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These Minutes were confirmed by City Council on May 18, 2004

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**MINUTES OF A SPECIAL MEETING
OF THE COUNCIL
OF THE
CITY OF TORONTO**

**THURSDAY, APRIL 15, 2004, AND
FRIDAY, APRIL 16, 2004, 2004**

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

S6.1 CALL TO ORDER - 9:36 A.M.

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

The meeting opened with O Canada.

S6.2 NOTICE OF SPECIAL MEETING

Mayor Miller read the following Notice of Special Meeting:

“A Special meeting of Council will be held on Thursday, April 15, 2004, and Friday, April 16, 2004, in the Council Chamber, Toronto City Hall, at 9:30 a.m., for the following purposes:

- (1) to consider the Reports of the Community Councils from their meetings of April 7, 2004, as previously scheduled by Council;
- (2) to consider the deferred business from the regular meeting of Council held on March 1, 2 and 3, 2004;

- (3) to introduce and enact General Bills; and
- (4) to introduce and enact a confirming by-law for this Special meeting.”

S6.3 **PETITION**

Councillor Walker submitted a petition containing the signatures of approximately 8,050 individuals, in support of Falun Dafa.

Disposition:

The petition was considered with Motion F(2), moved by Councillor Walker, seconded by Councillor Balkissoon, regarding the proclamation of May 13, 2004, as Falun Dafa Day in Toronto.

PRESENTATION OF REPORTS

S6.4 Councillor Holyday presented the following Reports for consideration by Council:

Deferred Clauses:

Report No. 2 of The Policy and Finance Committee, Clauses Nos. 22a, 30a and 50a,
Report No. 2 of The Administration Committee, Clauses Nos. 12a, 22a and 26a,
Report No. 2 of The Economic Development and Parks Committee, Clause No. 14a,
Report No. 1 of The Planning and Transportation Committee, Clause No. 3b,
Report No. 2 of The Planning and Transportation Committee, Clauses Nos. 4a and 5a,
Report No. 2 of The Toronto North Community Council, Clause No. 7a,
Report No. 2 of The Toronto South Community Council, Clauses Nos. 4a and 14a,
Report No. 2 of The Toronto West Community Council, Clauses Nos. 7a, 10a,
12a and 13a, and
Report No. 2 of The Audit Committee, Clauses Nos. 2a and 12a.

New Reports:

Report No. 3 of The Toronto East Community Council,
Report No. 3 of The Toronto North Community Council,
Report No. 3 of The Toronto South Community Council, and
Report No. 3 of The Toronto West Community Council,

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

S6.5 DECLARATIONS OF INTEREST

Councillor Nunziata declared her interest in Clause No. 8 of Report No. 3 of The Toronto West Community Council, headed “Traffic Assessment - The Kingsway Neighbourhood (Ward 5 - Etobicoke-Lakeshore)”, in that her brother is a resident of The Kingsway.

Councillor Cho declared his interest in Motion F(2), moved by Councillor Walker, seconded by Councillor Balkissoon, regarding the proclamation of May 13, 2004, as Falun Dafa Day in the City of Toronto, in that he is the Chair of the Toronto Zoo.

**CONSIDERATION OF REPORTS
CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION**

S6.6 The following Clauses were held by Council for further consideration:

Report No. 2 of The Policy and Finance Committee, Clauses Nos. 22a, 30a and 50a.

Report No. 2 of The Administration Committee, Clauses Nos. 12a, 22a and 26a.

Report No. 2 of The Economic Development and Parks Committee, Clause No. 14a.

Report No. 1 of The Planning and Transportation Committee, Clause No. 3b.

Report No. 2 of The Planning and Transportation Committee, Clauses Nos. 4a and 5a.

Report No. 2 of The Toronto North Community Council, Clause No. 7a.

Report No. 2 of The Toronto South Community Council, Clauses Nos. 4a and 14a.

Report No. 2 of The Toronto West Community Council, Clauses Nos. 7a, 10a, 12a and 13a.

Report No. 2 of The Audit Committee, Clauses Nos. 2a and 12a.

Report No. 3 of The Toronto East Community Council, Clauses Nos. 8, 24 and 27.

Report No. 3 of The Toronto North Community Council, Clauses Nos. 4, 14, 21, 34, 35, 43, 44, 45 and 46.

Report No. 3 of The Toronto South Community Council, Clauses Nos. 10, 21, 23, 27, 49 and 60.

Report No. 3 of The Toronto West Community Council, Clauses Nos. 8, 9, 16, 20, 27 and 34.

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

Report No. 2 of The Toronto North Community Council, Clause No. 7a.

Report No. 2 of The Toronto West Community Council, Clause No. 10a.

Report No. 3 of The Toronto North Community Council, Clauses Nos. 14, 21, 35 and 46.

Report No. 3 of The Toronto South Community Council, Clause No. 23.

Report No. 3 of The Toronto West Community Council, Clause No. 20.

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.

The following Clause was re-opened for further consideration and subsequently amended:

Report No. 3 of The Toronto South Community Council, Clause No. 7. (See Minute No. S6.11, Page 19)

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

- S6.7 **Clause No. 34 of Report No. 3 of The Toronto North Community Council, headed “Inclusion on the City of Toronto Inventory of Heritage Properties - Leaside Bridge (Ward 26 - Don Valley West, and Ward 29 - Toronto-Danforth)”.**

Motion:

Councillor Rae moved that the Clause be amended in accordance with the following recommendation of the Toronto South Community Council contained in the communication dated April 8, 2004, from the City Clerk:

“The Toronto South Community Council recommends the adoption of the report (February 16, 2004) from the Commissioner of Economic Development, Culture and Tourism, subject to amending Paragraph 1 of the ‘Reasons for Listing’ by adding the word ‘civil’ before the word ‘engineering’.”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

- S6.8 **Clause No. 34 of Report No. 3 of The Toronto West Community Council, headed “Application to Authorize a Major Fence Encroachment Agreement to Permit a Newly Constructed Wood Fence to Remain on the City Boulevard (Ward 5 – Etobicoke-Lakeshore)”.**

Motion:

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

Vote:

The motion by Councillor Milczyn carried.

- S6.9 **Deferred Clause No. 30a of Report No. 2 of The Policy and Finance Committee, headed “Use of Fort York Armoury as a Temporary Shelter and Referral Centre”.**

Motions:

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

Deputy Mayor Pantalone in the Chair.

- (b) Councillor Del Grande 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 re-evaluate the \$1,000,000.00 that was spent to provide a temporary shelter and emergency referral centre at the Fort York Armoury, and examine whether rental subsidies would be more appropriate to move 138 families out of shelters, and report on these matters to the Community Services Committee.”

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

“It is further recommended that:

- (1) the Commissioner of Community and Neighbourhood Services be requested to formalize a system of collecting success rate statistics relative to the shelter system, and to report to Council, on a regular basis, through the Community Services Committee, on these statistics, such report to include as much information as possible; and
- (2) clients of the emergency shelter system be requested to provide information on previous addresses in the City, Province or Country or former City,

Province or Country, and the Commissioner of Community and Neighbourhood Services be requested to report this information to Council, through the Community Services Committee, on a regular basis.”

- (d) Councillor Ootes 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 report to the next regular meeting of Council, through the Community Services Committee, with a plan related to the \$180 million the City spends annually on shelters, and that the \$180 million be capped, and the City start moving from spending those monies on shelters towards providing more substantive housing for the homeless.”

- (e) Councillor Hall 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 next meeting of the Community Services Committee on:

- (a) the minimum services that will be required to provide for the functioning of a temporary shelter, such as accommodation, food and security; and
- (b) the process for the approval of the costs incurred for temporary shelters.”

- (f) Councillor Nunziata 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 conduct an audit on the number of homeless persons on the street, and submit an annual report to the Community Services Committee providing a comparison to previous years.”

- (g) Councillor Kelly moved that all motions, with the exception of motion (a) by Councillor Ford, be referred to the Commissioner of Community and Neighbourhood Services for a report to the next meeting of the Community Services Committee.

- (h) 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 alternative harm reduction programs, such report to address the possible gradual elimination of providing alcohol to shelter clients.”

Mayor Miller in the Chair.

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

“It is further recommended that the appropriate City staff be instructed to keep public spaces clear and unobstructed for pedestrian traffic.”

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

“It is further recommended that:

- (1) the appropriate Provincial Ministries, including the Ministry of the Attorney General, be requested to assist the City of Toronto in developing an effective by-law to address the issue of homeless people sleeping in public spaces; and
- (2) the Provincial Government be requested to work with the City to ensure the provision of necessary services required to end street homelessness.”

- (k) Councillor Shiner 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, no later than the meeting scheduled for June 3, 2004, on the per diem cost the City of Toronto pays to operate all shelter facilities similar to the Fort York Armoury, and proposed future costs to the City of Toronto to operate shelter bed facilities delivering similar services and emergency services.”

Votes:

Adoption of motion (a) by Councillor Ford:

Yes - 10	
Councillors:	Carroll, Del Grande, Ford, Holyday, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Thompson
No - 32	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Walker, Watson

Lost by a majority of 22.

Procedural Motion:

Councillor Walker moved that separate votes be taken on each motion to be referred by motion (g) by Councillor Kelly:

Ruling by Mayor:

Mayor Miller, having regard to the nature of the motion by Councillor Walker, ruled the motion out of order.

Councillor Walker challenged the ruling of the Mayor.

Vote to Uphold Ruling of Mayor:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Rae, Soknacki, Thompson
No - 14	
Councillors:	Balkissoon, Cho, Del Grande, Feldman, Jenkins, Mammoliti, Milczyn, Nunziata, Palacio, Saundercook, Shiner, Stintz, Walker, Watson

Carried by a majority of 14.

Procedural vote that separate votes be taken on each motion to be referred by motion (g) by Councillor Kelly:

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

Carried by a majority of 18.

Votes:

Adoption of motion (g) by Councillor Kelly, as it pertains to the referral of motion (b) by Councillor Del Grande:

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

Carried by a majority of 16

Adoption of motion (g) by Councillor Kelly, as it pertains to the referral of Part (1) of motion (c) by Councillor Mammoliti:

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

Carried by a majority of 20.

Adoption of motion (g) by Councillor Kelly, as it pertains to the referral of Part (2) of motion (c) by Councillor Mammoliti:

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

Lost by a majority of 16.

Ruling by Mayor:

Councillor Ashton requested Mayor Miller to rule on whether Part (2) of motion (c) by Councillor Mammoliti was in order.

Mayor Miller, having regard to the nature of Part (2) of motion (c) by Councillor Mammoliti, ruled such Part in order.

Councillor Ashton challenged the ruling of the Mayor.

Vote to Uphold Ruling of Mayor:

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

Carried by a majority of 24.

Votes:

Adoption of Part (2) of motion (c) by Councillor Mammoliti, without amendment:

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

Lost by a majority of 4

Adoption of motion (g) by Councillor Kelly, as it pertains to the referral of motion (d) by Councillor Ootes:

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

Lost by a majority of 20.

Adoption of motion (d) by Councillor Ootes, without amendment:

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

Lost by a majority of 4.

Adoption of motion (g) by Councillor Kelly, as it pertains to the referral of motion (e) by Councillor Hall:

Yes - 27 Mayor: Councillors:	Miller Ashton, Augimeri, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fillion, Fletcher, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Soknacki, Thompson
No - 17 Councillors:	Altobello, Balkissoon, Bussin, Carroll, Cho, Feldman, Ford, Giambrone, Hall, Nunziata, Palacio, Rae, Saundercook, Shiner, Stintz, Walker, Watson

Carried by a majority of 10.

Adoption of motion (g) by Councillor Kelly, as it pertains to the referral of motion (f) by Councillor Nunziata:

Yes - 27	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Chow, Cowbourne, De Baeremaeker, Di Giorgio, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Soknacki, Thompson
No - 17	
Councillors:	Altobello, Balkissoon, Bussin, Carroll, Cho, Davis, Del Grande, Feldman, Filion, Milczyn, Pantalone, Rae, Saundercook, Shiner, Stintz, Walker, Watson

Carried by a majority of 10.

Adoption of motion (g) by Councillor Kelly, as it pertains to the referral of motion (h) by Councillor Cho:

Yes - 23	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Cowbourne, Davis, De Baeremaeker, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Soknacki, Thompson
No - 21	
Councillors:	Altobello, Balkissoon, Bussin, Carroll, Cho, Chow, Del Grande, Di Giorgio, Feldman, Filion, Ford, Minnan-Wong, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker, Watson

Carried by a majority of 2.

Adoption of motion (g) by Councillor Kelly, as it pertains to the referral of motion (i) by Councillor Saundercook:

Yes - 16	
Mayor:	Miller
Councillors:	Augimeri, Chow, Cowbourne, De Baeremaeker, Filion, Fletcher, Giambrone, Hall, Kelly, McConnell, Mihevc, Minnan-Wong, Moscoe, Pitfield, Thompson
No - 28	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Davis, Del Grande, Di Giorgio, Feldman, Ford, Grimes, Holyday, Jenkins, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson

Lost by a majority of 12.

Adoption of motion (i) by Councillor Saundercook, without amendment:

Yes - 27	
Councillors:	Altobello, Augimeri, Balkissoon, Cho, Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson
No - 17	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Mihevc, Moscoe, Pantalone, Walker, Watson

Carried by a majority of 10.

Adoption of motion (g) by Councillor Kelly, as it pertains to the referral of motion (j) by Councillor Pitfield:

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

Lost by a majority of 18.

Adoption of motion (j) by Councillor Pitfield, without amendment:

Yes - 35	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 9	
Councillors:	Carroll, Chow, Cowbourne, Davis, Fletcher, Giambrone, Mihevc, Thompson, Walker

Carried by a majority of 26.

Adoption of motion (g) by Councillor Kelly, as it pertains to the referral of motion (k) by Councillor Shiner:

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

Lost by a majority of 4.

Adoption of motion (k) by Councillor Shiner, without amendment:

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

Carried by a majority of 16.

Adoption of Clause, as amended:

Yes - 38	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 6	
Councillors:	Altobello, Carroll, Ford, Minnan-Wong, Nunziata, Ootes

Carried by a majority of 32.

In summary, Council amended this Clause by adding the following:

“It is further recommended that:

- (1) the appropriate Provincial Ministries, including the Ministry of the Attorney General, be requested to assist the City of Toronto in developing an effective by-law to address the issue of homeless people sleeping in public spaces;
- (2) the Provincial Government be requested to work with the City to ensure the provision of necessary services required to end street homelessness;
- (3) the appropriate City staff be instructed to keep public spaces clear and unobstructed for pedestrian traffic;
- (4) the Commissioner of Community and Neighbourhood Services be requested to submit a report to the Community Services Committee, no later than the meeting scheduled for June 3, 2004, on the per diem cost the City of Toronto pays to operate all shelter facilities similar to the Fort York Armoury, and proposed future costs to the City of Toronto to operate shelter bed facilities delivering similar services and emergency services; and

- (5) the following motions be referred to the Commissioner of Community and Neighbourhood Services for report thereon to the April 29, 2004 meeting of the Community Services Committee:

Moved by Councillor Cho:

‘It is further recommended that the Commissioner of Community and Neighbourhood Services be requested to submit a report to the Community Services Committee on alternative harm reduction programs, such report to address the possible gradual elimination of providing alcohol to shelter clients.’

Moved by Councillor Del Grande:

‘It is further recommended that the Commissioner of Community and Neighbourhood Services be requested to re-evaluate the \$1,000,000.00 that was spent to provide a temporary shelter and emergency referral centre at the Fort York Armoury, and examine whether rental subsidies would be more appropriate to move 138 families out of shelters, and report on these matters to the Community Services Committee.’

Moved by Councillor Hall:

‘It is further recommended that the Commissioner of Community and Neighbourhood Services be requested to submit a report to the next meeting of the Community Services Committee on:

- (a) the minimum services that will be required to provide for the functioning of a temporary shelter, such as accommodation, food and security; and
- (b) the process for the approval of the costs incurred for temporary shelters.’

Moved by Councillor Mammoliti:

‘It is further recommended that the Commissioner of Community and Neighbourhood Services be requested to formalize a system of collecting success rate statistics relative to the shelter system, and to report to Council, on a regular basis, through the Community Services Committee, on these statistics, such report to include as much information as possible.’

Moved by Councillor Nunziata:

‘It is further recommended that the Commissioner of Community and Neighbourhood Services be requested to conduct an audit on the number of homeless persons on the street, and submit an annual report to the Community Services Committee providing a comparison to previous years.’ ”

S6.10 Clause No. 21 of Report No. 3 of The Toronto South Community Council, headed “Railway Lands West Public Realm Master Plan, Architectural Guidelines and Implementation Plan (Trinity-Spadina, Ward 20)”.

The Clause was submitted without recommendation.

Motion:

Councillor Rae moved that Council adopt the following recommendation:

‘It is recommended that the supplementary report dated April 15, 2004, from the Commissioner of Urban Development Services, containing the following recommendation, be adopted:

‘It is recommended that Council adopt the Public Realm Master Plan, Architectural Guidelines and Implementation Plan for the Railway Lands West, attached to this report as Attachment 1.’ ”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

S6.11 Clause No. 7 of Report No. 3 of The Toronto South Community Council, headed “Requests for Endorsement of Events for Liquor Licencing Purposes”.

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

Councillor Palacio, 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 Palacio moved that the Clause be amended by adding the following new Part (m) to Recommendation No. (1) of the Toronto South Community Council:

“(m) Once a Shoreline Jumbilees Theatre to be held at the Davenport Perth Neighbourhood Centre, from May 21 to May 23, 2004, inclusive, and from May 28 to May 30, 2004, inclusive;”.

Votes:

The motion by Councillor Palacio carried.

The Clause, as amended, carried.

S6.12 Deferred Clause No. 14a of Report No. 2 of The Toronto South Community Council, headed “Fort York Neighbourhood Public Realm Master Plan and Architectural Design Guidelines (Trinity-Spadina, Wards 19 and 20)”.

Motion:

Deputy Mayor Pantalone moved that consideration of the Clause be deferred to the next regular meeting of City Council on May 18, 2004.

Votes:

The motion by Deputy Mayor Pantalone carried.

S6.13 Deferred Clause No. 14a of Report No. 2 of The Economic Development and Parks Committee, headed “International Alliance Program (IAP) Summary Report for 2003 and Work Plan for 2004 (All Wards)”.

Deputy Mayor Pantalone in the Chair.

Motions:

- (a) Councillor Ford moved that the Clause be amended to provide that no trips, under the International Alliance Program, funded by the City’s tax base, be taken by any City of Toronto staff or Members of City Council, in the year 2004, anywhere outside of Canada.

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

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism, in consultation with the Mayor’s Office, be requested to re-examine and report back to the Economic Development and Parks Committee on the following:

- (1) the City of Toronto’s International Alliance program, with a view to forging cultural and educational relationships, as well as economic ones; and
- (2) recommendations for a new policy on cultural relationships, taking into account Cities around the world with ethnic and cultural communities that are represented in the multi-cultural fabric of the City of Toronto;

and the Mayor be requested to establish a Task Force in this regard.”

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

“It is further recommended that Councillor Lindsay Luby be included in the delegation to visit Kiev.”

- (d) Councillor Milczyn moved that the Clause be amended by deleting the following Part (1) from the recommendation of the Economic Development and Parks Committee:

“(1) a stop over in Kiev be included in concert with the Frankfurt mission in the fall of 2004; and”.

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

“It is further recommended that the International Alliance Program (IAP) formally set up a protocol with Tourism Toronto to co-ordinate a synergetic approach to the International presentation of the City of Toronto.”

Mayor Miller in the Chair.

- (f) Councillor Minnan-Wong moved that the Clause be amended to provide that the City of Toronto limit the International Alliance Program to those countries that rank within the top 25 trading nations with Canada.

(g) Councillor Kelly 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 the potential for working with companies or trade organizations to either include them in the International Alliance Program trips or to seek sponsorship funds from them, as well as from other agencies that have international connections, i.e., the Lions Club or the Rotarians.”

