

[Guide to Minutes](#)

These Minutes were confirmed by City Council on March 1, 2004.

[Agenda Index](#)

**MINUTES OF THE COUNCIL
OF THE
CITY OF TORONTO**

**TUESDAY, JANUARY 27, 2004,
WEDNESDAY, JANUARY 28, 2004, AND
THURSDAY, JANUARY 29, 2004**

City Council met in the Council Chamber, City Hall, Toronto.

3.1 CALL TO ORDER - 9:42 a.m.

Mayor Miller took the Chair and called the Members to order.

The meeting opened with O Canada.

3.2 CONFIRMATION OF MINUTES

Councillor Pantalone, seconded by Councillor Bussin, moved that the Minutes of the First Council meeting held on 2nd and 4th days of December, 2003, and the Minutes of the Special Council meeting held on the 3rd day of December, 2003, be confirmed in the form supplied to the Members, which carried.

PRESENTATION OF REPORTS

3.3 Councillor Walker presented the following Reports for consideration by Council:

Report No. 1 of The Policy and Finance Committee,

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

and moved, seconded by Councillor Davis, that Council now give consideration to such Reports, which carried.

- 3.4 Councillor Walker, with the permission of Council, presented the following Report for the consideration of Council:

Report No. 1 of The Nominating Committee,

and moved, seconded by Councillor Davis, that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived in connection with this Report, and that Council now give consideration to such Report, which carried, more than two-thirds of Members present having voted in the affirmative.

3.5 **DECLARATIONS OF INTEREST**

Councillor Altobello declared his interest in Clause No. 11 of Report No. 1 of The Toronto East Community Council, headed "Removal of Privately-Owned Trees - 378 Centennial Road (Ward 44 – Scarborough East)", in that he owns property in the immediate vicinity.

Councillor Ford declared his interest in Clause No. 24 of Report No. 1 of The Policy and Finance Committee, headed "Printing Services for Snap Set/NCR and Other Legal Forms Relating to Provincial Offences – Request for Proposal No. 3003-03-7440", in that his family owns a printing business.

Councillor Jenkins declared his interest in Clause No. 21 of Report No. 1 of The Policy and Finance Committee, headed "Annual Information Technology Systems Maintenance Contracts Renewal", in that he is a former employee of IBM receiving a pension.

Councillor Pitfield declared her interest in Clause No. 14 of Report No. 1 of The Policy and Finance Committee, headed “Enwave District Energy Limited, Assignment of Agreements as Collateral Security for Financing”, in that her husband is an employee of Scotiabank.

Councillor Saundercook declared his interest in the following matters:

- (a) Clause No. 37 of Report No. 1 of The Policy and Finance Committee, headed “Operation and Maintenance of a Winter Tennis Facility - Installation of New Tennis Bubble at Eglinton Flats – RFP (Ward 11 - York South-Weston)”, in that his wife is a member of the tennis club;
- (b) Item (a), entitled “Operation and Maintenance of a Winter Tennis Facility - Installation of New Tennis Bubble at Eglinton Flats - RFP (Ward 11 York South-Weston)”, as contained in Clause No. 9 of Report No. 1 of The Economic Development and Parks Committee, headed “Other Items Considered by the Committee”, in that his wife is a member of the tennis club; and
- (c) Motion J(7), moved by Deputy Mayor Pantalone, seconded by Councillor Rae, respecting the Local 3888 Memorandum of Agreement for the Term 2002 - 2006, in that his brother-in-law is an employee of Toronto Fire Services.

Councillor Shiner declared his interest in Clause No. 10 of Report No. 1 of The Toronto North Community Council, headed “Traffic Calming (Speed Humps) - Wenderly Drive, Dufferin Street to Marlee Avenue (Ward 15 – Eglinton-Lawrence)”, in that his father owns property on the subject street.

CONSIDERATION OF REPORTS

CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION

3.6 The following Clauses were held by Council for further consideration:

Report No. 1 of The Policy and Finance Committee, Clauses Nos. 2, 3, 5, 10, 12, 14, 23, 27, 28, 29, 31, 32, 33, 35 and 36.

Report No. 1 of The Administration Committee, Clauses Nos. 6, 10, 13, 15, 16, 20, 21, 26, 27 and 29.

Report No. 1 of The Community Services Committee, Clauses Nos. 3, 4, 5 and 7.

Report No. 1 of The Economic Development and Parks Committee, Clauses Nos. 2, 3 and 4.

Report No. 1 of The Planning and Transportation Committee, Clauses Nos. 2, 3, 4, 8 and 9.

Report No. 1 of The Works Committee, Clauses Nos. 1, 2, 3, 6, 7, 8 and 15.

Report No. 1 of The Toronto East Community Council, Clauses Nos. 7, 9 and 10.

Report No. 1 of The Toronto North Community Council, Clauses Nos. 10, 26, 28, 41 and 47.

Report No. 1 of The Toronto South Community Council, Clauses Nos. 6, 13, 14, 15, 16, 17, 29, 31, 34, 35, 36, 38, 39, 66, 67, 76, 78, 79, 80, 87 and 97.

Report No. 1 of The Toronto West Community Council, Clauses Nos. 13, 15, 16, 17, 18, 20, 28, 29, 30, 31, 32, 33, 35, 36, 41, 43, 44 and 45.

Report No. 1 of the Audit Committee, Clause No. 1.

Report No. 1 of The Board of Health, Clauses Nos. 1, 4 and 5.

Report No. 1 of The Nominating Committee, Clauses Nos. 1 and 2.

Report No. 2 of The Striking Committee, Clause No. 2.

The following Clauses which were held by Council for further consideration were subsequently adopted without amendment or further discussion:

Report No. 1 of The Policy and Finance Committee, Clauses Nos. 5 and 27.

Report No. 1 of The Administration Committee, Clauses Nos. 6, 10, 15, 16 and 21.

Report No. 1 of The Community Services Committee, Clauses Nos. 3, 4 and 5.

Report No. 1 of The Economic Development and Parks Committee, Clauses Nos. 2 and 4.

Report No. 1 of The Planning and Transportation Committee, Clauses Nos. 4 and 8.

Report No. 1 of The Works Committee, Clauses Nos. 6 and 15.

Report No. 1 of The Toronto North Community Council, Clauses Nos. 26 and 47.

Report No. 1 of The Board of Health, Clause No. 5.

Report No. 1 of The Nominating Committee, Clause No. 2.

The Clauses not held by Council for further consideration were deemed to have been adopted by Council, without amendment, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code.

**CONSIDERATION OF REPORTS
CLAUSES WITH MOTIONS, VOTES, ETC.**

- 3.7 **Clause No. 13 of Report No. 1 of The Administration Committee, headed “Exchange of Property Interests with Bombardier Inc./ Release of Covenant (Ward 9 - York Centre and Ward 10 - York Centre)”.**

Motion:

Councillor Feldman moved that Council defer consideration of this Clause to the next regular meeting of City Council scheduled to be held on March 1, 2004.

Vote:

The motion by Councillor Feldman carried.

- 3.8 **Clause No. 20 of Report No. 1 of The Administration Committee, headed “Request for Authority to Amend Contract No. 47007471 for the Supply and Delivery of Municipal Castings to Various City of Toronto Locations - Request for Quotation No. 6501-02-0198”.**

Vote:

The Clause was adopted, without amendment.

Councillor Ford requested that his opposition to this Clause be noted in the minutes of this meeting.

- 3.9 **Clause No. 9 of Report No. 1 of The Toronto East Community Council, headed “Preliminary Report - OPA and Rezoning Application 03 154931 ESC 37 OZ, R.P.C. Design Group, Robbie Robinson, 1465 Birchmount Road (Ward 37 - Scarborough Centre)”.**

Motion:

Councillor Thompson moved that the Clause be referred back to the Toronto East Community Council for further consideration in conjunction with the results of the Land Use Study to be undertaken with respect to these and abutting lands.

Vote:

The motion by Councillor Thompson carried.

- 3.10 **Clause No. 10 of Report No. 1 of The Toronto North Community Council, headed “Traffic Calming (Speed Humps) - Wenderly Drive, Dufferin Street to Marlee Avenue (Ward 15 – Eglinton-Lawrence)”.**

Vote:

The Clause was adopted, without amendment.

Councillor Ford requested that his opposition to this Clause be noted in the minutes of this meeting.

- 3.11 **Clause No. 28 of Report No. 1 of The Toronto North Community Council, headed “Designation of 108 Stayner Avenue (Jacob P. Ross House) (Ward 15 - Eglinton-Lawrence)”.**

Motion:

Councillor Filion moved that the Clause be referred back to the Toronto North Community Council for further consideration.

Vote:

The motion by Councillor Filion carried.

- 3.12 **Clause No. 34 of Report No. 1 of The Toronto South Community Council, headed “Installation of Speed Humps - Scarborough Road, Between Kingston Road and Gerrard Street East (Beaches-East York, Ward 32)”.**

Vote:

The Clause was adopted, without amendment.

Councillor Ford requested that his opposition to this Clause be noted in the minutes of this meeting.

- 3.13 **Clause No. 36 of Report No. 1 of The Toronto South Community Council, headed “Installation of Speed Humps - Gledhill Avenue, Between Cosburn Avenue and Danforth Avenue (Beaches-East York, Ward 31)”.**

Vote:

The Clause was adopted, without amendment.

Councillor Ford requested that his opposition to this Clause be noted in the minutes of this meeting.

- 3.14 **Clause No. 38 of Report No. 1 of The Toronto South Community Council, headed “Installation of Speed Bumps in Public Lane Bounded by Bayview Avenue, Glazebrook Avenue, Glenavy Avenue and Roehampton Avenue (St. Paul’s, Ward 22)”.**

Vote:

The Clause was adopted, without amendment.

Councillor Ford requested that his opposition to this Clause be noted in the minutes of this meeting.

- 3.15 **Clause No. 39 of Report No. 1 of The Toronto South Community Council, headed “Installation of Speed Humps - Arlington Avenue, Between St. Clair Avenue West and Humewood Gardens (St. Paul’s, Ward 21)”.**

Vote:

The Clause was adopted, without amendment.

Councillor Ford requested that his opposition to this Clause be noted in the minutes of this meeting.

- 3.16 **Clause No. 66 of Report No. 1 of The Toronto South Community Council, headed “Installation of Speed Humps - Glenside Avenue, Between Walpole Avenue and Gerrard Street East (Toronto-Danforth, Ward 30)”.**

Vote:

The Clause was adopted, without amendment.

Councillor Ford requested that his opposition to this Clause be noted in the minutes of this meeting.

- 3.17 **Clause No. 67 of Report No. 1 of The Toronto South Community Council, headed “Installation of Speed Humps - Memorial Park Avenue, Between Donlands Avenue and Durant Avenue (Toronto-Danforth, Ward 29)”.**

Vote:

The Clause was adopted, without amendment.

Councillor Ford requested that his opposition to this Clause be noted in the minutes of this meeting.

- 3.18 **Clauses Nos. 79 and 97 of Report No. 1 of The Toronto South Community Council, headed “Installation of Speed Humps - Wheeler Avenue, Between Queen Street East and Norway Avenue (Beaches-East York, Ward 32)” and “Installation of Speed Humps - Woodlawn Avenue West, from Yonge Street to the North/South Section of Woodlawn Avenue West (St. Paul’s, Ward 22)”, respectively.**

Vote:

The Clauses were adopted, without amendment.

Councillor Ford requested that his opposition to these Clauses be noted in the minutes of this meeting.

- 3.19 **Clause No. 76 of Report No. 1 of The Toronto South Community Council, headed “Traffic Operation and Pavement Narrowing - Derby Street and Erin Street (Toronto Centre-Rosedale, Ward 28)”.**

Motion:

Councillor McConnell moved that the Clause be referred back to Toronto South Community Council for further consideration.

Vote:

The motion by Councillor McConnell carried.

- 3.20 **Clause No. 15 of Report No. 1 of The Toronto West Community Council, headed “Installation of Speed Bumps – Public Lane Bounded by Junction Road, Mulock Avenue, Lloyd Avenue and Cawthra Avenue (Ward 11 - York South-Weston)”.**

Vote:

The Clause was adopted, without amendment.

Councillor Ford requested that his opposition to this Clause be noted in the minutes of this meeting.

- 3.21 **Clause No. 41 of Report No. 1 of The Toronto West Community Council, headed “Extension to Part Lot Control Exemption By-law No. 81-2003; 1463291 Ontario Inc. 81 Prince Edward Drive (232-240 Berry Road) File No. TA PLC 2002 0003 (Ward 5 - Etobicoke-Lakeshore)”.**

Motion:

Councillor Milczyn moved that the Clause be amended by adding the following:

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

recommendations:

‘It is recommended that:

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

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

Deputy Mayor Pantalone in the Chair.

3.22 **Clause No. 10 of Report No. 1 of The Policy and Finance Committee, headed “2004 Current Value Assessment (CVA) Changes and Tax Policy Options (All Wards)”.**

Mayor Miller in the Chair.

Deputy Mayor Pantalone in the Chair.

Deputy Mayor Feldman in the Chair.

Motions:

- (a) Councillor Saundercook moved that the Clause be amended by adding the following:

“It is further recommended that the Chief Financial Officer and Treasurer be requested to implement a phase-in for the residential class over a two-year period, with a threshold of \$200.00 on CVA-related tax increases which would be financed with a threshold of \$190.00 on CVA-related decreases.”

- (b) Councillor Li Preti moved that the Clause be amended by adding the following:

“It is further recommended that:

- (1) the Chief Financial Officer and Treasurer be requested to advise the Federal Government that:
 - (a) the residential property assessment values in the City of Toronto are higher than the national average and that these values impact the RRAP program eligibility requirements; and
 - (b) consideration should be given to setting the eligibility requirements for the City of Toronto at \$330,000.00; and
- (2) the Minister of Revenue for the Province of Ontario be requested to amend Bill 140 to allow the City of Toronto to spread tax increases evenly over the three classes.”

- (c) Councillor Mammoliti moved that the Clause be amended by adding the following:

“It is further recommended that the Chief Financial Officer and Treasurer be requested to submit reports to the Policy and Finance Committee, through the Budget Advisory Committee, on:

- (1) the feasibility of the tax relief program for senior residential homeowners that would provide for the cancellation of total property taxes payable; and
 - (2) amending Current Value Assessment for seniors 85 years of age and over, earning a combined income of \$25,000.00 or less, and having an assessed value for their homes of less than \$398,400.00, to provide for a cancellation of total property taxes payable, such change to take effect in the 2004 tax year.”
- (d) Councillor Kelly moved that the Clause be amended by deleting Recommendation No. (6) contained in the report dated January 7, 2004, from the Chief Financial Officer and Treasurer.
- (e) Councillor Stintz moved that the Clause be amended by adding the following:

“It is further recommended that the Chief Financial Officer and Treasurer be requested to submit a report to the Policy and Finance Committee on alternative ways of generating revenue for the City of Toronto, as the current tax policies do not generate enough revenue to sustain the City of Toronto’s needs.”

- (f) Councillor Nunziata moved that the Clause be amended by adding the following:

“It is further recommended that:

- (1) the Chief Financial Officer and Treasurer be requested to provide each Member of Council with a listing of the number of low income seniors and disabled seniors, approved for tax deferral or cancellation of the program, in their respective Wards; and
- (2) the Province of Ontario be requested to pass enabling legislation to allow a City of Toronto lottery.”

- (g) Councillor Jenkins moved that the Clause be amended by adding the following:

“It is further recommended that Council adopt the following motion:

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

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

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

NOW THEREFORE BE IT RESOLVED THAT:

- (1) the City of Toronto communicate to the Municipal Property Assessment Corporation (MPAC) and the Minister of Finance that the CVA system should be changed to introduce:
 - (a) more stability in property assessments;
 - (b) a review for individual properties that have been the subject of successful appeals; and
 - (c) more objective measures in property assessment;

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

- (2) the Chief Financial Officer and Treasurer be requested to implement a phase-in for the residential class over a two-year period with a threshold of \$500.00 for CVA-related tax increases, which would be financed with a threshold of \$450.00 on CVA-related decreases.’ ”

- (h) Councillor Del Grande moved that the Clause be amended by adding the following:

“It is further recommended that the Chief Financial Officer and Treasurer be requested to review the possibility of a fair taxation on single homes which have secondary residential units and submit a report on this issue to the Policy and Finance Committee.”

- (i) Councillor Watson moved that Parts (1) and (2) of motion (c) by Councillor Mammoliti be amended by:

- (1) inserting, after the word “cancellation”, the words “and/or deferral”; and
- (2) adding the words “such report to include the cost of the program and recommendations on the source of lost or deferred revenue”.

- (j) Councillor Augimeri moved that the Clause be amended by adding the following:

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

Mayor Miller in the Chair.

