed to 'Parks, Forestry and Recreation' and the title of the General Manager being amended accordingly; and
 - (b) the 'Heritage Preservation Services' unit being aligned under the Planning Department;
- (2) the two positions of Deputy City Manager be filled through an open, internal/external, competitive process, administered by the CAO;

- (3) the Employee and Labour Relations Committee be responsible for making recommendations to Council on the outcome of the Deputy City Manager competition, with the advice and support of the CAO during the competition process;
- (4) the Chief Administrative Officer recommend to Council appropriate delegation of signing and spending authority within approved budgets to the existing General Manager level positions shown under Citizen Focused Services in Chart 2, and that these authorities be effective April 15, 2005;
- (5) responsibility be devolved to the existing General Manager level positions shown under Citizen Focused Services in Chart 2 for signing reports and representing their program areas at Standing Committees and Council, effective April 15, 2005;
- (6) the title of Chief Administrative Officer be changed to City Manager, effective April 15, 2005;
- (7) the Chief Administrative Officer be directed to review the role, responsibilities and organizational location of the City's affordable housing programs including recommendations for an integrated set of affordable housing goals and administrative adjustments required to achieve the goals and to improve the City's capacity to facilitate affordable housing opportunities for the residents of Toronto, and that the outcome of the review be reported to Council prior to the end of March, 2005, and that the Chief Administrative Officer report to the Policy and Finance Committee in three months' time on expanding the mandate of the Toronto Community Housing Corporation to include housing development services for the City, while working closely with the City to support its objectives of strengthening neighbourhoods, beautifying the City, and building affordable housing;
- (8) the Chief Administrative Officer be directed to undertake reviews in the following areas and implement any resulting changes:
 - (a) Human Resources, including the potential for separation of policy/compliance and service functions;
 - (b) Corporate Communications, with a focus on establishing strategic communications and issues management capacity;
 - (c) Corporate services and finance functions, to ensure effective alignment in the new model and the separation of service and compliance components to reduce barriers to innovation and improve service delivery;

- (d) Administrative, technical and other support services, to rationalize the provision of these services in the new model;
 - (e) Economic Development, Culture and Tourism, functional realignment, prior to recruiting a General Manager of Economic Development and Culture.
 - (9) the Mayor be authorized to retain an external legal firm to provide advice on the form and use of employment contracts used for senior staff and report back to Council on any recommended changes, such report to address the following issues:
 - (a) employment contracts in ABCs and other arms-length organizations in which Council is a stakeholder; and
 - (b) the financial impacts to the City of Toronto from any termination of contracts’;
 - (10) the City Solicitor be authorized to introduce the necessary bills in Council; and
 - (11) the appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.’;
- (II) City Council establish a five-member Council Reference Group, reporting to the Policy and Finance Committee, to review changes to the Council-Committee Governance Structure, and that the Reference Group report with recommendations to the Policy and Finance Committee meeting on March 31, 2005, in order to make changes for the mid-term 18-month rotation of Chairs; and that the City Clerk be requested to canvass Members of Council for their interest;
- (III) a review of the new Administrative Structure established by the Mayor’s Report be undertaken at the beginning of the new term of Council, such review to be done by an Ad Hoc Committee of six Members of Council, with input from all Members of Council as well as selected staff;
- (IV) the Chief Administrative Officer be requested to conduct a review of amalgamating both the Protocol and Special Events Divisions and report to the Policy and Finance Committee for its meeting on March 31, 2005;
- (V) the following motion be referred to the Planning and Transportation Committee for consideration:

Moved by Councillor Milczyn:

‘That the Mayor’s Report be amended to provide that the Planning and Building functions be integrated into one department to be called Urban Development Services.’; and

- (VI) the following motion be referred to the Chief Administrative Officer for report to the Policy and Finance Committee:

Moved by Councillor Milczyn:

‘That the Mayor’s Report be amended to provide that the Information Technology function be removed from the proposed Chief Corporate Officer function and that it be led by a Chief Information Officer with a direct reporting relationship to Council, similar to that of the City Clerk and the City Solicitor.’ ”

NOTICE OF MOTION APPEARING UNDER ITEM I

I(1) Smoking in Legion Halls

Moved by: Councillor Moscoe

Seconded by: Councillor Jenkins

“**WHEREAS** smoking is now prohibited in all restaurants and taverns; and

WHEREAS private clubs are exempt from the Smoking By-law; and

WHEREAS the City has chosen to grant tax exemption status to Legions and Veterans Clubs; and

WHEREAS these organizations include facilities that serve alcoholic beverages to the ‘Public’; and

WHEREAS restaurant owners have complained that, in escaping the requirement of the Smoking By-law, these facilities are unfairly competing with other venues that provide food and beverages; and

WHEREAS, to make matters worse, the unfair competition is being subsidized by the taxpayers and the very businesses that are impacted because the Legions are exempt from property taxes; and

WHEREAS Veterans and their families and friends are as deserving of protection from second hand tobacco smoke as everyone else;

NOW THEREFORE BE IT RESOLVED THAT a requirement to prohibit smoking in all areas of private clubs where food and/or beverages are consumed and that receive property tax relief be a condition of the relief from property taxes.”

Disposition:

This Motion was withdrawn at City Council on November 30, December 1 and 2, 2004.

NOTICES OF MOTION APPEARING UNDER ITEM J

J(1) The Corporal Fred Topham, Victoria Cross Fundraising Project

Moved by: Councillor Ootes

Seconded by: Councillor Holyday

“**WHEREAS** the Corporal Fred Topham, Victoria Cross Fundraising Project has been working to keep the Victoria Cross Medal in Canada for public display; and

WHEREAS Corporal Fred Topham was honoured with the Victoria Cross for his acts of bravery, jumping with his battalion into a strongly-defended area east of the Rhine on March 24, 1945; and

WHEREAS Corporal Topham is a hero for his acts of bravery that day as, despite being shot and in the middle of fire and mortar bombs, he saved many lives; and

WHEREAS Corporal Topham is the only Canadian paratrooper to win the Victoria Cross given ‘For Valour’; and

WHEREAS following the war, Corporal Topham returned to Toronto where he worked briefly as a Toronto police officer, before joining Etobicoke Hydro where he worked until his death in 1974; and

WHEREAS the executors of his estate are considering an offer from outside Canada and have given the Fundraising Project until December 31, 2004, to raise \$275,000.00; and

WHEREAS the project has raised approximately \$75,000.00, so far; and

WHEREAS this Council is on record as being in support of our veterans and special memorials, through previous contributions;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council donate \$25,000.00 to the Corporal Fred Topham, Victoria Cross Fundraising Project;

AND BE IT FURTHER RESOLVED THAT funds for this donation come from the under-expenditure in the Council budget;

AND BE IT FURTHER RESOLVED THAT the City Council challenge all municipalities across Canada to make some donation, whatever size, to this cause.”

Disposition:

City Council on November 30, December 1 and 2, 2004, unanimously adopted this Motion, without amendment.

J(2) Request for Report - Insurance against Acts of Terrorism

Moved by: Councillor Walker

Seconded by: Councillor Ootes

“**WHEREAS** Members of Council may have received notice from their insurance companies advising them of policy changes that would not provide them with coverage against loss or damages with respect to acts of terrorism; and

WHEREAS insurance companies have defined terrorism as follows: ‘Terrorism, means an ideologically motivated unlawful act or acts, including but not limited to the use of violence or force or threat of violence or force, committed by or on behalf of any group(s), organization(s) or government(s) for the purpose of influencing any government and/or instilling fear in the public or a section of the public’; and

WHEREAS Councillor Ootes has requested me, as Chair of the Administration Committee, to investigate the feasibility of the City’s insurance carrier providing this coverage to politicians; and

WHEREAS Councillor Ootes’ inquiry has led me to question whether the City’s own insurance carrier will insure against such acts or if the City of Toronto has received any such similar notice;

NOW THEREFORE BE IT RESOLVED THAT the Chief Financial Officer and Treasurer be requested to report to the January 2005 meeting of the Administration Committee on Councillor Ootes’ request;

AND BE IT FURTHER RESOLVED THAT the above-mentioned report provide information as to the City’s own insurance against loss or damages with respect to terrorism.”

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

J(3) Protection and Preservation of East York History and Heritage

Moved by: Councillor Davis

Seconded by: Councillor Walker

“**WHEREAS** the signs outside of the East York Civic Centre were recently replaced with City of Toronto signs that contain only the City of Toronto corporate logo; and

WHEREAS the old signs displayed the corporate logo of the former Borough of East York; and

WHEREAS the citizens of the former Borough of East York are proud of their community and its history; and

WHEREAS in other former municipalities, the old municipal signage and other artifacts are preserved for the citizens of the former municipality; and

WHEREAS the former Borough of East York agreed to bequeath to the East York Foundation, any East York memorabilia or signage for its preservation and protection in order to benefit all of the East York community; and

WHEREAS the old East York Civic Centre signs were disposed of without any notification or consultation; and

WHEREAS the City of Toronto nurtures and encourages the unique character, history, and culture of communities within its borders, including through the use of unique signage; and

WHEREAS the City of Toronto holds the patent for the corporate logo of the former Borough of East York;

NOW THEREFORE BE IT RESOLVED THAT the corporate logo of the former Borough of East York be added in an appropriate way to the signs at the East York Civic Centre as soon as possible;

AND BE IT FURTHER RESOLVED THAT in the future, before any signage or memorabilia from the former Borough of East York gets removed or altered, the East York Foundation is consulted;

AND BE IT FURTHER RESOLVED THAT the East York Foundation be the first to be offered any signage or memorabilia from the former Borough of East York for its preservation and protection;

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 November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

J(4) Request to Waive Sign Variance and Permit Fees for a First Party Sign at 33 Hahn Place

Moved by: Councillor McConnell

Seconded by: Councillor Davis

“**WHEREAS** the Centre D’Acceuil Héritage provides essential health services and housing to francophone seniors in the community on a not-for-profit basis, and has done so for the past 30 years; and

WHEREAS the Centre is seeking to erect a first party sign that would read ‘Centre D’Acceuil Héritage’, to be put on the front of their residential building; and

WHEREAS the purpose of the sign is to make the Centre more visible in the community, just as other co-operatives and seniors residences across the neighbourhood have done; and

WHEREAS signage of this sort serves to create and maintain a sense of community among residents and visitors to the neighbourhood; and

WHEREAS the City of Toronto has a policy that permits the waiving of other types of development fees for non-profit organizations ;

NOW THEREFORE BE IT RESOLVED THAT Council waive all sign variance application and permit fees related to the erection of signage advertising the Centre D’Acceuil Héritage.”