Permission to Withdraw Motion:

Councillor Mammoliti, with the permission of Council, withdrew his motion (c).

Votes:

Adoption of motion (a) by Councillor Ford:

Yes - 3 Councillors: Ford, Holyday, Palacio
No - 34 Mayor: Miller Councillors: Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Pantalone, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson

Lost by a majority of 31.

Adoption of motion (d) by Councillor Milczyn:

Yes - 10 Councillors: Ashton, Balkissoon, Del Grande, Ford, Holyday, McConnell, Milczyn, Minnan-Wong, Shiner, Thompson
No - 28 Mayor: Miller Councillors: Altobello, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Walker, Watson

Lost by a majority of 18.

Adoption of motion (f) by Councillor Minnan-Wong:

Yes - 9	
Councillors:	Altobello, Balkissoon, Del Grande, Feldman, Holyday, Milczyn, Minnan-Wong, Palacio, Stintz
No - 29	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Shiner, Thompson, Walker, Watson

Lost by a majority of 20.

Adoption of motion (b) by Councillor Giambrone:

Yes - 35	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 3	
Councillors:	Ford, Holyday, Minnan-Wong

Carried by a majority of 32.

Motion (e) by Councillor Del Grande carried.

Motion (f) by Councillor Kelly carried.

Adoption of Clause, as amended:

Yes - 36	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 34.

In summary, Council amended this Clause by adding the following:

“It is further recommended that:

- (1) the International Alliance Program (IAP) formally set-up a protocol with Tourism Toronto to co-ordinate a synergetic approach to the International presentation of the City of Toronto;
- (2) the Commissioner of Economic Development, Culture and Tourism, in consultation with the Mayor’s Office, be requested to re-examine and report back to the Economic Development and Parks Committee on the following:
 - (a) the City of Toronto’s International Alliance program, with a view to forging cultural and educational relationships, as well as economic ones; and
 - (b) recommendations for a new policy on cultural relationships, taking into account Cities around the world with ethnic and cultural communities that are represented in the multi-cultural fabric of the City of Toronto;and the Mayor be requested to establish a Task Force in this regard; and
- (3) the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee on the potential for working with companies or trade organizations to either include them in the International Alliance Program trips or to seek sponsorship funds from them, as well as from other agencies that have

international connections, i.e., the Lions Club or the Rotarians.”

S6.14 Deferred Clause No. 4a of Report No. 2 of The Toronto South Community Council, headed “Draft By-laws – Official Plan Amendment and Rezoning - 825, 855 and 863 Bay Street (Toronto Centre-Rosedale, Ward 27)”.

Motions:

- (a) Councillor Walker moved that the Clause be amended by deleting the recommendations of the Toronto South Community Council and inserting instead, the following:

“It is recommended that the application be refused.”

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

“It is further recommended that the Commissioner of Urban Development Services be requested to report to Planning and Transportation Committee on a framework for how residential development will occur in the downtown core, including consideration for height and density maximums, along with policies for providing an incentive for the return of business and commercial development to the downtown centre.”

Ruling by Mayor:

Mayor Miller, having regard to the nature of motion (b) by Councillor Stintz, ruled the motion out of order.

Motion:

- (c) Councillor Jenkins moved that the Clause be referred back to the Toronto South Community Council for renegotiation of the Section 37 benefits and reconsideration of the number of parking spots permitted.

Deputy Mayor Feldman in the Chair.

Vote on Referral:

Adoption of motion (c) by Councillor Jenkins:

Yes - 10	
Councillors:	Cho, Del Grande, Filion, Jenkins, Kelly, Nunziata, Shiner, Stintz, Thompson, Walker
No - 22	
Mayor:	Miller

Councillors:	Altobello, Balkissoon, Bussin, Carroll, Davis, De Baeremaeker, Feldman, Ford, Giambrone, Hall, Holyday, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Pitfield, Rae, Watson
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Lost by a majority of 12.

Votes:

Adoption of motion (a) by Councillor Walker:

Yes - 10	Councillors:	Balkissoon, Cho, Del Grande, Filion, Jenkins, Nunziata, Shiner, Stintz, Thompson, Walker
No - 22	Mayor:	Miller
	Councillors:	Altobello, Bussin, Carroll, Davis, De Baeremaeker, Feldman, Ford, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Pitfield, Rae, Watson

Lost by a majority of 12.

Adoption of Clause, without amendment:

Yes - 23	Mayor:	Miller
	Councillors:	Altobello, Balkissoon, Bussin, Carroll, Davis, De Baeremaeker, Feldman, Ford, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Pitfield, Rae, Watson
No - 9	Councillors:	Cho, Del Grande, Filion, Jenkins, Nunziata, Shiner, Stintz, Thompson, Walker

Carried by a majority of 14.

S6.15 Clause No. 44 of Report No. 3 of The Toronto North Community Council, headed "Ontario Municipal Board Hearing - Committee of Adjustment Application - 76 Horsham Avenue (Ward 23 - Willowdale)".

The Clause was submitted without recommendation.

Motion:

Councillor Filion moved that Council adopt the following recommendation:

“It is recommended that the Motion submitted by Councillor Moscoe, on behalf of Councillor Filion, as contained in the Clause, be adopted.”

Votes:

The motion by Councillor Filion carried.

The Clause, as amended, carried.

S6.16 **Clause No. 45 of Report No. 3 of The Toronto North Community Council, headed “Ontario Municipal Board Hearing - Committee of Adjustment Application - 64 Elmhurst Avenue (Ward 23 - Willowdale)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Filion moved that Council adopt the following recommendation:

“It is recommended that the Motion submitted by Councillor Moscoe, on behalf of Councillor Filion, as contained in the Clause, be adopted.”

Votes:

The motion by Councillor Filion carried.

The Clause, as amended, carried.

S6.17 **Deferred Clause No. 22a of Report No. 2 of The Policy and Finance Committee, headed “Policy and Processes for Citizen Nomination to City Agencies, Boards, Commissions and Corporations (ABCCs) and External Special Purpose Bodies”.**

Motion:

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

“It is further recommended that the nomination process, as it pertains to the St. Lawrence Centre for the Performing Arts, be conducted according to the Type 2: Interest Group Nomination format, and the Canadian Stage Company be requested to nominate members for consideration for Board membership rather than advertising for such positions.”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

S6.18 Deferred Clause No. 3b 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 on May 18, 2004.

Vote:

The motion by Councillor Milczyn carried.

Mayor Miller in the Chair.

S6.19 Deferred Clause No. 2a of Report No. 2 of The Audit Committee, headed “Fleet Operation Review - Phase One”.*Motions:*

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

“It is further recommended that the supplementary report dated February 27, 2004, from the Auditor General, be referred to the Audit Committee and the Auditor General be requested to submit a further report to the Audit Committee providing further information regarding the lease cost continuing to escalate at the same time as the funding for the vehicle replacement program has been increased substantially.”

- (b) Councillor Kelly 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 submit a report to the Audit Committee on:

- (1) the termination of ‘home use’ vehicles;
- (2) the use of credit cards to refuel City vehicles at gas stations inside the boundaries of the City of Toronto; and
- (3) the repairing of City vehicles by private repair shops.”

Votes:

Motion (a) by Councillor Shiner carried.

Motion (b) by Councillor Kelly carried.

The Clause, as amended, carried.

In summary, Council amended this Clause by adding the following:

“It is further recommended that:

- (1) the supplementary report dated February 27, 2004, from the Auditor General, be referred to the Audit Committee and the Auditor General be requested to submit a further report to the Audit Committee providing further information regarding the lease cost continuing to escalate at the same time as the funding for the vehicle replacement program has been increased substantially; and
- (2) the Commissioner of Works and Emergency Services be requested to submit a report to the Audit Committee on:
 - (a) the termination of ‘home use’ vehicles;
 - (b) the use of credit cards to refuel City vehicles at gas stations inside the boundaries of the City of Toronto; and
 - (c) the repairing of City vehicles by private repair shops.”

S6.20 Clause No. 27 of Report No. 3 of The Toronto East Community Council, headed “Status of Land Adjacent to Wood Green Ravine, Located on the East Side of Manse Road, South of Lawrence Avenue East (Ward 44 - Scarborough East)”.

Deputy Mayor Bussin in the Chair.

Motions:

- (a) Councillor Mihevc moved that the Clause be referred to the Chief Administrative Officer, with the request that she report to Policy and Finance Committee, by June 2004, on the feasibility study on the affordable housing demonstration project, as requested by Toronto City Council in July, 2003; and that Council also adopt the following recommendations:
 - (1) the appropriate staff from the Departments of Community and Neighbourhood Services, Economic Development, Culture and Tourism (Parks and Recreation Division), Urban Development Services, Works and Emergency Services and Corporate Services also be requested to report on any issues concerning the feasibility of the proposed demonstration project, including all financial details;
 - (2) in recognition of the priority of this matter, the Chief Administrative Officer be requested to report to the Policy and Finance Committee on these matters

- and recommend a course of action on the disposition of the property by June 2004; and
- (3) the Chief Administrative Officer be requested to immediately convene a working group of all parties, including appropriate City staff, the President of the local Community Association, the local Councillor, local residents from the surrounding co-operative, rental and private homes, representatives from WRP Neighbourhood Housing, and a representative from a local environmental group to provide advice to staff in their preparation of the necessary reports.

Mayor Miller in the Chair.

Deputy Mayor Bussin in the Chair.

- (b) Councillor Nunziata moved that the Clause be amended by deleting the recommendation of the Toronto East Community Council.

Ruling by Deputy Mayor Bussin:

Deputy Mayor Bussin, having regard to the nature of motion (b) by Councillor Nunziata, ruled such motion out of order.

Councillor Ootes challenged the ruling of Deputy Mayor Bussin.

Permission to Withdraw Motion:

Councillor Nunziata, with the permission of Council, withdrew her motion (b).

Withdrawal of Challenge:

Councillor Ootes withdrew his challenge to the ruling of Deputy Mayor Bussin.

Motion:

- (c) Councillor Feldman moved that motion (a) by Councillor Mihevc be amended:
- (1) by adding the words “and, in the interim, Council affirm its commitment to develop affordable housing on the Manse Road site, with WRP Neighbourhood Housing, pending the successful resolution of the issues identified in the requested feasibility study, the site to also include a Police/Ambulance Station and a park”;
- (2) by inserting the words “and Council”, after the words “Policy and Finance Committee”, wherever they occur; and

- (3) to provide that the report requested from the Chief Administrative Officer also include an analysis of whether the area is deficient in parkland.

Vote on Referral:

Adoption of motion (c) by Councillor Feldman:

Yes - 34	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker
No - 6	
Councillors:	Altobello, Balkissoon, Cowbourne, Del Grande, Holyday, Jenkins

Carried by a majority of 28.

Adoption of motion (a) by Councillor Mihevc, as amended:

Yes - 38	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 36.

In summary, City Council referred this Clause to the Chief Administrative Officer, with the request that she report to the Policy and Finance Committee, and Council, by June 2004, on the feasibility study on the affordable housing demonstration project, as requested by Toronto City Council in July 2003, such report to also include an analysis of whether the area is deficient in parkland; City Council also:

- (1) requested the appropriate staff from the Departments of Community and Neighbourhood Services, Economic Development, Culture and Tourism (Parks and

- Recreation Division), Urban Development Services, Works and Emergency Services and Corporate Services to report to Policy and Finance Committee, and Council, by June 2004, on any issues concerning the feasibility of the proposed demonstration project, including all financial details;
- (2) in recognition of the priority of this matter, requested the Chief Administrative Officer to report to the Policy and Finance Committee, and Council, on these matters and recommend a course of action on the disposition of the property by June 2004; and
- (3) requested the Chief Administrative Officer to immediately convene a working group of all parties, including appropriate City staff, the President of the local Community Association, the local Councillor, local residents from the surrounding co-operative, rental and private homes, representatives from WRP Neighbourhood Housing and a representative from a local environmental group, to provide advice to staff in their preparation of the necessary reports.

City Council, in the interim, affirmed its commitment to develop affordable housing on the Manse Road site, with WRP Neighbourhood Housing, pending the successful resolution of the issues identified in the requested feasibility study, the site to also include a Police/Ambulance Station and a park.

S6.21 Deferred Clause No. 4a of Report No. 2 of The Planning and Transportation Committee, headed “City of Toronto Position Regarding Ontario Municipal Board Reform”.

Motions:

- (a) Councillor Moscoe moved that the Clause be amended by deleting the recommendations of the Planning and Transportation Committee and inserting instead the following:

“It is recommended that the supplementary report dated March 1, 2004, from the Commissioner of Urban Development Services, be adopted.”

- (b) Councillor Shiner moved that the Clause be amended by deleting the recommendations of the Planning and Transportation Committee and that Council adopt the following:

“That the Minister of Municipal Affairs and the Attorney General be advised that Toronto City Council believes that:

- (1) Municipal Councils have been duly elected and bear the authority to amend Official Plan, Zoning and other planning matters within the boundaries of their municipalities;

- (2) the Ontario Municipal Board is an appointed body that lacks accountability and representation of the community for which it is requested to adjudicate on planning matters;
- (3) the sole authority to amend official plans, zoning and other planning matters should rest fully with the elected representatives of the Municipal Council; and
- (4) the role of the Ontario Municipal Board should be to determine whether Council has acted within its rules and regulations and if it determines that it has not, that the decision be referred back to City Council; and

further, the Provincial Government be advised that if it does not support the City's request, then the City of Toronto's position on Ontario Municipal Board reform is as outlined in the supplementary report dated March 1, 2004, from the Commissioner of Urban Development Services."

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

"It is further recommended that the Commissioner of Urban Development Services be requested to submit a report to City Council, twice a year, through the Planning and Transportation Committee, on:

- (1) the number of decisions on applications for Official Plan Amendments, Zoning By-law Amendments, Site Plan and/or Committee of Adjustment that are appealed to the Ontario Municipal Board;
- (2) the number of such appeals where the Ontario Municipal Board upholds the position of the City of Toronto; and
- (3) the costs of such appeals, including staff time."

Permission to Change Motion:

Councillor Shiner, with the permission of Council, amended his motion (b) to now read as follows:

"That the Clause be amended by adding the following:

'It is further recommended that the Minister of Municipal Affairs and the Attorney General be advised that Toronto City Council believes that the role of the Ontario Municipal Board should be to determine whether City Council

has acted within its rules and regulations and, if it determines that City Council has not, the decision be referred back to City Council.’ ”

Votes:

Adoption of motion (a) by Councillor Moscoe:

Yes - 27	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Thompson, Watson
No - 5	
Councillors:	Di Giorgio, Holyday, Saundercook, Shiner, Walker

Carried by a majority of 22.

Revised motion (b) by Councillor Shiner carried.

Motion (c) by Councillor Li Preti, moved by Councillor Di Giorgio in the absence of Councillor Li Preti, carried.

Adoption of Clause, as amended:

Yes - 31	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Saundercook, Shiner, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

In summary, Council amended this Clause by:

- (1) deleting the recommendations of the Planning and Transportation Committee and inserting instead the following:

“It is recommended that the following recommendations in the supplementary report dated March 1, 2004, from the Commissioner of Urban Development

Services, be adopted:

‘It is recommended that:

- (1) Council strike out the recommendations of the Planning and Transportation Committee contained in Clause No. 4 of Report No. 2;
- (2) Council adopt the recommendations set out below with respect to Bill 26, and advise the Minister of Municipal Affairs that Council:
 - (a) supports increasing application processing timeframes and the protection of Provincial interests in planning decisions and appeals, but recommends that the application processing timeframes before “failure to proceed” appeals can be made for applications involving:
 - (i) official plan amendments – be increased to 240 days;
 - (ii) zoning by-law amendments only – be increased to 180 days; and
 - (iii) zoning by-law amendments that run concurrently with an official plan amendment – be increased to 240 days;
 - (b) supports the change from “shall have regard to” to “shall be consistent with” Provincial Policy Statements, subject to further consideration of the contents of a revised Provincial Policy Statement;
 - (c) supports consultation by the Province with all stakeholders, including municipalities, on further improvements to planning-related legislation and the Provincial Policy Statement and specifically requests that the City of Toronto be consulted;
 - (d) recommends that the Planning Act be amended to:
 - (i) enshrine in the Act the concept that a “complete application” includes any information

reasonably required by the municipality to make a sound planning decision;

(ii) for the purposes of establishing timeframes before appeals may be made, a “complete” planning application include, at the request of Council, any application-related information identified as necessary to assess the application and set out in a preliminary planning report, as well as information needs arising from the community consultation meeting;

(iii) municipalities be afforded adequate time to review and decide on an application, even where the legislated timeframes cannot be met, taking into account the complexity of the planning application and context and when the applicant has submitted the necessary information, and in particular:

- after an initial municipal review, the applicant and the municipality negotiate a realistic schedule for submission of necessary information and processing of the application;

- the OMB take on a case management role in mediating and/or adjudicating disputes or appeals based on “failure to proceed”; and

- the OMB refer back to Council for processing those “failure to proceed” appeals where the required information is incomplete or when there has been inadequate time for proper municipal review and decision-making;

(e) recommends that the Minister of Municipal Affairs consider broadening the concept of denying appeals of non-municipally endorsed official plan amendments to areas other than “urban settlement boundaries”, and in particular consider denying appeals of non-municipally

endorsed official plan amendments regarding conversion of or changes in boundaries to employment lands;

- (3) the Minister of Municipal Affairs be advised that Council recommends that the legislation governing the planning process and appeals to the Ontario Municipal Board be amended to reflect the primacy of municipal decision-making on planning matters, subject to consistency with declared Provincial interests, and more particularly that a full OMB hearing “de novo” on an appeal of a planning application should not be automatic and should only be scheduled if the Board first finds that a municipality has acted unreasonably, or in a manner not consistent with the Provincial Policy Statement;
- (4) the Minister of Municipal Affairs be advised that Council feels that Committee of Adjustment matters are entirely local in nature and that as such should not be subject to review by a Provincial body. Council recommends that municipalities should have the option in legislation of establishing a “local appeal board” to hear appeals of Committee of Adjustment decisions;
- (5) the Minister of Municipal Affairs be advised that Council recommends revision of the Board practices and procedures, so as to facilitate improved public participation in OMB hearings and proceedings through:
 - (a) the establishment of a fund by the Province for public participation in “de novo” hearings where these occur, with clear criteria to define eligibility for such funding;
 - (b) the preparation and publication of an OMB hearings guidebook explaining the process and the Board’s expectations of participants; and
 - (c) the designation of a senior case manager as a special assistant to the public participants, acting as a resource regarding Board practices and procedures;
- (6) the Minister of Municipal Affairs be advised that Council recommends that the administrative practices with respect to

OMB appointments be revised to promote an independent, fair and competent tribunal, such that:

- (a) Board members be appointed for a term of at least 6 years;
 - (b) required qualifications and candidate evaluation criteria be developed and used in selecting candidates;
 - (c) member selection follow an open process with a non-partisan, multi-stakeholder screening committee making recommendations to Cabinet; and
 - (d) performance measures and annual performance reviews and human resource protocols for appointment renewals be developed and implemented; and
- (7) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.' ”; and

(2) adding the following:

“It is further recommended that:

- (a) the Minister of Municipal Affairs and the Attorney General be advised that Toronto City Council believes that the role of the Ontario Municipal Board should be to determine whether City Council has acted within its rules and regulations and, if it determines that City Council has not, the decision be referred back to City Council; and
- (b) the Commissioner of Urban Development Services be requested to submit a report to City Council, twice a year, through the Planning and Transportation Committee, on:
 - (i) the number of decisions on applications for Official Plan Amendments, Zoning By-law Amendments, Site Plan and/or Committee of Adjustment that are appealed to the Ontario Municipal Board;
 - (ii) the number of such appeals where the Ontario Municipal Board upholds the position of the City of Toronto; and
 - (iii) the costs of such appeals, including staff time.”