- (k) Councillor Cho moved that Part (2) of motion (b) by Councillor Li Preti be amended by adding the words “i.e. commercial, industrial and residential”.

- (l) Councillor Shiner moved that the Clause be amended by:

- (1) adding to Recommendation No. (6) contained in the report dated January 7, 2004, from the Chief Financial Officer and Treasurer, the words, “and that Council confirm it will not raise the commercial and industrial rate in 2004”; and

- (2) adding the following:

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

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

“(6) Council reiterate its request to the Province of Ontario to revoke or amend the Municipal Act, 2001 provisions arising from Bill 140 which have the effect of restricting property tax increases to certain classes of property to allow the City of Toronto to pass on budget-related property tax increases to all classes of properties together with the Province of Ontario reducing the City of Toronto’s commercial industrial education tax rates to the average of the Greater Toronto Area municipalities to reduce the inequity in taxation of Toronto’s businesses vis-à-vis the surrounding municipalities;” and
 - (2) re-numbering the remaining recommendations accordingly.
- (n) Councillor Soknacki moved that:
- (1) motion (j) by Councillor Augimeri be referred to the Chief Financial Officer and Treasurer for report thereon, as soon as possible, to the Policy and Finance Committee; and
 - (2) Part (2) of motion (1) by Councillor Shiner be referred to the Chief Financial Officer and Treasurer for report thereon, as soon as possible, to the Policy and Finance Committee.
- (o) Councillor Chow moved that the Clause be amended by:
- (1) amending the report dated January 7, 2004, from the Chief Financial Officer and Treasurer, as contained in the Clause, by inserting in Recommendation No. (4), after the words “be amended by”, the words “replacing the \$25,000.00 household limit with \$30,000.00, and”; and
 - (2) adding the following:

“It is further recommended that the Chief Financial Officer and Treasurer be requested to:

- (a) include in the tax bill information on tax relief for seniors and disabled persons; and
 - (b) make available the compact disc containing the property values for each Ward to Members of Council, by the end of January 2004.”
- (p) Councillor Pitfield moved that Part (2) of motion (o) by Councillor Chow be referred to the Policy and Finance Committee for consideration.

Votes:

Adoption of motion (p) by Councillor Pitfield:

Yes - 31	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Del Grande, Di Giorgio, Feldman, Filion, Ford, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 13	
Councillors:	Altobello, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Fletcher, Holyday, Mammoliti, McConnell, Rae, Saundercook

Carried by a majority of 18.

Adoption of motion (d) by Councillor Kelly:

Yes - 10	
Councillors:	Del Grande, Ford, Grimes, Holyday, Kelly, Mammoliti, Milczyn, Minnan-Wong, Ootes, Shiner
No - 34	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 24.

Part (2) of motion (n) by Councillor Soknacki carried.

Adoption of Part (1) of motion (1) by Councillor Shiner:

Yes - 12	
Councillors:	Del Grande, Ford, Holyday, Kelly, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Shiner, Stintz, Thompson
No - 32	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Walker, Watson

Lost by a majority of 20.

Adoption of motion (m) by Councillor Ashton:

Yes - 39	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Walker, Watson
No - 5	
Councillors:	Holyday, Milczyn, Minnan-Wong, Shiner, Stintz

Carried by a majority of 34.

Adoption of motion (a) by Councillor Saundercook:

Yes - 11	
Councillors:	Bussin, Chow, Cowbourne, Fletcher, Grimes, Jenkins, McConnell, Palacio, Pantalone, Rae, Saundercook
No - 33	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Giambrone, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 22.

Motion (k) by Councillor Cho carried.

Part (1) of motion (b) by Councillor Li Preti carried.

Adoption of Part (2) of motion (b) by Councillor Li Preti, as amended:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Cho, Chow, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Nunziata, Palacio, Pantalone, Pitfield, Rae
No - 18	
Councillors:	Augimeri, Balkissoon, Davis, Del Grande, Filion, Ford, Hall, Holyday, Kelly, Milczyn, Ootes, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

Carried by a majority of 8.

Motion (i) by Councillor Watson carried.

Adoption of Part (1) of motion (c) by Councillor Mammoliti, as amended:

Yes - 20	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Di Giorgio, Feldman, Grimes, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Nunziata, Palacio, Pantalone, Saundercook, Shiner, Stintz, Watson
No - 24	
Councillors:	Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Ford, Giambrone, Hall, Holyday, Kelly, McConnell, Milczyn, Ootes, Pitfield, Rae, Soknacki, Thompson, Walker

Lost by a majority of 4.

Adoption of Part (2) of motion (c) by Councillor Mammoliti, as amended:

Yes - 14	
Councillors:	Altobello, Ashton, Augimeri, Del Grande, Grimes, Hall, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Nunziata, Palacio, Watson
No - 30	
Mayor:	Miller
Councillors:	Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Holyday, Jenkins, Kelly, McConnell, Milczyn, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker

Lost by a majority of 16.

Motion (e) by Councillor Stintz carried.

Part (1) of motion (f) by Councillor Nunziata carried.

Adoption of Part (2) of motion (f) by Councillor Nunziata:

Yes - 18	
Councillors:	Altobello, Balkissoon, Bussin, Carroll, Cowbourne, De Baeremaeker, Del Grande, Ford, Hall, Jenkins, Li Preti, Mammoliti, Mihevc, Nunziata, Palacio, Pitfield, Shiner, Stintz
No - 26	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Cho, Chow, Davis, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Holyday, Kelly, Lindsay Luby, McConnell, Milczyn, Minnan-Wong, Ootes, Pantalone, Rae, Saundercook, Soknacki, Thompson, Walker, Watson

Lost by a majority of 8.

Part (1) of motion (g) by Councillor Jenkins carried.

Adoption of Part (2) of motion (g) by Councillor Jenkins:

Yes - 11	
Councillors:	Chow, Davis, Filion, Fletcher, Grimes, Jenkins, McConnell, Pantalone, Pitfield, Rae, Saundercook
No - 33	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Ford, Giambrone, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 22.

Motion (h) by Councillor Del Grande carried.

Part (1) of motion (n) by Councillor Soknacki carried.

Part (1) of motion (o) by Councillor Chow carried.

Adoption of Clause, as amended:

Yes - 41	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Ford, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 3	
Councillors:	Holyday, Minnan-Wong, Saundercook

Carried by a majority of 38.

In summary, Council amended this Clause by:

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

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

“It is further recommended that:

- (a) Council adopt the following motion:

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

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

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

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

- (i) more stability in property assessments;
- (ii) a review for individual properties that have been the subject of successful appeals; and
- (iii) more objective measures in property assessment;

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

- (b) the Minister of Revenue for the Province of Ontario be requested to amend Bill 140 to allow the City of Toronto to spread tax increases evenly over the three classes, i.e. commercial, industrial and residential;
- (c) the Chief Financial Officer and Treasurer be requested to advise the Federal Government that:
- (i) the residential property assessment values in the City of Toronto are higher than the national average and that these values impact the RRAP program eligibility requirements; and
 - (ii) consideration should be given to setting the eligibility requirements for the

City of Toronto at \$330,000.00;

- (d) the Chief Financial Officer and Treasurer be requested to:
- (i) include in the tax bill information on tax relief for seniors and disabled persons;
 - (ii) make available the compact disc containing the property values for each Ward to Members of Council, by the end of January 2004;
 - (iii) provide each Member of Council with a listing of the number of low income seniors and disabled seniors, approved for tax deferral or cancellation of the program, in their respective Wards;
 - (iv) submit a report to the Policy and Finance Committee on alternative ways of generating revenue for the City of Toronto, as the current tax policies do not generate enough revenue to sustain the City of Toronto's needs; and
 - (v) review the possibility of a fair taxation on single homes which have secondary residential units and submit a report on this issue to the Policy and Finance Committee;
- (e) the following motion be referred to the Policy and Finance Committee for consideration:

Moved by Councillor Chow:

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

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

Moved by Councillor Augimeri:

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

Moved by Councillor Shiner:

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

3.23 **Clause No. 13 of Report No. 1 of The Toronto West Community Council, headed “Introduction of Left-Turn Prohibition - 619 Evans Avenue (Ward 6 – Etobicoke-Lakeshore)”.**

Motion:

Councillor Grimes moved that the Clause be amended by deleting from Recommendations Nos. (1) and (2) in the report dated December 1, 2003, from the Director, Transportation Services, West District, as contained in the Clause, the figure “50.0”, and inserting instead the figure “85.0”, so that Recommendations Nos. (1) and (2) shall now read as follows:

“It is recommended that:

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

Votes:

The motion by Councillor Grimes carried.

The Clause, as amended, carried.

3.24 **Clause No. 87 of Report No. 1 of The Toronto South Community Council, headed “Request for Speed Bumps – Pape Avenue, Abutting Public Lane Extending North from Cavell Avenue to Hazelwood Avenue, Rear of Premises Nos. 631 to 685 Pape Avenue (Toronto-Danforth, Ward 30)”.**

The Clause was submitted to City Council without recommendation.

Motion:

Councillor Fletcher moved that Council adopt the following recommendation:

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

‘It is recommended that:

- (1) the installation of speed bumps in the first lane east of Pape Avenue, extending from Hazelwood Avenue to Cavell Avenue, of the type and design noted and at the locations shown on Drawing No. 421F-7147 dated September 2003, be approved; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to implement the foregoing, including the introduction in Council of any Bills that are required.’ ”

Votes:

The motion by Councillor Fletcher carried.

The Clause, as amended, carried.

Councillor Ford requested that his opposition to this Clause be noted in the minutes of this meeting.

3.25 Clause No. 8 of Report No. 1 of The Works Committee, headed ‘Requirement for Developers to Install Irrigation Systems in City Rights-of-Way’.

Motion:

Councillor Ashton moved that the Clause be amended by adding the following:

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

Votes:

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

3.26 Clause No. 3 of Report No. 1 of The Policy and Finance Committee, headed ‘Sub-Committees, Advisory Committees, Roundtables and Other Bodies’.

Motions:

- (a) Councillor Milczyn moved that the Clause be amended by deleting from Recommendation No. (22)(v), the date “December 31, 2004”, and inserting instead the date “December 31, 2005”, so that such recommendation shall now read as follows:

“(22) (v) West District Working Group (to continue for 2004 - to be

disbanded effective December 31, 2005);”.

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

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

Votes:

Motion (a) by Councillor Milczyn carried.

Motion (b) by Councillor Altobello carried.

The Clause, as amended, carried.

3.27 Clause No. 2 of Report No. 1 of The Planning and Transportation Committee, headed “Business Licensing Thresholds”.

Motion:

Councillor Altobello moved that the Clause be amended by amending the report dated December 5, 2003, from the Commissioner of Urban Development Services, as contained in the Clause, by:

- (1) adding to Recommendation No. (5) the words “such report to explicitly include reference to decisions to renew a licence, or decisions not to revoke, suspend or attach conditions to

a licence, contrary to the recommendations of staff, for failure to comply with the thresholds”, so that such recommendation shall now read as follows:

“(5) Council also direct the Tribunal to report to the local Community Council for stationary licences and to the Planning and Transportation Committee regarding mobile and trades licences, setting out the basis for issuing any licence, contrary to the thresholds established as part of the working framework of Chapter 545, Licensing, of the Toronto Municipal Code, such report to explicitly include reference to decisions to renew a licence, or decisions not to revoke, suspend or attach conditions to a licence, contrary to the recommendations of staff, for failure to comply with the thresholds;”;

(2) amending Schedule A, as follows:

(a) deleting the headings, “Class No. 1”, “Class No. 2”, “Class No. 3” and “Class No. 4”, and inserting instead the new headings, “Group No. 1”; “Group No. 2”, “Group No. 3” and “Group No. 4”; and

(b) deleting the words “06 HTA offences; and”, under the heading “Restriction Codes:”, in the section newly entitled “Group No. 4”, and inserting instead the words “06 Vehicular offences; and”; and

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

Votes:

The motion by Councillor Altobello carried.

The Clause, as amended, carried.

3.28 Clause No. 3 of Report No. 1 of The Economic Development and Parks Committee, headed “Business Improvement Areas 2003 to 2006 - Board of Management Nominees (All Wards)”.

Motion:

Councillor Saundercook moved that the Clause be amended by adding the following:

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism, be requested to submit a report to the Economic Development and Parks

Committee on amendments to the City of Toronto Municipal Code, Chapter 19, 'Business Improvement Areas', to reduce the required number of Councillors on the Board of Management of the Bloor By The Park Business Improvement Area, to provide for the withdrawal of Councillor Bill Saundercook from the Board."

Votes:

The motion by Councillor Saundercook carried.

The Clause, as amended, carried.

3.29 Clause No. 12 of Report No. 1 of The Policy and Finance Committee, headed "Coliseum - AHL Project – Forbearance Terms".

Motion:

Councillor Ootes moved that the Clause be amended by adding the following:

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

Votes:

The motion by Councillor Ootes carried.

The Clause, as amended, carried.

3.30 Clause No. 1 of Report No. 1 of The Works Committee, headed "Change in Ownership of Company Contracting for Provision of Recycling/Litter Bins with Advertising".

Motion:

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

Vote:

The motion by Councillor McConnell carried.

- 3.31 **Clause No. 7 of Report No. 1 of The Works Committee, headed “Rehabilitation of Leaside Bridge Over the Don Valley -Request for Proposal No. 9117-03-7353 (Ward 26 - Don Valley West; Ward 29 - Toronto-Danforth)”.**

Motion:

Councillor Ootes moved that the Clause be amended by deleting Recommendation No. (1) of the Works Committee and inserting instead the following new Recommendation No. (1):

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

Votes:

The motion by Councillor Ootes carried.

The Clause, as amended, carried.

Deputy Mayor Feldman in the Chair.

- 3.32 **Clause No. 28 of Report No. 1 of The Policy and Finance Committee, headed “Supply, Delivery and Installation of New Artopex Imagine Series Workstations to Various Locations Throughout the City of Toronto, Request for Quotation No. 1004-03-3394”.**

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

Councillor Shiner, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Bussin in the Chair.

Motion:

Councillor Shiner moved that the Clause be referred back to the Administration Committee for further consideration, with a request that the Committee conduct a review of:

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

Deputy Mayor Feldman in the Chair.

Vote:

Adoption of motion by Councillor Shiner:

Yes - 17	
Councillors:	Balkissoon, De Baeremaeker, Del Grande, Feldman, Grimes, Hall, Kelly, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz
No - 15	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Carroll, Chow, Davis, Di Giorgio, Filion, Fletcher, Holyday, Jenkins, Mihevc, Rae, Walker, Watson

Carried by a majority of 2.

3.33 Clause No. 29 of Report No. 1 of The Policy and Finance Committee, headed “Supply, Delivery and Installation of New Haworth Premise Series Workstations to Various Locations Throughout the City of Toronto, Request for Quotation No. 1004-03-3395”.

Motion:

Councillor Shiner moved that the Clause be referred back to the Administration Committee for further consideration, with a request that the Committee conduct a review of:

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

Vote:

Adoption of motion by Councillor Shiner:

Yes - 17 Councillors:	Balkissoon, De Baeremaeker, Del Grande, Feldman, Grimes, Hall, Kelly, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz
No - 15 Mayor: Councillors:	Miller Augimeri, Bussin, Carroll, Chow, Davis, Di Giorgio, Filion, Fletcher, Holyday, Jenkins, Mihevc, Rae, Walker, Watson

Carried by a majority of 2.

Councillor Soknacki in the Chair.