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

J(5) Installation of Communication Towers - Regulation and Community Input

Moved by: Councillor Palacio

Seconded by: Councillor Nunziata

“**WHEREAS** there is a large and quickly expanding network of cellphone and other communication towers throughout Toronto’s many residential neighbourhoods, including the upgrade of smaller rooftop antennas to much larger ‘stand-alone’ ones, which can easily exceed 16 metres; and

WHEREAS these towers are enormous, unsightly and interfere with residents’ enjoyment of their yards and property; and

WHEREAS these towers can be, and have been, erected ‘overnight’ without any consultation with, or notice to the local community or local municipality; and

WHEREAS building permits are sometimes required to install the transformer vaults at the base of these structures;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Development Services, in consultation with the Chief Building Official, be requested to submit a report to the next meeting of the Planning and Transportation Committee on January 4, 2005, outlining possible ways that the construction and installation of communications towers could be regulated to require community consultation and the approval of the local municipality;

AND BE IT FURTHER RESOLVED THAT this report include possible appropriate recommendations to the federal and provincial governments requesting municipal and community input on the installation of these towers.”

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

J(6) Indemnity Agreements for Using Donated Venues/Vehicles for Fire Fighters’ Toy Drive

Moved by: Councillor Chow

Seconded by: Councillor Davis

“**WHEREAS** the Toronto Fire Services Division holds an annual Fire Fighters’ Toy Drive (‘Toy Drive’) to collect toys donated by the public and deliver them to under privileged children; and

WHEREAS persons in the community have expressed a willingness to provide the use of vehicles or venues for organizing the Toy Drive, at no cost to the City, on condition that the City indemnify such persons from all claims or losses arising out of the City's use of the donated venue or vehicle; and

WHEREAS agreements for indemnity are likely to be required this year before the holiday season ends by persons willing to provide the use of venues or vehicles to the City for the Toy Drive;

NOW THEREFORE BE IT RESOLVED THAT, for the sole purpose of organizing the Toy Drive this year, the Fire Chief be authorized, on behalf of the City, to execute agreements that involve the following commitments:

- (1) a vehicle, venue or storage space will be provided to the City at no cost to the City; and
- (2) the City will indemnify the person(s) donating the vehicle, venue or storage space against all claims and losses arising out of the City's use of the vehicle or premises as the case may be."

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

J(7) Request to Install a Temporary Sidewalk - Richmond Street West, south side, between Peter Street and Spadina Avenue

Moved by: Councillor Chow

Seconded by: Deputy Mayor Pantalone

“WHEREAS a request has been received to install a continuous sidewalk on the south side of Richmond Street West, between Peter Street and Spadina Avenue; and

WHEREAS a sidewalk on the south side of Richmond Street West is provided only between Peter Street and a point 54 metres west thereof, and between Spadina Avenue and a point 52 metres east thereof; and

WHEREAS the owners of 401 Richmond Street West, where the temporary sidewalk is to be located, have advised that loading on the north side of their building will not interfere with pedestrian operations; and

WHEREAS staff have advised that funds in the estimated amount of \$1,500.00 to implement the necessary adjustments, namely the installation of temporary curbing on the existing roadway, are available in the Transportation Services 2004 Operating Budget;

NOW THEREFORE BE IT RESOLVED THAT approval be given to alter the section of roadway on Richmond Street West, between Peter Street and Spadina Avenue, as follows:

‘The narrowing of the roadway and the installation of curb stones, on the south side of Richmond Street West, between Peter Street and a point 57 metres west thereof, and between Spadina Avenue, and a point 52 metres east thereof, generally as shown in the attached print of Drawing No. 421F-7655, dated November, 2004’;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required.”

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

J(8) Acquisition of Easement for Operation of Bloor-Danforth Subway – 130 Bloor Street West

Moved by: Councillor Walker

Seconded by: Councillor Rae

“**WHEREAS** in the early 1960s, a portion of the Bloor-Danforth subway line was constructed through the property passing under 130 Bloor Street West; and

WHEREAS the Bloor-Danforth subway opened for service on February 26, 1966; and

WHEREAS the former Municipality of Metropolitan Toronto had not acquired an easement through the property passing under 130 Bloor Street West occupied by the Bloor-Danforth subway line; and

WHEREAS negotiations have continued intermittently over the convening years; and

WHEREAS an agreement has been negotiated with the owner of 130 Bloor Street West to convey to the City a subsurface easement for the subway;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the confidential report dated November 25, 2004, from the Commissioner of Corporate Services and the City Solicitor, entitled ‘Acquisition of Easement for Operation of the Bloor-Danforth Subway – 130 Bloor Street West’.”

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

In adopting Motion J(8), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated November 25, 2004, from the Commissioner of Corporate Services and the City Solicitor. The following recommendations are now public and the balance of the 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) authority be granted to execute an easement agreement in a form satisfactory to the City Solicitor, by which the owner will convey to the City a subsurface subway easement below the property known municipally as 130 Bloor Street West;***
- (2) execute an indemnity and release agreement in a form satisfactory to the City Solicitor, whereby the owner of the subject property releases the City and the Toronto Transit Commission (TTC) with respect to any claims arising from the use of the property for the subway up to the present time, excluding claims by third party TTC users, and indemnifies the City and TTC from any such claims;***
- (3) pay to the owner \$1,000,000.00 for the said easement, release and indemnity; and***
- (4) the appropriate City officials be authorized and directed to take the appropriate steps to give effect thereto.”***

J(9) Request for Poll - Speed Hump Plan - Golfdown Drive (Ward 2 - Etobicoke North)

Moved by: Councillor Moscoe

Seconded by: Councillor Jenkins

“WHEREAS all residents of Toronto deserve the opportunity to have their views considered wherever they may live; and

WHEREAS some residents of Golfdown Drive in Etobicoke would like the opportunity to be polled to determine if their street can be considered a candidate for speed humps; and

WHEREAS they would like to do so in an atmosphere that is free from bias and intimidation; and

WHEREAS their municipal representative, Councillor Ford, has openly indicated that he is strongly opposed to speed humps; and

WHEREAS consideration of permission to conduct a poll without the blessing of the local Councillor might be somewhat problematic and in that kind of atmosphere get less than a fair hearing; and

WHEREAS Councillor Ford has been an open advocate of a Councillor's duty to act on behalf of citizens, wherever they might live; and

WHEREAS Councillor Ford himself has come to the rescue of many citizens without regard to their place of residence;

NOW THEREFORE BE IT RESOLVED THAT the attached Resolution (Appendix 1) be considered by the Etobicoke York Community Council.”

Appendix 1

Request for Poll - Speed Hump Plan
Golfdown Drive (Ward 2 - Etobicoke North)

Resolution by Councillor Moscoe, Ward 15 – Eglinton-Lawrence:

“**WHEREAS** residents of Golfdown Drive have expressed concern with regard to vehicle speeds on the roadway; and

WHEREAS residents of Golfdown Drive have expressed concern with regard to the volume of traffic on the roadway; and

WHEREAS there are two schools fronting onto Golfdown Drive, Elms Jr. Middle School and St. Stephen Elementary School;

NOW THEREFORE BE IT RESOLVED THAT staff conduct an evaluation of the need for speed humps to calm traffic;

AND BE IT FURTHER RESOLVED THAT the appropriate staff be authorized to conduct a poll of eligible residents of Golfdown Drive between Islington Avenue and Albion Road for the speed hump plan, in accordance with the City of Toronto Traffic Calming Policy and public notice be given pursuant to the Municipal Class Environment Assessment Act including Notice of Study Commencement to the Ministry of Environment, Fire Services, Emergency Services and Toronto Police Services; and the staff evaluation be distributed to residents with the poll;

AND BE IT FURTHER RESOLVED THAT the results of the poll be reported by staff;

AND BE IT FURTHER RESOLVED THAT the appropriate staff convey the results of the survey to the respondents;

AND BE IT FURTHER RESOLVED THAT, subject to favourable results of the poll:

- (i) a by-law be prepared for the alteration of sections of the affected roadway and the speed limit be reduced to 30 km/hr; and
- (ii) pursuant to the requirements of the Municipal Class Environmental Assessment Act, Notice of Completion be issued;

AND BE IT FURTHER RESOLVED THAT the appropriate city officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required.”

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on February 1, 2005.

J(10) Clarification of the Implementation of the *Municipal Freedom of Information and Protection of Privacy Act* (The Act) - Requests for Information by Members of Council

Moved by: Councillor Del Grande

Seconded by: Councillor Watson

“WHEREAS City Councillors require City information on a timely basis in order to facilitate informed decisions at Council and Committee; and

WHEREAS City Councillors require information about persons and issues within their ward to enable them to properly perform their functions as representatives of the community; and

WHEREAS City Councillors’ requests for information from City staff are regularly either refused, thus obliging Councillors to make Freedom of Information (FOI) requests, or are referred to the Corporate Access and Privacy Office – even when the applicability of the Act in the context of the specific nature of the request is questionable; and

WHEREAS any request to the Corporate Access and Privacy Office or referral must be processed in accordance with the Act – a more time-consuming process than an informal reply; and

WHEREAS Councillors are required to pay fees out of their budgets for responses to FOI requests for information so that they can perform their duties; and

WHEREAS the Corporate Access and Privacy Office is currently dealing with a backlog of information requests – a backlog that is made worse by regular referrals of Councillor requests for information;

NOW THEREFORE BE IT RESOLVED THAT City Council direct the City Clerk and the City Solicitor to report to the Administration Committee on the application of the *Municipal Freedom of Information and Protection of Privacy Act* to the disclosure of information (including both general information and personal information) by staff to City Councillors, and advise what steps can be taken to eliminate the need for Councillors to access City information and records through FOI requests or referrals of requests to the Corporate Access and Privacy Office.”

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

J(11) Licensing Issues – Traditional Chinese Medicine and Acupuncture Practitioners

Moved by: Councillor Chow

Seconded by: Councillor Altobello

“**WHEREAS** traditional Chinese medicine and acupuncture practitioners have been pursuing self-regulation from the Province of Ontario for at least ten years; and

WHEREAS the provincial government of British Columbia established self-regulation of traditional Chinese medicine and acupuncture; and

WHEREAS the traditional Chinese medicine and acupuncture organizations have indicated that self-regulation from the Province of Ontario for traditional Chinese medicine and acupuncture practitioners may be expected in the near future; and

WHEREAS the provincial government has recently announced its intention to enact legislation which would establish self-regulation;

WHEREAS staff of Urban Development Services have been consulting with the traditional Chinese medicine and acupuncture organizations with regard to establishing an examining board and related licence issuing standards; and

WHEREAS much of the consultation process necessary to establish an examining board and related licence issuing standards duplicates the consultation process with the Province concerning self regulation;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) the Commissioner of Urban Development Services delay, for one year, the continuation of the consultation process and the reporting on the outstanding licensing issues, in order that the Province of Ontario may introduce the appropriate legislation to provide for self-regulation of traditional Chinese medicine and acupuncture practitioners;
- (2) the City formally request that the Province introduce such legislation in as expeditious a manner as practical; and
- (3) the Province be requested to advise the City, through the City Clerk's Office, of the expected timeframe for the introduction of the legislation."