S6.22 Deferred Clause No. 22a of Report No. 2 of The Administration Committee, headed “2003 Fourth Quarter Status Report – Optimizing Revenue from Development Potential of TTC Properties (Various Wards)”.

Deputy Mayor Feldman in the Chair.

Motions:

- (a) Councillor Moscoe moved that the Clause be amended by referring the following Recommendation No. (1) of the Administration Committee to the Chief Administrative Officer, with a request that the recommended principle that 25 percent of any residential development be affordable be addressed in the report requested in Recommendation No. (2) of the Administration Committee:

“(1) in the redevelopment of the sites listed in the joint report (January 30, 2004) from the Commissioner of Corporate Services and the Chief General Manager, Toronto Transit Commission, the principle be established that 25 percent of any residential development be affordable;”.

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

“It is further recommended that the Commissioner of Corporate Services be requested to submit a report to the Administration Committee with respect to the properties identified in Appendix 1, 2003 Schedule ‘B’, providing the rationale for determining the ‘Probability for Success’ designation, such report to include the reasons why these locations were not identified as being suitable for affordable housing.”

- (c) Councillor Holyday moved that the Clause be received.

Deputy Mayor Bussin in the Chair.

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

“It is further recommended that, in the event the Clause is adopted, the City compensate the TTC for the difference in the maximum values it could receive for these lands.”

Votes:

Adoption of motion (c) by Councillor Holyday:

Yes - 12	Councillors: Altobello, Balkissoon, Cho, Del Grande, Ford, Hall, Holyday, Kelly, Milczyn, Nunziata, Palacio, Watson
No - 20	Councillors: Ashton, Bussin, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz

Lost by a majority of 8.

Adoption of motion (a) by Councillor Moscoe:

Yes - 26	Councillors: Ashton, Balkissoon, Bussin, Cho, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 6	Councillors: Altobello, Del Grande, Ford, Holyday, Kelly, Lindsay Luby

Carried by a majority of 20.

Adoption of motion (b) by Councillor Fletcher:

Yes - 26	Councillors: Altobello, Ashton, Balkissoon, Bussin, Cho, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Shiner, Stintz, Watson
No - 6	Councillors: Del Grande, Ford, Holyday, Kelly, Saundercook, Soknacki

Carried by a majority of 20.

Deputy Mayor Bussin, having regard to the foregoing decisions of Council, declared motion (d) by Councillor Del Grande, redundant.

Adoption of Clause, as amended:

Yes - 25	
Councillors:	Ashton, Balkissoon, Bussin, Cho, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 7	
Councillors:	Altobello, Del Grande, Ford, Holyday, Kelly, Milczyn, Nunziata

Carried by a majority of 18.

In summary, Council amended this Clause by:

- (1) referring the following Recommendation No. (1) of the Administration Committee to the Chief Administrative Officer, with a request that the recommended principle that 25 percent of any residential development be affordable be addressed in the report requested in Recommendation No. (2) of the Administration Committee:

“(1) in the redevelopment of the sites listed in the joint report (January 30, 2004) from the Commissioner of Corporate Services and the Chief General Manager, Toronto Transit Commission, the principle be established that 25 percent of any residential development be affordable;” and

- (2) adding the following:

“It is further recommended that the Commissioner of Corporate Services be requested to submit a report to the Administration Committee with respect to the properties identified in Appendix 1, 2003 Schedule ‘B’, providing the rationale for determining the ‘Probability for Success’ designation, such report to include the reasons why these locations were not identified as being suitable for affordable housing.”

S6.23 Deferred Clause No. 5a of Report No. 2 of The Planning and Transportation Committee, headed “Harmonization of By-laws Concerning Grass and Weeds”.

Motions:

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

“It is further recommended that the Commissioner of Urban Development Services, in consultation with the Commissioner of Economic Development, Culture and Tourism, be requested to:

- (1) submit a report to the Planning and Transportation Committee on an enhanced program to meet the anticipated demands to cut long grass and weeds during the summer season City-wide, by the introduction of a program to utilize Parks staff to cut long grass and weeds on private property, on a cost recovery basis, rather than hiring contractors on an individual basis, as currently occurs; and
- (2) develop a fee schedule to be included in Chapter 441, Fees, of the City of Toronto Municipal Code, if necessary, to fully recover all of the costs of this program including equipment and staff.”

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

“It is further recommended that:

- (1) the supplementary report dated March 2, 2004, from the City Solicitor, be received; and
- (2) the supplementary report dated April 8, 2004, from the City Solicitor, be adopted.”

(c) Councillor Palacio moved that:

- (1) Part (2) of motion (b) by Councillor Altobello be amended by adding the following words:

“subject to deleting Recommendation No. (4) and inserting instead the following new Recommendation No. (4):

‘(4) the Commissioner of Works and Emergency Services report as part of the Clean and Beautiful City Initiative on the utility and cost implications of requesting Special Legislation:

- (a) to permit the City to require owners and occupants of abutting private property to cut grass and weeds or remove garbage and other debris from the parts of the adjacent highway not being used for motor vehicle traffic; and

- (b) to permit the City to require public corporations such as Canadian National Railway, Canadian Pacific Railway and Hydro One, to cut grass and weeds or remove garbage and other debris from their lands;’ ”; and
- (2) the Clause be amended by adding the following:
- “It is further recommended that the City Solicitor be requested to submit a report to the Works Committee, as part of the Clean and Beautiful City Initiative, on the City of Toronto’s current authority to require public corporations to comply with Notices of Violation or Orders issued pursuant to the Toronto Municipal Code or other by-laws, including the City of Toronto’s authority to undertake the work necessary to bring the property into compliance and to recover the costs incurred to complete the work.”
- (d) Councillor Nunziata moved that:
- (1) Part (1) of motion (c) by Councillor Palacio be amended by referring Part (a) of amended Recommendation No. (4) to the Clean Streets Working Group; and
- (2) Part (1) of motion (a) by Councillor Filion be referred to the Clean Streets Working Group.
- (e) Councillor Balkissoon moved that Part (1) of motion (c) by Councillor Palacio be amended by inserting in Part (b) of amended Recommendation No. (4), after the words “Hydro One”, the words “and the Ministry of Transportation with respect to its lands, along highways abutting residential properties and highway noise barriers”.
- (f) Councillor Hall moved that Part (1) of motion (a) by Councillor Filion be amended by adding the words, “such report to include a cost comparison between using Parks staff versus hiring contractors”.

Votes:

Adoption of Part (1) of motion (d) by Councillor Nunziata:

Yes - 13	
Councillors:	Ashton, Bussin, Cowbourne, De Baeremaeker, Di Giorgio, Fletcher, Hall, Holyday, Lindsay Luby, Milczyn, Nunziata, Ootes, Palacio
No - 18	

Councillors:	Altobello, Balkissoon, Cho, Davis, Del Grande, Filion, Giambrone, Grimes, Jenkins, Kelly, McConnell, Mihevc, Moscoe, Pitfield, Saundercook, Soknacki, Walker, Watson
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Lost by a majority of 5.

Motion (e) by Councillor Balkissoon carried.

Motion (c) by Councillor Palacio carried, as amended.

Motion (b) by Councillor Altobello, as amended, carried.

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

Yes - 8
Councillors: Cowbourne, Di Giorgio, Fletcher, Hall, Holyday, Nunziata, Palacio, Saundercook
No - 22
Councillors: Altobello, Ashton, Balkissoon, Bussin, Cho, Davis, De Baeremaeker, Del Grande, Filion, Giambrone, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pitfield, Soknacki, Walker, Watson

Lost by a majority of 14.

Adoption of motion (f) by Councillor Hall:

Yes - 14
Councillors: Ashton, Cho, Cowbourne, Di Giorgio, Hall, Holyday, Jenkins, Lindsay Luby, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Soknacki
No - 16
Councillors: Altobello, Balkissoon, Bussin, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Giambrone, Kelly, McConnell, Mihevc, Moscoe, Saundercook, Walker, Watson

Lost by a majority of 2.

Adoption of motion (a) by Councillor Filion, without amendment:

Yes - 26

Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Stintz, Walker, Watson
No - 6 Councillors:	Del Grande, Holyday, Kelly, Lindsay Luby, Nunziata, Soknacki

Carried by a majority of 20.

Adoption of Clause, as amended:

Yes - 28 Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Stintz, Walker, Watson
No - 4 Councillors:	Holyday, Kelly, Lindsay Luby, Nunziata

Carried by a majority of 24.

In summary, Council amended this Clause by adding the following:

“It is further recommended that:

- (1) the supplementary report dated March 2, 2004, from the City Solicitor, be received;
- (2) the supplementary report dated April 8, 2004, from the City Solicitor, be adopted, subject to deleting Recommendation No. (4) and inserting instead the following new Recommendation No. (4):
 - (4) the Commissioner of Works and Emergency Services report as part of the Clean and Beautiful City Initiative on the utility and cost implications of requesting Special Legislation:
 - (a) to permit the City to require owners and occupants of abutting private property to cut grass and weeds or remove garbage and other debris from the parts of the adjacent highway not being used for motor vehicle

traffic; and

- (b) to permit the City to require public corporations such as Canadian National Railway, Canadian Pacific Railway and Hydro One, and the Ministry of Transportation with respect to its lands, along highways abutting residential properties and highway noise barriers, to cut grass and weeds or remove garbage and other debris from their lands;’,

so that the recommendations contained in such report, as amended by Council, shall now read as follows:

‘It is recommended that the following recommendations be adopted instead of the recommendations in the City Solicitor’s (March 2, 2004) report, “New Municipal Code Chapter 489, Long Grass and Weeds”:

- (1) the proposed by-law apply only to private lands and that the revised draft by-law, in Appendix 1, be amended accordingly;
- (2) City Council declare its opinion, under section 128 of the Municipal Act, 2001, that if land is not maintained free of long grass and weeds, as described in the revised draft by-law, this is a matter that is or could become or cause public nuisances;
- (3) subject to Recommendation No. (1), authority be granted to introduce in Council the revised draft by-law, “To adopt a new City of Toronto Municipal Code Chapter 489, Grass and Weeds”, substantially in the form set out in Appendix 1;
- (4) the Commissioner of Works and Emergency Services report as part of the Clean and Beautiful City Initiative on the utility and cost implications of requesting Special Legislation:
 - (a) to permit the City to require owners and occupants of abutting private property to cut grass and weeds or remove garbage and other debris from the parts of the adjacent highway not being used for motor vehicle traffic; and

- (b) to permit the City to require public corporations such as Canadian National Railway, Canadian Pacific Railway and Hydro One, and the Ministry of Transportation with respect to its lands, along highways abutting residential properties and highway noise barriers, to cut grass and weeds or remove garbage and other debris from their lands;
 - (5) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.’;
- (3) the City Solicitor be requested to submit a report to the Works Committee, as part of the Clean and Beautiful City Initiative, on the City of Toronto’s current authority to require public corporations to comply with Notices of Violation or Orders issued pursuant to the Toronto Municipal Code or other by-laws, including the City of Toronto’s authority to undertake the work necessary to bring the property into compliance and to recover the costs incurred to complete the work; and
- (4) the Commissioner of Urban Development Services, in consultation with the Commissioner of Economic Development, Culture and Tourism, be requested to:
 - (a) submit a report to the Planning and Transportation Committee on an enhanced program to meet the anticipated demands to cut long grass and weeds during the summer season City-wide, by the introduction of a program to utilize Parks staff to cut long grass and weeds on private property, on a cost recovery basis, rather than hiring contractors on an individual basis, as currently occurs; and
 - (b) develop a fee schedule to be included in Chapter 441, Fees, of the City of Toronto Municipal Code, if necessary, to fully recover all of the costs of this program including equipment and staff.”

S6.24 Clause No. 24 of Report No. 3 of The Toronto East Community Council, headed “Final Report, Rezoning Application TF ZBL 2003 0009, Eden Oak (Woodside Village) Inc., RN Design, Architect, Malvern Community (Ward 42 - Scarborough Rouge River)”.

Motion:

Councillor Balkissoon moved that the Clause be amended by deleting the recommendation

of the Toronto East Community Council and inserting instead the following:

“It is recommended that the report dated March 18, 2004, from the Acting Director of Community Planning, East District, as contained in the Clause, be adopted.”

Votes:

Adoption of motion by Councillor Balkissoon:

Yes - 21	Councillors: Altobello, Ashton, Balkissoon, Del Grande, Di Giorgio, Filion, Giambrone, Holyday, Kelly, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Pantalone, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker
No - 13	Councillors: Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Fletcher, Hall, Jenkins, Lindsay Luby, Moscoe, Palacio, Watson

Carried by a majority of 8.

The Clause, as amended, carried.

Deputy Mayor Feldman in the Chair.

Procedural Motion:

Deputy Mayor Feldman moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of Notice of Motion J(14), moved by Mayor Miller, seconded by Deputy Mayor Bussin, and, in the absence of Mayor Miller, moved by Deputy Mayor Feldman, seconded by Deputy Mayor Bussin, respecting the court application on the Stolport Agreement, which carried, more than two-thirds of Members present having voted in the affirmative.

S6.25 IN-CAMERA MEETING SESSION OF THE COMMITTEE OF THE WHOLE

April 15, 2004:

Deputy Mayor Feldman in the Chair.

Procedural Motion:

Deputy Mayor Feldman, at 6:14 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matters on the Order Paper for this meeting of Council, in accordance with the provisions of the Municipal Act:

- (a) Deferred Clause No. 50a of Report No. 2 of The Policy and Finance Committee, headed “Financial Status of Ricoh Coliseum Project”, as it contains information related to the security of the property of the municipality;
- (b) Deferred Clause No. 12a of Report No. 2 of The Audit Committee, headed “Interim Report on the Progress of Negotiations with SAP Canada Inc. in regard to Software License Costs and Maintenance Fees for SAP Software Licenses Currently Not in Use”, as it contains information related to the security of the property of the municipality or local board; and
- (c) Motion J(14), moved by Deputy Mayor Feldman, seconded by Deputy Mayor Bussin, respecting the court application on the Stolport Agreement, as the confidential report dated April 14, 2004, from the City Solicitor, attached to Motion J(14), contains information which is subject to solicitor-client privilege.

Vote:

The motion by Deputy Mayor Feldman carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 6:25 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 7:23 p.m., and met in public session in the Council Chamber.

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

S6.26 Deferred Clause No. 50a of Report No. 2 of The Policy and Finance Committee, headed “Financial Status of Ricoh Coliseum Project”.

Report of the Committee of the Whole:

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

Moved by Councillor Ootes:

“That the Clause be amended by adding the following:

‘It is further recommended that the General Manager and Chief Executive Officer of Exhibition Place be requested to:

- (1) report to the Policy and Finance Committee in July 2004, either verbally or in writing, on the status of the Ricoh Coliseum project; and
- (2) report in writing to the Policy and Finance Committee in September 2004 on the status of the Ricoh Coliseum project.’ ”

Votes:

The motion by Councillor Ootes carried.

The Clause, as amended, carried.

S6.27 Deferred Clause No. 12a of Report No. 2 of The Audit Committee, headed “Interim Report on the Progress of Negotiations with SAP Canada Inc. in regard to Software License Costs and Maintenance Fees for SAP Software Licenses Currently Not in Use”.

Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the Municipal Act, reported that no motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause.

Vote:

The Clause was adopted, without amendment.

S6.28 Court Application on the Stolport Agreement

Mayor Miller called upon Motion J(14), as follows:

Moved by: Deputy Mayor Feldman

Seconded by: Deputy Mayor Bussin

“**WHEREAS** Council at its meeting held on June 24 to 26, 2003, authorized the settlement of the litigation between the City, TEDCO and the Toronto Port Authority (‘TPA’), involving the TPA’s claims relating to approximately 612 acres of land in the portlands, which were transferred by the former Toronto Harbour Commission to

the City and Toronto Economic Development Corporation ('TEDCO'); and

WHEREAS one of the components of the settlement was for the TPA to complete certain transfers of land to the City and TEDCO; and

WHEREAS there is an agreement between Stolport Corporation and the TPA that is registered against the lands to be transferred and certain other lands previously conveyed to the City and TEDCO, that the City Solicitor recommends should be removed from title before these transfers are completed;

NOW THEREFORE BE IT RESOLVED THAT Council consider the confidential report dated April 14, 2004, from the City Solicitor, regarding pursuing a court application to remove the Stolport Agreement from the title to the lands already transferred and to be transferred."

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(14), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Council also had before it, during consideration of Motion J(14), a confidential report dated April 14, 2004, from the City Solicitor.

Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the Municipal Act, reported that the following motion had been moved in Committee of the Whole for consideration by Council in conjunction with Motion J(14):

Moved by Mayor Miller:

"That Motion J(14) be adopted, subject to adding the following new Operative Paragraph:

'AND BE IT FURTHER RESOLVED THAT the confidential report dated April 14, 2004, from the City Solicitor, be adopted.' "

Votes:

The motion by Mayor Miller carried.

Motion J(14), as amended, carried.

Disposition:

In adopting Motion J(14), as amended, Council adopted, without amendment, the confidential report dated April 14, 2004, from the City Solicitor. 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 City Council:

- (1) instruct the City Solicitor to proceed with the court application for declaratory relief regarding the Stolport Agreement that has been registered on certain lands already transferred and lands to be transferred by the TPA to the City and TEDCO;
- (2) instruct the City Solicitor to retain the firm of Robins, Appleby & Taub to handle the court application for the City and TEDCO with the City and TEDCO jointly sharing the legal costs connected with the court application and the completion of the land transfers; and
- (3) authorize the appropriate City officials to take the necessary steps to give effect thereto.”

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

Deputy Mayor Bussin in the Chair.

S6.29 Possible Adjustments to Municipal Ward Boundaries

Deputy Mayor Bussin called upon Notice of Motion F(1) appearing on the Order Paper, as follows:

Moved by: **Councillor Moscoe**

Seconded by: **Councillor Mihevc**

“**WHEREAS** Bill C-49 from the 37th Parliament – 2nd Session which revised the boundaries of several ridings is being rushed through Parliament in preparation for a possible spring election; and

WHEREAS the boundaries of Federal and Provincial ridings and Toronto municipal wards are co-terminus; and

WHEREAS the rationalization of the electoral boundaries was brought about with the objective of bringing some clarity for electors; and

WHEREAS the changes may bring about the necessity to adjust municipal wards to match the new Federal ridings;

NOW THEREFORE BE IT RESOLVED THAT this matter be referred to the Chief Administrative Officer and the City Clerk with a request that they report to the Administration Committee, on the following:

- (1) the appropriate timing for revising municipal wards;
- (2) the transition to the new municipal boundaries;
- (3) the possibility of replacing the ward numbers with names that are more reflective of the areas they delineate; and
- (4) possible adjustments to the City's Administrative Service Districts."

Mayor Miller in the Chair.

Vote:

Motion F(1) was adopted, without amendment.

Deputy Mayor Bussin in the Chair.