3.34 **Clause No. 36 of Report No. 1 of The Policy and Finance Committee, headed “Tender No. 200-2003 - Casa Loma Structural Repairs - Phase 3 - South Terrace, 1 Austin Terrace (Ward 22 - St. Paul’s)”.**

Motion:

Councillor Mihevc moved that the Clause be amended by adding the following:

“It is further recommended that:

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

‘It is recommended that:

- (a) approval be granted to enter into commitments and to spend on specific projects/sub-projects totalling \$6.074 million gross and \$2.459 million debt during the period January 1, 2004, to the date on which Council will approve the full 2004 Capital Budget and 2005 – 2008 Capital Plan;

- (b) authority to finance an amount not exceeding \$3.412 million from Capital Reserve Funds, \$0.127 million from the Development Charges Reserve Fund and \$0.076 million from third party financing of the total recommended additional capital pre-approval; and
 - (c) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’;
- (2) Council adopt the report dated January 28, 2004, from the Commissioner of Economic Development, Culture and Tourism, containing the following recommendations:
 - ‘It is recommended that:
 - (a) subject to approval by the CRF Advisory Committee and on terms acceptable to it, Artscape be granted \$100,000.00 from the CRF (XR 1058) for proposal development of Affordable Housing on the Property, which grant Council determines to be in the interests of the City;
 - (b) authorization be granted for the execution of any documentation which, in the opinion of the City Solicitor, may be necessary; and
 - (c) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’;
- (3) Artscape be designated the preferred proponent (whether subject to successful fundraising in some stipulated amount, or generally to be reported back on, or not at all);
- (4) the Property be declared surplus and the method of disposal authorized, to be by way of long-term lease to Artscape, the terms of which are to be negotiated and reported back to Council for further consideration;
- (5) all steps necessary be taken to comply with the City of Toronto’s disposal by-law;
- (6) authority be granted to Artscape, at its sole cost and expense, to initiate all rezoning, Official Plan amendments and site plan applications required for its proposed development of the property; and

- (7) Artscape be required to acknowledge that the authorities granted above and the resultant negotiations between it and the City of Toronto are on a without-prejudice, no liability basis such that same are preliminary approvals only, not intended to create any legal relationship between Artscape and the City of Toronto and that, until all negotiations have been completed and brought back to Committee/Council for ultimate consideration as to whether or not to proceed, the City bears no risk in the project nor any legal or financial responsibility whatsoever to Artscape.”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

3.35 Clause No. 3 of Report No. 1 of The Works Committee, headed “Receipt and Processing of Mixed Broken Glass - Request for Proposal No. 9155-03-7437”.

Motion:

Councillor Mihevc moved that the Clause be amended by adding the following:

“It is further recommended that:

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

Votes:

Adoption of motion by Councillor Mihevc:

Yes - 26	
Councillors:	Altobello, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Nunziata, Palacio, Pitfield, Rae, Saundercook, Soknacki, Stintz, Walker, Watson
No - 3	
Councillors:	Holyday, Milczyn, Ootes

Carried by a majority of 3.

The Clause, as amended, carried.

3.36 Clause No. 44 of Report No. 1 of The Toronto West Community Council, headed “103 and 111 Ingram Drive (Ward 12 - York South-Weston)”.

Motion:

Councillor Di Giorgio moved that the Clause be referred back to the Toronto West Community Council for further consideration.

Vote:

The motion by Councillor Di Giorgio carried.

3.37 Clause No. 45 of Report No. 1 of The Toronto West Community Council, headed “Other Items Considered by the Community Council”.

Motions:

(a) Councillor Hall moved that:

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

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

“The Toronto West Community Council also reports having:

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

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

Mayor Miller in the Chair.

- (b) Councillor Grimes moved that:

- (1) City Council waive the necessary provisions of Chapter 27 of the City of Toronto Municipal Code, in order to consider Item (g), entitled “Payment-In-Lieu of Parking - 2921 Lake Shore Boulevard West (Ward 6 - Etobicoke-Lakeshore)”;
- (2) City Council adopt the report dated December 1, 2003, from the Director, Transportation Services, West District, Works and Emergency Services, entitled “Payment-In-Lieu of Parking - 2921 Lake Shore Boulevard West” (Ward 6 - Etobicoke-Lakeshore), containing the following recommendations:

“It is recommended that:

- (1) Council exempt the applicant at 2921 Lake Shore Boulevard West from the Etobicoke Zoning Code parking requirements of five stalls;
- (2) the applicant enter into an agreement with the City of Toronto for the payment-in-lieu of five stalls which, in this case, amounts to \$10,000.00; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction in Council of any bills that may be required.”

Votes:

Councillor Soknacki in the Chair.

Motion (a) by Councillor Hall carried, more than two-thirds of Members present having voted in the affirmative.

Mayor Miller in the Chair.

Part (1) of motion (b) by Councillor Grimes carried, more than two-thirds of Members present having voted in the affirmative.

Part (2) of motion (b) by Councillor Grimes carried.

The balance of the Clause was received as information.

3.38 **Clause No. 3 of Report No. 1 of The Planning and Transportation Committee, headed “Amendment to Municipal Code Chapter 447, Fences”.**

Motion:

Councillor Milczyn moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on March 1, 2004.

Vote:

The motion by Councillor Milczyn carried.

3.39 **Clause No. 23 of Report No. 1 of The Policy and Finance Committee, headed “Professional Services to Assess and Implement Information Technology Infrastructure Library (ITIL) Best Practices for the Corporate Information and Technology Help Desk - Request for Proposal No. 9144-03-7265”.**

Motions:

(a) Councillor Ford moved that the Clause be received.

(b) Councillor Minnan-Wong moved that the Clause be referred back to the Administration Committee for further consideration.

Deputy Mayor Bussin in the Chair.

Debate on Referral:

Motions:

- (c) Councillor Mammoliti moved that motion (b) by Councillor Minnan-Wong be amended by adding the following:

“with a request that the Administration Committee, during its review of the 2004 Budgets under its mandate, consider transferring the amount of \$637,129.36 to the proposal by Councillor Thompson to fight crime in the City of Toronto.”

- (d) Councillor Lindsay Luby moved that motion (b) by Councillor Minnan-Wong be amended to provide that the Clause be referred to the Budget Advisory Committee.

Vote on Referral:

Adoption of motion (d) by Councillor Lindsay Luby:

Yes - 3 Councillors: Del Grande, Ford, Lindsay Luby
No - 36 Councillors: Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 33.

Adoption of motion (c) by Councillor Mammoliti:

Yes - 4 Councillors: Mammoliti, Minnan-Wong, Nunziata, Thompson
No - 34 Councillors: Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Ootes, Pantalone, Rae, Saundercook, Soknacki, Stintz, Walker, Watson

Lost by a majority of 30.

Adoption of motion (b) by Councillor Minnan-Wong, without amendment:

Yes - 13 Councillors:	Augimeri, Del Grande, Filion, Ford, Hall, Holyday, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Ootes, Saundercook, Soknacki
No - 26 Councillors:	Altobello, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Jenkins, Kelly, Mammoliti, McConnell, Mihevc, Pantalone, Rae, Shiner, Stintz, Thompson, Walker, Watson

Lost by a majority of 13.

Debate on Clause:

Vote Be Now Taken:

Councillor Kelly moved that, in accordance with §27-45C of Chapter 27 of the City of Toronto Municipal Code, the vote be now taken, the vote upon which was taken as follows:

Yes - 30 Councillors:	Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Nunziata, Ootes, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 8 Councillors:	Altobello, Balkissoon, Filion, Grimes, Holyday, Mammoliti, Minnan-Wong, Walker

Carried, more than two-thirds of Members present having voted in the affirmative.

Votes:

Adoption of motion (a) by Councillor Ford:

Yes - 11
Councillors: Del Grande, Filion, Ford, Grimes, Holyday, Kelly, Mammoliti, Minnan-Wong, Nunziata, Ootes, Saundercook
No - 27
Councillors: Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Pantalone, Rae, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 16.

Adoption of Clause, without amendment:

Yes - 27
Councillors: Altobello, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Jenkins, Lindsay Luby, McConnell, Mihevc, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 11
Councillors: Augimeri, Del Grande, Filion, Ford, Hall, Holyday, Kelly, Mammoliti, Minnan-Wong, Nunziata, Ootes

Carried by a majority of 16.

3.40 **Clause No. 31 of Report No. 1 of The Policy and Finance Committee, headed “Purchase of 530 and 532 St. Clair Avenue West and Lease of Strip Land, 528 St. Clair Avenue West for Municipal Parking Purposes (Ward 21 - St. Paul’s)”.**

Motion:

Councillor Shiner moved that the Clause be amended by referring Recommendation No. (5) contained in the confidential report dated December 17, 2003, from the President, Toronto Parking Authority, to the Chief Financial Officer and Treasurer, with a request that he submit a report to the Policy and Finance Committee on the financial implications to the City, and on other funding options, of funding the Toronto Parking Authority’s contribution to the City’s Capital Revolving Fund for Affordable Housing from the City’s net parking proceeds, such recommendation to remain confidential, in accordance with the provisions of the Municipal Act, as it contains information

regarding the proposed or pending acquisition of land for municipal or local board purposes.

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

3.41 **Clause No. 7 of Report No. 1 of The Community Services Committee, headed “Supporting Communities Partnership Initiative - Request for Delegated Authority”.**

Motions:

(a) Councillor Ford moved that the Clause be received.

(b) Councillor Cho moved that the Clause be amended by adding the following:

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

Votes:

Adoption of motion (a) by Councillor Ford:

Yes - 5 Councillors:	Augimeri, Ford, Milczyn, Saundercook, Stintz
No - 28 Mayor: Councillors:	Miller Altobello, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, McConnell, Mihevc, Minnan-Wong, Ootes, Palacio, Pantalone, Rae, Soknacki, Walker, Watson

Lost by a majority of 23.

Motion (b) by Councillor Cho carried.

Adoption of Clause, as amended:

Yes - 30	
Mayor:	Miller
Councillors:	Altobello, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, McConnell, Mihevc, Minnan-Wong, Ootes, Palacio, Pantalone, Rae, Saundercook, Soknacki, Stintz, Walker, Watson
No - 3	
Councillors:	Augimeri, Ford, Milczyn

Carried by a majority of 27.

Councillor Walker in the Chair.

Mayor Miller in the Chair.

- 3.42 **Clause No. 43 of Report No. 1 of The Toronto West Community Council, headed “Final Report - Application to Amend the Official Plan and Zoning Code; Studio Court Limited, 75 Lemonwood Drive; File No. TA CMB 2003 0003 (Ward 4 - Etobicoke Centre)”.**

Motions:

- (a) Councillor Milczyn moved that the Clause be amended by striking out the recommendation of the Toronto West Community Council and inserting instead the following:

“It is recommended that:

- (1) the report dated December 16, 2003, from the Director, Community Planning, West District, as contained in the Clause, be adopted; and
- (2) right-in and right-out access to Eglinton Avenue West be granted and the applicant be requested to design and construct the access to the satisfaction of the Director of Transportation Services, West District, at no cost to the municipality.”

- (b) Councillor Lindsay Luby moved that Part (1) of motion (a) by Councillor Milczyn be amended to provide that:
- (1) the two retirement buildings be no more than 6 storeys;
 - (2) the approval contain a clause that the buildings remain retirement or assisted living;
and
 - (3) the bonusing be increased to \$300,000.00 from \$150,000.00.

Votes:

Adoption of Part (1) of motion (b) by Councillor Lindsay Luby:

Yes - 8 Councillors: Del Grande, Filion, Ford, Lindsay Luby, Minnan-Wong, Nunziata, Palacio, Saundercook
No - 27 Mayor: Miller Councillors: Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, McConnell, Mihevc, Milczyn, Pantalone, Rae, Stintz, Walker, Watson

Lost by a majority of 19.

Adoption of Part (2) of motion (b) by Councillor Lindsay Luby:

Yes - 33 Mayor: Miller Councillors: Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Saundercook, Stintz, Walker, Watson
No - 2 Councillors: Di Giorgio, Rae

Carried by a majority of 31.

Adoption of Part (3) of motion (b) by Councillor Lindsay Luby:

Yes - 8	
Councillors:	Bussin, Del Grande, Di Giorgio, Ford, Lindsay Luby, Nunziata, Palacio, Saundercook
No - 27	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Feldman, Fillion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, McConnell, Mihevc, Milczyn, Minnan-Wong, Pantalone, Rae, Stintz, Walker, Watson

Lost by a majority of 19.

Part (1) of motion (a) by Councillor Milczyn carried, as amended.

Adoption of Part (2) of motion (a) by Councillor Milczyn:

Yes - 34	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Ford, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Rae, Stintz, Walker, Watson
No - 2	
Councillors:	Holyday, Saundercook

Carried by a majority of 32.

Adoption of Clause, as amended:

Yes - 30	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, McConnell, Milczyn, Minnan-Wong, Palacio, Pantalone, Rae, Stintz, Walker, Watson
No - 5	
Councillors:	Ford, Holyday, Lindsay Luby, Nunziata, Saundercook

Carried by a majority of 25.

Note:

City Council subsequently re-opened this Clause for further consideration it at its Special meeting held on January 30 and February 12, 2004. Please refer to the Minutes of the Special meeting for the final disposition on this Clause.

3.43 **Clause No. 35 of Report No. 1 of The Policy and Finance Committee, headed “Toronto Symphony Orchestra Line of Credit Guarantee Request”.**

Motions:

- (a) Councillor Pantalone moved that the Clause be amended by deleting Recommendation No. (2) as contained in the joint report dated December 11, 2003, from the Commissioner of Economic Development, Culture and Tourism and the Chief Financial Officer and Treasurer, as amended by the Policy and Finance Committee, and replacing it as follows:

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

- (b) Councillor Kelly moved that motion (a) by Councillor Pantalone be amended by inserting, after the words “exhausted and”, the words “the City of Toronto’s guarantee”.

Votes:

Motion (b) by Councillor Kelly carried.

Motion (a) by Councillor Pantalone carried, as amended.

The Clause, as amended, carried.

In summary, Council amended the Clause by deleting Recommendation No. (2) as contained in the

joint report dated December 11, 2003, from the Commissioner of Economic Development, Culture and Tourism and the Chief Financial Officer and Treasurer, as amended by the Policy and Finance Committee, and replacing it as follows:

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

3.44 Clause No. 14 of Report No. 1 of The Policy and Finance Committee, headed “Enwave District Energy Limited, Assignment of Agreements as Collateral Security for Financing”.

Motion:

Councillor Ashton moved that the Clause be amended by adding the following:

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

Votes:

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

3.45 Clause No. 33 of Report No. 1 of The Policy and Finance Committee, headed “Cultural Capitals of Canada (All Wards)”.

Motion:

Councillor Ashton moved that the Clause be amended by adding the following:

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

Votes:

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

3.46 **Clause No. 1 of Report No. 1 of The Board of Health, headed “Proposed Amendment Regarding the Discharge of Guns and Other Firearms for Animal Control”.**

Motion:

Councillor Ashton moved that the Clause be amended by adding the following:

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

Votes:

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

3.47 **Clause No. 2 of Report No. 2 of The Striking Committee, headed “Appointment of a Member of Council to the Federation of Canadian Municipalities (FCM) National Board of Directors”.**

Motion:

Councillor Hall moved that the Clause be amended by:

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

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

“The Striking Committee recommends that:

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

P. McConnell;

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

Votes:

The motion by Councillor Hall carried.

The Clause, as amended, carried.

3.48 Clause No. 1 of Report No. 1 of The Nominating Committee, headed “Appointments of Citizens to the Toronto and Region Conservation Authority”.

Motion:

Councillor Feldman moved that the Clause be amended by adding the following:

“It is further recommended that:

- (1) Council receive the resignation of Councillor Lindsay Luby from the Toronto and

Region Conservation Authority; and

- (2) Dick O'Brien be appointed to the Toronto and Region Conservation Authority, to replace Councillor Lindsay Luby, for a term of office to expire November 30, 2006, and until his successor is appointed."

Votes:

The motion by Councillor Feldman carried.

The Clause, as amended, carried.

Deputy Mayor Bussin in the Chair.

3.49 **Clause No. 1 of Report No. 1 of The Audit Committee, headed "SAP Financial and Human Resources/Payroll Information System, Post Implementation Review - Status of Recommendations".**

Motion:

Councillor Pitfield moved that the Clause be amended by adding the following:

"It is further recommended that:

- (1) for the 2005 budget cycle, all SAP systems-related expenditures from Capital or Operating Budgets, other than those relating to maintenance, be justified on the basis of service level improvements or promoting efficiencies;
- (2) the Chief Financial Officer and Treasurer be requested to submit a report to the Administration Committee on all projected savings from new SAP system implementation, such report to include the preparation of a savings schedule showing the cost savings and/or service improvements, and the year of realization;
- (3) the Commissioner of Corporate Services be requested to submit a report to the e-City Committee by June 30, 2004, on a process to identify cost-savings related to any new information technology initiatives; and
- (4) the Chief Financial Officer and Treasurer be requested to submit a report to the Administration Committee detailing all costs incurred in the running of SAP in 2003, and the projected expenditures for 2004."