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

J(12) Terms of Reference for the Roundtable on Access, Equity and Human Rights

Moved by: Councillor Mihevc

Seconded by: Mayor Miller

“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’; and

WHEREAS the Policy and Finance Committee has recommended an amendment to the term of office for appointments to the Roundtable [*Ref. Policy and Finance Committee Report 9, Clause 57*], and it is also desirable to amend the composition of the Roundtable by increasing the membership by (1) one;

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 composition of, and the term of office for appointments to the Roundtable on Access, Equity and Human Rights;

AND BE IT FURTHER RESOLVED THAT Council consider the recommendation of the Policy and Finance Committee, contained in Policy and Finance Committee Report 9, Clause 57, headed 'Membership - Roundtable on Access, Equity and Human Rights' to amend the term of office for appointments to the Roundtable."

Disposition:

City Council on November 30, December 1 and 2, 2004, re-opened Policy and Finance Committee Report 2, Clause 5, headed "Terms of Reference for Roundtables on: Access, Equity and Human Rights; Arts and Culture; Beautiful City; Children, Youth and Education; Environment; Seniors; and the Employee and Labour Relations Committee", for further consideration, only as it pertains to composition of, and the term of office for appointments to the Roundtable on Access, Equity and Human Rights, and adopted the balance of this Motion, without amendment.

(See Page 26 for Council's action on Policy and Finance Committee Report 9, Clause 57.)

J(13) Appointment to the Roundtable on Arts and Culture

Moved by: Councillor Rae

Seconded by: Councillor Ashton

"WHEREAS Susanne Birchwood was originally appointed to the Mayor's Roundtable on Arts and Culture by City Council as the representative of the Toronto Public Library; and

WHEREAS Susanne Birchwood is no longer employed by the Toronto Public Library and therefore can no longer be its representative; and

WHEREAS the Toronto Public Library has nominated Sonia Chai, the Director of Marketing and Communication, to be its representative on the Mayor's Roundtable on Arts and Culture;

NOW THEREFORE BE IT RESOLVED THAT City Council amend the membership of the Mayor's Roundtable on Arts and Culture by deleting the name of Susanne Birchwood and adding the name of Sonia Chai, as the Toronto Public Library representative on this Roundtable."

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

J(14) Designation of Korea Town Business Improvement Area

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Chow

“**WHEREAS** City Council, at its meeting on September 28, 29, 30 and October 1, 2004, authorized the City Clerk to undertake a poll, pursuant to Section 210 of the *Municipal Act*, to designate Korea Town as a Business Improvement Area; and

WHEREAS the Economic Development and Parks Committee requested the City Clerk to report the results of the poll directly to Toronto City Council in order for Korea Town Business Improvement Area to be in a position to levy businesses for the full 2005 fiscal year; and

WHEREAS the City Clerk has prepared the attached report dated November 29, 2004, indicating a favourable poll for Korea Town Business Improvement Area;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the recommendations contained in the Recommendations Section of the report dated November 29, 2004, from the City Clerk.”

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

In adopting Motion J(14), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated November 29, 2004, from the City Clerk:

“It is recommended that:

- (1) based upon the results of the poll, Council pass a by-law to designate the area described by Attachment 1 (Maps 1 to 3), as a Business Improvement Area (BIA) under Section 204 of the Municipal Act; and***
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect hereto.”***

J(15) Designation of Queens Quay Harbourfront Business Improvement Area

Moved by: Councillor Chow

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** City Council, at its meeting on September 28, 29, 30 and October 1, 2004, authorized the City Clerk to undertake a poll, pursuant to Section 210 of the *Municipal Act*, to designate Queens Quay Harbourfront as a Business Improvement Area; and

WHEREAS City Council directed that, subject to reporting favourably on the results of poll, the City Clerk submit the necessary by-law to the November 30, 2004, meeting of Council in order for Queens Quay Harbourfront Business Improvement Area to be in a position to levy businesses for the full 2005 fiscal year; and

WHEREAS the City Clerk has prepared the attached report dated November 26, 2004, indicating a favourable poll for Queens Quay Harbourfront Business Improvement Area;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the recommendations contained in the Recommendations Section of the attached report dated November 26, 2004, from the City Clerk.”

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

In adopting Motion J(15), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated November 26, 2004, from the City Clerk:

“It is recommended that:

- (1) based upon the results of the poll, Council pass a by-law to designate the area described by Attachment 1 (Maps 1 to 4), as a Business Improvement Area (BIA) under Section 204 of the Municipal Act; and***
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect hereto.”***

J(16) City of Toronto v. Allstream Corp. – Settlement Offer

Moved by: Councillor Moscoe

Seconded by: Councillor Filion

“**WHEREAS** the City of Toronto currently has, since 1997, had an agreement with Allstream Corp. (formerly AT&T Canada Corp.) for the lease and licence of the City’s downtown abandoned watermain system and public highways for telecommunications purposes; and

WHEREAS Allstream Corp. breached its agreement with the City of Toronto in April 2001, which resulted in the City filing a claim against Allstream in the Ontario Superior Court of Justice for breach of contract and Allstream filing its own counterclaim against the City; and

WHEREAS the City Solicitor and the Acting Commissioner of Works and Emergency Services have prepared a confidential report dated November 29, 2004, forwarding for Council’s consideration an offer of settlement received from Allstream in respect of the claim and counterclaim; and

WHEREAS, for the reason of legal deadline as outlined in the aforementioned confidential report, Council consideration of this matter is required in order to allow staff to receive instructions in a timely manner prior to the commencement of the scheduled trial of the action on February 14, 2005;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the confidential report dated November 29, 2004, from the City Solicitor and the Acting Commissioner of Works and Emergency Services and that the staff recommendations contained in the Recommendations Section of the report be adopted.”

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

In adopting Motion J(16), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated November 29, 2004, from the City Solicitor and the Acting Commissioner of Works and Emergency Services. The following recommendations, together with Appendix A, are now public and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, as it contains information pertaining to litigation or potential litigation:

“It is recommended that:

- (1) City Council authorize the City Solicitor to accept the offer of settlement dated October 20, 2004, received from counsel for Allstream Corp. on the terms and conditions as set out in Appendix ‘A’ to this report and direct the City Solicitor to consent to a dismissal of the City’s claim against Allstream Corp. in Ontario Superior Court of Justice and Allstream’s counter-claim against the City, on a without-costs basis;*
- (2) City Council consent to the deemed assignment of the Allstream Agreement dated August 1, 1997, as a result of any effective change in control due to the acquisition of Allstream Corp. by Manitoba Telecom Services Inc.;*
- (3) City Council authorize the City Solicitor, in consultation with the Acting Commissioner of Works and Emergency Services, to continue to defend the City’s position at the Canadian Radio-television and Telecommunications Commission (CRTC) on the Allstream Application, and consult with the Federation of Canadian Municipalities, City of Vancouver and other interested municipalities in the preparation of such defense; and*
- (4) City Council request staff to take all appropriate action to give effect hereto.”*

Appendix A is on file in the City Clerk’s Office.

J(17) City Council Support for the “West-Toronto Railpath” Initiative in CN Weston Subdivision and Related Transportation Projects

Moved by: Councillor Palacio

Seconded by: Councillor Giambrone

“WHEREAS the City of Toronto has identified the use of abandoned rail lands within the CN Weston Subdivision rail corridor as an opportunity to develop a continuous 6 kilometre trail corridor from the west downtown area to the central waterfront; and

WHEREAS this project is included in the City of Toronto’s Bike Plan and has been dubbed the ‘West-Toronto Railpath’ Initiative by the local community who have solicited strong support for it from elected officials representing all three levels of government; and

WHEREAS CN has suspended discussion with the City of Toronto on the acquisition of these lands for trail purposes pending the outcome of studies on infrastructure and land requirements for the Air Rail Link (from Pearson Airport to Union Station) and for proposed improvements to the GO Transit Georgetown commuter rail service; and

WHEREAS a tremendous opportunity for urban renewal and improvements to Toronto's cycling and pedestrian infrastructure would be lost if this corridor does not accommodate the proposed trail link;

NOW THEREFORE BE IT RESOLVED THAT City Council indicate its support to the Federal Transport Minister, GO Transit and CN, for the proposed trail link, including the integration of the proposed trail link within planning, environmental assessments, project implementation or other work related to transportation projects in this rail corridor."

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

J(18) Instructions to Request a Review of an Ontario Municipal Board Decision – 151, 153, 165 and 169 St. Clair Avenue West

Moved by: Councillor Walker

Seconded by: Councillor Jenkins

“WHEREAS the Ontario Municipal Board in a Decision issued October 29, 2004, approved the owner's appeals for an official plan amendment, zoning by-law and site plan approval for a proposed 19-storey condominium tower for lands at the south-west corner of Avenue Road and St. Clair Avenue West and known as Nos. 151, 153, 165 and 169 St. Clair Avenue West; and

WHEREAS Council at its meeting of June 22, 23 and 24, 2004 (Toronto South Community Council Report 5, Clause 12) adopted the refusal report of the Commissioner of Urban Development Services dated May 20, 2004, directing the City Solicitor, the Commissioner of Urban Development Services and any other appropriate staff to attend at the Ontario Municipal Board to oppose the owner's appeals; and

WHEREAS the Ontario Municipal Board in an earlier decision issued September 3, 2003, previously refused the owner's appeals for a 24-storey condominium tower and concluded that the proposal was significantly different than any form of appropriate development; and

WHEREAS the 19-storey condominium proposal remains an inappropriate development; and

WHEREAS Section 43 of the *Ontario Municipal Board Act* provides that the Board may review a decision made by it and authorizes, among other things, rescission of such decision; and

WHEREAS the Rules of Procedure of the Ontario Municipal Board require that the request for review be filed with the Board within 30 days of its Decision and hence there is urgency in dealing with this matter; and

WHEREAS the City Solicitor, in order to protect the interests of the City has filed, prior to the expiration of the period for filing the review, a review request under Section 43 of the *Ontario Municipal Board Act* and advised the Board that she is seeking Council's instructions to confirm such actions or otherwise at its meeting of November 30, December 1 and 2, 2004;

NOW THEREFORE BE IT RESOLVED THAT the actions of the City Solicitor in filing the Section 43 (*Ontario Municipal Act*) review request with the Ontario Municipal Board be confirmed."

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

J(19) Resolution on Supporting the Democratic Process in Ukraine

Moved by: Mayor Miller

Seconded by: Councillor Lindsay Luby

“WHEREAS the former City of Toronto had a Friendship Agreement with the City of Kyiv based on a common commitment to freedom, equality, justice and peace; and

WHEREAS citizens in Kyiv and Ukraine are fighting to achieve these important values; and

WHEREAS the Mayor of Kyiv, Oleksander Omelchenko, has boldly allowed the use of facilities within Kyiv City Hall for thousands of demonstrators who, in sub-zero temperatures, have been massing on the streets of Kyiv in peaceful process against the falsification of Ukraine's Presidential election; and

WHEREAS Canada's House of Commons on November 26, 2004, passed by unanimous consent, a motion stating that no legitimate basis exists for proclaiming Prime Minister Viktor Yanukovich as the winner of Ukraine's Presidential election;

NOW THEREFORE BE IT RESOLVED THAT the Mayor and Council of the City of Toronto support the motion of the federal government and further that they express their strong encouragement for the citizens of Ukraine in their fight to live in a free and democratic society."