S6.30 **Proclaiming May 13, 2004, as Falun Dafa Day in Toronto**

Deputy Mayor Bussin called upon Notice of Motion F(2) appearing on the Order Paper, as follows:

Moved by: **Councillor Walker**

Seconded by: **Councillor Balkissoon**

“WHEREAS Mayor Mel Lastman wrote a congratulatory letter to the Falun Dafa conference in May 1999; and

WHEREAS on September 5, 2001, Mayor Mel Lastman wrote Prime Minister Jean Chrétien, requesting his attention to the plight of 130 Falun Dafa practitioners engaged in a hunger strike in Shenyang City, Toronto's twin city in China; and

WHEREAS for the last five years Falun Dafa practitioners have hosted the beautiful 'Truth Compassion Tolerance Day' for the Toronto community at Nathan Phillips Square, have been invited to join Christmas, Canada Day and Victoria Day Parades

and have been invited to do presentations to high school and university students throughout the City; and

WHEREAS Falun Dafa is a system of mind and body which has ancient historical roots in oriental culture; and

WHEREAS Falun Dafa's teachings have helped many people improve their health, elevate their mind, uplift their spirit, and deepen their understanding of life, humanity, and the universe; and

WHEREAS Falun Dafa practitioners practice the principle of Zhen-Shan-Ren (Truthfulness, Benevolence, Forbearance) and incorporate it into their daily lives, striving to become better people in all environments and situations, as well as cultivate their bodies by practising smooth and tranquil exercises that can improve their overall physical health; and

WHEREAS transcending cultural and racial boundaries, Falun Dafa has touched the lives of countless people in more than 60 countries, including many people in Canada of different ages, professions and racial backgrounds; and

WHEREAS all Falun Dafa activities, including classes and practices, are offered by volunteers and open to the public free of charge; and

WHEREAS since July 20, 1999, the government of China has been in conflict with the United Nations Universal Declaration of Human Rights by forbidding Falun Dafa practitioners to practice their beliefs;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council hereby proclaims May 13, 2004, as Falun Dafa Day in Toronto, and in issuing this proclamation, commend those who take part in these Falun Dafa activities to bring healthier physical, mental, and spiritual conditions to themselves and to others."

City Council also had before it, during consideration of Motion F(2), the following communications which are on file in the City Clerk's Office:

- (a) (February 25, 2004) from Michael Prue, M.P.P., Beaches-East York;
- (b) (February 20, 2004) from John Zhang, Coordinator, Falun Dafa Association of Canada;
- (c) (March 2, 2004) from the Consulate General of the People's Republic of China in Toronto, submitted by Councillor Giorgio Mammoliti;
- (d) (March 5, 2004) from Susan Mitchell;
- (e) (March 20, 2004) Articles from the National Post, entitled "Falun Gong Persecution Spreads to Canada", and "Chinese Diplomats Use Threats of Reduced Trade", submitted by Councillor Michael Walker and Councillor Bas Balkissoon;
- (f) (undated) from Van-Minh, Banh, Secretary, Chao Chow Association of Ontario

Canada, submitted by Councillor Michael Walker and Councillor Bas Balkissoon; and
(g) (April 5, 2004) from Dylan Rae, Vice-President Student Life, Student's
Administrative Council, University of Toronto.

Councillor Ootes requested Deputy Mayor Bussin to rule on whether Motion F(2) was in
order.

Ruling by Deputy Mayor Bussin:

Deputy Mayor Bussin, having regard to the nature of Motion F(2), ruled that Motion F(2) was
in order.

Councillor Ootes challenged the Chair.

Vote to uphold ruling of Deputy Mayor:

Yes - 16	
Councillors:	Altobello, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Jenkins, Kelly, McConnell, Mihevc, Pantalone, Walker, Watson
No - 21	
Councillors:	Di Giorgio, Fletcher, Ford, Grimes, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson

Lost by a majority of 5.

Disposition:

Based on the foregoing decision of Council, Motion F(2) was ruled out of order.

S6.31 **Proposed Amendment to Licencing By-law to Regulate Issuance of Parking Tickets**

Councillor Moscoe 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 Moscoe

Seconded by: Councillor Altobello

“WHEREAS the Toronto Police Service and motorists have complained of the
issuance of phony parking tickets and fraudulent invoices on private parking facilities;
and

WHEREAS it is estimated that there are more than 30,000 of these tickets issued annually to motorists who are duped or intimidated into paying them, believing them to be legitimate and enforceable; and

WHEREAS motorists receiving such invoices have no right of recourse, or appeal of the issuance, or amount of the notice; and

WHEREAS the amounts claimed are exorbitant and patrons who do not pay these tickets/invoices are harassed by collection agencies who threaten their personal credit ratings; and

WHEREAS this phenomena has grown into a major epidemic within the City of Toronto; and

WHEREAS these abuses should be addressed by an amendment to the City's licensing by-law in the interests of consumer protection;

NOW THEREFORE BE IT RESOLVED THAT this matter be referred to the Planning and Transportation Committee for consideration at its meeting to be held on April 28, 2004, and that notice be given in accordance with Chapter 162, Notice, Public;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Urban Development Services, in consultation with the City Solicitor, and the Toronto Police Service, be requested to report with respect to an appropriate amendment to Chapter 545, Licensing, of the Municipal Code, to eliminate the ability of private parking enforcement agencies, to issue invoices or look alike tickets, and restrict the issuance of tickets to legal City of Toronto tickets issued by certified municipal law enforcement officers."

Advice by Deputy Mayor Bussin:

Deputy Mayor Bussin 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 Planning and Transportation Committee would have to be waived, in order to now consider this 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 133)

Procedural Vote:

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

Disposition:

Motion J(1) was adopted, without amendment.

S6.32 Access to Licence Plate Information

Councillor Moscoe 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 Moscoe

Seconded by: Councillor Altobello

“WHEREAS access to the licence plate identification database maintained by the Province of Ontario is restricted to authorized persons for certain approved purposes only; and

WHEREAS IMPARK, as a commercial business, has apparently managed to secure an agreement with the Ministry of Transportation, in the Province of Ontario, to obtain licence plate information through the Ministry of Transportation database and/or the Canadian Police Information Centre (CPIC); and

WHEREAS IMPARK is not a law enforcement agency and it appears other similar businesses have access to licence plate data, and as such, receive this information improperly;

NOW THEREFORE BE IT RESOLVED THAT officials of the Toronto Police Service be requested to investigate this matter, and City officials meet with Ministry of Transport and/or CPIC officials, to determine why these companies are able to access what is essentially private information.”

Advice by Deputy Mayor Bussin:

Deputy Mayor Bussin 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 Administration Committee would have to be waived, in order to now consider this 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 no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 133)

Procedural Vote:

The vote to waive referral of Motion J(2) to the Administration Committee carried, more than

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

Disposition:

Motion J(2) was adopted, without amendment.

S6.33 Appointments to Intergovernmental Task Force to Eradicate the Asian Long-Horned Beetle

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(3), moved by Deputy Mayor Pantalone, seconded by Mayor Miller, and, in the absence of Mayor Miller, moved by Deputy Mayor Pantalone, seconded by Councillor Shiner, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Shiner

“WHEREAS the Asian Long-Horned Beetle is an imported pest with no natural enemies in Canada and can potentially destroy our urban and natural hardwood forests which will have an economic, aesthetic and environmental impact on society; and

WHEREAS the creation of an Intergovernmental Task Force, as already approved by the City of Vaughan, consisting of elected and appointed officials to communicate, develop, plan, support and implement strategies, as well as educate the public and appropriate partners, is proposed in the fight against the Asian Long-Horned Beetle; and

WHEREAS the mandate of the Intergovernmental Task Force will not overlap with the existing Interagency Management Team chaired by the federal Canadian Food Inspection Agency; and

WHEREAS the mandate of the Intergovernmental Task Force is clearly articulated and limited to enhancing communication between Government and Agency Partners, supporting the planning and implementation of a long term, well-planned and executed strategy to eradicate the Asian Long-Horned Beetle, supporting the planning and implementation of a comprehensive replanting strategy to enhance the health and sustainability of the urban forest, and providing advice on the development and implementation of a communication strategy around public information and education to ensure that the public and appropriate partners are informed on the identification and prevention aspects of the Asian Long-Horned Beetle; and

WHEREAS the Commissioner of Economic Development, Culture and Tourism

supports the creation of an Intergovernmental Task Force;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council support the initiative of Vaughan City Council to form an Intergovernmental Task Force on the Asian Long-Horned Beetle and that Council appoint three Councillor representatives from the City of Toronto to participate in the Task Force.”

Advice by Deputy Mayor Bussin:

Deputy Mayor Bussin 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 Economic Development and Parks Committee would have to be waived, in order to now consider this 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 no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 133)

Procedural Vote:

The vote to waive referral of Motion J(3) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it during consideration of Motion J(3), a communication dated April 2, 2004, from the City Clerk, City of Vaughan, regarding the creation of an Intergovernmental Task Force on the Asian Long-Horned Beetle, which is on file in the City Clerk's Office.

Motion:

Deputy Mayor Pantalone moved that Motion J(3) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT Council waive Section 106, of Chapter 27 of the City of Toronto Municipal Code, in order to permit the direct appointment of three Members of Council to this Task Force, such three Members to be Councillors Hall, Li Preti and Mammoliti.”

Votes:

The motion by Deputy Mayor Pantalone carried.

Motion J(3), as amended, carried.

S6.34 Proposal to Make Used City of Toronto Information Technology Equipment (Personal Computers, Printers and Other Equipment) Available to PEN Canada for Support of ‘Writers in Exile’

Deputy Mayor Bussin, with the permission of Council, 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: Deputy Mayor Bussin

Seconded by: Councillor Walker

“**WHEREAS** Deputy Mayor Bussin, on behalf of Mayor David Miller, attended the conference ‘Building a Writers in Exile Network’, hosted by PEN Canada and PEN Quebec; and

WHEREAS the mandate of the conference was to seek Canadian municipal support and resources for the building of a writers in exile network in Canadian cities; and

WHEREAS an important component of support for refugee writers to continue their invaluable work of conscience, is to provide the tools with which to do so; and

WHEREAS the City of Toronto does dispose of used computer equipment that could be used by writers in exile, who can ill afford to purchase comparable equipment to continue their work; and

WHEREAS it is appropriate that the City of Toronto take a lead role in supporting exiled writers, as a great many exiled writers supported by PEN Canada live in Toronto, and many of Canada’s foremost authors live in, and around, the City Toronto;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council direct the Commissioner of Corporate Services to arrange for PEN Canada the opportunity to acquire disposed of City of Toronto computer equipment appropriate to the support of writers in exile.”

Advice by Deputy Mayor Bussin:

Deputy Mayor Bussin advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(4) to the Administration Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(4), 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 135)

Procedural Vote:

The vote to waive referral of Motion J(4) to the Administration Committee, was taken as follows:

Yes - 31	Councillors: Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Shiner, Stintz, Thompson, Walker, Watson
No - 5	Councillors: Ashton, Jenkins, Kelly, Pitfield, Saundercook

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

Disposition:

City Council deferred consideration of this Motion to its next regular meeting on May 18, 2004, as it remained on the Order Paper at the conclusion of the Special meeting.

Deputy Mayor Feldman in the Chair.

S6.35 Yonge/Dundas Redevelopment Project, Transfer of Limited Partnership Interest in 259 Victoria 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(5), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Rae

Seconded by: Deputy Mayor Pantalone

“WHEREAS City Council, at its meeting of February 2, 3 and 4, 1999, adopted Clause No. 10 of Report No. 2 of The Strategic Policies and Priorities Committee, headed, ‘Yonge/Dundas Redevelopment Project, Settlement of Expropriation Claims, the Salvation Army, Governing Council of Canada, 259 Victoria Street’, thereby authorizing the full and final settlement of the expropriation claim with the Salvation Army and declaring surplus 259 Victoria Street and portions of the public highway,

in accordance with the objectives of the Community Improvement Plan for the Yonge/Dundas Redevelopment Project; and

WHEREAS City Council, by its adoption of Clause No. 10 of Report No. 2 of The Strategic Policies and Priorities Committee, authorized the City to enter into a master agreement with Robert Sniderman for the sale of the site (the ‘Torch Project’) and a fifty (50) year lease for an advertising tower; and

WHEREAS the sale was completed and the master agreement and lease imposed a restriction whereby Robert Sniderman was prevented from selling his interest in the Torch Project until the fifth anniversary of substantial completion of the Torch Project; and

WHEREAS City Council, at its meeting of December 14, 15, and 16, 1999, adopted Clause No. 19 of Report No. 11 of The Policy and Finance Committee, headed, ‘Yonge/Dundas Redevelopment Project, Parcel C – 259 Victoria Street, Toronto, Amendments to the Master Agreement with Robert Sniderman’, regarding the sale and redevelopment of the site, pursuant to which authority was granted (among other things) for Sniderman to sell a portion of his interest in the Torch Project to the Dundas Square Limited Partnership which assumed the role of developer of the Torch Project, with Sniderman retaining a twenty-five percent (25%) interest in the Torch Project; and

WHEREAS Robert Sniderman has now requested the City’s consent to allow him to sell his remaining twenty-five percent (25%) interest in the Torch Project to one or more partners in the Dundas Square Limited Partnership; and

WHEREAS Robert Sniderman has requested that, pursuant to his arrangement with PenEx Dundas Square Ltd., this matter be expedited;

NOW THEREFORE BE IT RESOLVED THAT COUNCIL give consideration to the report dated April 8, 2004 from the Commissioner of Corporate Services, entitled ‘Yonge/Dundas Redevelopment Project, Parcel C - Consent to Transfer by Robert Sniderman of his Limited Partnership Interest in 259 Victoria Street’ and that the recommendations contained in such report be adopted.”

Advice by Deputy Mayor Feldman:

Deputy Mayor Feldman 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 Administration Committee would have to be waived, in order to now consider this 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 133)

Procedural Vote:

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

City Council also had before it, during consideration of Motion J(5), a report dated April 8, 2004, from the Commissioner of Corporate Services, entitled "Yonge/Dundas Redevelopment Project, Parcel C - Consent to Transfer by Robert Sniderman of his Limited Partnership Interest in 259 Victoria Street". (See Attachment No. 1, Page 110)

Vote:

Motion J(5) was adopted, without amendment.

Summary:

In adopting Motion J(5), without amendment, Council adopted, without amendment, the report dated April 8, 2004, from the Commissioner of Corporate Services, entitled "Yonge/Dundas Redevelopment Project, Parcel C - Consent to Transfer by Robert Sniderman of his Limited Partnership Interest in 259 Victoria Street", containing the following recommendations:

"It is recommended that:

- (1) Council grant its consent as required pursuant to the Ground Lease registered as Instrument No. CA707701 on January 15, 2001, and the restrictive covenant dated January 12, 2001, registered as Instrument No. CA707964 on January 15, 2001, between the City of Toronto and Penex Dundas Square Ltd., in its capacity as general partner of the Dundas Square Limited Partnership to Robert Sniderman to sell his twenty-five percent (25%) interest in the Torch Project to one or more of the partners in the Dundas Square Limited Partnership;
- (2) the City Solicitor be authorized to complete all documentation on behalf of the City in connection with the foregoing; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

Deputy Mayor Bussin in the Chair.

S6.36 Technical Amendment to Term of Agreement with The Data Group of Companies for the Provision of Printing Services for Snap Set/NCR and other Legal Forms relating to Provincial Offences

Councillor Walker moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate 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 Walker

Seconded by: Councillor Davis

“WHEREAS on September 19, 2003, the Purchasing and Material Management Division issued RFP No. 3003-03-7440, Printing Services for Snap Set/NCR and Other Legal Forms Relating to Provincial Offences, and the RFP was issued with the term of the agreement to expire on December 31, 2005, with an option to renew for two (2) additional 12-month periods; and

WHEREAS City Council on January 27, 28 and 29, 2004, adopted, without amendment, Policy and Finance Committee Report No. 1, Clause No. 24, headed ‘Printing Services for Snap Set/NCR and Other Legal Forms Relating to Provincial Offences – Request for Proposal No. 3003-03-7440’; and

WHEREAS the Clause approved by Council noted that the term of the agreement was February 1, 2004, to December 31, 2004, with an option to renew the contract for two (2) additional one-year terms, which is inconsistent with the requirements specified in RFP No. 3003-03-7440; and

WHEREAS an amendment to the term of the agreement as adopted by Council is necessary to be consistent with the requirements specified in the RFP; and

WHEREAS Court Services required the printing services for Snap Set/NCR and other Legal forms immediately, so an agreement was struck with the supplier to provide the service, subject to a request being made to Council to amend the contract terms to properly reflect the RFP specifications;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report No. 1, Clause No. 24, headed ‘Printing Services for Snap Set/NCR and Other Legal Forms Relating to Provincial Offences – Request for Proposal No. 3003-03-7440’, be re-opened for further consideration, only as it pertains to the term of the agreement;

AND IT BE FURTHER RESOLVED THAT City Council consider and adopt the joint staff report dated March 29, 2004, from the Commissioner of Corporate Services and Chief Financial Officer and Treasurer, to ensure the term of the agreement adopted by Council is consistent with the term set out in RFP No. 3003-03-7440.”

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 no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 133)

City Council also had before it, during consideration of Motion J(6), a joint report dated March 29, 2004, from the Commissioner of Corporate Services and the Chief Financial Officer and Treasurer, entitled “Amendment to Term of Agreement for Printing Services For Snap Set/NCR and Other Legal Forms Relating to Provincial Offences, Request for Proposal No. 3003-03-7440” (See Attachment No. 2, Page 113)

Votes:

The first Operative Paragraph embodied in Motion J(6) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(6) was adopted, without amendment.

Summary:

In adopting Motion J(6), without amendment, Council adopted, without amendment, the joint report dated March 29, 2004, from the Commissioner of Corporate Services and the Chief Financial Officer and Treasurer, entitled “Amendment to Term of Agreement for Printing Services For Snap Set/NCR and Other Legal Forms Relating to Provincial Offences, Request for Proposal No. 3003-03-7440”, containing the following recommendations:

“It is recommended that:

- (1) the term of the agreement with the Data Group of Companies for the printing of snap set/NCR and other legal forms relating to Provincial Offences be amended to February 1, 2004 to December 31, 2005, in accordance with the term specified in the RFP in the estimated amount of \$283,800.00 in 2004 and \$283,800.00 in 2005, including all taxes and charges;
- (2) the option to renew for the period of January 1, 2006 to December 31, 2006,

in the estimated amount of \$283,800.00, including all taxes and charges and the period of January 1, 2007, to December 31, 2007, in the estimated amount of \$283,800.00, including all taxes and charges under the same terms and conditions be reviewed by the Commissioner of Corporate Services, in co-operation with the Purchasing Agent, provided the first term of the contract was performed satisfactorily, to ensure it is feasible to extend the contract;

- (3) provided that there is a favourable review, in accordance with Recommendation No. (2), the Commissioner of Corporate Services be delegated the authority to exercise the renewal options on the terms and conditions set out above and be authorized to instruct the Purchasing Agent to process the necessary contract; and
- (4) the appropriate officials be authorized and directed to take the necessary action to give effect thereto.”

S6.37 Acknowledgement of Lease and Assignment of Agreements for the Operation and Management of the Indoor Ice Facility at the Ted Reeve Community Arena

Deputy Mayor Bussin, with the permission of Council, 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), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Walker

“**WHEREAS** the City and Ted Reeve Community Arena Committee of Management (TRCM) have entered into agreements with SportsCentre Design & Management, LP for the undertaking of certain capital improvements and the operation and management of an indoor ice facility (‘the Facility’) at the Ted Reeve Arena; and

WHEREAS the agreements state that SportsCentre Design & Management, LP shall not assign its interest in the agreements without the consent of the City and the Ted Reeve Arena Committee of Management, which consent shall not be unreasonably withheld; and

WHEREAS SportsCentre Design & Management, LP has requested that the City and the Ted Reeve Arena Committee of Management consent to the assignment by SportsCentre Design & Management, to Beaches Sports Centre Inc., a wholly-owned subsidiary of SportsCentre Design & Management, LP, of the agreements with the City and TRCM for the capital improvements, and the operation and management of

the Facility; and

WHEREAS SportsCentre Design and Management, LP has further requested that the City consent to an Acknowledgement of Lease pertaining to equipment located at the Facility and leased by the Royal Bank of Canada to Beaches Sports Centre Inc;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the report dated April 14, 2004, from the City Solicitor, entitled 'Acknowledgement of Lease and Assignment of Agreement between City of Toronto, SportsCentre Design & Management, LP and Ted Reeve Community Arena Committee of Management for the Operation and Management of the Indoor Ice Facility at the Ted Reeve Arena' and that such report be adopted."