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

- 3.50 **Clause No. 7 of Report No. 1 of The Toronto East Community Council, headed “Status Report - OPA and Rezoning Application TF CMB 2002 0015, Site Plan Control Application 03 157325 ESC 37 SA, Inaugural Source Inc. (Gabor & Popper Architects Inc.), West Side of Brimley Road, South of Lawrence Avenue East, Bendale Community (Ward 37 - Scarborough Centre)”.**

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

Councillor Thompson, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Thompson moved that the Clause be amended by adding the following:

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

‘It is recommended that City Council:

- (1) instruct the City Solicitor to appear at the OMB in support of a settlement based on the applicant’s revised proposal, as illustrated by Attachments 1, 2 and 3, and as set out in this report;
- (2) support amendment to the Bendale Community Secondary Plan of the Scarborough Official Plan for the subject lands by replacing the existing Office Uses designation with a Medium Density Residential designation and replacing the text of Numbered Policy 1 such that the Medium Density Residential designation allows a maximum density of 65 units per hectare and 3 storeys;
- (3) support amendment to the Bendale Community Zoning By-law No. 9350 for the subject lands by deleting the existing Office Uses zoning and standards, repealing Exception No. 5 and adding a Multiple-Family Residential (M) zoning with the following development standards:

- (a) maximum 25 dwelling units;
 - (b) minimum 3.0-metre building setback from the streetline;
 - (c) maximum three (3) storeys;
 - (d) minimum main wall building setback abutting a Single-Family Residential Zone is seven (7) metres;
 - (e) maximum 40 percent lot coverage;
 - (f) minimum 1.0-metre landscaping strip abutting a Single-Family Residential Zone, except that one parking space may encroach within the landscaping strip to a maximum of 0.9 metres;
 - (g) minimum 1.52 parking spaces per dwelling unit, of which a minimum of 0.2 spaces per dwelling unit shall be for visitors;
 - (h) an attached garage shall be erected with each dwelling unit having the following minimum inside dimensions:
 - (i) 3.0 metres by 6.0 metres for a garage containing a maximum of one parking space; and
 - (ii) 5.4 metres by 6.0 metres for a garage containing more than one parking space; and
 - (i) the provisions of the Zoning By-law shall apply collectively to the lands, notwithstanding its future division into two or more parcels;
- (4) authorize the City Solicitor, in consultation with City Planning staff, to prepare and make such stylistic and technical changes to an Official Plan Amendment and Zoning By-law Amendment as may be required to implement any OMB decision;
- (5) support OMB approval of the Site Plan Control application upon such terms and conditions as outlined below, and including the requirement for the owner to enter into the City of Toronto's standard Site Plan Control Agreement that is registered on title to the subject lands:
- (a) all refuse storage is to be contained within the buildings, unless

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

Votes:

The motion by Councillor Thompson carried.

The Clause, as amended, carried.

3.51 **IN-CAMERA MEETING SESSIONS OF THE COMMITTEE OF THE WHOLE**

January 28, 2004:

Mayor Miller in the Chair.

Procedural Motion:

Councillor Holyday moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Clause No. 26 of Report No. 1 of The Administration Committee, headed “Legal Opinion on 453 Spadina Road (Ward 21 - St. Paul’s)”, in accordance with the provisions of the Municipal Act, as the Clause contains information which is subject to solicitor/client privilege.

Vote:

The motion by Councillor Holyday carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 4:55 p.m. to meet privately in the Council Chamber to consider the above matter, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 6:53 p.m., and met in public session in the Council Chamber.

Councillor Soknacki took the Chair and called the Members to order.

3.52 **Clause No. 26 of Report No. 1 of The Administration Committee, headed “Legal Opinion on 453 Spadina Road (Ward 21 – St. Paul’s)”.**

Report of the Committee of the Whole:

Councillor Soknacki, in accordance with the provisions of the Municipal Act, reported that the following motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause:

Motions:

(a) Councillor Watson moved that the Clause be amended by adding the following:

“It is further recommended that:

(a) Council adopt the following Recommendations Nos. (1), (3) and (4) contained in

the confidential report dated January 26, 2004, from the City Solicitor, the balance of such report to remain confidential, in accordance with the provisions of the Municipal Act, as it contains information which is subject to solicitor/client privilege:

‘It is recommended that:

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

- (b) Councillor Davis moved that the Clause be amended by adding the following:

“It is further recommended that Council adopt Option 3 in the confidential communication dated January 26, 2004, from David G. Boghosian, Paterson MacDougall LLP, appended to the confidential report dated January 26, 2004, from the City Solicitor.”

Votes:

Adoption of motion (a) by Councillor Watson:

Yes - 16	
Councillors:	Del Grande, Di Giorgio, Filion, Grimes, Hall, Holyday, Lindsay Luby, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Soknacki, Watson

No - 12 Councillors: Altobello, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Fletcher, Giambrone, Jenkins, Mihevc, Stintz, Walker
--

Carried by a majority of 4.

Acting Chair Soknacki, having regard to the foregoing decision of Council, declared motion (b) by Councillor Davis, redundant.

Adoption of Clause, as amended:

Yes - 18 Councillors: Cowbourne, Del Grande, Di Giorgio, Filion, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Milczyn, Nunziata, Ootes, Palacio, Rae, Saundercook, Soknacki, Watson
No - 11 Councillors: Altobello, Carroll, Cho, Davis, De Baeremaeker, Fletcher, Giambrone, Mihevc, Pitfield, Stintz, Walker

Carried by a majority of 7.

January 29, 2004:

Deputy Mayor Pantalone in the Chair.

Procedural Motion:

3.53 Report on Local 3888 Memorandum of Agreement for the Term 2002 - 2006

Deputy Mayor Pantalone moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(7), moved by Deputy Mayor Pantalone, seconded by Councillor Walker, and, in the absence of Councillor Walker, seconded by Councillor Rae, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Rae

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Pantalone advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(7) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(7), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

The vote to waive referral of Motion J(7) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council had before it, during consideration of Motion J(7), a joint confidential report dated January 16, 2004, from the Commissioner of Corporate Services, the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer.

Procedural Motion:

Councillor Giambrone moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Motion J(7), moved by Deputy Mayor Pantalone, seconded by Councillor Rae, respecting the Local 3888 Memorandum of Agreement for the Term 2002 - 2006, in accordance with the provisions of the Municipal Act, as it contains information related to labour relations.

Vote:

The motion by Councillor Giambrone carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 3:00 p.m. to meet privately in the Council Chamber to consider the above matter, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 4:35 p.m., and met in public session in the Council Chamber.

Mayor Miller took the Chair and called the Members to order.

Report of the Committee of the Whole:

Mayor Miller reported that, as Council had not concluded its debate on Motion J(7), further consideration of Motion J(7) was deferred to a Special meeting of City Council called by the Mayor for January 30, 2004.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION**3.54 Revised Date for March 2004 City Council Meeting**

Councillor McConnell moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(1), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor McConnell**

Seconded by: **Councillor Bussin**

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

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

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

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(1) to the Striking Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(1), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 134)

Procedural Vote:

The vote to waive referral of Motion J(1) to the Striking Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(1) was adopted, without amendment.

3.55 Sewer Impost Charges – 268 Merton Street – Ewart Angus Homes Ltd.

Councillor Rae moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(2), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Rae

Seconded by: Councillor Jenkins

“**WHEREAS** on Monday, December 8, 2003, the Court of Revision for the City of

Toronto orally confirmed a special sewer charge for the above noted property and subsequently issued the attached written decision that states 'if this court [of Revision] could grant equitable relief it would have'; and

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

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

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

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

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

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(2) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(2), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 136)

Procedural Vote:

The vote to waive referral of Motion J(2) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(2), a Notice of Decision of the Court

of Revision dated December 8, 2003. (A copy of the Notice of Decision of the Court of Revision referred to in the Notice of Motion is on file in the City Clerk's Office.)

Vote:

Motion J(2) was adopted, without amendment.

3.56 Toronto Computer Leasing Inquiry ("TCLP") and Toronto External Contracts Inquiry ("TECP") – Letter from Commissioner Bellamy to Mayor Miller

Mayor Miller moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(3), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Mayor Miller

Seconded by: Deputy Mayor Pantalone

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

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

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(3) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(3), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 134)

Procedural Vote:

The vote to waive referral of Motion J(3) to the Policy and Finance Committee carried, more than

two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(3), a report January 26, 2004, from the City Solicitor, entitled "Toronto Computer Leasing Inquiry and Toronto External Consultants Inquiry Letter from Commissioner to Mayor Miller and Status Update". (See Attachment No. 2, Page 121)

Councillor Bussin in the Chair.

Motions:

- (a) Mayor Miller moved that Motion J(3) be amended by adding the following new Operative Paragraph:

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

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

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED THAT:

- (1) the Commission be urged to investigate fully all information relevant to the TCLI terms of reference and to complete that investigation as soon as possible;
 - (2) the Commission be encouraged to call all evidence that may shed light on the issues raised in the TCLI terms of reference;
 - (3) City Council defer further consideration of the letter dated December 30, 2003, to Mayor Miller, from Commissioner Bellamy, until Commissioner Bellamy or her Counsel advise the City that all evidence related to TCLI has been called. In the interim, Council does not expect the Commissioner to begin hearings in the TECI;
 - (4) the City's outside Counsel be permitted to criticize current employees in closing submissions, only if justified by the evidence; and
 - (5) the budget amount estimated for the cost of the City's outside counsel be increased to \$3,440,000.00 from \$3,250,000.00 to complete TCLI.'."
- (b) Councillor Pitfield moved that Motion J(3) be amended by adding the following new Operative Paragraphs:

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

AND BE IT FURTHER RESOLVED THAT after Commissioner Bellamy has submitted her report on good governance, City Council have the opportunity to decide whether to proceed with the TECI."

- (c) Councillor Walker moved that Motion J(3) be amended by adding the following new Operative Paragraph:

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

Mayor Miller in the Chair.

- (d) Councillor Mammoliti moved that motion (a) by Mayor Miller be amended to provide that the increase to the budget amount be limited to \$3,000,000.00.
- (e) Councillor Pantalone moved that motion (d) by Councillor Mammoliti be referred to the City Solicitor for a report to City Council when this matter is again before Council.

Withdrawal of Motion:

Councillor Pitfield, with the permission of Council, withdrew the second new Operative Paragraph contained in her motion (b).

Votes:

Adoption of motion (e) by Councillor Pantalone:

Yes - 33	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Thompson, Walker
No - 2	
Councillors:	Del Grande, Mammoliti

Carried by a majority of 31.

Adoption of motion (a) by Mayor Miller, without amendment:

Yes - 34	
Mayor:	Miller

Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Thompson, Walker
No - 2 Councillors:	Del Grande, Mammoliti

Carried by a majority of 32.

Motion (c) by Councillor Walker carried.

Adoption of motion (b) by Councillor Pitfield:

Yes - 36 Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Thompson, Walker
No - 1 Councillor:	Mammoliti

Carried by a majority of 35.

Adoption of Motion J(3) as amended:

Yes - 35 Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Thompson, Walker
No - 2	

Councillors: Del Grande, Mammoliti

Carried by a majority of 33.

Summary:

In summary, Council adopted Motion J(3), subject to adding the following new Operative Paragraphs:

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

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

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED THAT:

- (1) the Commission be urged to investigate fully all information relevant to the TCLI terms of reference and to complete that investigation as soon as possible;
- (2) the Commission be encouraged to call all evidence that may shed light on the issues raised in the TCLI terms of reference;
- (3) City Council defer further consideration of the letter dated December 30, 2003, to Mayor Miller, from Commissioner Bellamy, until Commissioner Bellamy or her Counsel advise the City that all evidence related to TCLI has been called. In the interim, Council does not expect the Commissioner to begin hearings in the TECI;
- (4) the City's outside Counsel be permitted to criticize current employees in closing submissions, only if justified by the evidence; and
- (5) the budget amount estimated for the cost of the City's outside counsel be increased to \$3,440,000.00 from \$3,250,000.00 to complete TCLI.';

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

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

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

Moved by Councillor Mammoliti:

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

3.57 Settlement of Legal Action Relating to a Personnel Matter

Mayor Miller moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(4), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Mayor Miller

Seconded by: Deputy Mayor Pantalone

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

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

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

Disposition:

Consideration of Motion J(4) was deferred to a Special meeting of City Council called by the Mayor for January 30, 2004, having regard that such Motion was ‘time critical’ and remained on the Order Paper at the conclusion of this meeting of Council.

3.58 Settlement of Legal Action Relating to Contracts Nos. 58449, 58451, 58453 and 58425 - Relining Various Lengths of Clay Sewer Pipe

Councillor Pitfield moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(5), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Pitfield

Seconded by: Deputy Mayor Bussin

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

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

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(5) to the Works Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(5), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 134)

Procedural Vote:

The vote to waive referral of Motion J(5) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(5), a confidential joint report dated January 20, 2004, from the City Solicitor and Commissioner of Works and Emergency Services.

Vote:

Motion J(5) was adopted, without amendment.

Summary:

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

“It is recommended that:

- (1) City Council authorize the City Solicitor to settle Actions 98-CV-14015CM and 99-CV-170958CM in the all-inclusive amount of:
 - (a) \$150,000.00 to be paid to the City by Guarantee; and
 - (b) \$36,014.81 holdback amount to be retained by the City;
- (2) City Council request staff to take all appropriate action to give effect thereto,

including the execution of any releases; and

- (3) City Council authorize the City Solicitor to return original Performance Bonds numbered 83001874, 83001902, 83001903 and 3004413A to Counsel for the Guarantee Company of North America, for cancellation.”

3.59 **Proposed Adjustments to the Boundaries of the Toronto South Community Council and the Toronto West Community Council**

Councillor Watson moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(6), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Watson

Seconded by: Councillor Palacio

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the vote upon which was taken as follows:

Yes - 34	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Fletcher, Ford, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 7	

Councillors:	Del Grande, Giambrone, Holyday, Kelly, Minnan-Wong, Pantalone, Thompson
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Carried, more than two-thirds of Members present having voted in the affirmative.

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(6) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(6), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 2, Page 137)

Council also had before it, during consideration of Motion J(6), communications from residents, submitted by Councillor Watson.

Procedural Vote:

The vote to waive referral of Motion J(6) to the Policy and Finance Committee, was taken as follows:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, De Baeremaeker, Fletcher, Ford, Grimes, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Palacio, Pitfield, Rae, Saundercook, Soknacki, Watson
No - 17	
Councillors:	Ashton, Balkissoon, Davis, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Hall, Holyday, Kelly, Minnan-Wong, Ootes, Pantalone, Shiner, Stintz, Thompson

Lost, less than two-thirds of Members present having voted in the affirmative.

Disposition:

Motion J(6) was referred to the Policy and Finance Committee.

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

Councillor Chow moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(8), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Chow

Seconded by: Councillor Walker

“**WHEREAS** the Administration Committee, at its meeting on January 9, 2004, considered the recommendations of the Bid Committee to adopt the report dated October 20, 2003, from the Commissioner of Works and Emergency Services and Director of Purchasing and Materials Management respecting the supply of all Labour, Materials and Equipment required to provide Winter Maintenance at various locations of the Toronto Fire Services

during the 2003-2004 winter season, with an option to renew for the 2004-2005 and 2005-2006 Winter seasons; and

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

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

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

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

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

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

- ‘(2) the balance of the award to Lima’s Gardens and Construction Inc., in the total estimated amount of \$162,757.69, including all charges and applicable taxes, for the period commencing January 1, 2004, to April 15, 2004, be approved;
- (3) the option to renew the contract with Lima’s Gardens and Construction Inc. for two (2) additional one (1) year periods (2004-2005 and 2005-2006 Winter seasons), in the amount of \$238,323.78, including all charges and applicable taxes, for 2004-2005 Winter season, and in the amount of

\$244,281.86, including all charges and applicable taxes for 2005-2006 Winter season, for a total of \$482,605.64, including all charges and applicable taxes, under the same terms, conditions and pricing be reviewed by the Commissioner of Works and Emergency Services, in co-operation with the Purchasing Agent, provided the Supply of all Labour, Material and Equipment required to provide Winter Maintenance at various locations in the North and West Command Districts of the Toronto Fire Services was performed at a satisfactory level, to ensure it is feasible to extend the contract and that funds are available in the Toronto Fire Services operating budget, for each additional one (1) year renewal period;

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

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

Disposition:

Consideration of Motion J(8) was deferred to a Special meeting of City Council called by the Mayor for January 30, 2004, having regard that such Motion was 'time critical' and remained on the Order Paper at the conclusion of this meeting of Council.

3.61 Harmonization of By-laws Concerning Long Grass and Weeds

Councillor Altobello moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(9), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Altobello

Seconded by: Councillor De Baeremaeker

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

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

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(9) to the Planning and Transportation would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(9), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 134)

Procedural Vote:

The vote to waive referral of Motion J(9) to the Planning and Transportation Committee was taken as follows:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Filion, Grimes, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Milczyn, Minnan-Wong, Pantalone, Pitfield, Rae, Soknacki, Thompson, Watson
No - 15	
Councillors:	Ashton, Davis, Feldman, Fletcher, Ford, Giambrone, Hall, Holyday, Lindsay Luby, Mammoliti, Nunziata, Ootes, Palacio, Shiner, Stintz

Lost, less than two-thirds of Members present having voted in the affirmative.

Disposition:

Motion J(9) was referred to the Planning and Transportation Committee.