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, subject to adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT a copy of this Resolution be forwarded to Mr. Viktor Yushchenko, the opposition candidate for the Ukrainian presidency.”

J(20) Supply and Delivery of Medical Grade Oxygen – Extension of 2004 Contract to MagGas Medical Inc. and Award of Quotation Request No. 6613-04-3291 to Gas Pro, a Division of Professional Respiratory Home Care Services Corp.

Moved by: Councillor Chow

Seconded by: Councillor Mihevc

“WHEREAS the City’s Purchasing By-law, Municipal Code, Chapter 195, requires all matters to be referred to Council for consideration where there is an objection to the award of a contract; and

WHEREAS the City issued a Quotation Request for the Supply of Medical Grade Oxygen and two bids were received; and

WHEREAS the City has received an objection from one bidder with respect to the award of the contract to the lowest bidder meeting specifications; and

WHEREAS as a result of the delayed procurement process, it is necessary to extend the contract with the current supplier pending the award of the new contract to the recommended bidder on the 2004 Quotation Request;

WHEREAS Toronto Emergency Medical Services and Toronto Fire are recommending the award of the contract to supply medical grade oxygen, as set out in the attached report from the Acting Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer dated November 30, 2004, despite the objection, to the lowest bidder meeting specification;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the report dated November 30, 2004, from the Acting Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer.”

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, subject to amending the first Operative Paragraph to provide that Recommendation (2) of the report dated November 30, 2004, from the Acting Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer be amended to now read as follows:

- “(2) Request for Quotation No. 6613-04-3291, issued for the Supply and Delivery of Medical Grade Oxygen, be awarded to Gas Pro, A Division of Profession Respiratory Home Care Services Corp. (‘Gas Pro’), for the period of December 2, 2004 to December 31, 2008, in an estimated total contract amount of \$744,956.88 over four years, with the periods January 1, 2006 to December 31, 2006, January 1, 2007 to December 31, 2007, and January 1, 2008 to December 31, 2008, being subject to an option to renew to be exercised by the Commissioner of Works and Emergency Services, or his successor, being the lead City staff person in charge of Emergency Medical Services; and”.**

In adopting Motion J(20), as amended, Council adopted the following staff recommendations contained in the Recommendations Section of the report dated November 30, 2004, from the Acting Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, as amended:

“It is recommended that:

- (1) the existing Contract No. 47000934 with MagGas Medical Inc. (‘MagGas’) be extended to December 15, 2004, and the total contract amount be increased by \$90,000.00 from a previous Council-approved contract amount of \$1,348,000.00, including all taxes and charges;**
- (2) Request for Quotation No. 6613-04-3291, issued for the Supply and Delivery of Medical Grade Oxygen, be awarded to Gas Pro, A Division of Profession Respiratory Home Care Services Corp. (‘Gas Pro’), for the period of December 2, 2004 to December 31, 2008, in an estimated total contract amount of \$744,956.88 over four years, with the periods January 1, 2006 to December 31, 2006, January 1, 2007 to December 31, 2007, and January 1, 2008 to December 31, 2008, being subject to an option to renew to be exercised by the Commissioner of Works and Emergency Services, or his successor, being the lead City staff person in charge of Emergency Medical Services; and**
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”**

J(21) Support for the Efforts of the Undocumented Workers Committee

Moved by: Councillor Giambrone

Seconded by: Mayor Miller

“**WHEREAS** Toronto City Council recognizes that there are thousands of hard working, tax paying immigrants in the City of Toronto who have no government documentation; and

WHEREAS there is a shortage of labour in the construction sector; and

WHEREAS many of these undocumented workers in the City of Toronto who work in the construction sector have no health and safety protection; and

WHEREAS the Canadian Government recognizes that foreign workers make a significant contribution to Canada’s economic development by helping to address skill shortages and teaching Canadians high-demand qualifications; and

WHEREAS it is understood that as a general rule, foreign workers must have an approved job offer and a work permit before arriving in Canada, and that once they have received their approved job offer, they must apply for a work permit; and

WHEREAS every year, millions of people embark on a migratory journey, many of whom leave their country to seek a better future for themselves and for their families; and

WHEREAS international social, economic and political conditions have a direct impact on Canada’s Citizenship and Immigration programs and policies; and

WHEREAS the Department of Citizenship and Immigration is committed to reaping the maximum benefits of international migration and to making Canada a destination of choice for immigrants; and

WHEREAS two of the *Immigration Refugee Protection Act’s* objectives that underscore the immigration program are:

- (1) supporting the settlement, adaptation and integration of newcomers into Canadian society; and
- (2) managing access to Canada with a fair and effective enforcement strategy;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council expresses its support for the many thousands of undocumented workers currently living and working in the City of Toronto;

AND BE IT FURTHER RESOLVED THAT Toronto City Council expresses support for the efforts of the Undocumented Workers Committee to reach a fair and equitable resolution;

AND BE IT FURTHER RESOLVED THAT Toronto City Council direct the City Clerk to write to the Federal Minister of Citizenship and Immigration expressing its desire to see the cases of undocumented workers be addressed in a timely, fair and equitable manner.”

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on February 1, 2005.

J(22) Ontario Municipal Board Hearing - 44 and 46 Bernard Avenue

Moved by: Councillor Chow

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** at its meeting held on June 22, 23 and 24, 2004, City Council adopted Notice of Motion J(30), respecting 44 and 46 Bernard Avenue - Ontario Municipal Board Appeal, and thereby authorized the City Solicitor to attend at the Ontario Municipal Board (the ‘OMB’) in opposition to an application by the owner of 44 and 46 Bernard Avenue to sever the site into two parcels; and

WHEREAS the basis for that direction was the advice of staff of Urban Development Services that a rezoning application would have better addressed and secured various issues; and

WHEREAS staff of Urban Development Services continued to work with the owner and by the time of the OMB hearing, staff was satisfied that the severances and variances were appropriate provided the owner agreed to certain conditions; and

WHEREAS accordingly the OMB, at the hearing held on October 19, 2004, approved the appeals subject to the condition that the owner enter into an agreement to satisfy these conditions; and

WHEREAS the City Solicitor therefore wishes to report upon this matter and obtain authority for the City to enter into an agreement to secure the conditions imposed by the OMB; and

WHEREAS the OMB would expect the matter to be finalized expeditiously rather than awaiting the next Council meeting in 2005;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the staff recommendation contained in the Recommendation Section of the attached report dated November 25, 2004, from the City Solicitor, entitled '44 and 46 Bernard Avenue, Trinity-Spadina, Ward 20'."

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

In adopting Motion J(22), without amendment, Council adopted, without amendment, the following staff recommendation contained in the Recommendation Section of the report dated November 25, 2004, from the City Solicitor:

"That the City enter into an agreement to secure the conditions imposed by the OMB upon the severance and variance appeals regarding 44 and 46 Bernard Avenue."

J(23) 1200 Weston Road – Opposition to Application for a Liquor Licence

Moved by: Councillor Nunziata

Seconded by: Councillor Lindsay Luby

WHEREAS the occupants of 1200 Weston Road have applied to the Alcohol and Gaming Commission of Ontario (AGCO) for a liquor sales licence to serve and sell alcohol at these premises; and

WHEREAS the City Councillor has been advised by the Toronto Police Service of numerous Provincial Offence violations emanating from the numerous licensed establishments already existing in the immediate area of this location; and

WHEREAS the Toronto Police Service has further advised that there have been criminal activities and arrests emanating from the immediate area of this location; and

WHEREAS the Toronto Police Service has expressed concerns about the generally high crime rate of the area and the resulting consequences from the lack of parking; and

WHEREAS the City Councillor has also received complaints from residents regarding the misconduct of patrons from licensed establishments located in the immediate vicinity; and

WHEREAS the past and present conduct of patrons of nearby licensed establishments affords reasonable grounds to believe that a granting of a liquor licence at 1200 Weston Road may result in the behaviour of a certain and significant number of patrons not being in accordance with the law and combined with the other concerns noted above, demonstrates that a liquor licence for these premises is not in the public interest having regard to the needs and wishes of the Municipality in which the premises is located;

NOW THEREFORE BE IT RESOLVED THAT Council advise the Alcohol and Gaming Commission of the City of Toronto's opposition to any new application or the expansion of any existing liquor licence or caterer's endorsement for these premises and/or or adjacent or related addresses;

AND BE IT FURTHER RESOLVED THAT Council authorize the City Solicitor to advise the AGCO that it opposes any new application or the expansion of any existing liquor licence or caterer's endorsement for these premises and/or adjacent or related addresses and further instructs that a copy of this resolution be provided to the AGCO by December 2, 2004;

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 new applications or expansion of the current liquor licence, and that the City Solicitor and necessary staff be authorized to participate in any proceedings before the AGCO which relate to 1200 Weston Road."

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

J(24) 1501 Yonge Street – Toronto Parking Authority Parking Lot Amendment to Turn Prohibitions

Moved by: Councillor Walker

Seconded by: Councillor Rae

“WHEREAS Wittington Properties Limited, owner of the property at 1501 Yonge Street, currently a 37-space parking lot operated by the Toronto Parking Authority, has requested the complete rescission of southbound left-turn prohibition at 1501 Yonge Street; and

WHEREAS Transportation Services staff reviewed the request and a report from the BA Group and can support a southbound left-turn prohibition between the hours of 6:00 a.m. and 7:00 p.m. daily, as outlined in the attached letter dated October 29, 2004; and

WHEREAS Wittington Properties also requested a westbound through movement prohibition from the driveway at 1501 Yonge Street to Delisle Avenue at all times and Transportation Services concurs with that request as outlined in the attached letter; and

WHEREAS the Deer Park Traffic Study working group has also reviewed this request and the staff report and concur with its recommendations;

NOW THEREFORE BE IT RESOLVED THAT the Acting Commissioner of Works and Emergency Services be authorized to implement the above-noted change to the southbound left-turn prohibition and to introduce the westbound through-movement prohibition;

AND BE IT FURTHER RESOLVED THAT the necessary bills be introduced to give effect to these changes.”