Advice by Deputy Mayor Bussin:

Deputy Mayor Bussin 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 Administration Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(7), 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 133)

Procedural Vote:

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

City Council also had before it, during consideration of Motion J(7), a report dated April 14, 2004, from the City Solicitor, entitled "Acknowledgement of Lease and Assignment of the Agreement between City of Toronto, SportsCentre Design & Management, LP and Ted Reeve Community Arena Committee of Management for the operation and Management of the indoor ice facility at the Ted Reeve Arena". (See Attachment No. 3, Page 116)

Vote:

Motion J(7) was adopted, without amendment.

Summary:

In adopting Motion J(7), without amendment, Council adopted, without amendment, the report dated April 14, 2004, from the City Solicitor, entitled “Acknowledgement of Lease and Assignment of the Agreement between City of Toronto, SportsCentre Design & Management, LP and Ted Reeve Community Arena Committee of Management for the operation and Management of the indoor ice facility at the Ted Reeve Arena”, containing the following recommendations:

“It is recommended that:

- (1) authority be granted to enter into an assignment agreement for the assignment of the rights and obligations of SportsCentre Design & Management, LP under agreements with the City and Ted Reeve Community Arena Committee of Management for the undertaking of certain capital repairs and improvements and the operation and management of the indoor ice facility at the Ted Reeve Arena, to Beaches Sportcentre Inc.; such assignment to be based on the same prices, terms and conditions and to be in a form satisfactory to the City Solicitor; and
- (2) authority be granted to consent to an acknowledgement of lease of equipment by Beaches Sportscentre Inc. to the Royal Bank of Canada, provided that the City’s rights with respect to the leased equipment under the operating agreement with Beaches Sportscentre Inc. shall rank in priority over the Royal Bank, such acknowledgement agreement to be in a form satisfactory to the City Solicitor.”

S6.38 Report of the City Clerk - Filing of Financial Statements for the 2003 Municipal Election

Councillor Walker moved that, in accordance with the provisions of the Chapter 27, Council Procedures, of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion J(8), which carried:

Moved by: Councillor Walker

Seconded by: Councillor Davis

“**WHEREAS** subsection 80(3) of the Municipal Elections Act, 1996 requires the Clerk to notify Council of those candidates for office on Toronto City Council who failed to file the financial statements by March 31, 2004, the penalties for the default, the day the penalties take effect, the right to apply for an extension of the time to file and the effects of that extension; and

WHEREAS the Clerk is required to provide Council with such notice within ten days

of the March 31, 2004 deadline for filing the financial statements; and
WHEREAS the Clerk has prepared the attached memorandum dated April 2, 2004, submitting a listing of those candidates who failed to file their financial statements, for Council's information and a copy of the notice of default sent to candidates on April 1, 2004;

NOW THEREFORE BE IT RESOLVED THAT City Council receive, for information, the attached notice prepared by the Clerk listing those candidates who failed to file their financial statements by the March 31, 2004 deadline.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(8), 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 133)

City Council also had before it, during consideration of Motion J(8), a communication dated April 2, 2004, from the City Clerk, forwarding, for the information of Council, a listing of the candidates who failed to file Election Campaign Financial Statements, together with a copy of the notice of default that was sent to the candidates. (See Attachment No. 4, Page 118)

Vote:

Motion J(8) was adopted, without amendment.

Summary:

In adopting Motion J(8) without amendment, Council received, for information, the notice dated April 2, 2004, from the City Clerk.

S6.39 Application for Liquor Licence for Additional Facilities and Application for Removal of Conditions on an Existing Liquor Licence - 280 Coxwell Avenue, “Adam’s Sports Bar” (Toronto - Danforth, Ward 30)

Councillor Fletcher 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 Fletcher

Seconded by: Deputy Mayor Bussin

“**WHEREAS** the owners of 280 Coxwell Avenue (the ‘property’) have applied to the Alcohol and Gaming Commission of Ontario (the ‘AGCO’) to extend the current

liquor licence for the property to permit the licensing of additional facilities; and

WHEREAS the property is currently licensed for a total of 440 persons and the application for additional facilities is for an additional 800 persons for a total capacity of 1240 persons; and

WHEREAS there is an additional application before the AGCO to remove certain conditions currently on the liquor licence for the property; and

WHEREAS a number of business owners, residents and police in the area have raised concerns regarding these applications;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) a community consultation meeting be held by Councillor Fletcher to provide information to area business owners, residents and any other interested persons about the applications and to hear any concerns;
- (2) staff be authorized to request that the AGCO consider these applications together and hold a public hearing; and
- (3) staff be authorized to take any necessary steps and contact any relevant parties to prepare for the community consultation meeting and any AGCO hearing.”

Advice by Deputy Mayor Bussin:

Deputy Mayor Bussin 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 Toronto South Community Council would have to be waived, in order to now consider this 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 133)

Procedural Vote:

The vote to waive referral of Motion J(9) to the Toronto South Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(9) was adopted, without amendment.

S6.40 Request to Senior Levels of Government for Increased Funding for Language Instruction for Newcomers to Canada

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(10), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Chow

Seconded by: Councillor Carroll

“WHEREAS the City of Toronto receives almost half of Canada's newcomers each year; and

WHEREAS their integration in our City's economic and social life is essential to sustaining a prosperous, safe and healthy community; and

WHEREAS the ability to speak and write English is vital to newcomers' participation in their children's education, work and entrepreneurship, most social and community activities, and democratic decision-making; and

WHEREAS federal funding for Language Instruction for Newcomers to Canada has been flatlined since 1996, failing to adjust for increases in newcomer arrivals or the rate of inflation; and

WHEREAS this diminishing per capita investment is distributed inequitably, so that Ontario, which receives approximately 60 percent of Canada's newcomers, is allocated approximately 30 percent of total federal language training funding; and

WHEREAS federally-funded pilot projects for higher-level occupation-specific language training require a 50 percent cash or in-kind contribution from participating agencies, making it impossible for many agencies to access funds for vital programs to help foreign-trained professional and skilled workers contribute to our economy; and

WHEREAS provincially-funded Adult English as a Second Language ('ESL') programs provide no funds for heat, light, custodial services or rental of space, limiting the number of classrooms available to meet the English language learning needs of tens of thousands of Toronto residents;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council calls on the Government of Canada to:

- (1) increase funding for Language Instruction for Newcomers to Canada to reflect increased need and inflation;
- (2) increase the allotment of such funds given to the Province of Ontario to more fairly reflect the proportion of newcomers who arrive in this Province; and
- (3) eliminate the requirement that service providers contribute 50 percent of the funds for enhanced language training projects;

AND BE IT FURTHER RESOLVED THAT Toronto City Council calls on the Province of Ontario to provide an accommodation grant to cover heat, light, custodial service, rent and related costs borne by School Boards providing Adult ESL programs.”

Advice by Deputy Mayor Bussin:

Deputy Mayor Bussin 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 Community Services Committee would have to be waived in order to now consider this 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 no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 133)

Procedural Vote:

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

Vote:

Motion J(10) was adopted, without amendment.

S6.41 Instructions for Ontario Municipal Board Hearing - 800 Lansdowne Avenue

Councillor Giambrone 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 Giambrone

Seconded by: Councillor Carroll

WHEREAS the City Solicitor has prepared a confidential report seeking instructions whether to settle the appeal for 800 Lansdowne Avenue; 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 give consideration to the confidential report dated April 12, 2004 from the City Solicitor, and that Recommendation No. (1) in the report be adopted.”

Advice by Deputy Mayor Bussin:

Deputy Mayor Bussin 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 Toronto South Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(11), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer. (See Fiscal Impact Statement Summary, Page 133)

Procedural Vote:

The vote to waive referral of Motion J(11) to the Toronto South Community Council carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it, during consideration of this Motion J(11), a confidential report (April 12, 2004) from the City Solicitor.

Vote:

Adoption of Motion J(11), without amendment:

Yes - 26 Councillors: Altobello, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Rae, Walker, Watson
No - 4 Councillors: Ashton, Del Grande, Hall, Holyday

Carried by a majority of 22.

Summary:

In adopting Motion J(11), without amendment, Council adopted, without amendment, Recommendation No. (1) contained in the confidential report dated April 12, 2004, from the City Solicitor. The following Recommendation No. (1), together with the communication dated April 7, 2004, from Andrew Paton, is 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:

“(1) City Council accept the attached offer to settle from the applicant re 800 Lansdowne Avenue, dated April 7, 2004, on the basis set out in this report.”

S6.42 Ontario Municipal Board Hearing – 403 Keele Street

Councillor Watson moved that in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code leave be granted to introduce and debate the following Notice of Motion J(12), which carried:

Moved by: Councillor Watson

Seconded by: Councillor Saundercook

“**WHEREAS** City Council at its meeting of March 1, 2 and 3 2004, directed the Commissioner of Urban Development Services to work with the parties to the Hearing and other appropriate City officials, including the Commissioner of Economic Development, Culture and Tourism, in an effort to resolve the appeal brought by NRI concerning the proposed development at 403 Keele Street before April 15, 2004; and to report directly to City Council at its meeting on April 15, 2004, as to the outcome of these efforts; and

WHEREAS the City Legal, Planning and Economic Development staff met several times with City Councillors Watson, Saundercook and Nunziata, Cara O'Hagan of the Mayor's Office, together with NRI and Nexxt Corporation representatives, a Ministry of the Environment ('MOE') representative and local residents representatives to help resolve the appeal; and

WHEREAS a settlement agreement has been reached as outlined in attached planning report;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto adopt the attached report dated April 14, 2004, from the Commissioner of Urban Development Services, which recommends the adoption of Minutes of Settlement and related matters with regard to the OMB hearing scheduled for April 26, 2004."

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 no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 133)

City Council had before it during consideration of Motion J(12), a report dated April 14, 2004, from the Commissioner of Urban Development Services, entitled "Directions Report for OMB Minutes of Settlement, Official Plan Amendment and Rezoning, 102023, TC CMB 2002 0013, Applicant: NEXXT Corporation Architect: KPMB Architects and CXT Architects, 403 Keele Street (Parkdale-High Park, Ward 14)". (See Attachment No. 5, Page 122)

Vote:

Motion J(12) was adopted, without amendment.

Summary:

In adopting Motion J(12), without amendment, Council adopted, without amendment, the report dated April 14, 2004, from the Commissioner of Urban Development Services, entitled "Directions Report for OMB Minutes of Settlement, Official Plan Amendment and Rezoning, 102023, TC CMB 2002 0013, Applicant: NEXXT Corporation Architect: KPMB Architects and CXT Architects, 403 Keele Street (Parkdale-High Park, Ward 14)", containing the following recommendations:

"It is recommended that City Council:

- (1) endorse the proposed Minutes of Settlement reached between NRI and NEXXT Corporation with respect to NRI's OMB appeal of Official Plan and

- Zoning amendment applications by NEXXT Corporation for a property at 403 Keele Street;
- (2) authorize the City Solicitor and appropriate City staff to attend the OMB hearing scheduled for April 26, 2004, in support of the Minutes of Settlement;
 - (3) authorize the City Solicitor and appropriate City staff to make such changes to Official Plan Amendment No. 267 and Site Specific Zoning By-law No. 746-2003, as necessary, to give effect to the Minutes of Settlement as outlined in Attachment 3 to this report;
 - (4) direct appropriate City staff to forward the Minutes of Settlement to the Ministry of the Environment (MOE) and that the MOE be requested to rely on the Minutes of Settlement for purposes of addressing the relationship between NRI, the City, NEXXT, the condominium corporation and the residents of the NEXXT development, including reliance on the Minutes of Settlement when the MOE processes Certificate of Approval applications from NRI; and
 - (5) authorize the appropriate City Official to execute the Minutes of Settlement and such other documentation as may be necessary to implement the above recommendations.”

S6.43 **Falun Dafa**

Deputy Mayor Bussin, with the permission of Council, withdrew the following Notice of Motion J(13):

Moved by: Deputy Mayor Bussin

Seconded by: Deputy Mayor Feldman

“**WHEREAS** for the last five years, Falun Dafa practitioners have hosted the ‘Truth Compassion Tolerance Day’ for the Toronto Community at Nathan Phillips Square;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto reiterate that the Canadian Charter of Rights and Freedoms guarantees the freedom of conscience, religion, thought, belief, opinion, expression, peaceful assembly and association.”

S6.44 **Bloordale Village Community Street Festival**

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

Moved by: Councillor Giambrone

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** City Council, at its meeting held on January 27, 28 and 29, 2004, by its adoption of Recommendation No. (2) of Clause No. 59 of Report No. 2 of The

Toronto South Community Council, refused the request that Bloordale Village Community Street Festival be declared an event of municipal significance for liquor licensing purposes; and

WHEREAS the organizers of the festival have since worked diligently with City Staff to reorganize and to resolve outstanding issues to promote a positive community event; and

WHEREAS the organizers of the festival have now also conducted community consultation to ensure that the concerns of residents and businesses are heard and addressed; and

WHEREAS the organizers of the festival have been granted the necessary permits required and have requested the City Council reconsider its decision;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto South Community Council Report No. 2, Clause No. 59, headed 'Requests for Endorsement of Events for Liquor Licensing Purposes', be re-opened for further consideration, only as it pertains to the Bloordale Village Community Street Festival;

AND BE IT FURTHER RESOLVED THAT City Council declare, for liquor licensing purposes the Bloordale Village Community Street Festival, to be held from June 25, 2004 to June 27, 2004 inclusive, an event of municipal and/or community significance and so advise the Alcohol and Gaming Commission of Ontario;

AND BE IT FURTHER RESOLVED THAT City Council advise the Alcohol and Gaming Commission of Ontario that it has no objection to the extension of the liquor licences of the following establishments to permit sale and service of alcohol on the patio until 11:00 p.m. in conjunction with the festival, and that the patio shall be closed and cleared by 12:00 a.m. each night of the festival.”

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 133)

City Council also had before it, during consideration of Motion J(15), a communication (February 11, 2004) from the Bloordale Village BIA announcing the Bloordale Village BIA 2004 Community Street Festival of Events, a copy of which is on file in the City Clerk's Office.

Votes:

The first Operative Paragraph embodied in Motion J(15) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(15) was adopted, without amendment.

Motion to Re-Open:

Councillor Giambrone, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(15) be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Giambrone moved that Motion J(15) be amended by deleting the third Operative Paragraph and inserting instead the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT City Council advise the Alcohol and Gaming Commission of Ontario that it has no objection to the extension of the liquor licence of Duffy’s Billboard Club and Bar, 1238 Bloor Street West, to permit sale and service of alcohol on the patio until 11:00 p.m. on Friday and Saturday, and 9:00 p.m. on Sunday, in conjunction with the festival hours, and that the patio shall be closed and cleared one hour following the close of the festival each day.”

Votes:

The motion by Councillor Giambrone, carried.

Motion J(15) as amended, carried.

S6.45 **Condemnation of Anti-Semitic and Hate Crime**

Councillor Walker 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 Mayor Miller, seconded by Councillor Walker, and, in the absence of Mayor Miller, moved by Councillor Walker, seconded by Councillor Mihevc and Councillor Saundercook, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Walker

Seconded by: Councillor Mihevc and Councillor Saundercook

“WHEREAS the number of anti-Semitic incidents in the Greater Toronto Area reported to B’nai Brith has increased sharply since 2001; and

WHEREAS the recent racially motivated attack against a mosque in Pickering also highlights this alarming rise in racial and religious intolerance and hate; and

WHEREAS recent incidents of vandalism and hate crime involving homes, cars, cemeteries, synagogues, mosques, schools and construction hoardings in the Greater Toronto Area represent an intolerable affront to our collective civility; and

WHEREAS such acts are intended to isolate and marginalize individuals and communities on the basis of prejudice against faith and culture; and

WHEREAS such actions cause significant harm to personal perceptions of fear, safety, liberty and well-being, reducing the quality of life both for the targets of the hate crimes, and for all residents of Toronto; and

WHEREAS such acts are clearly in violation of human rights and hate-based crime legislation;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) Council condemn, in the strongest terms, the recent acts of violent vandalism and hate crimes targeted against the Jewish and Muslim communities of the Greater Toronto Area;
- (2) Council condemn, in the strongest terms, all hate related crimes, as repugnant to the civility, tolerance and diversity that distinguishes our City and its people;
- (3) Council provide support for the Canadian Jewish Congress Conference; and
- (4) Council support the Government of Ontario in its declaration that hate and all hate crimes have absolutely no place in our City or our Province.”

Advice by Deputy Mayor Bussin:

Deputy Mayor Bussin advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(16) to the Policy and Finance Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(16) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Motion J(16), without amendment:

Yes - 31	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fillion, Ford, Grimes, Hall, Holyday, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

S6.46 Opposition to Proposed Eight Percent Provincial Sales Tax on Low Cost Meals

Councillor Cho 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 Cho

Seconded by: Councillor Stintz

“WHEREAS the new Liberal Government was elected on a platform of ‘Choose Change’ and are now considering the introduction of a PST tax of eight percent on those meals that cost less than \$4.00; and

WHEREAS many students in Toronto now go to school without eating breakfast and the City of Toronto is already providing breakfast and snack programs to assist these students; and

WHEREAS many young people purchase low-cost meals either for breakfast, lunch or after-school snacks at fast-food locations or food outlets in shopping malls; and

WHEREAS many single mothers cannot afford expensive meals and they choose to purchase low-cost meals for their children; and

WHEREAS many new immigrants who have been unsuccessful in finding gainful employment in their chosen field cannot afford expensive meals and also choose to purchase low-cost meals; and

WHEREAS those people on social assistance choose to purchase meals that are frequently less than \$4.00; and

WHEREAS those senior citizens on fixed incomes who cannot afford expensive meals are forced to purchase lower cost meals;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council convey to the Premier of Ontario and the Liberal Government that Council believes this tax is regressive, inhumane, and hurts those members of society most in need, and Council urge the Premier of Ontario not to implement this tax.”

Advice by Deputy Mayor Bussin:

Deputy Mayor Bussin 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 Policy and Finance Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(17) to the Policy and Finance Committee, was taken as follows:

Yes - 35	
Councillors:	Altobello, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fillion, Fletcher, Ford, Giambrone, Grimes, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 4	
Councillors:	Ashton, Hall, Mammoliti, Palacio

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

Motion:

Councillor Moscoe moved that Motion J(17) be amended by deleting all seven recitals so that the Motion now reads as follows:

“BE IT RESOLVED THAT Toronto City Council convey to the Premier of Ontario and the Liberal Government that Council believes this tax is regressive, inhumane,

and hurts those members of society most in need, and Council urge the Premier of Ontario not to implement this tax.”

Votes:

The motion by Councillor Moscoe carried.

Motion J(17) as amended, carried.

S6.47 Interim Control By-law Amendment to Include lands at 18 Fern Avenue (York South-Weston, Ward 11)

Councillor Nunziata moved that, in accordance with the provisions of the Chapter 27, Council Procedures, of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion J(18), which carried:

Moved by: Councillor Nunziata

Seconded by: Councillor Hall

“**WHEREAS** the Council of the City of Toronto on April 15, 2003, by resolution, directed that a review be undertaken in respect of the land use planning regulations in the Coulter Avenue/King Street Area and the King Street Crescent/Little Avenue Area of the City (former City of York), an area within which 18 Fern Avenue is located; and

WHEREAS Council on April 15, 2003, passed By-law No. 189-2003 to effect Interim Control in the Coulter Avenue/King Street Area and the King Street Crescent/Little Avenue Area of the City for a period of one year from the date of its passing; and

WHEREAS the property municipally known as 18 Fern Avenue was exempted from Interim Control By-law No. 189-2003, on the basis of an application for consent and minor variance submitted to and proceeding through the Committee of Adjustment, the time Interim Control By-law No. 189-2003 was passed; and

WHEREAS the Humber York Committee of Adjustment, at its hearing held on Tuesday, August 12, 2003, unanimously refused Application File No. A18/03HY and A55/03HY to obtain consent to sever the lands into two residential lots and to maintain the existing two-storey detached dwelling on the easterly portion of the site, identified as Part 2; and

WHEREAS the owner appealed the Committee of Adjustment’s Decision to refuse the application to the Ontario Municipal Board; and

WHEREAS City Council, at its meeting held on September 22, 23, 24 and 25, 2003, directed the City Solicitor to authorize City Legal staff to attend the Ontario Municipal Board hearing to support the unanimous decision of the Committee of Adjustment; and

WHEREAS Council on March 3, 2004, passed By-law No. 216-2004, to extend the period of time during which Interim Control By-law No. 189-2003 is to be in effect, until April 14, 2005; and

WHEREAS the evidence was given at the Ontario Municipal Board indicating that if the Ontario Municipal Board dismissed the appeals, and upheld the Committee of Adjustment's refusal decision, then it would be appropriate to amend Interim Control By-law 189-2003, in order to have Interim Control applied to 18 Fern Avenue; and

WHEREAS the Ontario Municipal Board, at its hearing on March 4, 2004, issued an oral decision, dismissing the appeals on the basis they did not comply with Section 51(24) (a) and (c) of The Planning Act; and

WHEREAS the Commissioner of Urban Development Services has submitted the attached report dated April 14, 2004, recommending that Interim Control By-law No.189-2003, as amended, be further amended to, in effect, apply interim control to 18 Fern Avenue;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the recommendations contained in the report dated April 14, 2004, from the Commissioner of Urban Development Services, entitled 'Interim Control By-law Amendment Report to Include lands at 18 Fern Avenue, File Number: 10/15/1-4 (York South-Weston, Ward 11)';

AND BE IT FURTHER RESOLVED THAT authority be granted for the introduction of the necessary Bill in Council to give effect hereto."