3.62 Court Application by Toronto District School Board against the City of Toronto with respect to a Portion of the Saranac Public School Lands

Councillor Filion moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(10), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Filion

Seconded by: Deputy Mayor Feldman

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

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(10) to the Administration Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(10), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 3, Page 138)

Procedural Vote:

The vote to waive referral of Motion J(10) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(10), a confidential report dated January 22, 2004, from the City Solicitor.

Vote:

Motion J(10) was adopted, without amendment.

Summary:

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

3.63 Request for Report on Possible Expropriation of Lands - 3514 Finch Avenue West

Councillor Mammoliti moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(11), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Mammoliti

Seconded by: Councillor Hall

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

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

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

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

WHEREAS the Plan encourages a pedestrian friendly environment; and

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

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

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

WHEREAS the City has passed a comprehensive zoning by-law to implement the new

Emery Village Secondary plan; and

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

WHEREAS Imperial has appealed to the Ontario Municipal Board; and

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

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

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

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

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(11) to the Administration Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(11), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 134)

Procedural Vote:

The vote to waive referral of Motion J(11) to the Administration Committee was taken as follows:

Yes - 8 Councillors: Altobello, Filion, Grimes, Hall, Mammoliti, McConnell, Nunziata, Palacio
No - 34 Mayor: Miller Councillors: Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson

Lost, less than two-thirds of Members present having voted in the affirmative.

Disposition:

Motion J(11) was referred to the Administration Committee.

3.64 Enwave District Energy Limited - Special Shareholder's Meeting

Deputy Mayor Pantalone moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(12), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Deputy Mayor Pantalone

Seconded by: Deputy Mayor Bussin

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

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

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

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(12) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(12), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 134)

Procedural Vote:

The vote to waive referral of Motion J(12) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(12), a report dated January 27, 2004, from the Chief Administrative Officer, entitled “Enwave District Energy Limited Special Shareholders’ Meeting” (See Attachment No. 3, Page 128).

Councillor Soknacki in the Chair.

Vote:

Motion J(12) was adopted, without amendment.

Summary:

In adopting Motion J(12), without amendment, Council adopted, without amendment, the report dated January 27, 2004, from the Chief Administrative Officer, entitled “Enwave District Energy

Limited Special Shareholders' Meeting", containing the following recommendations:

"It is recommended that:

- (1) Council appoint the City Chief Administrative Officer or her designate as the City's proxyholder to attend and vote the City's common shares of Enwave District Energy Limited ('Enwave') at a special meeting of the shareholders of Enwave to be held at 11:00 a.m., on February 9, 2004, and at any continuation of that meeting (the 'Special Shareholders' Meeting');
- (2) Council direct the City's proxyholder to vote the City's common shares in Enwave as follows:
 - (a) to accept the resignation of Dale Richmond as a director of Enwave, effective December 31, 2003;
 - (b) to either accept the resignations of Tomlinson Gunn and Councillor David Shiner as Enwave directors, or to remove them as directors of Enwave, effective as of the date of the special shareholders meeting;
 - (c) to elect:
 - (i) Mayor David Miller;
 - (ii) Michael Nobrega;
 - (iii) Paul George Haggis; and
 - (iv) Dominique Y. Hansen,to the Board of Directors of Enwave, effective as of the date of the special shareholders meeting, to hold office for a term of approximately two years or until their successors are elected or appointed;
 - (d) to allow for a variation in the term of the appointments of the above-mentioned directors from the three years provided for in the shareholders agreement between the City, BPC Penco Corporation and Enwave, for this time only; and
 - (e) to vote at her or his discretion on any other minor matter as may properly come before the Special Shareholders Meeting;
- (3) Council authorize and direct the City Clerk and the City's Chief Financial Officer and Treasurer or their designates, to execute, on behalf of the City, the proxy substantially in the form of Attachment Two; and

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

Mayor Miller in the Chair.

3.65 **Request for a Special Meeting of Council Regarding Violent Crime**

Councillor Mammoliti moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(13), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Mammoliti

Seconded by: Councillor Ootes

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

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

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

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

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

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

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

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

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

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

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

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

the vote upon which was taken as follows:

Yes - 35	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Fillion, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 7	
Councillors:	Augimeri, Carroll, De Baeremaeker, Fletcher, Grimes, Mihevc, Soknacki

Carried, more than two-thirds of Members present having voted in the affirmative.

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(13) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(13), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 134)

Procedural Vote:

The vote to waive referral of Motion J(13) to the Policy and Finance Committee was taken as follows:

Yes - 22	
Councillors:	Altobello, Ashton, Balkissoon, Cowbourne, Del Grande, Di Giorgio, Feldman, Grimes, Hall, Kelly, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson
No - 20	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Filion, Fletcher, Ford, Giambrone, Holyday, Jenkins, Li Preti, McConnell, Mihevc, Pantalone, Rae, Soknacki, Watson

Lost, less than two-thirds of Members present having voted in the affirmative.

Disposition:

Motion J(13) was referred to the Policy and Finance Committee.

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

Councillor Minnan-Wong moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(14), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Minnan-Wong

Seconded by: Councillor Filion

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

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

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

North District; and

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

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

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

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

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(14) to the Planning and Transportation Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(14), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 134)

Procedural Vote:

The vote to waive referral of Motion J(14) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(14) was adopted, without amendment.

3.67 Possible Funding for Skateboarding Parks Across the City of Toronto

Deputy Mayor Bussin moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(15), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Deputy Mayor Bussin

Seconded by: Deputy Mayor Pantalone

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

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

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

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(15) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(15), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 134)

Procedural Vote:

The vote to waive referral of Motion J(15) to the Economic Development and Parks Committee was taken as follows:

Yes - 30	
Mayor:	Miller
Councillors:	Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Kelly, McConnell, Mihevc, Minnan-Wong, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 13	
Councillors:	Altobello, Ashton, Cho, Ford, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Ootes

Carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(15) was adopted, without amendment.

3.68 Supreme Court of Canada Decision in Toronto (City) v. CUPE Local 79

Councillor Minnan-Wong moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(16):

Moved by: Councillor Minnan-Wong

Seconded by: Councillor Ootes

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

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

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

WHEREAS Council is shocked and appalled that C.U.P.E., Local 79, would defend the

actions of a convicted sexual offender;

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

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

Ruling by Mayor:

Mayor Miller, having regard to the nature of Motion J(16), ruled such Motion out of order.

Councillor Minnan-Wong challenged the ruling of the Mayor.

Vote to Uphold Ruling of Mayor:

Yes - 30	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Pantalone, Rae, Saundercook, Soknacki, Thompson, Walker, Watson
No - 9	
Councillors:	Ford, Holyday, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Stintz

Carried by a majority of 21.

3.69 Appeal to the Ontario Municipal Board - Committee of Adjustment Decision - 422 to 432 Sherbourne Street

Councillor Rae moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(17), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Rae

Seconded by: Mayor Miller

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

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

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

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(17) to the Toronto South Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(17) to the Toronto South Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(17) was adopted, without amendment.

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

Councillor Rae moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(18), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Rae

Seconded by: Councillor McConnell

“**WHEREAS** on August 13, 2003, the Committee of Adjustment refused an application to demolish an existing home located on 4 Dale Avenue, in order to allow for the construction

of a new three-storey single detached dwelling, which required a minor variance as the gross floor area of the proposed new dwelling exceeded the as of right coverage by 66 square metres; and

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

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

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

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

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

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(18) to the Toronto South Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(18) to the Toronto South Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(18) was adopted, without amendment.

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

Councillor Chow moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(19), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Chow

Seconded by: Deputy Mayor Pantalone

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

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

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

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

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

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

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(19) to the Administration Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(19) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(19) was adopted, without amendment.

3.72 946 Lawrence Avenue East – OMB Hearing – Ward 25 (Don Valley West)

Councillor Jenkins moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(20), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Jenkins

Seconded by: Councillor Pitfield

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

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

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

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

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

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

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(20) to the Toronto North Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(20) to the Toronto North Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(20) was adopted, without amendment.

3.73 Request for Direction – Pickford Road (Ward 43-Scarborough East)

Councillor Lindsay Luby moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(21), moved by Councillor Jenkins, seconded by Councillor Cho, and, in the absence of Councillor Jenkins, moved by Councillor Lindsay Luby, which carried:

Moved by: Councillor Lindsay Luby

Seconded by: Councillor Cho

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

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

WHEREAS by a report dated January 28, 2004, to City Council, the Commissioner of

Urban Development Services is recommending that one of the alternative subdivision proposals and Zoning By-law Amendments, submitted by 758893 Ontario Limited, be accepted and supported at the upcoming Ontario Municipal Board Hearing; and

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

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

Disposition:

Consideration of Motion J(21) was deferred to a Special meeting of City Council called by the Mayor for January 30, 2004, having regard that such Motion was ‘time critical’ and remained on the Order Paper at the conclusion of this meeting of Council.

- 3.74 Consideration of the following matters was deferred to a Special meeting of City Council called by the Mayor for January 30, 2004, having regard that such matters were ‘time critical’ and remained on the Order Paper at the conclusion of this meeting of Council:

REPORT NO. 1 OF THE POLICY AND FINANCE COMMITTEE

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

REPORT NO. 1 OF THE WORKS COMMITTEE

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

REPORT NO. 1 OF THE TORONTO SOUTH COMMUNITY COUNCIL

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

REPORT NO. 1 OF THE TORONTO WEST COMMUNITY COUNCIL

Clause No. 43 - “Final Report - Application to Amend the Official Plan and Zoning Code; Studio Court Limited, 75 Lemonwood Drive; File No. TA

CMB 2003 0003 (Ward 4 - Etobicoke Centre)".

NOTICES OF MOTIONS

- J(4) Moved by Mayor Miller, seconded by Deputy Mayor Pantalone, regarding the settlement of legal action relating to a personnel matter.
- J(7) Moved by Deputy Mayor Pantalone, seconded by Councillor Rae, regarding the Local 3888 Memorandum of Agreement for the Term 2002-2006.
- J(8) Moved by Councillor Chow, seconded by Councillor Rae, regarding the supply of all Labour, Materials and Equipment required to provide winter maintenance at various locations of the Toronto Fire Services during the 2003-2004 winter season, with an option to renew for the 2004-2005 and 2005-2006 winter seasons. Quotation Request No. 6032-03-0102.
- J(21) Moved by Councillor Lindsay Luby, seconded by Councillor Cho, regarding a request for direction related to Pickford Road (Ward 43 - Scarborough East).

- 3.75 Consideration of the following matters was deferred to the next regular meeting of City Council scheduled to be held on March 1, 2004, having regard that they remained on the Order Paper at the conclusion of this meeting of Council:

REPORT NO. 1 OF THE ADMINISTRATION COMMITTEE

- Clause No. 27 - "Review of Canadian Content Policy".
- Clause No. 29 - "Other Items Considered by the Committee".
(v) "Supreme Court of Canada Decision in Toronto (City) v. CUPE Local 79".

REPORT NO. 1 OF THE PLANNING AND TRANSPORTATION COMMITTEE

- Clause No. 9 - "Other Items Considered by the Committee".
(n) "Renewable Energy Rooftops in Toronto".

REPORT NO. 1 OF THE POLICY AND FINANCE COMMITTEE

- Clause No. 2 - "Naming of Community Councils".

REPORT NO. 1 OF THE TORONTO EAST COMMUNITY COUNCIL

- Clause No. 10 - "Final Report - Rezoning Application 03 035264 ESC 44 OZ -

Austin Burnett (Architecnics & Associate Architect)
10126 Sheppard Avenue East Rouge Community
(Ward 44 - Scarborough East)".

REPORT NO. 1 OF THE TORONTO NORTH COMMUNITY COUNCIL

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

REPORT NO. 1 OF THE TORONTO SOUTH COMMUNITY COUNCIL

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

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

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

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

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

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

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

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

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

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

REPORT NO. 1 OF THE TORONTO WEST COMMUNITY COUNCIL

- Clause No. 16 - “Traffic Calming Poll Results (Speed Humps), Maple Leaf Drive, Donofree Road to Culford Road (Ward 12 - York South-Weston)”.
- Clause No. 17 - “Traffic Calming Poll Results (Speed Humps) - Gracefield Avenue, Culford Road to Keele Street (Ward 12 - York South-Weston)”.
- Clause No. 18 - “Traffic Calming Poll Results (Speed Humps) - Gracefield Avenue, Arkwright Street to Culford Road (Ward 12 - York South-Weston)”.
- Clause No. 20 - “Roadway Modification Poll Results - Feasibility of Community Safety Zones, Church Street Between Weston Road and Jane Street (Ward 11 - York South-Weston)”.
- Clause No. 28 - “Front Yard Parking Poll Results - 183 Marion Street (Ward 14 - Parkdale-High Park)”.
- Clause No. 29 - “Front Yard Parking Poll Results - 45 Hewitt Avenue (Ward 14 - Parkdale-High Park)”.
- Clause No. 30 - “Exemption from Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 131 Grenadier Road (Ward 14 - Parkdale-High Park)”.
- Clause No. 31 - “Exemption from Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 23 Kennedy Avenue (Ward 13 - Parkdale-High Park)”.
- Clause No. 32 - “Exemption from Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking for Two Vehicles at 273 High Park Avenue (Ward 13 – Parkdale-High Park)”.
- Clause No. 33 - “Exemption from Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 163 High Park Avenue (Ward 13 - Parkdale-High Park)”.
- Clause No. 35 - “Exemption from Chapter 248, Parking Licences, Former City of Toronto Municipal Code, to Permit Existing Paving to Remain for Driveway Widening at 45 Parkdale Road (Ward 14 - Parkdale-High Park)”.

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

REPORT NO. 1 OF THE BOARD OF HEALTH

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

BILLS AND BY-LAWS

- 3.76 On January 28, 2004, 2004, at 9:45 a.m., Councillor Walker, seconded by Councillor Balkissoon, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law, which carried:

Bill No. 141	By-law No. 23-2004	To confirm the proceedings of the Council at its meeting held on the 27th day of January, 2004.
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- 3.77 On January 28, 2004, at 4:55 p.m., Councillor Carroll, seconded by Councillor Del Grande, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 142	By-law No. 24-2004	To confirm the proceedings of the Council at its meeting held on the 27th and 28th days of January, 2004,
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the vote upon which was taken as follows:

Yes - 26 Councillors: Altobello, Augimeri, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Nunziata, Palacio, Pantalone, Rae, Saundercook, Shiner, Soknacki, Watson
No - 0

Carried, without dissent.

- 3.78 On January 28, 2004, at 7:02 p.m., Councillor Lindsay Luby, seconded by Councillor De Baeremaeker, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 143	By-law No. 25-2004	To confirm the proceedings of the Council at its meeting held on 27th and 28th days of January, 2004,
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the vote upon which was taken as follows:

Yes - 28 Councillors:	Altobello, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fillion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Soknacki, Stintz, Watson
No - 1 Councillor:	Walker

Carried by a majority of 27.

- 3.79 On January 29, 2004, at 6:37 p.m., Councillor Mihevc, seconded by Councillor Chow, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws:

Bill No. 23	By-law No. 26-2004	To amend Section 15 of By-law No. 438-86 of the former City of Toronto respecting the Index of Exceptions.
Bill No. 24	By-law No. 27-2004	To amend By-law No. 250-2002 to include the lands known as 1001 Queen Street West within the boundaries of the Garrison Common North Community Improvement Project Area.
Bill No. 25	By-law No. 28-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II.
Bill No. 26	By-law No. 29-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic

		- Chapter 240, Article II.
Bill No. 27	By-law No. 30-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II.
Bill No. 28	By-law No. 31-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II.
Bill No. 29	By-law No. 32-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II.
Bill No. 30	By-law No. 33-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 31	By-law No. 34-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 32	By-law No. 35-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 33	By-law No. 36-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 34	By-law No. 37-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Parking - Chapter 182, Article II.
Bill No. 35	By-law No. 38-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Biggar Avenue.
Bill No. 36	By-law No. 39-2004	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.

Bill No. 37	By-law No. 40-2004	To amend By-law No. 13897, a by-law providing for the designation of fire routes in the geographic area of Scarborough, a by-law of the former City of Scarborough.
Bill No. 38	By-law No. 41-2004	To amend By-law No. 30518 of the former City of North York, as amended, regarding Gulliver Road and Comay Road.
Bill No. 39	By-law No. 42-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Doris Avenue and Byng Avenue.
Bill No. 40	By-law No. 43-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Steeles Avenue West and Hidden Trail.
Bill No. 41	By-law No. 44-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Maxwell Street and Overbrook Place, Capitol Avenue and Glen Park Avenue, Faywood Boulevard and Reiner Road; Bainbridge Avenue and Marwill Street, Lariviere Road and Patricia Avenue.
Bill No. 42	By-law No. 45-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Maxwell Street and Overbrook Place, Capitol Avenue and Glen Park Avenue, Faywood Boulevard and Reiner Road, Bainbridge Avenue and Marwill Street, Lariviere Road and Patricia Avenue.
Bill No. 43	By-law No. 46-2004	To amend By-law No. 31878, as amended, of the former City of North York, regarding Fairlawn Avenue and Palomino Crescent.