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

J(25) Authority to Enter Into Agreements with the Owners of 438 King Street West, 23 Brant Street and 38 Niagara Street under Section 45(9) of the *Planning Act*

Moved by: Councillor Chow

Seconded by: Councillor Rae

“**WHEREAS** this is a time sensitive matter that requires a resolution to ensure the City of Toronto receives the payments it requires and the owners of the properties located at 438 King Street, 23 Brant Street and 38 Niagara Street get the approval they need to finalize their respective projects; and

WHEREAS the Committee of Adjustment granted variances for the dimensions of parking spaces and building height for the property located at 438 King Street West and made its decision conditional on the owners entering into an agreement under Section 45(9) of the *Planning Act* to provide a cash contribution of \$210,000.00 to the City of Toronto prior to the issuance of any building, excavation or shoring permit for the development; and

WHEREAS the Committee of Adjustment granted variances for building height, setback and use of a commercial parking garage for the property located at 23 Brant Street and made its decision conditional on the owners entering into an agreement under Section 45(9) of the *Planning Act* to provide a cash contribution of \$75,000.00 to the City of Toronto prior to the issuance of any building, excavation or shoring permit for the development to be used for improvements to the St. Andrew’s Playground; and

WHEREAS the Ontario Municipal Board granted variances for building height, residential amenity area, driveway width, setbacks and a variance relating to loading spaces for the property located at 38 Niagara Street and made its decision conditional on the owners entering into an agreement under Section 45(9) of the *Planning Act* to provide a payment of \$150,000.00 to be used for park land improvement in the vicinity of 38 Niagara Street; and

WHEREAS authority is required from City Council for City staff to execute agreements under Section 45 (9) of the *Planning Act*;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto grant the authority to enter into agreements with the owners of 438 King Street West, 23 Brant Street and 38 Niagara Street to secure the required payments pursuant to the Committee of Adjustment Decisions and the Ontario Municipal Board decision;

AND BE IT FURTHER RESOLVED THAT City Council authorize the City Solicitor to undertake any steps necessary to implement Council's direction, including the execution of Section 45(9) agreements, pertaining to the variances conditionally set out in the decisions of the Committee of Adjustment and the Ontario Municipal Board."

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

J(26) By-law to Regulate Vibrations Caused by Construction Activity

Moved by: Councillor Walker

Seconded by: Councillor Jenkins

“WHEREAS certain construction activities utilize equipment and methods, such as a vibratory hammer or pile driver, that may cause vibrations that travel beyond the property where the construction activity takes place; and

WHEREAS such vibrations may impact adversely on the use and enjoyment of adjacent properties although the level of vibrations may be below a level that causes actual damage to property or an impact on the structural integrity of adjacent buildings or structures; and

WHEREAS section 129 of the *Municipal Act, 2001 S.O. 2001, c. 25*, provides that ‘a local municipality may prohibit and regulate with respect to noise, vibrations, odour, dust and outdoor illumination’;

NOW THEREFORE BE IT RESOLVED THAT City Council request the Commissioner of Urban Development Services, in consultation with the City Solicitor, to undertake a study and to report to City Council, through the Planning and Transportation Committee, with recommendations for a draft by-law to regulate vibrations caused by construction activity;

AND BE IT FURTHER RESOLVED THAT the report make recommendations for appropriate standards for the measurement of vibrations from construction activities at levels that minimize the adverse impacts of construction vibrations, including the methodology of measurement of construction vibrations, the time such vibrations may be prohibited or regulated, and the resources necessary for implementation and enforcement of the by-law.”

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

J(27) Labour Negotiations

Moved by: Councillor Holyday

Seconded by: Councillor Ootes

“**WHEREAS** the commercial and residential taxpayers of the City of Toronto have been subjected to four straight years of substantial tax increases; and

WHEREAS the administrative competence of the City has been reviewed by the Auditor General and found wanting; and

WHEREAS the City’s financial condition is such that the Chief Financial Officer and Treasurer has advised Council that it is not sustainable; and

WHEREAS for most City programs, staffing costs often comprise 80 to 90 percent of the gross expenditures; and

WHEREAS it is hoped that the Budget Advisory Committee would place a cap on approved staff positions so that the exact impact of a new bargaining agreement can be ascertained; and

WHEREAS monies allocated to the City by the Province from gas tax revenue are already dedicated to transit expenditures; and

WHEREAS it is unlikely that the federal and provincial governments will direct additional grants to the City to specifically offset deficits due to labour agreements; and

WHEREAS bargaining negotiations with CUPE Locals 79 and 416 last time were allowed to go uncompleted until July 2002, culminating in a 17-day strike, which was only ended by provincial intervention; and

WHEREAS the length of the bargaining process created the weakest strategic position for the City negotiations; and

WHEREAS, as a result of this timing, the City lost parks program and golf course revenues; and

WHEREAS the cost and ability to deal with the City's garbage was encumbered because of the increased health concerns and difficulties in handling it in warm weather; and

WHEREAS the tourist season (including the Pope's visit, the Molson Indy, the Toronto Jazz Festival, Caribana, and many other special events) was jeopardized by this timeframe; and

WHEREAS the cost to the City due to the strike, including lost revenues, was \$3.3 million; and

WHEREAS these combined pressures and costs could have been greatly reduced by ensuring that measures were taken to conclude negotiations by the end of February;

NOW THEREFORE BE IT RESOLVED THAT the Employee and Labour Relations Committee report to Council, through the Policy and Finance Committee, in-camera on the status of the negotiations during the February 1, 2005 Council meeting."

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

J(28) Authority to Amend the Section 37 Agreement – 33 Bay Street

Moved by: Councillor McConnell

Seconded by: Councillor Rae

“WHEREAS 33 Bay Street is the site of a multi-phase 1,771-unit condominium project approved in 2003 and currently under construction; and

WHEREAS the existing Section 37 Agreement requires the owner of 33 Bay Street to construct and maintain a Harbour Street overhead walkway connecting the City-owned Conference Centre at 11 Bay Street to parking for the conference centre located at 33 Bay Street; and

WHEREAS through community consultation and staff review, it was determined that the overhead walkway is no longer considered to be desirable or appropriate; and

WHEREAS a staff report dated May 22, 2003, recommending, among other things, the deletion of the overhead walkway, the substitution of other streetscape improvements and other amendments to the Section 37 Agreement, was approved by City Council on June 24 to 26, 2003; and

WHEREAS below grade construction on the first phase of the building at 33 Bay Street is underway with an above grade permit expected by the end of 2004; the owner is required to have an amended and executed Section 37 Agreement and site plan approval in place prior to an above grade permit being issued;

NOW THEREFORE BE IT RESOLVED THAT the City Council adopt the staff recommendation contained in the Recommendation Section of the attached report dated November 29, 2004, from the Commissioner of Urban Development Services, which gives authority to amend the Section 37 Agreement so that the City is provided a cash payout for the overhead walkway provision of the existing Section 37 Agreement.”

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

In adopting Motion J(28), without amendment, Council adopted, without amendment, the following staff recommendation contained in the Recommendation Section of the report dated November 29, 2004, from the Commissioner of Urban Development Services:

“It is recommended that Council’s actions of June 24, 25 and 26, 2003, (Toronto East York Community Council Report 6, Clause 18) be amended to change the Section 37 Agreement to delete the requirement for a Harbour Street overhead walkway and add a requirement for a financial payment from the owner to the City, paid prior to the issuance of an above grade permit, for \$550,000.00 indexed to 2003 dollars, for streetscaping improvements to the east side of Yonge Street between the south curb of Harbour Street and north curb of Lake Shore Boulevard East, and sidewalk lighting in the Yonge Street railway underpass south of The Esplanade, to be completed by the Commissioner of Works and Emergency Services, and that the appropriate City officials execute such Agreement.”

J(29) Ontario Municipal Board Appeals – 3025 Finch Avenue West

Moved by: Councillor Grimes

Seconded by: Councillor Palacio

“**WHEREAS** at its meeting held on September 28, 29, 30 and October 1, 2004, City Council adopted the recommendations of Etobicoke York Community Council as contained in Etobicoke York Community Council Report 7, Clause 47, and thereby directed the City Solicitor to oppose at the OMB the site plan and zoning by-law amendment appeals by the owner of 3025 Finch Avenue West; and

WHEREAS the Ontario Municipal Board has scheduled a settlement hearing date for December 20, 2004 and a hearing date for nine days commencing on February 15, 2005; and

WHEREAS as a result of further meetings with the applicant and mediation of the issues at the Ontario Municipal Board, the applicant has revised its proposed site plan and zoning by-law amendment; and

WHEREAS the City Solicitor wishes to report upon the revised proposal and obtain further directions in respect of the OMB hearings; and

WHEREAS it is appropriate to consider the confidential report dated November 29, 2004, from the City Solicitor at this meeting as it is time sensitive due to the December 20, 2004 settlement hearing date; and

WHEREAS it is appropriate to consider the report of the City Solicitor in-camera as it relates to litigation and solicitor-client privilege;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the confidential report dated November 29, 2004, from the City Solicitor.”

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

In adopting Motion J(29), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated November 29, 2004, from the City Solicitor. This report remains confidential, in its entirety, in accordance with the provisions of the Municipal Act, as it contains information pertaining to litigation or potential litigation.

J(30) Naming of Fountain in Honour of Alex Ling

Moved by: Councillor Saundercook

Seconded by: Mayor Miller

“**WHEREAS** Toronto’s 50 Business Improvement Areas make a significant contribution to the economic vitality and quality of life of Toronto’s neighbourhoods; and

WHEREAS the success of the BIA movement in Toronto is very much a result of the over 30 years of service from Mr. Alex Ling; and

WHEREAS Mr. Ling served many years as the Chair of the Board of Management for the Bloor West BIA since its founding in 1970 as Toronto’s first BIA; and

WHEREAS the fountain at the northwest corner of Bloor Street West and Jane Street is a capital asset owned and maintained by the Bloor West Village BIA; and

WHEREAS I, as Ward Councillor, received a formal request from the Board of Directors of the Bloor West Village BIA to name the fountain in Mr. Ling’s honour;

NOW THEREFORE BE IT RESOLVED THAT Council support the naming of the fountain in Mr. Ling’s honour.”

Disposition:

City Council on November 30, December 1 and 2, 2004, unanimously adopted this Motion, without amendment.

J(31) Ontario Municipal Board Hearing - 169 John Street

Moved by: Councillor Chow

Seconded by: Councillor Mihevc

“**WHEREAS** the City Solicitor has prepared a confidential report dated November 29, 2004, seeking further instructions respecting the Ontario Municipal Board hearing regarding 169 John Street; and

WHEREAS consideration of this matter by Council is required on an urgent basis as the hearing will commence December 13, 2004;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the attached confidential report dated November 29, 2004, from the City Solicitor.”