City Council had before it, during consideration of Motion J(18), a report (April 14, 2004) from the Commissioner of Urban Development Services, entitled "Interim Control By-law Amendment Report to include lands at 18 Fern Avenue (Ward 11, York South-Weston)." (See Attachment No. 6, Page 126)

Vote:

Motion J(18) was adopted, without amendment.

Summary:

In adopting Motion J(18), without amendment, Council adopted, without amendment, the report dated April 14, 2004, from the Commissioner of Urban Development Services, entitled "Interim Control By-law Amendment Report to Include lands at 18 Fern Avenue, File Number: 10/15/1-4, (York-South-Weston, Ward 11)", containing the following recommendations:

"It is recommended that City Council:

- (1) amend City of Toronto By-law No. 189-2003, as amended, substantially in accordance with the Interim Control By-law Amendment; and
- (2) authorize the City Solicitor to make such stylistic and technical changes to the Interim Control By-law amendment as may be required."

City Council subsequently enacted By-law No. 252-2004.

S6.48 Grant to Fountainhead Tenants' Association to Assist with Completion of Ontario Municipal Board Appeal (York West, Ward 8)

Councillor Walker 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 Walker

Seconded by: Councillor Li Preti

WHEREAS City Council established a Tenant Defence Fund to assist tenants of Toronto in disputing above guideline rent increases ('AGI's'), participating in Ontario Municipal Board Appeals affecting condominium conversion and demolition applications, and making appeals to the Divisional Court on orders issued by the Ontario Rental Housing Tribunal with respect to AGI applications in defence of tenants' interests; and

WHEREAS City Council established the Tenant Defence Sub-Committee to monitor the Tenant Defence Fund Program and to recommend to the Community Services Committee actions in defence of tenants in the City of Toronto; and

WHEREAS the owner of the Maple Grove apartment complex, Met Cap Living Management Inc., had applied to the Ontario Municipal Board ('OMB') for permission to amend the Official Plan and Zoning By-Law, in order to construct a long-term care facility between two buildings in the complex (40 Fountainhead Road

and 470 Sentinel Road), on the north side of Fountainhead Road; and

WHEREAS the City and the Fountainhead Tenants' Association opposed the proposed intensification project because it would result in the loss of certain existing amenities for tenants in the complex (the north swimming pool, green space and some trees in the woodlot), and the owner did not originally propose compensation for the loss of amenities; and

WHEREAS Councillor Li Preti submitted a Notice of Motion to Council, at its meeting of February 4, 5 and 6, 2003, requesting a grant of \$7,500.00 on behalf of the tenants' association to hire a private solicitor, to represent the tenants' association at the OMB hearing, and Council approved a smaller grant of \$5,000.00 for this request; and

WHEREAS prior to the OMB hearing on February 24, 2004, the owner submitted revisions of the original proposal, which included provision of benefits for the entire apartment complex to be secured through a Section 37 Agreement as a requirement of the site-specific official plan and zoning by-law amendments;

WHEREAS at the OMB hearing on February 24, 2004, City witnesses testified that the revised proposal addressed the original reasons for City's refusal of the application, and thereby the City was no longer in opposition to the owner's application; and

WHEREAS in its decision issued on May 22, 2003, the OMB allowed the owner's appeal and concluded that the proposed benefits would provide adequate compensation for the loss of the amenities; and

WHEREAS the OMB requires the owner to consult with the area tenants to finalize the details of certain proposed benefits, specifically, the south pool expansion and improvements, the proposed new playground, and the proposed new recreation facility; and

WHEREAS the OMB is withholding its order until the Section 37 Agreement between the owner and the City has been finalized to secure the benefits identified in the site-specific Official Plan and Zoning By-law Amendments; and

WHEREAS the owner indicated that they intend to schedule the tenant consultation process in the near future; and

WHEREAS Councillor Li Preti requested the Tenant Defence Sub-Committee at its meeting of February 27, 2004, to recommend approval of a second grant of \$3,000.00 for the Fountainhead Tenants' Association in order to ensure that the tenants' interests are represented during the consultation process;

WHEREAS the Tenant Defence Sub-Committee, having considered the motion, authorized its Chair to submit a Notice of Motion to Council for its meeting recommending a grant of up to \$3,000.00 for the Fountainhead Tenants' Association;

and

WHEREAS the Tenant Defence Sub-Committee requested the Commissioner of Community and Neighbourhood Services to submit a report to the Special Council meeting of April 15 and 16, 2004 to be considered with the motion at the same time; and

WHEREAS the Special Council meeting of April 15 and 16, 2004, is a special meeting held only for considering reports of Community Councils and deferred business from the previous Council meeting, rather than discussing new matters; and

WHEREAS section 107 of the Municipal Act 2001 provides that the council of every municipality may, subject to section 106 of the Municipal Act, make grants, on such terms and conditions as to security and otherwise as the council may consider expedient, to any person, institution, association, group or body of any kind or any purpose that, in the opinion of the council, is in the interests of the municipality;

NOW THEREFORE BE IT RESOLVED THAT this Notice of Motion and the report dated April 8, 2004, from the Commissioner of Community and Neighbourhood Services, entitled ‘Non-Concurrence in Request for a Tenant Support Grant from the Tenant Defence Fund by the Fountainhead Tenants’ Association Following an Ontario Municipal Board Decision (Ward 8 - York West)’ be referred to the Tenant Defence Sub-Committee meeting of May 12, 2004, for report to the Community Services Committee.”

Advice by Deputy Mayor Bussin:

Deputy Mayor Bussin 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 Community Services Committee would have to be waived in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(19) to the Community Services Committee, was taken as follows.

Yes - 21
Councillors: Altobello, Ashton, Balkissoon, Bussin, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fillion, Grimes, Lindsay Luby, Mihevc, Moscoe, Pantalone, Pitfield, Saundercook, Stintz, Thompson, Walker, Watson
No - 9

Councillors: Cowbourne, Fletcher, Hall, Holyday, Kelly, Milczyn, Nunziata, Ootes, Palacio
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Carried, more than two-thirds of Members present having voted in the affirmative.

City Council had before it during consideration of Motion J(19), a report dated April 8, 2004, from the Commissioner of Community and Neighbourhood Services, entitled “Non-Concurrence in Request for a Tenant Support Grant from the Tenant Defence Fund by the Fountainhead Tenants’ Association Following an Ontario Municipal Board Decision (Ward 8 - York West)”. (See Attachment No. 7, Page 128)

Vote:

Motion J(19) was adopted, without amendment.

S6.49 **Listing of 230 Bloor Street West on the Inventory of Heritage Properties**

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(20), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Chow

Seconded by: Councillor Mihevc

“WHEREAS the property at 230 Bloor Street West contains a building designed by architect John Lyle and constructed in 1919-20 as the Studio for his architectural practice; and

WHEREAS John Lyle was a prominent Canadian architect who designed a number of noteworthy buildings in Toronto including the Royal Alexander and the Runnymede Library, and who was the co-designer of Union Station; and

WHEREAS numerous Canadian architects, among them Douglas E. Kertland, John Jackson Beck and Arthur Eadie, received training at the John Lyle Studio at 230 Bloor Street West; and

WHEREAS the John Lyle Studio Building is a good example of the Georgian Revival architectural style; and

WHEREAS the building at 230 Bloor Street West was used by John Lyle as his Studio until his retirement in 1943; and

WHEREAS the property has cultural resource value or interest for its architectural significance and association with a prominent Canadian architect;

NOW THEREFORE BE IT RESOLVED THAT the property at 230 Bloor Street West be listed on the City of Toronto's Inventory of Heritage Properties."

Advice by Deputy Mayor Bussin:

Deputy Mayor Bussin 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 South Community Council would have to be waived in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(20) to the Toronto South Community Council Committee, was taken as follows:

Yes - 29	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Thompson, Walker, Watson
No - 3	
Councillors:	Holyday, Kelly, Ootes

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

Vote:

Adoption of Motion J(20), without amendment:

Yes - 27	
Councillors:	Altobello, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Stintz, Walker, Watson
No - 6	
Councillors:	Balkissoon, Del Grande, Holyday, Kelly, Ootes, Thompson

Carried by a majority of 21.

S6.50 Consideration of the following matters was deferred to the next regular meeting of City Council on May 18, 2004, as they remained on the Order Paper at the conclusion of this Special meeting of Council:

DEFERRED CLAUSES FROM REPORT NO. 2 OF THE ADMINISTRATION COMMITTEE

- Clause No. 12a - "Moving Forward with SAP".
- Clause No. 26a - "Amendment of Contract No. 47007857 with Bowdens Media Monitoring Limited, for the Provision of a Daily Print and Electronic Media Clipping Package and Media Monitoring Services".

DEFERRED CLAUSES FROM REPORT NO. 2 OF THE TORONTO WEST COMMUNITY COUNCIL

- Clause No. 7a - "Installation for All-Way Stop Control - Kirah Court at Purdy Crescent (Ward 11 - York South-Weston)".
- Clause No. 12a - "Request for Exemption from Chapter 400 of the (Former) City of Toronto Municipal Code to Permit Joint Front Yard Parking at 108 and 110 Grenadier Road (Ward 14 – Parkdale-High Park)".
- Clause No. 13a - "(i) Poll Results – Installation of Driveway Widening for Second Parking Space at 153 Cowan; and (ii) Request for an Exemption from Chapter 248 of the (former) City of Toronto Municipal Code (Ward 14 - Parkdale-High Park)".

REPORT NO. 3 OF THE TORONTO EAST COMMUNITY COUNCIL

- Clause No. 8 - "Proposed Traffic Operations Changes on Brimley Road South of Ellesmere Road (Wards 37 and 38 - Scarborough Centre)".

REPORT NO. 3 OF THE TORONTO NORTH COMMUNITY COUNCIL

- Clause No. 4 - "Request for Fence Exemption - 14 Breen Crescent (Ward 25 - Don Valley West)".

REPORT NO. 3 OF THE TORONTO SOUTH COMMUNITY COUNCIL

- Clause No. 10 - "Driveway Widening - 9 Fulton Avenue (Toronto-Danforth, Ward 29)".
- Clause No. 27 - "Installation of Speed Bumps - First Public Lane South of Vaughan Road, Between Arlington Avenue and Rushton Road and Between Humewood Drive and Pinewood Avenue

- (St. Paul's, Ward 21)".
- Clause No. 49 - "Installation of Speed Humps - Belsize Drive, Between Harwood Road and Cleveland Street (St. Paul's, Ward 22)".
- Clause No. 60 - "Request for All-Way 'Stop' Sign Control - Adelaide Street West and Massey Street (Trinity-Spadina, Ward 19)".

REPORT NO. 3 OF THE TORONTO WEST COMMUNITY COUNCIL

- Clause No. 8 - "Traffic Assessment - The Kingsway Neighbourhood (Ward 5 - Etobicoke-Lakeshore)".
- Clause No. 9 - "Traffic Assessment - Swan Avenue and Wedgewood Drive (Ward 5 - Etobicoke-Lakeshore)".
- Clause No. 16 - "Site Plan Bump Up Report - Site Plan Approval Application; Applicant: Medallion Properties Inc., Architect: Dietrich, Boecker Architect, 1555 Jane Street, (Ward 12 - York South-Weston)".
- Clause No. 27 - "Traffic Assessment - Edgemore Drive, Glenroy Avenue and Meadowvale Drive (Ward 5 - Etobicoke-Lakeshore)".

BILLS AND BY-LAWS

Mayor Miller in the Chair.

S6.51 On April 15, 2004, at 7:23 p.m., Councillor Grimes, seconded by Councillor Saundercook, 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. 311	By-law No. 251-2004	To confirm the proceedings of the Council at its Special meeting held on the 15th day of April, 2004,
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the vote upon which was taken as follows:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Saundercook, Shiner, Walker
No - 0	

Carried, without dissent.
Deputy Mayor Bussin in the Chair.

S6.52 On April 16, 2004, at 2:44 p.m., Councillor Nunziata, seconded by Councillor Hall, 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. 293	By-law No. 252-2004	To amend City of Toronto By-law No. 189-2003 being a By-law to effect Interim Control Areas in the Coulter Avenue/King Street Area and the King Street Crescent/Little Avenue Area of the City in the former City of York,
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the vote upon which was taken as follows:

Yes - 36
Councillors: Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Stintz, Thompson, Watson
No - 2
Councillors: Filion, Kelly

Carried by a majority of 34.

S6.53 On April 16, 2004, at 5:45 p.m., Councillor Walker, seconded by Councillor Davis, 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, which carried:

Bill No. 244	By-law No. 253-2004	To adopt Amendment No. 289 to the Official Plan for the former City of Toronto respecting lands known municipally in the year 2004 as 825, 855 and 863 Bay Street.
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Bill No. 245	By-law No. 254-2004	To amend General Zoning By-law No. 438-86 for the former City of Toronto respecting lands known
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		municipally in the year 2004 as 825, 855 and 863 Bay Street.
Bill No. 247	By-law No. 255-2004	To adopt a new City of Toronto Municipal Code Chapter 489, Grass and Weeds. <i>*amended*</i>
Bill No. 248	By-law No. 256-2004	To designate the property at 77 St. Edmund's Drive (Wilfrid S. Dinnick House and Garage) as being of cultural heritage value or interest.
Bill No. 249	By-law No. 257-2004	To designate the property at 400 Eglinton Avenue West (Eglinton Theatre) as being of cultural heritage value or interest.
Bill No. 250	By-law No. 258-2004	To designate the property at 750 Davenport Road (Tollkeeper's Cottage) as being of cultural heritage value or interest.
Bill No. 251	By-law No. 259-2004	To designate the Cabbagetown North area as a heritage conservation district.
Bill No. 252	By-law No. 260-2004	To designate the property at 108 Stayner Avenue (Jacob P. Ross House) as being of cultural heritage value or interest.
Bill No. 254	By-law No. 261-2004	To amend City of Toronto Municipal Code Chapter 27, Council Procedures, to adjust the boundaries of the Toronto South and Toronto West Community Councils.
Bill No. 255	By-law No. 262-2004	To amend City of Toronto Municipal Code Chapter 27, Council Procedures, to make the Policy and Finance Committee responsible for corporate human resource policy matters.
Bill No. 256	By-law No. 263-2004	To designate the property at 99 (formerly 97) Old Forest Hill Road

		(Morden Neilson House) as being of cultural heritage value or interest.
Bill No. 257	By-law No. 264-2004	To amend By-law No. 32759, as amended, of the former City of North York, regarding Whitfield Avenue.
Bill No. 258	By-law No. 265-2004	To amend further Metropolitan By-law No. 109-86, respecting maximum rates of speed on certain former Metropolitan Roads, regarding Don Valley Parkway.
Bill No. 259	By-law No. 266-2004	To amend Chapter 134 of the Etobicoke Municipal Code, a by-law providing for the construction and maintenance of fire routes in the geographic area of Etobicoke, a by-law of the former City of Etobicoke.
Bill No. 260	By-law No. 267-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Leslie Street, Lesmill Road, McNairn Avenue and Yonge Street.
Bill No. 261	By-law No. 268-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Bathurst Street.
Bill No. 262	By-law No. 269-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Steeles Avenue West.
Bill No. 263	By-law No. 270-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Trethewey Drive and Yore Road.
Bill No. 264	By-law No. 271-2004	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt a

		portion of the swimming pool enclosure on the property municipally known as 431 The Kingsway from certain requirements.
Bill No. 265	By-law No. 272-2004	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt a portion of the fence on the property municipally known as 2085 Islington Avenue from the maximum height requirements.
Bill No. 266	By-law No. 273-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Ellis Park Road.
Bill No. 267	By-law No. 274-2004	To make a technical amendment to Municipal Code Chapter 743, Streets and Sidewalks, Use of.
Bill No. 268	By-law No. 275-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Mulock Avenue and Windermere Avenue.
Bill No. 269	By-law No. 276-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Rivalda Road.
Bill No. 270	By-law No. 277-2004	To amend the Municipal Code of the former City of Etobicoke – Chapter 240, Article IV, with respect to School Bus Loading Zones on Delsing Drive.
Bill No. 271	By-law No. 278-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Rivalda Road.
Bill No. 272	By-law No. 279-2004	To exempt lands known municipally as 95 – 101 Grand Avenue from Part Lot Control.
Bill No. 273	By-law No. 280-2004	To exempt lands known municipally as

445 – 449 Royal York Road from Part
Lot Control.

Bill No. 274	By-law No. 281-2004	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Cherry Street, Mill Street and Trinity Street.
Bill No. 275	By-law No. 282-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bartlett Avenue North, Hounslow Heath Road, Logan Avenue, Luttrell Avenue, Millbrook Crescent, Rains Avenue, Salem Avenue, Via Italia and Victor Avenue.
Bill No. 277	By-law No. 283-2004	To authorize the alteration of Whitmore Avenue between Locksley Avenue and Times Road by the installation of speed humps.
Bill No. 278	By-law No. 284-2004	To authorize the alterations of Victoria Park Avenue, Blantyre Avenue, Courcelette Road and Fallingbrook Road by the installation of speed humps.
Bill No. 279	By-law No. 285-2004	To layout and dedicate certain land for public lane purposes to form part of the public lane west of Bedford Road extending north westerly from Bedford Road to Dupont Street.
Bill No. 280	By-law No. 286-2004	To layout and dedicate certain land for public highway purposes to form part of the public highway Dods Avenue.
Bill No. 281	By-law No. 287-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Bathurst Street and Strachan Avenue.
Bill No. 282	By-law No. 288-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Derby Street and

		Erin Street.
Bill No. 283	By-law No. 289-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Liberty Street.
Bill No. 284	By-law No. 290-2004	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Atlantic Avenue and Liberty Street.
Bill No. 285	By-law No. 291-2004	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 Gower Street.
Bill No. 286	By-law No. 292-2004	To amend General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2004 as 273 Bloor Street West.
Bill No. 287	By-law No. 293-2004	To layout and dedicate certain land for public lane purposes to form part of the public lane north east of Pearen Street extending north westerly from Eglinton Avenue West.
Bill No. 288	By-law No. 294-2004	To layout and dedicate certain land at the north east corner of Lake Shore Boulevard East and Cherry Street for public highway purposes to form part of the public highway Lake Shore Boulevard East.
Bill No. 289	By-law No. 295-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Spadina Avenue.
Bill No. 290	By-law No. 296-2004	To adopt Amendment No. 35 of the Official Plan of the former Borough of East York in respect of the lands

		known municipally in the year 2004 as 60 Overlea Boulevard.
Bill No. 291	By-law No. 297-2004	To amend Borough of East York By-law No. 1916 in respect of the lands known municipally in the year as 60 Overlea Boulevard.
Bill No. 292	By-law No. 298-2004	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. 294	By-law No. 299-2004	To amend 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 St. Clements Avenue.
Bill No. 295	By-law No. 300-2004	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 296	By-law No. 301-2004	To amend further By-law No. 23505 of the former City of Scarborough, respecting the speed limits on Toronto Roads.
Bill No. 297	By-law No. 302-2004	To amend further By-law No. 23505 of the former City of Scarborough, respecting the speed limits on Toronto Roads.
Bill No. 298	By-law No. 303-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting King Street East and King Street West.
Bill No. 299	By-law No. 304-2004	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on King Street East.