Bill No. 44	By-law No. 47-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Ancona Street; Devondale Avenue, Melton Grove Street and Lanbrooke Avenue.
Bill No. 45	By-law No. 48-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Dalemout Avenue, Wildcat Road, Romfield Drive, Gervais Drive, Melton Grove Street and Lanbrooke Avenue.
Bill No. 46	By-law No. 49-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Gervais Drive.
Bill No. 47	By-law No. 50-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Oliti Court and San Gabriele Place.
Bill No. 48	By-law No. 51-2004	To amend By-law No. 21184 regarding the heritage designation of 90 Morningside Avenue.
Bill No. 49	By-law No. 52-2004	To exempt certain lands within the lands known municipally as 95 - 101 Grand Avenue from Part Lot Control.
Bill No. 50	By-law No. 53-2004	To exempt certain lands within the lands known municipally as 81 Prince Edward Drive from Part Lot Control.
Bill No. 51	By-law No. 54-2004	To layout and dedicate certain land west of Keele Street for public highway purposes to form part of the public highway The Pond Road.
Bill No. 52	By-law No. 55-2004	To amend By-law No. 3387-1979 of the former City of York, a by-law with

		respect to fire routes in the geographic area of former York.
Bill No. 53	By-law No. 56-2004	To permanently close a portion of the Eastern Avenue Diversion, at the rear of Premises No. 68 Broadview Avenue.
Bill No. 54	By-law No. 57-2004	Donation to City for Children's Greenhouse Programs at Allan Gardens and establishment of Trust Fund.
Bill No. 55	By-law No. 58-2004	To establish an Eglinton Flats Tennis Facility Maintenance Reserve Fund, and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 56	By-law No. 59-2004	To amend City of Toronto Municipal Code Chapter 447, Fences, to permit the retention of a portion of a chain link pool fence on the property municipally known as 7 Cedarwood Avenue.
Bill No. 57	By-law No. 60-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2003 as 60 Triller Avenue.
Bill No. 58	By-law No. 61-2004	To adopt Amendment No. 286 to the Official Plan of the former City of Toronto with respect to lands known municipally in the year 2003 as 62 Triller Avenue.
Bill No. 59	By-law No. 62-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2003 as 62 Triller Avenue.
Bill No. 60	By-law No. 63-2004	To adopt Amendment No. 285 to the Official Plan of the former City of Toronto with respect to lands known municipally in the year 2003 as 70 Wilson Park Road.

Bill No. 61	By-law No. 64-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2003 as 70 Wilson Park Road.
Bill No. 62	By-law No. 65-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2003 as 10 Sorauren Avenue.
Bill No. 63	By-law No. 66-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2003 as 15 Callender Street.
Bill No. 64	By-law No. 67-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2003 as 42 Beaty Avenue.
Bill No. 65	By-law No. 68-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2003 as 59 Gwynne Avenue.
Bill No. 66	By-law No. 69-2004	To adopt Amendment No. 196 to the Official Plan of the former City of Toronto with respect to lands known municipally in the year 2001 as 116 Spencer Avenue.
Bill No. 67	By-law No. 70-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect of the lands municipally known in the year 2001 as 116 Spencer Avenue.

Bill No. 68	By-law No. 71-2004	To adopt Amendment No. 287 to the Official Plan of the former City of Toronto with respect to lands known municipally in the year 2003 as 86 Pearson Avenue.
Bill No. 69	By-law No. 72-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2003 as 86 Pearson Avenue.
Bill No. 70	By-law No. 73-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Little Avenue and Weston Road.
Bill No. 71	By-law No. 74-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Sheppard Avenue East, Sheppard Avenue West and Steeles Avenue West.
Bill No. 72	By-law No. 75-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Dundas Street West, Subway Crescent and Bloor Street West.
Bill No. 73	By-law No. 76-2004	To acquire certain interests in land for or in connection with the TTC's Western Bus Garage Facility.
Bill No. 74	By-law No. 77-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, with regards to Albion Road and Islington Avenue.
Bill No. 75	By-law No. 78-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.

Bill No. 76	By-law No. 79-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Clendenan Avenue, Fisken Avenue, Indian Road, Indian Road Crescent, McMurray Avenue, Parkdale Road and Silver Avenue.
Bill No. 77	By-law No. 80-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Heather Street.
Bill No. 78	By-law No. 81-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 79	By-law No. 82-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Bayview Avenue, Dundas Street East, Kingston Road and Yonge Street.
Bill No. 80	By-law No. 83-2004	To amend Municipal Code Chapter 636, Public Squares, by deleting § 636-23, which delegated the approval of exceptions from certain restrictions on the use of Nathan Phillips Square during the 2003 election period.
Bill No. 81	By-law No. 84-2004	To amend further By-law No. 34-93, a by-law “To provide for disabled person parking permit holders”, being a by-law of the former Borough of East York, regarding Milverton Boulevard.
Bill No. 82	By-law No. 85-2004	To amend By-law No. 2958-94 of the former City of York, being a By-law “To install on-street parking spaces for persons with disabilities on City of York Roads, regarding Boon Avenue and Silverthorn Avenue.”

Bill No. 83	By-law No. 86-2004	To amend By-law No. 196-84 of the former City of York, being a By-law “To install on-street parking spaces for persons with disabilities on City of York Roads, regarding Boon Avenue and Silverthorn Avenue.”
Bill No. 84	By-law No. 87-2004	To adopt a new Municipal Code Chapter 463, Firearms, to permit an agent of the City to discharge a firearm in order to carry out contracted services.
Bill No. 85	By-law No. 88-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Cobourg Avenue, Firstbrooke Road, Irene Avenue, Margueretta Street, Metcalfe Street, Milverton Boulevard, Mountjoy Avenue, Page Street, Portland Street, Rankin Crescent, Salem Avenue, Shaw Street, Ulster Street and Via Italia.
Bill No. 86	By-law No. 89-2004	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Collier Street.
Bill No. 87	By-law No. 90-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known in the year 2003 as 75 Logan Avenue.
Bill No. 88	By-law No. 91-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known in the year 2003 as 78 Logan Avenue.
Bill No. 89	By-law No. 92-2004	To authorize agreements respecting the issue and sale of debentures for the year 2004.
Bill No. 90	By-law No. 93-2004	To authorize the temporary borrowing of

		moneys to meet the current expenditures of the City of Toronto for the year 2004.
Bill No. 91	By-law No. 94-2004	To authorize the alteration of sections of the roadway on the northwest corner at the Queen's Park Crescent West and Hoskin Avenue intersection by realigning the curb.
Bill No. 92	By-law No. 95-2004	To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to reflect the name change of St. Lawrence Neighbourhood Business Improvement Area to St. Lawrence Market Neighbourhood Business Improvement Area.
Bill No. 93	By-law No. 96-2004	To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to include the new Wychwood Heights Business Improvement Area and to establish a Board of Management for the Wychwood Heights Business Improvement Area.
Bill No. 94	By-law No. 97-2004	To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to include the new Knob Hill Plaza Business Improvement Area and to establish a Board of Management for the Knob Hill Plaza Business Improvement Area.
Bill No. 95	By-law No. 98-2004	To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to make changes to the size of various Business Improvement Area Boards of Management.
Bill No. 96	By-law No. 99-2004	To exempt certain lands known municipally as 900 Coxwell Avenue from Part Lot Control.

Bill No. 97	By-law No. 100-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 99	By-law No. 101-2004	To amend By-law No. 30788 of the former City of North York, as amended, to restrict the content of signs on office or industrial buildings in the Yonge Street City Centre area.
Bill No. 100	By-law No. 102-2004	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Cumberland Street.
Bill No. 101	By-law No. 103-2004	To authorize the alteration of Northcliffe Boulevard between Rogers Road and Amherst Avenue by the installation of speed humps.
Bill No. 102	By-law No. 104-2004	To authorize the alteration of Bessborough Drive between Moore Avenue and Sutherland Drive by the installation of speed humps.
Bill No. 103	By-law No. 105-2004	To authorize the alteration of Briar Hill Avenue between Avenue Road and Birdsall Avenue by the installation of speed humps.
Bill No. 104	By-law No. 106-2004	To authorize the alteration of Baycrest Avenue between Ameer Avenue and Rajah Street by the installation of speed humps.
Bill No. 105	By-law No. 107-2004	To exempt lands known municipally as 337 - 363 Roselawn Avenue from Part Lot Control.
Bill No. 107	By-law No. 108-2004	To amend the former City of Toronto

Municipal Code Ch. 400, Traffic and Parking, respecting Bellair Street, Braemore Gardens, Carlaw Avenue, College Street, Collier Street, Crawford Street, Davisville Avenue, Euclid Avenue, Glebeholme Boulevard, Lindsey Avenue, Newgate Road, Roehampton Avenue, Wallace Avenue and Ward Street.

Bill No. 108	By-law No. 109-2004	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding William R. Allen Road and Rimrock Road.
Bill No. 110	By-law No. 110-2004	To layout and dedicate certain land at Lansdowne Avenue for public highway purposes to form part of the public highway Tycos Drive.
Bill No. 111	By-law No. 111-2004	To layout and dedicate certain land on the south side of Sheppard Avenue West, west of Fennell Street, for public highway purposes to form part of the public highway Sheppard Avenue West.
Bill No. 112	By-law No. 112-2004	To layout and dedicate certain land on the south side of St. Clair Avenue West, east of Runnymede Road, for public highway purposes to form part of the public highway St. Clair Avenue West.
Bill No. 113	By-law No. 113-2004	To layout and dedicate certain land for public lane purposes to form part of the public lane south of St. Clair Avenue West extending easterly from Runnymede Road.

Bill No. 114	By-law No. 114-2004	To layout and dedicate certain land for public lane purposes to form part of the public lane at the rear of premises 59 Booth Avenue.
Bill No. 115	By-law No. 115-2004	To layout and dedicate certain land on the east side of Mount Pleasant Road, south of Eglinton Avenue East, for public highway purposes to form part of the public highway Mount Pleasant Road.
Bill No. 116	By-law No. 116-2004	To layout and dedicate certain land for public lane purposes to form part of the public lane south of College Street extending easterly from Markham Street, then northerly to College Street.
Bill No. 117	By-law No. 117-2004	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the establishment of administrative thresholds for the issuance of business licenses.
Bill No. 118	By-law No. 118-2004	To amend former City North York By-law No. 7625 with respect to the lands known municipally as 73 Jonesville Avenue.
Bill No. 119	By-law No. 119-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Cumberland Street.
Bill No. 120	By-law No. 120-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Dundas Street East.
Bill No. 121	By-law No. 121-2004	To amend further By-law No. 196, a By-law entitled "To restrict the speed of motor vehicles", being a by-law of the former Borough of East York.
Bill No. 122	By-law No. 122-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting various streets within the City of Toronto.

Bill No. 123	By-law No. 123-2004	To adopt Amendment No. 95-2002 to the Official Plan of the Etobicoke Planning Area in order to allow increased building heights within the Commercial-Residential Strip designation, affecting the lands located on the north and south side of The Queensway, between the Mimico Creek Valley and Kipling Avenue.
Bill No. 124	By-law No. 124-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding San Gabriele Place.
Bill No. 125	By-law No. 125-2004	To exempt lands municipally known as 6 Wellesley Place from Part Lot Control.
Bill No. 126	By-law No. 126-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Gateway Boulevard and Grenoble Drive (north leg).
Bill No. 127	By-law No. 127-2004	To amend By-law No. 443-2000 to correct a typographical error in the estimated rate per metre frontage,

the vote upon which was taken as follows:

Yes - 34	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Thompson, Walker
No - 1	
Councillor:	Mammoliti

Carried by a majority of 33.

- 3.80 On January 29, 2004, at 6:38 p.m., Councillor Giambrone, seconded by Councillor Thompson, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 144	By-law No. 128-2004	To confirm the proceedings of the Council at its meeting held on the 27th, 28th and 29th days of January, 2004,
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the vote upon which was taken as follows:

Yes - 34	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Thompson, Walker
No - 1	
Councillor:	Mammoliti

Carried by a majority of 33.

- 3.81 On January 29, 2004, at 6:40 p.m., Councillor Holyday, seconded by Councillor De Baeremaeker, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 109	By-law No. 129-2004	To amend further By-law No. 15-92 of the former Municipality of Metropolitan Toronto respecting pensions and other benefits,
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the vote upon which was taken as follows:

Yes - 33	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Thompson, Walker
No - 1	
Councillor:	Mammoliti

Carried, more than two-thirds of Members present having voted in the affirmative.

The following Bills were withdrawn:

Bill No. 98 To amend City of Toronto Municipal Code Chapter 447, Fences, to include additional definitions and amend the height exception for fences in front or flankage yards.

Bill No. 106 To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.

OFFICIAL RECOGNITIONS:

3.82 Condolence Motions

January 27, 2003:

Moved by Councillor Fletcher, seconded by Mayor Miller:

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

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

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

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

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

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

Moved by Councillor Hall, seconded by Councillor Ford:

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

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

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

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

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

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

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

Leave to introduce the foregoing Motions was granted and the Motions carried unanimously.

Council rose and observed a moment of silence in memory of the late Clayton Kempton Howard and John Holyday.

January 28, 2003:

Moved by Councillor Augimeri, seconded by Mayor Miller:

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

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

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

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

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

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

Leave to introduce the foregoing Motion was granted and the Motion carried unanimously.

Council rose and observed a moment of silence in memory of the late Marie Labatte.

3.83 **Presentations/Introductions/Announcements:**

January 27, 2004:

Councillor Holyday, with the permission of Council, during the morning session of the meeting, advised the Council that the Recount held for the Office of Councillor, Ward 25 - Don Valley West, had confirmed the official results of November 10, 2003, that Clifford Jenkins had been elected to the Office of Councillor for Ward 25, Don Valley West. Mayor Miller requested the City Clerk to submit a communication to City Council outlining the details of the Recount. (See Attachment No. 1, Page 120)

January 28, 2004:

Councillor Mammoliti, with the permission of Council, during the morning session of the meeting, expressed, on behalf of Council, the appreciation of Council to the Works and Emergency Services Department for keeping the roads clear during the recent winter storms.

Deputy Mayor Feldman, during the morning session of the meeting, introduced the students from the Parkdale Intercultural Association, present at the meeting.

Mayor Miller, during the afternoon session of the meeting, invited Dr. Sheela Basrur, Medical Officer of Health, and Councillor Filion, Chair, Board of Health, to the podium. Councillor Filion addressed

the Council and advised that Dr. Basrur had been appointed as Ontario's Chief Medical Officer of Health and Assistant Deputy Minister, Public Health Division, and on behalf of Council, expressed the appreciation of Council to Dr. Basrur for her dedication and outstanding performance during her tenure as the amalgamated City of Toronto's first Medical Officer of Health, especially during the SARS epidemic, and presented a plaque to Dr. Basrur to mark the occasion. Dr. Basrur addressed the Council and expressed her appreciation to Members of Council and staff for their good wishes.

Mayor Miller, during the afternoon session of the meeting, introduced the Grade 5 students of Josyf Cardinal Slipyi School, present at the meeting. Two of the students, Roxolana Iwasykaw and Nina Kolos, addressed the Council and made a presentation to Mayor Miller on behalf of the school.

January 29, 2004:

Mayor Miller, during the morning session of the meeting, introduced the students from the Ryerson School of Journalism, present at the meeting.

Councillor Saundercook, during the morning session of the meeting, with the permission of Council, introduced the Grade 7 students of St. Louis School, present at the meeting.

3.84 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE

Vary the order of proceedings of Council:

January 27, 2004:

Councillor Pantalone, on January 27, 2004, at 12:05 p.m., moved that Council vary the order of its proceedings to consider Notice of Motion J(3), moved by Mayor Miller, seconded by Deputy Mayor Pantalone, regarding the Toronto Computer Leasing Inquiry ("TCLF") and the Toronto External Contracts Inquiry ("TECI") - Letter from Commissioner Bellamy to Mayor Miller, on Thursday, January 29, 2004, at 5:00 p.m., which carried.