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

In adopting Motion J(31), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated November 29, 2004, from the City Solicitor. The following recommendations are now public, and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, as it contains information pertaining to litigation or potential litigation:

“In the event that City Council determines that it is appropriate to revise the Settlement and the provisions for the expenditure of the Section 37 funds in this matter on the basis outlined in this report, it is recommended that:

- (1) the City Solicitor and other appropriate staff be authorized to appear at the Ontario Municipal Board in support of the settlement adopted by Council at its meeting of October 26, 27 and 28, 2004, by its adoption of Motion J(23), as revised to permit:***
 - (a) the overall maximum building height above grade of 33.10 metres to be exceeded for the purpose of permitting a 1.5 metre high mechanical space comprising an area of +/-32.59 square metres, in substantially the location shown on plans stamped received November 22, 2004;***
 - (b) a maximum residential gross floor area of 4,067 square metres; and***
 - (c) the Section 37 provisions of the amending by-laws to be amended to allow the expenditure of the funds to include improvements to Grange Park and/or streetscape improvements on McCaul Street and/or John Street, and the Section 37 Agreement to provide that such expenditure shall be at the discretion of the Commissioners of Economic Development Culture and Tourism, and Works and Emergency Services, in consultation with the local Councillor and the local community; and***
- (2) the City Solicitor and other appropriate staff be instructed to take all other steps and execute such agreements as may be required to implement the settlement as revised.”***

J(32) Information Pillar Pilot Project - Inclusion of Business Improvement Areas in Pilot Project

Moved by: Councillor Ashton

Seconded by: Councillor Rae

“WHEREAS at the June 22, 2004 meeting of Toronto City Council, Council adopted Policy and Finance Committee Report 5, Clause 24, to approve the Request for Proposal No. 3012-03-7369, for the provision of a pilot project for the placement of 25 information pillars on City property; and

WHEREAS a restriction on the placement of information pillars within BIAs was included as an amendment within the approved Clause; and

WHEREAS numerous BIAs have now indicated their interest in benefiting from the pilot project and having information pillars placed within their boundaries;

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 5, Clause 24, headed ‘Pilot Project for 25 Information Pillars, Request for Proposal No. 3012-03-7369’, be re-opened for further consideration, only as it pertains to the placement of information pillars within BIAs;

AND BE IT FURTHER RESOLVED THAT Council adopt the following:

‘That no information pillars be placed within BIAs or historic districts unless they specifically request participation in the pilot project and with the concurrence of the local Ward Councillor.’

Disposition:

City Council on November 30, December 1 and 2, 2004, re-opened Policy and Finance Committee Report 5, Clause 24, headed “Pilot Project for 25 Information Pillars, Request for Proposal No. 3012-03-7369”, for further consideration, only as it pertains to the placement of information pillars within BIAs, and adopted the balance of this Motion, without amendment.

J(33) Harbour Remediation & Transfer Inc. Claim and Related Third Party Claim Concerning Fred Dominelli and 939923 Ontario Limited

Moved by: Councillor Pitfield

Seconded by: Deputy Mayor Bussin

“**WHEREAS** at its meeting of October 26, 27 and 28, 2004, Council directed the City Solicitor to report to the first possible Council meeting on the status of settlement discussions with Harbour Remediation & Transfer Inc. (‘HR&T’), Costa Trucking and Contracting Ltd. (‘Costa Trucking’) and concerning a third party claim by HR&T, in which it seeks indemnification from the City for a claim against it by Fred Dominelli and 939923 Ontario Limited (‘939923’);

WHEREAS there have been settlement discussions between the parties since October 28, 2004; and

WHEREAS the City Solicitor was given instructions to report to the first possible Council meeting; and

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

NOW THEREFORE BE IT RESOLVED THAT the staff recommendations contained in the Recommendations Section of the attached confidential report dated November 30, 2004, from the City Solicitor, entitled ‘Harbour Remediation & Transfer Inc. Claim and Related Third Party Claim Concerning Fred Dominelli and 939923 Ontario Limited’ 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 November 30, December 1 and 2, 2004, deferred consideration of this Motion to its Special meeting on December 6, 2004.

J(34) Approval to Enter into a Shared Use Agreement with the Conseil Scolaire Public de District du Centre-Sud-Ouest (CSDCSO), for the Use of the Playing Fields at Pierre Elliot Trudeau School

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Giambrone

“**WHEREAS** the Toronto District School Board (TDSB) and the Toronto Catholic District School Board (TCDSB) form an integral part of the social fabric of the City of Toronto; and

WHEREAS the TDSB and the TCDSB have in the past had their school sites funded by the property taxes collected by the City of Toronto; and

WHEREAS the properties owned by the TDSB and the TCDSB constitute a significant portion of the greenspace in the City of Toronto; and

WHEREAS the TDSB and the TCDSB are disposing of properties deemed surplus to their current needs under Provincial Regulation 444; and

WHEREAS the property located at 65 Grace Street, currently owned by the Toronto District School Board, is being sold to the Conseil Scolaire Public de District du Centre-Sud-Ouest (CSDCSO); and

WHEREAS the CSDCSO would like to erect a fence around the adjacent playing fields; and

WHEREAS at its meeting of October 24, 2002, the Toronto and East York Community Council recommended that staff be directed to contact the CSDCSO and Ecole Pierre Elliot Trudeau School to work out the fencing and greenspace issues; and

WHEREAS there is an urgency to the resolution of this issue with the TDSB sale of the property scheduled to be completed by December 15, 2004;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the attached report dated November 30, 2004, from the Commissioner of Economic Development, Culture and Tourism.”

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

In adopting Motion J(34), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated November 30, 2004, from the Commissioner of Economic Development, Culture and Tourism:

“It is recommended that:

- (1) Council authorize the City to enter into a 999 year nominal sum Shared Use Agreement with the CSDCSO, effective upon the date of registration of the transfer of the land from the TDSB to the CSDCSO, for the use of the playing fields as parkland and a playground for the community and the construction of fences at Ecole Pierre Elliot Trudeau School in accordance with terms and conditions deemed necessary by the Commissioner of Economic Development, Culture and Tourism, and the City Solicitor, in consultation with the Ward Councillor; and***

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

J(35) Parking Regulations on Ted Reeve Drive, Whistle Post Street, William Hancox Avenue and Crossovers Street - “One Hour Maximum, 8:00 a.m. to 6:00 p.m., Monday to Friday”

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Davis

“**WHEREAS** at its meeting of July 20, 21 and 22, 2004, City Council approved Toronto and East York Community Council Report 6, Clause 68, which recommended ‘one hour maximum, 8:00 a.m. to 6:00 p.m., Monday to Friday’ parking regulations on Ted Reeve Drive, Whistle Post Street, William Hancox Avenue, and Crossovers Street; and

WHEREAS residents have expressed concern with the stringency of these one-hour maximum parking regulations; and

WHEREAS rescission of these one-hour maximum parking regulations would allow parking for the unsigned three-hour maximum, thereby facilitating longer-term parking, and have a negligible impact on traffic operations; and

WHEREAS staff has advised that funds in the amount of \$1,000.00 associated with the removal of the appropriate signage are available in the Transportation Services Division 2004 Operating Budget;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto and East York Community Council Report 6, Clause 68, headed ‘Introduction of Parking Regulations and Intersection Controls on Ted Reeve Drive, Whistle Post Street, William Hancox Avenue and Crossovers Street (Beaches-East York, Ward 32)’, be re-opened for further consideration;

AND BE IF FURTHER RESOLVED THAT the following ‘one hour maximum, 8:00 a.m. to 6:00 p.m., Monday to Friday’ parking regulations as shown on attached Drawing No. 421F-7656 be rescinded:

(1) Ted Reeve Drive:

- (a) the east side, from Crossovers Street to a point 39 metres north thereof;

(2) Whistle Post Street:

- (a) the south side, from Ted Reeve Drive to a point 73 metres east thereof;

- (b) the south side, from a point 95 metres east of Ted Reeve Drive to a point 55 metres further east;
 - (c) the south side, from a point 179 metres east of Ted Reeve Drive to a point 49 metres further east; and
 - (d) the south side, from a point 250 metres east of Ted Reeve Drive to a point 39 metres further east;
- (3) William Hancox Avenue:
- (a) the west side, from a point 26.5 metres south of Whistle Post Street to Crossovers Street; and
 - (b) the south side, from a point 28.5 metres south of Crossovers Street to a point 37 metres north of Gerrard Street; and
- (4) Crossovers Street:
- (a) the south side, from a point 46.5 metres west of William Hancox Avenue to a point 38.5 metres further west thereof;
 - (b) the south side, from a point 107 metres west of William Hancox Avenue to a point 44 metres further west thereof;
 - (c) the south side, from a point 190 metres west of William Hancox Avenue to a point 56 metres further west thereof; and
 - (d) the south side, from a point 269 metres west of William Hancox Avenue to a point 29 metres further west thereof.”

Disposition:

City Council on November 30, December 1 and 2, 2004, re-opened Toronto and East York Community Council Report 6, Clause 68, headed “Introduction of Parking Regulations and Intersection Controls on Ted Reeve Drive, Whistle Post Street, William Hancox Avenue and Crossovers Street (Beaches-East York, Ward 32)”, for further consideration, and adopted the balance of this Motion, without amendment.

J(36) Licence Fees for Private Parking Enforcement Agencies

Moved by: Councillor Moscoe

Seconded by: Councillor Walker

“**WHEREAS** there are some 83 Private Parking Enforcement Agencies licensed by the City of Toronto; and

WHEREAS these agencies generate ticket revenues (by issuing legal City of Toronto tags on private property) estimated at approximately \$5.5M in 2004, for the City of Toronto; and

WHEREAS new licence fees established by Council for Private Parking Enforcement Agencies are scheduled to go into effect beginning January 1, 2005; and

WHEREAS these fees have been increased from \$186.00 for an initial licence and \$100.00 for a renewal in 2004 to \$2,571.00 for an initial licence and \$2,345.00 for a renewal in 2005, increases of some 1380 percent and 2350 percent respectively; and

WHEREAS the fees apply equally to all agencies whether they employ 300 officers or 3 officers; and

WHEREAS the net effect of this increase will be to drive all of the smaller agencies out of business or force them to operate illegally; and

WHEREAS the reason for the increases stem from the City's interpretation of the Licensing Provisions of the *Municipal Act* that require licensing activities to be cost recovered within the class of business, and there are massive increase in enforcement activities, ironically related to the companies that are operating outside the law, many of which are unlicensed and therefore do not pay licence fees; and

WHEREAS the matter is an issue of fairness and fundamental justice and one of some urgency to these companies;

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 5, Clause 11, headed 'Review of Business Licensing Fees/Establishment of Traditional Medicine Establishment and Practitioner Licences' be re-opened for further consideration only as it pertains to the licence fees for Private Parking Enforcement Agencies;

AND BE IT FURTHER RESOLVED THAT the City give notice that it intends to review these rates, and the matter be referred to the Planning and Transportation for a public hearing under the *Municipal Act*;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Urban Development Services, in consultation with the City Solicitor and the Chief Financial Officer and Treasurer, report to an upcoming meeting of the Planning and Transportation Committee to re-structure the licence fees related to this class of business through one or a combination of:

- (1) a graduated schedule of fees based on the number of Municipal Law Enforcement Offices employed by that company; and/or
- (2) a realignment of approximately 4.5 to 5 percent of parking ticket revenue which would offset the cost of administering and enforcing the Licensing by-law within Urban Development Services; and/or

(3) a formula which combines both revenue sources, noted above;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Urban Development Services report on this matter directly to the Planning and Transportation Committee as soon as possible in recognition of its time sensitive nature;

AND BE IT FURTHER RESOLVED THAT all enforcement for non-payment of fees within this class of license be suspended pending Council's review of this matter and resolution of appropriate fees for this class of license."