Bill No. 300	By-law No. 305-2004	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on King Street East.
Bill No. 305	By-law No. 306-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Driftwood Avenue and Wilmington Avenue.
Bill No. 306	By-law No. 307-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Cedar Springs Grove, Driftwood Avenue, Hoover Crescent, Purdon Drive and Wilmington Avenue.
Bill No. 307	By-law No. 308-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Falkirk Street and Tangiers Road.
Bill No. 308	By-law No. 309-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Addington Avenue, Gerry Fitzgerald Drive, Jainey Place, Lytton Boulevard and Tangiers Road.
Bill No. 309	By-law No. 310-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Addington Avenue and Falkirk Street.
Bill No. 310	By-law No. 311-2004	To amend By-law No. 31878, as amended, of the former City of North York, regarding Sunfield Road and Nymark Avenue,

the vote upon which was taken as follows:

Yes - 32 Councillors: Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Stintz, Thompson, Walker, Watson
No - 0

Carried, without dissent.

S6.54 On April 16, 2004, at 5:57 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. 312	By-law No. 312-2004	To confirm the proceedings of the Council at its Special meeting held on the 15th and 16th days of April, 2004,
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the vote upon which was taken as follows:

Yes - 32 Councillors: Altobello, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker
No - 0

Carried, without dissent.

OFFICIAL RECOGNITIONS:**S6.55 Condolence Motions****April 15, 2004:**

Moved by Councillor Fletcher, seconded by Mayor Miller:

“WHEREAS the community of Seneca Hill, and indeed the entire City, have banded around the family of Cecilia Zhang with hopes and prayers for her safe return and now share a deep sense of outrage and grief at her loss; and

WHEREAS the Council of the City of Toronto will always be grateful to its citizens for the support shown to Cecilia’s parents, Raymond and Sherry, throughout their terrible ordeal; and

WHEREAS the citizens of Toronto will forever hold in their hearts, the precious photographic images of the lively student of Seneca Hill Public School and loving daughter to Raymond and Sherry;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be requested to convey on behalf of the members of City Council, our sincere sympathy to the Zhang family on their tragic personal loss.

Leave to introduce the foregoing Motion was granted.

Motion:

Councillor Carroll moved that this Condolence Motion be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT Council extend special thanks to Councillor Olivia Chow for her efforts in assisting with language translation and emotional support, on October 29, 2004, at the time of the family’s terrible loss.”

Vote:

The motion by Councillor Carroll carried.

The Condolence Motion as amended, carried unanimously.

April 15, 2004:

Moved by Mayor Miller, seconded by Deputy Mayor Bussin:

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Mrs. Jessie Lindsay, beloved mother of Councillor Gloria Lindsay Luby, on March 2, 2004; and

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 Gloria Lindsay Luby and her family.”

Moved by Deputy Mayor Pantalone, seconded by Councillor Chow:

“**WHEREAS** the Members of City Council are deeply saddened to learn of the sudden passing of Ms. Dolores Grey on February 22, 2004, in her 41st year; and

WHEREAS Dolores Grey was a tireless and resolute volunteer for many social, environmental and human rights causes; and

WHEREAS Dolores Grey was not only a strong believer and advocate for the importance of community participation, but also quietly, humbly and consistently lived what she spoke by sharing in the day to day, month in and month out activity that is the integral part of successful community campaigns; and

WHEREAS Dolores Grey, while volunteering for her community and for our City, touched the hearts and minds of the many people she worked and spoke with and will be sorely missed by the Toronto social movement community, colleagues, friends and families;

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 her family, her father Mr. James Grey, her sister Ms. Rosemary Lavoratore, her brothers Aidan, Denis and Peter, as well as her extended family members at Guru Ram Ashram.”

Moved by Deputy Mayor Pantalone, seconded by Mayor Miller:

“**WHEREAS** the Mayor and Members of City Council are deeply saddened to learn of the passing of Mr. William Johnston on Friday, April 2, 2004, in his 56th year; and

WHEREAS William Johnston worked as a poverty lawyer in south Parkdale and served as a caring Board Member for such diverse organizations as the Centre for Addiction and Mental Health Community Advisory Board's Neighbourhood Liaison Committee, Friends of Fort York, Dewson Public School Parent Teachers Association, Niagara Neighbourhood Residents' Association and Garrison Creek Community Linkages Group; and

WHEREAS William Johnston, as a strong advocate for one of Toronto's oldest neighbourhoods, the Niagara Neighbourhood, was mindful of its history and was always compassionate with regards to its residents and worked on numerous community projects, including the closure of a lead smelter, the institution of library services, and the development of community gardens – particularly the garden at the Garrison Flats; and

WHEREAS William Johnston was an avid lover of nature and was closely involved with pioneering greening projects within the City of Toronto; and

WHEREAS William Johnston served the City of Toronto well, as Executive Assistant to former Councillor Martin Silva and Councillor Joe Pantalone, from January 3, 1991, onwards; and

WHEREAS William Johnston, while volunteering for his community and working for our City, touched the hearts and minds of countless people and will be truly missed by neighbours, Toronto residents, Toronto City Hall colleagues, and his numerous friends; and

WHEREAS William Johnston was devoted to his wife Anne, their children Andrew, Amy, Kathleen, and the late Eric, his mother Margaret and his father, the late Eric, his sisters Anthea (Kyle) and the late Karen, and his brothers Peter and Eric;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Mayor and Members of City Council, our sincere sympathy to the Johnston family;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism, in consultation with the local Councillor, investigate the possibility of naming one of the new City parks being created in the Niagara Neighbourhood area after William Johnston to recognize his long lasting contribution to both his community and to the City of Toronto.”

Moved by Councillor Walker, seconded by Mayor Miller:

“**WHEREAS** the Members of City Council are very saddened to learn of the passing of Brian Loreto, a Senior Solicitor with the Legal Services Division of the City of Toronto, on April 13, 2004, in his 49th year; and

WHEREAS Brian Loreto was a Solicitor with the former Cities of North York and Hamilton and the former Regional Municipality of Hamilton-Wentworth; and

WHEREAS Brian Loreto was one of the most dedicated and diligent members of the Legal Services Division, who provided exceptional counsel to the City of Toronto; and

WHEREAS Brian was an avid supporter of the arts throughout the City of Toronto and loved film and music and was an annual attendee at the Toronto Film Festival; and

WHEREAS Brian will be truly missed by his colleagues at the City of Toronto;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to his wife Nancy Clarkson and their 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 Cecilia Zhang, Mrs. Jessie Lindsay, Ms. Dolores Grey, Mr. William Johnston and Mr. Brian Loreto.

S6.56 Presentations/Introductions/Announcements:

April 15, 2004:

Councillor Lindsay Luby, with the permission of Council, during the morning session of the meeting, extended her appreciation to all Members of Council and staff for their expressions of sympathy on the passing of her Mother.

Councillor Cowbourne, with the permission of Council, during the morning session of the meeting, extended, on behalf of Council, the congratulations of Council to Councillor Stintz on becoming a mother.

Mayor Miller, during the morning session of the meeting, introduced the following delegation from Michigan, present at the Special meeting:

- Representative Joseph Rivet;
- Representative Daniel Acciavatti;
- Representative Bill Huizenga; and
- Maggie Sans, Policy Advisor.

April 16, 2004:

Mayor Miller, during the morning session of the meeting, introduced the representatives of the Young President's Organization, present at the Special meeting.

Deputy Mayor Bussin, during the morning session of the meeting, introduced the students from St. Charles Garnier ESL Program, present at the Special meeting.

S6.57 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE

Vary the order of proceedings of Council:

Councillor Kelly on April 15, 2004, at 12:10 p.m., moved that Council vary the order of its proceedings to vote on Deferred Clause No. 30a of Report No. 2 of The Policy and Finance Committee, headed "Use of Fort York Armoury as a Temporary Shelter and Referral Centre", after Council reconvenes at 2:00 p.m., today, immediately following Council's consideration of 'quick' items, which carried.

Councillor Cowbourne on April 15, 2004, at 12:25 p.m., moved that Council vary the order of its proceedings to consider Clause No. 27 of Report No. 3 of The Toronto East Community Council, headed "Status of Land Adjacent to Wood Green Ravine, Located on the East Side of Manse Road, South of Lawrence Avenue East (Ward 44 - Scarborough East)", after Council reconvenes at 9:30 a.m. on April 16, 2004, immediately following Council's consideration of 'quick' items, which carried.

Councillor Chow on April 16, 2004, at 3:37 p.m., moved that Council vary the order of its proceedings to consider Motion J(20), moved by Councillor Chow, seconded by Councillor Mihevc, regarding the listing of 230 Bloor Street West on the Inventory of Heritage Properties, as a 'time critical' matter, the vote upon which was taken as follows:

Yes - 25	
Mayor:	Miller
Councillors:	Ashton, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Hall, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pitfield, Saundercook, Stintz, Thompson, Walker, Watson
No - 5	
Councillors:	Altobello, Balkissoon, Del Grande, Holyday, Ootes

Carried by a majority of 20.

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

April 16, 2004:

Deputy Mayor Bussin in the Chair.

Deputy Mayor Bussin, at 11:28 a.m., proposed that Council recess for approximately 10 minutes, in order to permit members of the public to exit the Council Chamber. Council concurred in the proposal by Deputy Mayor Bussin.

Councillor Moscoe, at 2:11 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 to adjourn at sundown and that Council adjourn at 6:00 p.m. today, the vote upon which was taken as follows:

Yes - 32	
Councillors:	Altobello, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Ford, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 3	
Councillors:	Carroll, Holyday, Mihevc

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

Councillor Chow, at 5:56 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 to adjourn at 6:00 p.m., and that Council continue in session, in order to conclude consideration of Motion J(20), moved by Councillor Chow, seconded by Councillor Mihevc, regarding the listing of 230 Bloor Street West on the Inventory of Heritage Properties, which carried, more than two-thirds of Members present having voted in the affirmative.

S6.58 ATTENDANCE

April 15, 2004	9:36 a.m. to 12:30 p.m.*	2:13 p.m. to 6:18 p.m.*	Ctte. of the Whole in-Camera 6:25 p.m.	7:23 p.m. to 7:30 p.m.*
Miller	x	x	x	x
Altobello	-	x	x	x
Ashton	-	x	x	-
Augimeri	x	x	-	-
Balkissoon	x	x	x	x
Bussin	x	x	x	x
Carroll	x	x	x	x
Cho	x	x	x	-
Chow	x	x	x	x
Cowbourne	x	x	x	x
Davis	x	x	x	x
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	-	-
Fletcher	x	x	x	-
Ford	x	x	x	x
Giambrone	x	x	-	-
Grimes	x	x	x	x
Hall	x	x	x	x

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April 15, 2004	9:36 a.m. to 12:30 p.m.*	2:13 p.m. to 6:18 p.m.*	Ctte. of the Whole in-Camera 6:25 p.m.	7:23 p.m. to 7:30 p.m.*
Holyday	x	x	x	x
Jenkins	x	x	x	x
Kelly	x	x	x	x
Li Preti	x	-	-	-
Lindsay Luby	x	x	x	x
Mammoliti	x	x	-	-
McConnell	x	x	x	x
Mihevc	x	x	x	x
Milczyn	x	x	x	x
Minnan-Wong	x	x	x	-
Moscoe	-	x	x	x
Nunziata	x	x	x	x
Ootes	x	x	x	x
Palacio	x	x	-	-
Pantalone	x	x	x	x
Pitfield	-	x	x	-
Rae	x	x	x	-
Saundercook	x	x	x	x
Shiner	x	x	x	x
Soknacki	x	x	x	x
Stintz	x	x	-	-
Thompson	x	x	-	-
Walker	x	x	x	x
Watson	x	x	x	-
Total	41	44	37	30

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

April 16, 2004	9:40 a.m. to 11:28 a.m.*	Roll Call 11:38 a.m.	11:44 a.m. to 12:30 p.m.*	Roll Call 2:14 p.m.	2:14 p.m. to 6:02 p.m.*	Roll Call 3:00 p.m.	Roll Call 3:23 p.m.	Roll Call 4:05 p.m.
Miller	x	-	x	-	x	-	-	-

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April 16, 2004	9:40 a.m. to 11:28 a.m.*	Roll Call 11:38 a.m.	11:44 a.m. to 12:30 p.m.*	Roll Call 2:14 p.m.	2:14 p.m. to 6:02 p.m.*	Roll Call 3:00 p.m.	Roll Call 3:23 p.m.	Roll Call 4:05 p.m.
Altobello	x	x	x	-	x	x	x	x
Ashton	x	x	x	-	x	x	x	x
Augimeri	-	-	-	-	-	-	-	-
Balkissoon	x	x	x	x	x	x	x	x
Bussin	x	x	x	x	x	x	x	x
Carroll	x	x	x	x	x	-	-	-
Cho	x	-	x	x	x	x	x	-
Chow	x	x	x	x	x	x	x	-
Cowbourne	x	x	x	x	x	x	x	x
Davis	x	-	x	x	x	x	x	x
De Baeremaeker	x	x	x	x	x	x	x	-
Del Grande	x	x	x	x	x	x	x	x
Di Giorgio	x	-	x	x	x	x	x	x
Feldman	x	-	x	-	x	x	x	-
Filion	x	x	x	-	x	x	x	x
Fletcher	x	-	x	-	x	x	x	x
Ford	x	x	x	x	x	-	-	x
Giambrone	x	x	x	-	x	x	-	-
Grimes	x	x	x	x	x	x	-	x
Hall	x	x	x	x	x	x	x	-
Holiday	x	x	x	x	x	x	x	x
Jenkins	x	x	x	x	x	x	x	x
Kelly	x	x	x	-	x	-	x	-
Li Preti	x	x	x	x	x	x	-	-
Lindsay Luby	x	x	x	x	x	x	x	-
Mammoliti	x	x	x	-	x	-	-	-
McConnell	x	x	x	-	x	-	-	-
Mihevci	x	x	x	-	x	x	-	x
Milczyn	x	x	x	x	x	x	x	-
Minnan-Wong	x	-	x	x	x	-	-	-
Moscoe	x	x	x	x	x	x	x	x
Nunziata	x	x	x	x	x	-	x	-
Ootes	x	x	x	x	x	-	x	-

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April 16, 2004	9:40 a.m. to 11:28 a.m.*	Roll Call 11:38 a.m.	11:44 a.m. to 12:30 p.m.*	Roll Call 2:14 p.m.	2:14 p.m. to 6:02 p.m.*	Roll Call 3:00 p.m.	Roll Call 3:23 p.m.	Roll Call 4:05 p.m.
Palacio	x	x	x	x	x	x	x	x
Pantalone	x	x	x	x	x	x	x	x
Pitfield	x	-	-	-	x	x	x	x
Rae	-	-	-	-	-	-	-	-
Saunderscook	x	x	x	x	x	-	x	x
Shiner	x	x	x	x	x	x	x	x
Soknacki	x	-	x	x	x	-	-	-
Stintz	x	x	x +	x	x	x	-	x
Thompson	x	x	x	x	x	x	-	-
Walker	x	x	x	x	x	-	x	x
Watson	-	-	-	x	x	x	x	x
Total	42	33	41	31	43	31	30	24

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

Council adjourned on April 16, 2004, at 6:02 p.m.

**DAVID R. MILLER,
 Mayor**

**ULLI S. WATKISS,
 City Clerk**

ATTACHMENT NO. 1 [Notice of Motion J(5)]

Report dated April 8, 2004, from the Commissioner of Corporate Services, entitled "Yonge/Dundas Redevelopment Project, Parcel C - Consent to Transfer by Robert Sniderman of his Limited Partnership Interest in 259 Victoria Street (Ward 27 - Toronto Centre-Rosedale)." (See Minute No. S6.35, Page 61):

Purpose:

To consent to Robert Sniderman's request to be allowed to sell his twenty-five percent (25%) interest in the Torch Project currently under construction on Parcel C of the Yonge/Dundas Redevelopment Project at 259 Victoria Street.

Financial Implications and Impact Statement:

There are no financial implications as a result of this report. The Chief Financial Officer and Treasurer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) Council grant its consent as required pursuant to the Ground Lease registered as Instrument No. CA707701 on January 15, 2001 and the restrictive covenant dated January 12, 2001, registered as Instrument No. CA707964 on January 15, 2001, between the City of Toronto and Penex Dundas Square Ltd., in its capacity as general partner of the Dundas Square Limited Partnership to Robert Sniderman to sell his twenty-five percent (25%) interest in the Torch Project to one or more of the partners in the Dundas Square Limited Partnership;
- (2) the City Solicitor be authorized to complete all documentation on behalf of the City in connection with the foregoing; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

At its meeting of February 2, 3 and 4, 1999, Council adopted Clause No. 10 of Report No. 2 of The Strategic Policies and Priorities Committee entitled, "Yonge/Dundas Redevelopment Project, Settlement of Expropriation Claims, the Salvation Army, Governing Council of Canada, 259 Victoria Street". Council authorized the full and final settlement of the expropriation claim with the Salvation Army, Governing Council of Canada and the declaration as surplus of 259 Victoria Street and those parcels of public highway abutting 259

Victoria Street (the "Site").

Council also authorized the City to enter into a master agreement with Robert Sniderman either through Senator Restaurants Ltd. or in trust for a corporation to be incorporated for the sale of the Site and a fifty (50) year lease for an advertising tower with the City receiving twenty (20) percent of the Net Revenue as rent. The Site was to be redeveloped with a building and advertising tower (the "Torch Project"), following Sniderman's successful bid in response to an RFP. Both the master agreement and lease imposed a restriction whereby the developer was prevented from selling his interest in the Torch Project until the fifth anniversary of substantial completion of the Purchaser's proposed development. An exception allowed sales to joint venture partner(s) and lender(s) for security purposes and provided Robert Sniderman maintains a minimum twenty-five percent (25%) interest.

Pursuant to Policy and Finance Committee Report No. 11, Clause No. 19, entitled, "Yonge/Dundas Redevelopment Project, Parcel C – 259 Victoria Street, Toronto, Amendments to the Master Agreement with Robert Sniderman", adopted by Council at its meeting of December 14, 15, and 16, 1999, certain aspects of the business agreement were amended and authority was obtained for Sniderman to sell a portion of his interest in the Torch Project to Dundas Square Limited Partnership. Penex Dundas Square Ltd., ("Penex"), in its capacity as general partner of the Dundas Square Limited Partnership and the City then entered into an Amended and Restated Master Agreement, (the "Agreement") governing the proposed transaction, with Sniderman continuing to hold a minority interest of twenty-five percent (25%) as required by the Agreement. The closing for the sale and lease transaction took place on January 15, 2001.

Comments:

By letter dated March 25, 2004, Robert Sniderman has requested the City's consent to permit him to sell his remaining twenty-five percent (25%) interest in the limited partnership in the Torch Project to one or more of the other partners. Mr. Sniderman states that he has fulfilled his role in bringing the Torch Project to its current state, and for personal reasons it has become important for him to sell his interest at this time.

After a period of initial delays, construction of the Torch Project is well underway. Schedule B contains photographs of the Torch Project at its current state of development. Mr. Sniderman advises a lease with a major tenant is signed and completion of the development has been targeted for August 1, 2004, to coincide with the 2004 Summer Olympics in Athens, Greece.