Waive the provisions of Chapter 27 of the City of Toronto Municipal Code related to meeting times:

January 27, 2004:

Deputy Mayor Pantalone, at 12:05 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. adjournment on Thursday, January 29, 2004, and that Council continue in session until 7:00 p.m. on that day, in order to conclude consideration of Notice of Motion J(3), moved by Mayor Miller, seconded by Deputy Mayor Pantalone, regarding the Toronto Computer Leasing

Inquiry (“TCLF”) and the Toronto External Contracts Inquiry (“TECI”) - Letter from Commissioner Bellamy to Mayor Miller, which carried, more than two-thirds of Members present having voted in the affirmative.

Mayor Miller, at 12:10 p.m., having regard for the power blackout and the resulting technical difficulties, proposed that Council now recess and reconvene at 9:30 a.m. on Wednesday, January 28, 2004. Council concurred in the proposal by Mayor Miller.

January 28, 2004:

Mayor Miller, at 7:05 p.m., proposed that Council now recess and reconvene at 9:30 a.m. on Thursday, January 29, 2004. Council concurred in the proposal by Mayor Miller.

January 29, 2004:

Mayor Miller, at 6:45 p.m., proposed that Council now adjourn and reconvene for the Special meeting called by the Mayor at 2:00 a.m. on January 30, 2004. Council concurred in the proposal by Mayor Miller.

3.85 **ATTENDANCE**

January 27, 2004	9:42 a.m. to 12:10 p.m.*
Miller	x
Altobello	x
Ashton	x
Augimeri	x
Balkissoon	x
Bussin	x
Carroll	x
Cho	x
Chow	x
Cowbourne	x
Davis	x
De Baeremaeker	x
Del Grande	x
Di Giorgio	x

Minutes of the Council of the City of Toronto
January 27, 28 and 29, 2004

January 27, 2004	9:42 a.m. to 12:10 p.m.*
Feldman	x
Filion	x
Fletcher	x
Ford	x
Giambrone	x
Grimes	x
Hall	x
Holyday	x
Jenkins	x
Kelly	x
Li Preti	x
Lindsay Luby	x
Mammoliti	x
McConnell	x
Mihevc	x
Milczyn	x
Minnan-Wong	x
Moscoe	-
Nunziata	x
Ootes	x
Palacio	x
Pantalone	x
Pitfield	x
Rae	x
Saundercook	x
Shiner	x
Soknacki	x
Stintz	x
Thompson	x
Walker	x
Watson	x
Total	44

Minutes of the Council of the City of Toronto
January 27, 28 and 29, 2004

* Members were present for some or all of the time period indicated.

January 28, 2004	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 4:55 p.m.*	Roll Call 4:25 p.m.	Ctte. of the Whole In-Camera 5:07 p.m.	6:53 p.m. to 7:05 p.m.*
Miller	x	x	x	x	x
Altobello	x	x	-	x	x
Ashton	x	x	x	x	x
Augimeri	x	x	-	-	-
Balkissoon	x	x	x	x	-
Bussin	x	x	x	x	-
Carroll	x	x	x	x	x
Cho	x	x	-	x	x
Chow	x	x	-	x	-
Cowbourne	x	x	x	x	x
Davis	x	x	x	x	x
De Baeremaeker	x	x	x	x	x
Del Grande	x	x	x	x	x
Di Giorgio	x	x	x	x	x
Feldman	x	x	-	x	-
Filion	x	x	-	x	x
Fletcher	x	x	x	x	x
Ford	x	x	-	-	-
Giambrone	x	x	x	x	x
Grimes	x	x	x	x	x
Hall	x	x	x	x	x
Holyday	x	x	x	x	x
Jenkins	x	x	-	x	x
Kelly	x	x	x	x	-
Li Preti	x	x	-	-	-
Lindsay Luby	x	x	x	x	x
Mammoliti	x	x	-	x	-
McConnell	x	x	-	x	x
Mihevc	x	x	x	x	x

Minutes of the Council of the City of Toronto
January 27, 28 and 29, 2004

January 28, 2004	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 4:55 p.m.*	Roll Call 4:25 p.m.	Ctte. of the Whole In-Camera 5:07 p.m.	6:53 p.m. to 7:05 p.m.*
Milczyn	x	x	x	x	x
Minnan-Wong	x	x	x	x	-
Moscoe	-	-	-	-	-
Nunziata	x	x	x	x	x
Ootes	x	x	x	x	x
Palacio	x	x	-	x	x
Pantalone	x	x	x	x	-
Pitfield	x	x	-	x	x
Rae	x	x	x	x	-
Saundercook	x	x	x	x	x
Shiner	x	x	x	x	-
Soknacki	x	x	-	x	-
Stintz	x	x	x	x	x
Thompson	x	x	x	x	-
Walker	x	x	x	x	x
Watson	x	x	x	x	x
Total	44	44	30	41	29

* Members were present for some or all of the time period indicated.

January 29, 2004	9:42 a.m. to 12:30 p.m.*	2:10 p.m. to 2:55 p.m.*	Cttee. of the Whole in-Camera 3:00 p.m.	4:35 p.m. to 6:45 p.m.*
Miller	x	x	x	x
Altobello	x	x	x	x
Ashton	x	x	x	x
Augimeri	x	x	x	x
Balkissoon	x	x	x	x
Bussin	x	x	x	x
Carroll	x	x	x	x
Cho	x	x	x	x
Chow	x	x	x	x
Cowbourne	x	x	x	x
Davis	x	x	x	x

Minutes of the Council of the City of Toronto
January 27, 28 and 29, 2004

January 29, 2004	9:42 a.m. to 12:30 p.m.*	2:10 p.m. to 2:55 p.m.*	Cttee. of the Whole in-Camera 3:00 p.m.	4:35 p.m. to 6:45 p.m.*
De Baeremaeker	x	x	x	x
Del Grande	x	x	x	x
Di Giorgio	x	x	x	x
Feldman	x	x	x	x
Filion	x	x	x	x
Fletcher	x	x	x	x
Ford	x	-	x	x
Giambrone	x	x	x	x
Grimes	x	x	x	-
Hall	x	x	x	x
Holyday	x	x	x	x
Jenkins	x	x	x	x
Kelly	x	x	x	x
Li Preti	-	-	-	-
Lindsay Luby	x	x	x	x
Mammoliti	x	x	x	x
McConnell	x	x	x	x
Mihevc	x	x	x	x
Milczyn	x	x	x	x
Minnan-Wong	x	x	x	-
Moscoe	-	-	-	-
Nunziata	x	x	x	x
Ootes	x	x	x	x
Palacio	x	x	x	x
Pantalone	x	x	x	x
Pitfield	x	x	x	x
Rae	x	x	x	x
Saundercook	x	x	-	x
Shiner	x	x	x	x
Soknacki	x	x	x	x
Stintz	x	x	x	x

Minutes of the Council of the City of Toronto
January 27, 28 and 29, 2004

January 29, 2004	9:42 a.m. to 12:30 p.m.*	2:10 p.m. to 2:55 p.m.*	Cttee. of the Whole in-Camera 3:00 p.m.	4:35 p.m. to 6:45 p.m.*
Thompson	x	x	x	x
Walker	x	x	x	x
Watson	x	x	x	x
Total	43	43	42	41

* Members were present for some or all of the time period indicated.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

ATTACHMENT NO. 1

Memorandum dated January 28, 2004, addressed to the Mayor and Members of Council, from the City Clerk, entitled "Recount - Office of Councillor, Ward 25 - Don Valley West" (See Minute No. 3.83, Page 112):

At its meeting of December 2 and 4, 2003, Council directed that a recount be held for the office of Councillor, Ward 25 – Don Valley West. Notice of the recount was sent to every certified candidate for the office of Councillor, Ward 25, inviting him/her to witness the recount process.

A logic and accuracy test of the vote tabulators was conducted on December 10, 2003, at 9:00 a.m. at 3 Dohme Avenue, as required by the City's recount procedures. Candidates or their representatives were invited to be present during this testing.

The recount was held on Friday, December 12, 2003, at 10:00 a.m., at the Canadian National Exhibition, Queen Elizabeth Exhibit Hall, with 3 candidates present to view the process. As required by the Municipal Elections Act, 1996, the recount was conducted in the same manner as the original count. The marked ballots from the election were fed into the vote tabulators that were used on election day and results tapes were produced. In addition, results tapes were produced from the touch screens voting units used during the advance vote. The recount process took approximately three (3) hours to complete.

The results of the recount confirmed the official results released on November 10, 2003. The following results of the recount were declared on December 30, 2003:

<u>Candidate Name</u>	<u>Votes</u>	<u>"x" - Elected</u>
Clifford Jenkins	4,859	x
Jaye Robinson	4,779	
Tim Glynn	2,240	
Barbara Krieger	1,858	
Jon Williams	1,648	
William Rauenbusch	1,575	
Stuart Weinstein	1,283	
Nancy Loewen	420	

The cost of the recount was \$2,075.25 (excluding city staff costs). Although the initial estimate for the recount was expected to be about \$10,000.00, savings were realized by minimizing the hiring of staff beyond existing city staff for the recount. The CNE made its facility available at only a nominal fee, and Election Systems and Software, the equipment vendor, agreed to waive their fee.

As directed by Council, Election Services staff will be bringing forth a report related to the conduct of recounts.

ATTACHMENT NO. 2 [Notice of Motion J(3)]

Report dated January 26, 2004, from the Chief Financial Officer and Treasurer, entitled "Subject: Toronto Computer Leasing Inquiry and Toronto External Consultants Inquiry Letter from Commissioner to Mayor Miller and Status Update" (See Minute No. 3.56, Page 57):

Purpose:

To provide City Council with a status update on the Toronto Computer Leasing Inquiry ("TCLI") and the Toronto External Contracts Inquiry ("TECI") and to comment on the implications of Commissioner Bellamy's letter to Mayor Miller.

Financial Implications and Impact Statement:

City Council has approved a preliminary estimate of \$15,470,300 for the Inquiries. In the event that City Council decides not to proceed with TECI, costs estimated to be in the range of \$3,070,000 will not be expended. If City Council decides to proceed with TECI, potential revisions to the approved budget will be the subject of a further report. Costs of the City's outside counsel for TCLI will exceed the approved estimate but are anticipated to be within the overall approved budget estimate for the Inquiries.

Recommendations:

It is recommended that:

- (1) City Council consider Commissioner Bellamy's December 30, 2003 letter to Mayor Miller and determine whether or not it should cancel TECI;
- (2) the City's outside counsel be permitted to criticize current employees in closing submissions, only if justified by the evidence;
- (3) if City Council confirms that Commissioner Bellamy proceed with TECI, the City Solicitor be requested to report to Policy and Finance Committee with a revised budget estimate; and
- (4) the budget amount estimated for the cost of the City's outside counsel be increased to \$3,440,000 from \$3,250,000 to complete TCLI.

Background:

City Council established a public inquiry pursuant to Section 100 of the *Municipal Act* (now section 274 of the *Municipal Act, 2001*), at its meeting held on February 13, 14 and 15, 2002. There have been several reports to City Council on the status of this Inquiry, which is now known as the Toronto

Computer Leasing Inquiry ("TCLI").

City Council established a second public inquiry, now known as the Toronto External Contracts Inquiry ("TECI"), at its meeting held on October 1, 2 and 3, 2002.

City Council approved an estimated budget of \$15,470,000 for all costs relating to both Inquiries at its meeting held on September 22, 23, 24 and 25, 2003.

Commissioner Bellamy wrote a letter dated December 30, 2003, to Mayor Miller, attached as Appendix "A". The Commissioner has requested that City Council consider whether it wishes TECI to proceed to a hearing or not.

Comments:

Status of TCLI

On November 25, 2003, Commissioner Bellamy adjourned TCLI. As of that date, 65 witnesses had given evidence over approximately 152 hearing days. The City's outside counsel has requested that the Inquiry recall four witnesses to respond to evidence that has been led at TCLI since they testified: Dash Domi, Jeff Lyons, Tom Jakobek and Peter Wolfram. The Commissioner has not yet decided whether or not to recall these witnesses because her counsel are continuing to investigate certain significant matters within the TCLI terms of reference. The Commission is sensitive to the need to move quickly and is giving it urgent attention. Until these investigations are completed, a decision will not be made about whether to call additional evidence and/or recall witnesses.

There is also the outstanding matter of a legal challenge of the Commissioner's Ruling dated October 15, 2003 with respect to sealed boxes belonging to Mr. Jeffrey Lyons. On May 14, 2003, Mr. Lyons completed his testimony at TCLI. Subsequently, Commission Counsel learned that Mr. Lyons' former law firm had 18 bankers' boxes of his material, which the firm sealed and delivered to Commission Counsel. Neither Mr. Lyons nor Commission Counsel have reviewed the contents of the boxes.

Mr. Lyons has claimed solicitor client privilege over the contents of the boxes. Commission Counsel brought a motion before the Commissioner seeking a ruling that the boxes be unsealed and reviewed by Commission Counsel, in the presence of Mr. Lyons and his counsel, to review the material for privilege and relevancy to the Inquiries. The City supported Commission Counsel's position. Mr. Lyons opposed the motion and proposed that he and his lawyers review the documents privately, without the participation of Commission Counsel, to determine whether there is material in the boxes that might be helpful to the Commissioner.

The Commissioner ruled that Commission Counsel could unseal the boxes and review their entire contents for relevance, helpfulness and possible privilege, taking into account all issues in both TCLI and TECI. Mr. Lyons has applied to the Divisional Court for judicial review of the Commissioner's order. The Commissioner has retained outside counsel to oppose the application. The City's outside counsel is also appearing to oppose the application. It is scheduled to be heard on January

28 and 29, 2004. The Divisional Court's decision may be appealed to a higher court.

City Submissions on TCLI

City Council has previously instructed the City's outside counsel that they can make specific submissions on allegations of misconduct, if appropriate, against various persons based on the evidence presented at the hearing (Report of the Chief Administrative Officer and City Solicitor dated November 26, 2002 attached to Notice of Motion J34 approved by City Council at its meeting held on November 26, 27 and 28, 2002). However, City Council's current instructions prevent outside counsel from criticizing current City employees unless the evidence shows fraud, criminal misconduct or bad faith on the part of the current employee.

Commission Counsel will not be making final submissions to the Commissioner. In the absence of such submissions, and in order for the City's submissions to be truly helpful to the Commissioner, it may be necessary for the City's submissions to contain some criticism of current City employees.

Accordingly, it is recommended that our outside counsel be instructed that the City's submissions may criticize current employees only where such criticisms are justified on the evidence.

Good Governance Portion of the Inquiry

The good governance phase is expected to last three weeks and will focus on four main themes: conflict of interest, lobbying, procurement and municipal governance. As Commissioner Bellamy pointed out at the opening of the good government phase on January 19, 2004:

My Terms of Reference require that I also make recommendations for change that will improve City government and hopefully prevent, in the future, the kinds of mistakes or misconduct that may have occurred in the past...

Before making such recommendations, I intend to benefit from the knowledge and experience of experts on municipal government. The good government phase of this Inquiry is designed to provide me with their insight and expertise, which I can then consider in formulating my recommendations on the various issues that will form part of my report.

On November 4, 2003, Commissioner Bellamy announced that the good government phase would immediately follow TCLI so that the City could consider the work of the Inquiry as it moved to deal with the issues related to the four themes to be explored.

The Commission retained experts who have produced reports on the four themes. These reports have been posted publicly on the Inquiry web site and the experts will appear as witnesses, but will not give evidence under oath. The Chief Administrative Officer was the first witness at the good government phase and will be followed by panels of witnesses selected by the Commission.

Status of TECI and Commissioner Bellamy's Letter

Commissioner Bellamy wrote a letter dated December 30, 2003, attached as Appendix "A", to Mayor Miller. Commissioner Bellamy has asked City Council to consider whether the value to the public of holding public TECI hearings may be outweighed by its potential cost and the attendant delay in the delivery of her report. The Commissioner has advised that it is not likely that the anticipated TECI evidence would materially enhance her recommendations. The Commissioner has made it very clear that she is prepared to carry out her mandate if City Council decides that TECI should proceed.

On September 30, 2002, at the opening session of TCLI, the Commissioner adjourned the Inquiry to permit the Ontario Provincial Police to investigate certain information that Commission Counsel had discovered during their investigation. On October 1, 2002, City Council considered a status report dated September 20, 2002 from the City Solicitor and passed a motion recommending that the Inquiry's terms of reference be amended to include the IT consulting contracts involving Beacon and Remarkable software. City Council also requested that the City Solicitor commence discussions with Commission Counsel regarding how to accomplish this goal.

On October 3, 2002, the City Solicitor reported back to City Council on the discussions with Commission Counsel regarding amended terms of reference. Commission Counsel advised that there were two areas that Commission Counsel wanted to investigate and explore further that may not have been expressly included in the TCLI terms of reference: consulting contracts between Ball Hsu Associates and the City and the City's acquisition of the computer hardware and software that subsequently formed the basis of the computer leasing RFQ that is the subject of TCLI.