Disposition:

City Council on November 30, December 1 and 2, 2004, re-opened Policy and Finance Committee Report 5, Clause 11, headed "Review of Business Licensing Fees/Establishment of Traditional Medicine Establishment and Practitioner Licences" for further consideration only as it pertains to the licence fees for Private Parking Enforcement Agencies, and adopted the balance of this Motion, without amendment.

J(37) Audit of the Let's Build Pilot Project Funding Agreements

Moved by: Councillor Del Grande

Seconded by: Councillor Di Giorgio

"WHEREAS the City of Toronto administers and distributes funds on behalf of the provincial and federal governments under the Let's Build program; and

WHEREAS as such, the City of Toronto has a fiduciary duty to those other levels of government to administer and distribute the funds under the Let's Build program in such a way as to maximize the benefit for tax dollars spent through the program; and

WHEREAS a number of Councillors have voiced concern about the financial benefits received in exchange for the funding provided to a number of the Pilot Project proponents; and

WHEREAS staff have already attempted to renegotiate the terms under which the funding has already been approved to at least one of the Pilot Project proponents, suggesting that the original terms were not negotiated so as to provide the City of Toronto with the maximum benefit possible; and

WHEREAS Council's goal of providing the maximum number of affordable rental units under the program may be compromised by the failure to negotiate the most advantageous deals possible;

NOW THEREFORE BE IT RESOLVED THAT City Council direct the Auditor General to conduct a preliminary review of the terms of the eight (8) Pilot Project Agreements approved by Council;

AND BE IT FURTHER RESOLVED THAT City Council direct the Auditor General to add this review to his audit schedule and to report back in a timely fashion – commensurate with the short-term nature and magnitude of the funds distributed under this program – so that Council can take timely, corrective actions based on his findings;

AND BE IT FURTHER RESOLVED THAT City Council direct the Auditor General to report his preliminary findings, along with his opinion about the need to expand his review, directly to the Audit Committee at the earliest possible date.”

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on February 1, 2005.

J(38) OMB Appeal – Application for Front Yard Parking at 1501 Islington Avenue

Moved by: Councillor Lindsay Luby

Seconded by: Councillor Grimes

“**WHEREAS** the Etobicoke Committee of Adjustment refused an application to permit a front yard parking pad at 1501 Islington Avenue; and

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

WHEREAS the front yard parking pad is more than minor in nature, is not appropriate, and does not meet the intent of the zoning by-law;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor send a member of her staff to attend the Ontario Municipal Board to oppose the application, to ask that the City be added as a party to the hearing, and to make appropriate arrangements for expert witnesses.”

Disposition:

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Motion to its Special meeting on December 6, 2004.

J(39) Old City Hall Clock

Moved by: Councillor Grimes

Seconded by: Councillor Rae

“**WHEREAS** the Old City Hall is a National Historic Site, and the clock and bells is an important landmark for the City of Toronto; and

WHEREAS Old City Hall including the clock tower, clock and bells is a well known tourist attraction for the City of Toronto; and

WHEREAS the venerable clock that towers above Old City Hall hasn’t worked since last spring and was to be in working order by November 2004; and

WHEREAS the clock and chimes with their distinctive ringing has been a part of the Holiday Season, including Cavalcade of Lights, the Ice Sculpture contest, WinterLude and the New Year’s celebration that takes place at Nathan Phillips Square, and is seen by millions of Torontonians via television;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Corporate Services be directed to report back to City Council by the end of this Council session, in order to have the clock and chimes in working condition and turned on, for the month of December Holiday Season, and especially in time for December 31, 2004.”

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion subject to amending the first Operative Paragraph so that it now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Corporate Services be requested to have the clock and chimes in working condition and turned on as expeditiously as possible.”

J(40) Interim Approvals for Payment of Hostel Per-Diem and Personal Needs Allowance Invoices and Funding for Habitat Services

Moved by: Councillor Chow

Seconded by: Councillor Rae

“**WHEREAS** the Commissioner of Community and Neighbourhood Services, following past practices, has signed purchase of service contracts with a total annual value in excess of \$500,000.00 with community agencies and motels for the provision of hostel services and the issuance of personal needs allowance and signed a contract with Habitat Services for the provision of boarding/rooming house services (hereinafter collectively called the ‘Service Contracts’); and

WHEREAS the City's Auditor General has identified that the Commissioner of Community and Neighbourhood Services does not have explicit Council authority to sign Service Contracts; and

WHEREAS staff will be bringing forward a report to the December 2004 meeting of the Community Services Committee seeking authority for the Commissioner of Community and Neighbourhood Services to sign purchase of Service Contracts at rates and up to values approved by Council, but due to the meeting schedule, City Council will not be able to consider or approve this report until its meeting of February 2005; and

WHEREAS community agencies continue to submit invoices for services rendered based on contracts signed in good faith pursuant to the Service Contracts; and

WHEREAS these agencies will suffer financial difficulties if payment under the Service Contracts is delayed until January of 2005;

NOW THEREFORE BE IT RESOLVED THAT Council confirm the signing of the Service Contracts by the Commissioner of Community and Neighbourhood Services and grant authority to make payments pursuant to the Service Contracts for organizations identified in the attached Appendices A and B, up to the amounts identified in Appendices A and B, for the months of October, November and December 2004, and January 2005."

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

Appendices A and B are on file in the City Clerk's Office.

J(41) Proposed Amendment to Interim Control By-law 158-2004 to Prohibit Large Restaurants and Clubs in the King-Spadina Part II Area

Moved by: Councillor Chow

Seconded by: Deputy Mayor Pantalone

“WHEREAS Interim Control By-law 158-2004 was adopted by City Council on March 3, 2004, and prohibited the establishment of new entertainment facilities; and

WHEREAS the Commissioner of Urban Development Services acknowledged that certain entertainment uses and residential uses may conflict; and

WHEREAS the development of lounges in close proximity to residential lands west of Spadina Avenue has occurred;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the staff recommendations contained in the Recommendations Section of the attached report dated December 1, 2004, from the Commissioner of Urban Development Services, regarding an amendment to the existing Interim Control By-law 158-2004 for the area of King-Spadina west of Spadina Avenue.”

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

In adopting Motion J(41), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated December 1, 2004, from the Commissioner of Urban Development Services:

“It is recommended that City Council:

- (1) amend Interim Control By-law No. 158-2004 to include a restriction on the size of all new restaurants and clubs within the lands west of Spadina Avenue in the King-Spadina Part II Plan to 200 square metres in accordance with the Zoning By-law Amendment attached as Attachment 1; and*
- (2) request the Commissioner of Urban Development Services to expand the review of entertainment facilities to include restaurants and clubs for those lands west of Spadina Avenue in the King-Spadina Part II Plan area that are identified on Attachment 2.”*

Council subsequently enacted By-law No. 1010-2004.

J(42) Ontario Municipal Board Appeal – 175 Avenue Road

Moved by: Councillor Rae

Seconded by: Councillor Chow

“**WHEREAS** at its meeting held on May 18, 19 and 20, 2004, City Council adopted the recommendations in Toronto South Community Council Report 4, Clause 13, and thereby authorized the City Solicitor to attend at the Ontario Municipal Board (the ‘OMB’) in opposition to an appeal by the owner of 175 Avenue Road of Council’s refusal to permit an amendment to the Zoning By-law 438-86 to rezone the lands to permit a site specific restaurant use; and

WHEREAS the OMB heard the appeal on July 23 and 24, 2004, and issued its decision on October 7, 2004, allowing the appeal and approving the amendment to the Zoning By-law 438-86; and

WHEREAS the City Solicitor therefore wishes to report upon this matter and obtain authority for the City to take further action with respect to the decision of the OMB; and

WHEREAS the risks of any financial implications of Council's decisions are significantly reduced if the instructions are provided expeditiously rather than awaiting the next Council meeting in 2005;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the attached confidential report dated December 1, 2004, from the City Solicitor."

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

In adopting Motion J(42), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated December 1, 2004, from the City Solicitor. The following recommendations, together with Appendices 1 and 2, are now public and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, as it contains information pertaining to litigation or potential litigation:

"It is recommended that City Council authorize the City Solicitor to:

- (1) request the Ontario Municipal Board to amend its decision number 1617 to reflect changes in the amendments to the Zoning By-law, as agreed upon by the owner of 175 Avenue Road and set out in Appendix 2 attached hereto; and***
- (2) withdraw the application to Divisional Court for leave to appeal the Ontario Municipal Board decision dated October 7, 2004."***

Appendices 1 and 2 are on file in the City Clerk's Office.

J(43) Toronto Port Authority and Stolport Corporation – Facilitation of Settlement and Completion of Conveyances, including Exemption from Part Lot Control for Lands Known Municipally in the Year 2004 as 535 and 595/651 Commissioners Street, 12 and 12A Leslie Street, 206, 220, 240, 400, 440R and 600 Unwin Avenue, 150 Cherry Street, 95R Queens Quay East and 333R Lakeshore Boulevard East, and Part of the Vacant Land Adjoining Unwin Avenue

Moved by: Councillor Altobello

Seconded by: Councillor Kelly

“**WHEREAS** at its meeting held on April 15 and 16, 2004, City Council adopted Notice of Motion J(14), entitled ‘Court Application on the Stolport Agreement’ instructing the City Solicitor to proceed with the court application for declaratory relief regarding the Stolport Agreement that has been registered on certain lands already transferred and lands to be transferred by the Toronto Port Authority (TPA) to the City and the Toronto Economic Development Corporation (TEDCO); and

WHEREAS the City Solicitor has prepared a confidential report dated December 1, 2004, seeking Council’s direction on this matter;

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

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the confidential report dated December 1, 2004, from the City Solicitor.”

Disposition:

City Council on November 30, December 1 and 2, 2004, adopted this Motion, without amendment.

In adopting Motion J(43), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated December 1, 2004, from the City Solicitor and the Commissioner of Urban Development Services. The following Recommendations (1), (3), (4), (5), (6), (7) and (8) are now public and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, as it contains information pertaining to litigation or potential litigation:

“It is recommended that:

- (1) Council instruct the City Solicitor to work with the firm of Robins, Appleby & Taub to complete the land transfers from the TPA to the City and TEDCO, including instructing Robins, Appleby & Taub on resolving the court application for declaratory relief regarding the Stolport agreement registered on title to certain lands already transferred and to be transferred by the TPA to the City and TEDCO;***

- (3) *a part lot control exemption by-law, substantially in accordance with Attachment 1 to this report, pursuant to section 50(7) of the Planning Act, be enacted for the following lands (the ‘lease lands’):*
- (a) *535 Commissioners Street;*
 - (b) *Part of Rear 595 Commissioners Street;*
 - (c) *Part of 12 and 12A Leslie Street;*
 - (d) *Part of 600 Unwin Avenue; and*
 - (e) *Part of 150 Cherry Street;*
- (4) *a part lot control exemption by-law, substantially in accordance with Attachment 2 to this report, pursuant to section 50(7) of the Planning Act, be enacted for the following lands (the ‘transfer lands’):*
- (a) *Part of 150 Cherry Street;*
 - (b) *Part of 206 Unwin Avenue;*
 - (c) *220 Unwin Avenue;*
 - (d) *Part of 240 Unwin Avenue;*
 - (e) *Part of 400 Unwin Avenue;*
 - (f) *Part of 440R Unwin Avenue;*
 - (g) *95R Queens Quay East;*
 - (h) *333R Lakeshore Boulevard East;*
- (5) *a part lot control exemption by-law, substantially in accordance with Attachment 3 to this report, pursuant to section 50(7) of the Planning Act, be enacted for the following lands also being conveyed to TEDCO:*
- Parts 5 and 7 on Plan 64R-14758 (part of the vacant land adjoining Unwin Avenue);*
- (6) *all three by-laws shall expire one year from the date of enactment by Council;*
- (7) *the City Solicitor be authorized to introduce the necessary Bills in Council to give effect to Recommendations (3), (4), (5) and (6); and*
- (8) *Council authorize the appropriate City officials to take the necessary steps to give effect thereto.”*

J(44) Installation of Speed Humps - Tiago Avenue, between Victoria Park Avenue and Westview Boulevard

Moved by: Councillor Davis

Seconded by: Councillor Walker

“**WHEREAS** City Council at its meeting held on July 20, 21 and 22, 2004, by its adoption of Toronto and East York Community Council Report 6, Clause 57, wherein Community Council recommended adoption of staff recommendations in a report (June 17, 2004) from the Director, Transportation Services, South District, authorized the installation of traffic calming devices on Tiago Avenue, between Victoria Park Avenue and Westview Avenue, to help reduce speed on the street, and which should have read Tiago Avenue between Victoria Park Avenue and Westview Boulevard;

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto and East York Community Council Report 6, Clause 57, headed ‘Installation of Speed Humps –Tiago Avenue, between Victoria Park Avenue and Westview Avenue (Beaches-East York, Ward 31)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the street name ‘Westview Avenue’ be replaced by the street name ‘Westview Boulevard’ wherever it may appear in the recommendations and the body of the Clause;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be authorized and directed to take whatever action is necessary to give effect thereto, including the introduction in Council of any Bills that may be required.”

Disposition:

City Council on November 30, December 1 and 2, 2004, re-opened Toronto and East York Community Council Report 6, Clause 57, headed “Installation of Speed Humps – Tiago Avenue, between Victoria Park Avenue and Westview Avenue (Beaches-East York, Ward 31)”, for further consideration and adopted the balance of this Motion, without amendment.

J(45) Strategy to Reduce and Eliminate Unsolicited Junk E-mails

Moved by: Councillor Palacio

Seconded by: Councillor Nunziata

“**WHEREAS** City staff and Councillors’ staff spend hours of productivity every day, going through and deleting unwanted ‘junk’ e-mails; and

WHEREAS my office has repeatedly asked our Information and Technology Division to find ways of blocking or screening unsolicited e-mails, without success; and

WHEREAS our computer systems constantly get affected by incoming viruses, because of a lack of a SPAM filtering solution; and

WHEREAS this is costing taxpayers hundreds of thousands of dollars in wasted staff time;

NOW THEREFORE BE IT RESOLVED THAT the Executive Director of Corporate Information and Technology report to the e-City Committee on a strategy to reduce and eliminate the volume of unsolicited external e-mails to City staff and Councillors;

AND BE IT FURTHER RESOLVED THAT the Executive Director of Corporate Information and Technology be asked to expedite the implementation of a SPAM filtering solution, which will help address unsolicited e-mails.”

Disposition:

Notice of this Motion was given to permit consideration at the Special meeting of City Council on December 6, 2004.

J(46) 499 King Street West – Opposition to Application for a Liquor Licence

Moved by: Councillor Chow

Seconded by: Councillor Rae

“**WHEREAS** the occupants of 499 King Street West have applied to the Alcohol and Gaming Commission of Ontario (AGCO) for a liquor sales licence to serve and sell alcohol at this location with a public hearing on December 20, 2004; and

WHEREAS the City Councillor has been advised by the Toronto Police Service of numerous Provincial Offence violations emanating from the numerous licensed establishments already existing in the immediate area of this location; and

WHEREAS the Toronto Police Service has further advised that there have been criminal activities and arrests emanating from the immediate area of this location; and

WHEREAS the City Councillor has also received complaints from residents regarding the misconduct of patrons from licensed establishments located in the immediate vicinity; and

WHEREAS the past and present conduct of patrons of nearby licensed establishments affords reasonable grounds to believe that a granting of a liquor licence at 499 King Street West may result in the behaviour of a certain and significant number of patrons not being in accordance with the law and combined with the other concerns noted above, demonstrates that a liquor licence for these premises is not in the public interest having regard to the needs and wishes of the Municipality in which the premises is located;

NOW THEREFORE BE IT RESOLVED THAT Council advise the Alcohol and Gaming Commission of the City of Toronto's opposition to any new application or the expansion of any existing liquor licence or caterer's endorsement for 499 King Street West;

AND BE IT FURTHER RESOLVED THAT Council authorize the City Solicitor to advise the AGCO that it opposes any new application or the expansion of any existing liquor licence or caterer's endorsement for 499 King Street West and further instructs that a copy of this resolution be provided to the AGCO by December 19, 2004;

AND BE IT FURTHER RESOLVED THAT the AGCO be requested to provide the City with an opportunity to participate in any proceedings involving 499 King Street West to oppose any new applications or expansion of the current liquor licence, and that the City Solicitor and necessary staff be authorized to participate in any proceedings before the AGCO which relate to 499 King Street West."

Disposition:

Notice of this Motion was given to permit consideration at the Special meeting of City Council on December 6, 2004.

CONDOLENCE MOTIONS

(1) **Moved by:** Councillor Li Preti

Seconded by: Mayor Miller

“WHEREAS the Members of City Council are deeply saddened to learn of the passing of Mr. Daniel Andrea Iannuzzi on Saturday, November 20, 2004; and

WHEREAS Mr. Iannuzzi was the founder of Corriere Canadese, the Italian newspaper, and was inducted into the Order of Ontario in 1989 and became a Member of the Order of Canada in 1990; and

WHEREAS Mr. Iannuzzi, who was born in Montreal, but lived in Toronto for the past 50 years, was the founder of the world's first multilingual television station and the Ethnic Press Association of Ontario; and

WHEREAS Mr. Iannuzzi was a pioneer in multicultural communications and contributed greatly to Toronto's Italian Community and all other ethnic communities; and

WHEREAS Mr. Iannuzzi will be greatly missed and remembered forever by his friends and the many people whose lives he touched;

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 Elena Caprile, daughter Doreen, sons Michael and Derek, and all the staff at Corriere Canadese.”

City Council on November 30, December 1 and 2, 2004, adopted this Motion unanimously.

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

Seconded by: Mayor Miller

“**WHEREAS** the Members of City Council are deeply saddened to learn of the death of Pierre Berton on November 30, 2004, in his 85th year; and

WHEREAS Pierre Berton was Canada's rebel historian, a man who successfully brought this country to life for the young and old alike, from coast to coast to coast; and

WHEREAS throughout his career as a journalist, historian and author, Mr. Berton's contributions to Canadian culture were without equal, with his strong-willed opinions and genuine love for his country being the fuel for his inexhaustible compositions; and

WHEREAS Pierre Berton was born in Whitehorse and grew up in Dawson City, entered the world of journalism at age twenty-one in Vancouver and, over the next sixty-three years of his career, wrote over fifty books and continued to reveal the lives of Canadians to those who have always needed the information most – Canadians; and

WHEREAS Mr. Berton will always be remembered in the hearts of the people of Canada as a man who would forever have had more convictions and words about our country than time could ever grant him the fortune of conveying;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our deepest sympathy to his wife Janet, his children Penny, Pamela, Patricia, Peter, Paul, Peggy, Perri and Eric, and his many grandchildren.”

City Council on November 30, December 1 and 2, 2004, adopted this Motion unanimously.

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

Seconded by: Councillor Carroll and Councillor Augimeri

“**WHEREAS** the Members of Council are deeply saddened to learn of the passing of Mr. Harold Green, Principal of Greenwin Property Management and Chairman of Verdiroc Development; and

WHEREAS Mr. Green first learned the construction trade as a teenage bricklayer, building baking ovens in Toronto with his brothers Sam and Al; and

WHEREAS Mr. Green developed thousands of new rental housing units to address the growing needs of Toronto; and

WHEREAS Mr. Green lead the industry in the use of innovations such as ‘Flying Form’ building method, brought to Canada by the Italian community; and

WHEREAS Mr. Green moved aggressively and efficiently to increase Toronto’s housing stock through private sector development, while always ensuring that the crucial role of the construction unions was respected through the hiring of skilled trades; and

WHEREAS Mr. Green leaves a legacy to the City in his practices of sound buildings, responsible property management and the kind of community building seen in the Neighbourhood Regeneration Project of San Romanoway; and

WHEREAS Mr. Green was known for his extensive charity work, for which he recently received a lifetime achievement award from Mount Sinai Hospital;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to his wife Miriam, his children Eric, Cary, Kevin and Robin as well as his ten grandchildren.”

City Council on November 30, December 1 and 2, 2004, adopted this Motion unanimously.

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

Seconded by: Mayor Miller

“**WHEREAS** the Members of City Council are very saddened to learn of the passing of Mrs. Rosanne O’Hearn, a respected friend of the City of Toronto; and

WHEREAS Mrs. O’Hearn was born in Peterborough in 1930 and then lived most of her life in Toronto, where she enjoyed a wide circle of friends who were drawn to her due to her immense charm, wit and love of reading; and

WHEREAS Mrs. O’Hearn, with a group of close friends in and around Toronto, participated in a reading group that met monthly for nearly 50 years; and

WHEREAS Mrs. O’Hearn, as an avid supporter of the Toronto Public Library, was most prominent in the successful campaign to save its City Hall branch, was part of the development team for the new design for the library, restaurant and community hall, and for many years helped select photos from the City Archives to hang in the community hall; and

WHEREAS Mrs. O’Hearn was a long-time volunteer as well as the Chair of the Volunteer Committee for the Textile Museum of Canada, and she was also a Board member of the Toronto Humane Society; and

WHEREAS believing that individuals can make a significant difference in their communities, Mrs. O’Hearn was dedicated to supporting community efforts to maintain Toronto on a livable scale; and

WHEREAS Mrs. O’Hearn will be remembered in the hearts of those in the Toronto community for her hard work and dedication over the past years, and she will also be remembered by her friends and neighbours 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 five children, Anne Pashley and her husband Nicholas, Susan McIlroy, Thad McIlroy, Marta McIlroy and Sara O’Hearn; her dear friend Ron Fitzgerald, her brother, Dr. Gordon Monahan and his family, and the many people she touched with love during her lifetime.”

City Council on November 30, December 1 and 2, 2004, adopted this Motion unanimously.

Toronto, Ontario
December 6, 2004

City Clerk