On October 3, 2003, City Council approved terms of reference for an inquiry, subsequent or concurrent, concerning:

1. The Beacon and Remarkable contracts (as requested by City Council);
2. The external contracts being Ball Hsu Associates Inc. (as requested by Commission Counsel); and
3. The contracts for the purchase of the computer hardware and software that subsequently formed the basis of the computer leasing RFQ that it the subject of TCLI (as requested by Commission Counsel).

The Commissioner advised in her letter that she has three concerns with respect to proceeding with TECI:

1. The cost of TECI in view of the City's budgetary pressures (the financial status of the Inquiry is discussed below);

2. The timeliness of her report. TECI is currently scheduled for 70 hearing days. If TECI does not proceed, the Commissioner expects to release her report to City Council by the end of the summer 2004. If City Council chooses to proceed with TECI, the Commissioner's report will not be available until early to mid 2005.
3. The value of TECI to City Council. The Commissioner has advised that while TECI will examine different transactions than TCLI, and while there may be merit in such an examination, there is some overlap with many of the same participants and it is not likely that the evidence to be presented will materially enhance her recommendations to City Council.

Council should consider the Commissioner's concerns and determine whether the value to the public of continuing with TECI may be outweighed by its potential cost and the resulting delay in the delivery of her report.

Inquiry Budget Status and Financial Implications

At its meeting held on September 22, 23, 24 and 25, 2003, Council approved a revised estimated budget of \$15,470,000 for costs relating to or associated with the public inquiries. At that time, the preliminary budget estimates for the inquiry components were as follows:

Inquiries (TCLI & TECI) including contingency	\$9,940,300
Additional KPMG retainer	\$ 30,000
City's Outside Counsel	\$3,250,000
Funding for Individuals with standing and Current and former City employees	<u>\$2,250,000</u>
Total	\$15,470,300

As of January 15, 2004, actual costs expended by the City are as follows:

Inquiries cost for 2002	\$1,921,016
Inquiries cost for 2003	\$4,565,200
Additional KPMG retainer	\$ 22,447
City's Outside Counsel	\$2,809,938
Funding for Individuals with standing and Current and former City employees	\$1,427,357
Miscellaneous Expenses (printing, software etc)	<u>\$ 13,349</u>
Total	\$10,759,307

In the event that TECI does not proceed, the Commissioner estimates that \$1.5 million will not be expended by the Inquiry. In addition, additional expenditures for funding for individuals with standing and current and former City employees will not be required. The City has currently expended \$1,427,357 to fund current and former employees. Whether or not TECI proceeds, these persons will incur further costs to prepare their final submissions. While it is difficult to estimate the final total, it is currently anticipated to be within the \$2,250,000 amount approved by Council. If TECI proceeds and takes 70 hearing days, the total costs for funding current and former employees will exceed the original budgeted amount.

The City has paid its outside counsel \$2,809,938. This number is higher than anticipated due to the length of TCLI, significant issues of witness credibility, the number of parties with standing and unexpected matters such as the Paula Leggieri allegations and the judicial review application concerning the Jeff Lyons boxes. In some cases, our outside counsel has been able to assist City staff with Inquiry matters thereby reducing those employees' legal bills. Staff feel that the firm of Paliare Roland has ably represented the City's interest and that their cost is justified.

If TECI does not proceed, it is estimated that the City will expend \$190,000 beyond the original budgeted amount for its outside counsel bringing the total estimated cost to \$3,440,000 from \$3,250,000. The major component of the increased cost is expected to be the preparation of final submissions. If TECI proceeds, it is estimated that the City will expend \$760,000 beyond the original budgeted amount bringing the total budgeted amount to 4,010,000.

The revised preliminary budget estimate comparing costs with and without TECI proceeding would be:

	Without TECI	With TECI
Inquiry	\$8,440,300	\$9,940,300
Additional KPMG retainer	\$ 30,000	\$ 30,000
City's Outside Counsel	\$3,440,000	\$4,010,000
Funding for Individuals with Standing and current and former City employees	<u>\$2,250,000</u>	<u>\$3,250,000*</u>
Total	\$14,160,300	\$17,230,300

*Includes TCLI and estimate only for TECI

By not proceeding with TECI, the City would not expend at least \$3,070,000. As Council has been previously advised, the City has little, if any, control over the length of hearing time required and the nature of issues raised. It is possible that the costs of TECI may exceed this estimate depending on the actual length of the hearing and if new issues arise which are not currently foreseen or if more individuals seek and are granted standing and participate in TECI.

Conclusions:

Commissioner Bellamy has asked City Council to consider whether the value to the public of holding public TECI hearings might be outweighed by its potential cost and the attendant delay in the delivery of her report. The Commissioner also advises that it is not likely that the anticipated TECI evidence would materially alter her recommendations. The Commissioner has made it very clear that if City Council decides that TECI should proceed, she is prepared to carry out her mandate.

In the event that City Council decides to request Commissioner Bellamy to continue to proceed with TECI, the City Solicitor should be requested to report back to City Council through the Policy and Finance Committee with a revised budget estimate.

Contact:

Anna Kinastowski

City Solicitor

Telephone: (416) 392-0080

Facsimile: (416) 397-5624

E-mail: akinasto@toronto.ca

(A copy of Commissioner Bellamy's letter to Mayor Miller dated December 30, 2003, referred to in the report is on file in the City Clerk's Office.)

ATTACHMENT NO. 3 [Notice of Motion J(12)]

Report dated January 27, 2004, from the Chief Administrative Officer, entitled "Enwave District Energy Limited Special Shareholders' Meeting" (See Minute No. 3.64, Page 75):

Purpose:

To recommend that the Chief Administrative Officer or her designate be appointed as the City's proxyholder at a Special Shareholders' Meeting of Enwave District Energy Limited to be held on February 9, 2004 and at any continuation of the meeting, and to obtain instructions as to how the proxyholder is to vote at the Meeting.

Financial Implications and Impact Statement:

This report has no financial impacts.

Recommendations:

It is recommended that:

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

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

- (d) to allow for a variation in the term of the appointments of the above-mentioned directors from the three years provided for in the shareholders agreement between the City, BPC Penco Corporation and Enwave, for this time only; and
 - (e) to vote at her or his discretion on any other minor matter as may properly come before the Special Shareholders Meeting;
- (4) Council authorize and direct the City Clerk and the City's Chief Financial Officer and Treasurer or their designates, to execute, on behalf of the City, the proxy substantially in the form of Attachment Two; and
 - (5) Council authorize and direct the City Chief Administrative Officer or her designate and the City Clerk or her designate to take or cause to be taken all necessary action to give full effect to the foregoing.

Background:

Under the terms of the Shareholders Agreement made between the City, BPC Penco Corporation ("BPC") and Enwave, directors of Enwave are appointed for a three-year term. Although Enwave has two shareholders, the City is the only voting shareholder. BPC owns only non-voting shares. The most recent Shareholders Meeting took place on October 2, 2003, at which Enwave directors were elected retroactively to December 15, 2002.

At that time the City as the voting shareholder of Enwave:

- (a) elected Councillor David Shiner, as the Mayor's designate, and Rochelle Stenzler and Harriet Reisman, as citizen directors, as the City's three nominee directors for a three-year term commencing December 15, 2002;
- (b) elected BPC's three nominee directors, Dale Richmond, Tomlinson Gunn and Michael Nobrega, for a one-year term commencing December 15, 2002; and
- (c) agreed to vary the term of BPC's nominee directors from three years to one year at the request of BPC.

BPC requested the variation in term because it was known that Dale Richmond would be retiring as President and CEO of OMERS in September 2003.

A special shareholders' meeting now is required to elect BPC nominee directors to hold office until the second annual shareholders meeting after December 15, 2003 or until their successors are elected or appointed.

Also, following the municipal election, numerous new appointments were made to the City's agencies, boards, commissions and corporations. The Mayor himself will be assuming the position

of “the Mayor or his designate” on the Enwave board of directors for the balance of the term. Accordingly it is necessary to have the City, as the only voting shareholder of Enwave, elect the Mayor as a director of Enwave for the balance of the term, which is approximately two years. (It should be noted that unless directors resign or are removed, they remain on the board for the terms of their appointments or until their successors are appointed.)

The City must appoint a proxyholder to vote its shares at the special shareholders meeting.

Comments:

(1) Recommended Appointment of Proxyholder

The City attends and votes its shares at shareholders’ meeting through a proxyholder. A proxyholder is required by law to act in accordance with the shareholder’s instructions.

Although a shareholder may appoint any individual as a proxyholder, it generally is advisable not to appoint a director as proxyholder because a director is likely to have voted on some of the matters to be decided at the shareholders’ meeting.

It is recommended that Council appoint the City Chief Administrative Officer or her designate as the City’s proxyholder at the special shareholders meeting

(2) Recommended Instructions to the Proxyholder:

BPC has provided the City with the names of BPC’s three nominees to the Enwave Board of Directors. Council at its meeting of December 2, 3, 2003 terminated the appointment of Councillor Shiner as the Mayor’s designate on the Enwave board because the Mayor advised that he will serve for the balance of the current term on the board.

Under the terms of the Shareholders Agreement, the City and BPC agree to vote their voting shares to elect BPC’s and the City’s nominees to the Enwave Board of Directors. Accordingly Council should direct that its proxyholder vote the City’s shares to elect the following persons to the board of directors:

- (i) Mayor David Miller,
- (ii) Michael Nobrega,
- (iii) Paul George Haggis, and
- (iv) Dominique Y. Hansen.

and to vary the term of office for those directors so that the term continues until second annual meeting of shareholders held after this special meeting or until their successors are elected or appointed. Council should also direct that its proxyholder vote the City’s shares to accept the

resignation of Dale Richmond as director, and to either accept the resignations of Tomlinson Gunn and Councillor Shiner as directors or to remove them from the board effective as of the date of the meeting.

It should be noted that the references in this report to "removal" of directors are in no way an indicator of any dissatisfaction on the part of the City or BPC with its directors who will not be continuing on the board. It simply reflects the need for clarity of corporate records regarding the timing of changes in directors.

(3) Execution of the Form of Proxy:

It is recommended that the City Clerk and the City's Chief Financial Officer and Treasurer, or their designates, be authorized and directed to execute, on behalf of the City, the proxy substantially in the form of Attachment Two to this report.

Conclusions:

This report recommends that the Chief Administrative Officer or her designate be appointed the City's proxyholder to vote the City's common shares in Enwave at Enwave's Special Shareholders Meeting on February 9, 2004 or any adjournment of the meeting. This report also recommends that directions be given to the proxyholder as to her or his actions at the Special Shareholders Meeting.

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List of Attachments:

Attachment 1: Enwave District Energy Limited - Notice of Special meeting of Shareholders; and
Attachment 2: Enwave District Energy Limited - Common Share Proxy

Attachment 1

ENWAVE DISTRICT ENERGY LIMITED

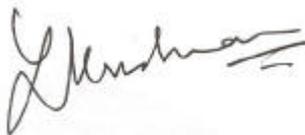
NOTICE OF SPECIAL MEETING OF SHAREHOLDERS

Take notice that a Special Meeting of the holders of shares of Enwave District Energy Limited (the "Corporation") will be held at 11:00 a.m. on the 9th day of February, 2004 at the offices of the Corporation, Suite 3400, 79 Wellington Street West, Maritime Life Tower, Toronto-Dominion Centre, Toronto, Ontario, for the following purposes:

1. To reappoint Michael Nobrega as a Director of the Corporation to hold office until the second annual meeting of the shareholders of the Corporation to be held after the October 2, 2003 annual shareholders meeting, or until his successor is elected or appointed.
2. To appoint Mayor David Miller, Paul George Haggis and Dominique Y. Hansen as Directors of the Corporation to hold office until the second annual meeting of the shareholders of the Corporation to be held after the October 2, 2003 annual shareholders meeting, or until their successors are elected or appointed.
3. To accept the resignation of Dale Richmond as a Director of the Corporation effective December 31, 2003.
4. To either accept the resignations of Councillor David Shiner and Tomlinson Gunn effective February 9, 2004, or to remove those individuals as directors effective February 9, 2004.
5. To allow for a variation in the term of the appointments of these directors as provided above.
6. To transact such other business as may properly come before the Meeting or any adjournment or adjournments thereof.

Dated at Toronto, Ontario this 26th day of January, 2004.

By Order of the Chair



Krishnan Iyer
Corporate Secretary

Attachment 2

ENWAVE DISTRICT ENERGY LIMITED

COMMON SHARE PROXY

Solicited on behalf of the Management of Enwave District Energy Limited for the Special Meeting of Shareholders to be held on February 9, 2004.

The undersigned holder of common shares of Enwave District Energy Limited (the "Corporation") hereby appoints Shirley Hoy or her designate as nominee of the undersigned to attend and vote for and on behalf of the undersigned at the Special Meeting of Shareholders to be held on February 9, 2004 and at any adjournment thereof, to the same extent and with the same power as if the undersigned were personally present at the said meeting or such adjournment thereof; and the undersigned hereby revokes all proxies previously given. Without limiting the generality of the power hereby conferred, the above-named proxyholders are specifically directed to vote all common shares registered in the name of the undersigned as follows:

1. To re-elect Mr. Michael Nobrega as a Director of the Corporation to hold office until the second annual meeting of the shareholders of the Corporation to be held after the October 2, 2003 annual shareholders meeting, or until his successor is elected or appointed.
2. To elect Mayor David Miller, Paul George Haggis and Dominique Y. Hansen as Directors of the Corporation to hold office until the second annual meeting of the shareholders of the Corporation to be held after the October 2, 2003 annual shareholders meeting, or until their successors are elected or appointed.
3. To accept the resignation of Dale Richmond as a Director of the Corporation effective December 31, 2003.
4. To either accept the resignations of Councillor David Shiner and Tomlinson Gunn effective February 9, 2004, or to remove those individuals as directors effective February 9, 2004.
5. To allow for a variation in the term of the appointments of these directors as provided above.
6. To transact such other business as may properly come before the Meeting or any adjournment or adjournments thereof.

Dated the _____ day of _____, 2004.

Name of Shareholder: City of Toronto

Authorized Signatures: _____
Joseph P. Pennachetti, City Chief Financial Officer & Treasurer

Ulli Watkiss, City Clerk

FISCAL IMPACT STATEMENT SUMMARY
Notices of Motion

Submitted by the Chief Financial Officer and Treasurer
Council Meeting – January 27, 28 and 29, 2004

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(1)	Revised Date for March 2004 City Council Meeting	\$ 0	\$ 0	Consider.
J(2)	Sewer Impost Charges – 268 Merton Street – Ewart Angus Homes Ltd.	\$25,698	\$ 0	See FIS. Consider.
J(3)	Toronto Computer Leasing Inquiry (TCLI) and Toronto External Contracts Inquiry (TECI)	(\$3,070,000)	\$ 0	See Report Attached to Motion.
J(4)	Settlement of Legal Action relating to a Personal Matter			<i>See Confidential Report.</i>
J(5)	Settlement of Legal Action relating to Contracts Nos. 58449, 58451, 58453 and 58425-Relining Various Lengths of Clay Sewer Pipe			<i>See Confidential Report.</i>
J(6)	Proposed Adjustments to the Boundaries of the Toronto South Community Council and the Toronto West Community Council	\$ 0	\$ 0	See FIS. Consider.
J(7)	Report on Local 3888 Memorandum of Agreement for the term 2002-2006			<i>See Confidential Report.</i>
J(8)	Supply of all Labour, Materials and Equipment required to provide Winter Maintenance at various locations of the Toronto Fire Services during the 2003-2004 Winter season	\$162,758	\$ 0	See FIS. Consider.
J(9)	Harmonization of By-laws Concerning Long Grass and Weeds	\$ 0	\$ 0	Consider.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(10)	Court Application by Toronto District School Board against the City of Toronto with respect to a Portion of the Saranac Public School Lands	Up to \$75,000		See FIS. Consider.
J(11)	Request for Report on Possible Expropriation of Lands – 3514 Finch Avenue West	\$ 0	\$ 0	Consider.
J(12)	Enwave District Energy Limited – Special Shareholder’s Meeting	\$ 0	\$ 0	Consider.
J(13)	Request for a Special Meeting of Council Regarding Violent Crime	\$ 0	\$ 0	Consider.
J(14)	Transfer of Administrative Responsibility for Ward 15, Committee of Adjustment Cases to the North York Civic Centre			
J(15)	Skateboard Park	\$ 0	\$ 0	Consider.
J(16)	Supreme Court of Canada Decision in Toronto (City) vs CUPE Local 79	\$ 0	\$ 0	Consider.

Date: January 28, 2004

Date: January 28, 2004