Conclusions:

As the construction of the Torch Project is nearing completion, the intended purpose of the restriction imposed on Robert Sniderman has been fulfilled. Dundas Square Limited Partnership will remain the owner of the Torch Project. The request from Mr. Sniderman is

considered fair and reasonable and it is recommended for approval.

Contact:

Name: Mike Saffran
Position: Valuator/Negotiator
Telephone: (416) 392-7205
Fax: (416) 392-1880
E-Mail: msaffran@toronto.ca

(The attachments to this report are on file in the City Clerk's Office.)

ATTACHMENT NO. 2 [Notice of Motion J(6)]

Joint report dated March 29, 2004, from the Commissioner of Corporate services and Chief Financial Officer and Treasurer, entitled "Amendment to Term of Agreement for Printing Services For Snap Set/NCR and Other Legal Forms Relating to Provincial Offences Request for Proposal No. 3003-03-7440." (See Minute No. S6.36, Page 64):

Purpose:

To make a technical amendment to the term of the agreement with Data Group of Companies for the printing of snap set/NCR and other legal forms relating to Provincial Offences, and to obtain authorization to amend the agreement to be consistent with the term of agreement specified in Request for Proposal (RFP) No. 3003-03-7440 as February 1, 2004, to December 31, 2005, with an option to renew the contract for two (2) additional one-year terms.

Financial Implications and Impact Statement:

The proposed Court Services 2004 Operating Budget 4825 CT2001/5000 includes \$283,800.00 to meet the estimated costs of this agreement for the period of 2004. The funding for the first part of 2004 is included in this interim estimate and the balance of the funding is included in the 2004 operating budget submission. The estimated cost in 2005 is in the same amount of \$283,800.00 provided that paper prices remain the same. The estimated costs in 2006 and 2007 are also in the same amount of \$283,800.00 per year provided that paper prices remain the same.

Funding of \$283,800.00 will be required in the 2005 operating budget. Funding of \$283,800.00 and 283,800.00 will be required in the 2006 and 2007 operating budgets in the event that the two one-year options to renew the contract are exercised.

The total expenditure is \$1,135,200.00 including all taxes and charges for the contract period from February 1, 2004 to December 31, 2007.

Recommendations:

It is recommended that:

- (1) the term of the agreement with the Data Group of Companies for the printing of snap set/NCR and other legal forms relating to Provincial Offences be amended to February 1, 2004 ,to December 31, 2005, in accordance with the term specified in the RFP in the estimated amount of \$283,800.00 in 2004, and \$283,800.00 in 2005, including all taxes and charges;

- (2) the option to renew for the period of January 1, 2006, to December 31, 2006, in the estimated amount of \$283,800.00 including all taxes and charges, and the period of January 1, 2007, to December 31, 2007, in the estimated amount of \$283,800.00 including all taxes and charges, under the same terms and conditions be reviewed by the Commissioner of Corporate Services in co-operation with the Purchasing Agent, provided the first term of the contract was performed satisfactorily, to ensure it is feasible to extend the contract; and
- (3) provided that there is a favourable review, in accordance with Recommendation No. (2), the Commissioner of Corporate Services be delegated the authority to exercise the renewal options on the terms and conditions set out above and be authorized to instruct the Purchasing Agent to process the necessary contract; and
- (4) the appropriate officials be authorized and directed to take the necessary action to give effect thereto.

Background:

Between January and February 2002, the City assumed Provincial Offences Act duties from the Ministry of the Attorney General. In delivering its service, the Ministry used a single source commercial printer for snap set/NCR and other legal forms relating to Provincial Offences' administration. The Ministry agreed to continue contracting with its current supplier to November 30, 2003, to allow the City to award a new service contract.

As part of the Memorandum of Understanding (MOU) setting out the parameters under which court administration services are to be provided, the City and all other Municipalities are required, pursuant to Section 5.3.13 of the MOU and paragraph 6.0 of Schedule 2, to purchase sequentially numbered charge and service related documents and other court-related forms, as required, from a single source as approved by the Attorney General.

RFP No. 3003-03-7440 was issued with participation in co-operative purchasing with Ministry of the Attorney General and other Municipalities and provided for the supply of sequentially numbered charge documents and other court related forms. The RFP specified that the term of agreement shall expire on December 31, 2005, with an option to renew for two (2) additional 12 month periods.

At its meeting held on January 27, 28, and 29, 2004, City Council adopted without amendment Clause No. 24 contained in Report No. 1 of The Policy and Finance Committee, entitled "Printing Services for Snap Set/NCR and Other Legal Forms Relating to Provincial Offences – Request for Proposal No. 3003-03-7440". This report specified that the term of the agreement with the Data Group of Companies for the printing of snap set/NCR and other legal forms relating to Provincial Offences is February 1, 2004, to December 31, 2004, with an option to renew for two (2) additional one-year terms. The total expenditure is \$851,400.00

including all taxes and charges, for the contract period from February 1, 2004 to December 31, 2006.

Comments:

The December 31, 2004 agreement expiry date contained in Clause No. 24 contained in Report No. 1 of The Policy and Finance Committee, entitled Printing Services for Snap Set/NCR and Other Legal Forms Relating to Provincial Offences – Request for Proposal No. 3003-03-7440 is incorrect. The RFP indicated to proponents that the agreement shall expire on December 31, 2005. Proponents submitted proposals based on the December 31, 2005 expiry date with the option to renew for two (2) additional one-year terms. The total expenditure is \$1,135,200.00 including all taxes and charges, for the contract period from February 1, 2004 to December 31, 2007.

The option to renew for the two (2) additional one-year terms will be dependent upon the quality of product, service and pricing structure for the additional 12 month periods and subject to budget approvals.

Conclusions:

This report requests authority to amend the term of the agreement with The Data Group of Companies for the provision of printing services for snap set/NCR and other Legal Forms relating to Provincial Offences commencing February 1, 2004, until December 31, 2005, with an option to renew the contract for two (2) additional one-year terms, under the same terms and conditions, at a total estimated cost of \$1,135,200.00 including all taxes and charges.

Contact:

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ATTACHMENT NO. 3 [Notice of Motion J(7)]

Report dated April 14, 2004, from the City Solicitor, entitled "Acknowledgement of Lease and Assignment of the Agreement between City of Toronto, SportsCentre Design & Management, LP, and Ted Reeve Community Arena Committee of Management for the Operation and Management of the Indoor Ice Facility at the Ted Reeve Arena" (See Minute No. S.637, Page 66):

Purpose:

To obtain Council's consent to the request by SportsCentre Design & Management, LP, for the assignment of the agreements with SportsCentre Design & Management, LP, for the operation and management of the indoor ice facility at the Ted Reeve Arena to Beaches Sportcentre Inc. and to an acknowledgment of lease of equipment to the Royal Bank of Canada and to obtain authorization to enter into assignment and acknowledgment agreements as set out in this report.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) authority be granted to enter into an assignment agreement for the assignment of the rights and obligations of SportsCentre Design & Management, LP, under agreements with the City and Ted Reeve Community Arena Committee of Management for the undertaking of certain capital repairs and improvements and the operation and management of the indoor ice facility at the Ted Reeve Arena, to Beaches Sportcentre Inc.; such assignment to be based on the same prices, terms and conditions and to be in a form satisfactory to the City Solicitor; and
- (2) authority be granted to consent to an acknowledgement of lease of equipment by Beaches Sportscentre Inc. to the Royal Bank of Canada provided that the City's rights with respect to the leased equipment under the operating agreement with Beaches Sportscentre Inc shall rank in priority over the Royal Bank, such acknowledgement agreement to be in a form satisfactory to the City Solicitor.

Background:

At its meeting held on July 4, 5 and 6, 2000, by the adoption of Report No. 7, Clause No. 11 of the Economic Development and Parks Committee, and its meeting held on June 26,

27 and 28, 2001, by the adoption of Report No. 9, Clause No. 7 of the Policy and Finance Committee, Council awarded RFP No. 3918-00-5188 to Air Athletics Inc. and granted authority to enter into an agreement with Air Athletics Inc, as General Partner of Sportscentre Design & Management, LP (“SCDMLP”) in accordance with the provisions of the Request for Proposal. Council further authorized the undertaking of necessary capital repairs to the ice rink to be undertaken by Air Athletics Inc. An operating agreement between the City, Ted Reeve Arena Committee of Management (“TRCM”) and SCDMLP was entered into on March 1, 2003 (the “Operating Agreement”), together with a construction agreement between the City and SCDMLP dated March 1, 2003 (collectively the “Agreements”).

Comments:

SCDMLP has requested that the Agreements be assigned to Beaches Sportcentre Inc. (“Beaches”). Beaches is a corporation owned 100 percent by SCDMLP.

I am satisfied that the assignment of the Agreements to Beaches will not affect the City’s interests. Notwithstanding the proposed assignment, SCDMLP will remain liable for observing and performing all the terms and conditions in the Agreements. Approval of the assignment is therefore recommended.

SCDMLP has also requested that the City consent to an acknowledgement of lease pertaining to equipment located at the facility and, leased by the Royal Bank of Canada from Beaches. This lease is required by Beaches as part of its project financing arrangements.

I am satisfied that the acknowledgement will not affect the City’s interests under the Operating Agreement.

This report has been prepared in consultation with staff of the Economic Development, Culture and Tourism Department.

Conclusions:

The assignment of the Agreements to Beaches, a wholly owned subsidiary of SCDMLP and the acknowledgement of leased equipment to the Royal Bank does not change the City’s existing risk situation with respect to the Agreements and is therefore recommended.

Contact:

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E-mail: jstein@toronto.ca

ATTACHMENT NO. 4 [Notice of Motion J(8)]

Communication dated April 2, 2004, from the City Clerk, entitled “Notice of Candidates who Failed to File Election Campaign Financial Statements” (See Minute No. S6.38, Page 68):

Subsection 80(3) of the Municipal Elections Act, 1996 requires the Clerk to notify Council of the candidates who failed to file the required financial statements by March 31, 2004, detailing their campaign finances for the election to positions on Toronto City Council.

Attached for the information of Council is a listing of the candidates and a copy of the notice of default sent to them.

List of Council Candidates in Default

For the Office of Mayor

Last Name	First Name
Campbell	Douglas
Clarke	Kevin
Csak	Kendal
Dhir	Hardy
Glisic	Aleksandar
Hall	Barbara
Hartnett	John
*Hebbes	Derek
Howell	Albert
Jahshan	John
Mbaegbu	Benjamin
McAuliffe	Timothy
Nunziata	John
Safi	Hashmat
Shehab	Ahmad
Weston	Richard

For the Office of Councillor

Last Name	First Name	Ward
Aspiotis	Steven	14
Bailao	Ana	18
Baldacchino	Richard	9
Binetti	Michael	38
Blair	Donald	44
Bonser	Greg	30
Bordonaro	Paul	28
Braniff	Donna	32
Calderon	Henry	13
*Chhibber	Shabnam	7
Christianson	Steven	29
Cimaroli	Romolo	17
Dahir	Mohamed	2
Davis	Rob	33
Demone	Michael	27
Duza	Nasir	31
Fasasi	Akeem	42
Gill	Chitranjan	1
Harris	Peter	35
Jama	Abdi	2
Jamieson	Carol	13
Jepson	Dean	20
Kabir	Anwarul	28
Kash	George	6
*Khan	Faroque	28
Khipple	Singh	1
Kitchen	Glenn	43
*Korwin-Kuczynski	Chris	14
Lang	Gregory	28
Legault	Georges	37
Robert Livingstone	Robert	32
*Loewen	Nancy	6
Loewen	Nancy	25
Lorenzo	Michael	27
Lough	Sean	30
Manlangit	Ignacio	23
Manning	Caryl	13
Mascioli	Berardo	6
Mbuyi	Jean-Claude	28

Last Name	First Name	Ward
Mills	Colleen	32
Munroe	Michele	1
Muteba	Kalonji	35
Niazi	Khan	34
Nikolareizi	Laura-Maria	37
Oppedisano	Anna	9
Piccininno	Rocco	15
Radia	Nick	29
Rauenbusch	William	25
*Reis	Aida	17
Reodica	Willie	38
Rizzo	Luigi	15
Russell	Worrick	35
Salaverry-Chuquihuara	Ana	18
Scott	Robert	36
Selkirk	Mark	6
Senater	David	17
Smaller	David	14
Sumka	John	4
Veri	Ed	14
Wicks	Brian	20
Yaccato	Chris	32
Zielinski	Ed	14

* withdrew nomination

Notice of Default – Filing of Municipal Election Financial Statements

As a candidate in the 2003 municipal election, you were required under the Municipal Elections Act, 1996, to file with the City Clerk a financial statement in the prescribed form by March 31, 2004. You did not comply with this requirement.

Section 80 of the Act provides that if a candidate fails to comply with this requirement, the candidate is suspended without pay from any office to which he or she was elected under the Act until the document is filed. Pursuant to section 80, if a candidate has not filed the financial statement within 91 days of the last day for filing, the candidate forfeits any office to which the candidate has been elected and, until after the 2006 election, is ineligible to run for or be appointed to any office to which the Act applies. The Act also provides that an individual who fails to file the financial statement on time is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.00.

Within 91 days after the last day for filing, a candidate may make application to the Ontario Court of Justice to extend the time for filing the financial statement. If the court is satisfied that the circumstances justify a later date for filing, an extension may be granted. If the extension is granted, the suspension of an elected candidate continues until the financial statement is filed. If the candidate fails to file the financial statement by the extended date, the above-noted penalties will apply.

This notice is being mailed on April 1, 2004, and is deemed to have been received on the fifth day after mailing. The penalties will apply on the 12th day after mailing, if the default is not eliminated by that date.

If you have any questions, please contact Gail Haines at 416-395-7321.

ATTACHMENT NO. 5 [Notice of Motion J(12)]

Report dated April 14, 2004, from the Commissioner of Urban Development Services, entitled "Directions Report for OMB Minutes of Settlement, Official Plan Amendment and Rezoning 102023, TC CMB 2002 0013, Applicant: NEXXT Corporation, Architect: KPMB Architects and CXT Architects, 403 Keele Street, (Parkdale-High Park, Ward 14)" (See Minute No. S6.42, Page 74):

Purpose:

To report on the outcome of settlement negotiations regarding an appeal by National Rubber Industries (NRI) of Official Plan and Zoning amendment applications by NEXXT Corporation for a property at 403 Keele Street. This report also recommends that Council endorse Minutes of Settlement and provides direction to the City Solicitor and City staff attending the OMB hearing scheduled for April 26, 2004.

Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) endorse the proposed Minutes of Settlement reached between NRI and NEXXT Corporation with respect to NRI's OMB appeal of Official Plan and Zoning amendment applications by NEXXT Corporation for a property at 403 Keele Street;
- (2) authorize the City Solicitor and appropriate City staff to attend the OMB hearing scheduled for April 26, 2004, in support of the Minutes of Settlement;
- (3) authorize the City Solicitor and appropriate City staff to make such changes to Official Plan Amendment No. 267 and Site Specific Zoning By-law 746-2003 as necessary to give effect to the Minutes of Settlement as outlined in Attachment 3 to this report;
- (4) direct appropriate City staff to forward the Minutes of Settlement to the Ministry of the Environment (MOE) and that the MOE be requested to rely on the Minutes of Settlement for purposes of addressing the relationship between NRI, the City, NEXXT, the condominium corporation and the residents of the NEXXT development including reliance on the Minutes of Settlement when the MOE processes Certificate of Approval applications from NRI; and
- (5) authorize the appropriate City official to execute the Minutes of Settlement and such

other documentation as may be necessary to implement the above recommendations.

Background:

National Rubber Industries (NRI) appealed Council's approval of Official Plan and Zoning amendments to permit residential development at 403 Keele Street. NRI was concerned that the residential development would be subject to emissions from its existing plant at 35 Cawthra Avenue.

At its meeting of March 2, 3 and 4, 2004, City Council adopted Motion J (10), as amended, it directed the Commissioners of Urban Development Services and Economic Development, Culture and Tourism, and other appropriate City officials, to work with the parties to the OMB hearing to assist in resolving the NRI appeal. The OMB Hearing was scheduled for April 26, 2004.

On March 10, 2004, Councillor Watson held a meeting to discuss settlement issues with the adjacent Ward Councillors, appropriate City and MOE staff, NRI and NEXXT Corporation and area resident representatives. The meeting assisted with narrowing the issues and encouraging NRI and NEXXT Corporation to work towards a settlement prior to the April 15, 2004 City Council meeting.

On April 6, 2004, City staff organized a further meeting with all parties to discuss the status of negotiations between NRI and NEXXT Corporation to assist them in reaching a settlement. NEXXT Corporation and NRI continued their on-going discussions and negotiations that day and by the afternoon of April 14, 2004 had reached a settlement agreement. The Minutes of Settlement are still being drafted into their final form. However, both sides have provided City staff with letters (see Attachments 1 to 3) which cover the issues that have been agreed to by both parties.

NEXXT Corporation is currently in discussions with two residents on Heintzman Street who are also appellants in the OMB appeal. The resolution of these remaining appeals would further assist in reducing this scheduled three-week OMB hearing.

The OMB has scheduled a conference call for Friday, April 16, 2004, at 9:00 a.m. to be updated on the status of the various appeals, including whether an adjournment is necessary or if NRI and NEXXT Corporation have reached a settlement agreement.

Comments:

Settlement Outline

The settlement primarily involves odour mitigation measures to be undertaken by NEXXT Corporation in the design and construction of their project. These mitigation measures will avoid odour complaints that might arise as a result of emissions that are occasionally directed

towards the floors above 14 metres by the wind. The mitigation measures include enclosed balconies, pressurization of residential and retail units and hallways in the towers, and provisions for carbon filtering for the building air intake system. These measures appear to be reasonable and are supported by the experts retained by the parties. Therefore, this report recommends that City Council endorse the Minutes of Settlement and direct the City Solicitor and appropriate staff to support this agreement at the OMB.

Amendments to Official Plan No. 267 and Site Specific Zoning By-law 746-2003

To implement the Minutes of Settlement this report recommends that staff be authorized to make technical amendments to the Official Plan and zoning by-law to implement the Settlement. These amendments would include an amendment to Official Plan Amendment No. 267 to exclude the proposed enclosed balconies from being calculated as residential gross floor area. Similar changes are required to site specific Zoning By-law 746-2003. These amendments relate to Sections 2(3) dealing with the proposed enclosure of balconies; Section 2 (10) to limit balconies and air-intake grates or similar equipment on “exposed faces” of the building; Section 3 (2) to exclude the enclosed balconies from the definition of residential gross floor area; Section 3 (4) to add a new definition of “restricted face” for the north and east facades of each of the proposed buildings; and adding a new Plan 4 clearly marking the “restricted face” of the building facades. These are shown on Plan 3 in Attachment 3.

Ministry of the Environment Concern

A number of letters have been received from the MOE regarding the need to deal with the possibility of future odour complaints from new owners living in the proposed towers above the original 14 metre height limit. A plan of action was requested in a November 6, 2003 letter from the MOE, and was attached to Motion J (10). The fourth recommendation of this report directs staff to submit the Minutes of Settlement to the Ministry and request that the Ministry use the Minutes as the basis of an action plan addressing the relationship between NRI, the City, NEXXT, the condominium corporation and the residents of the NEXXT development. The recommendation also requests the Ministry to rely on the Minutes of Settlement when the MOE processes Certificate of Approval applications from NRI.

Conclusions:

The Minutes of Settlement that have been agreed to between NRI and NEXXT Corporation reflect an acceptable framework that will allow for greater future compatibility between industrial and residential zoned land uses in the Junction area. The Minutes of Settlement also respond to a request from the Ministry of the Environment for the Planning Department and/or the proponent to provide the MOE with a plan of action to evaluate and address future environmental conflicts in the area.

The adoption by City Council of the recommendations of this report will substantially reduce a 15-day OMB hearing by narrowing the outstanding issues. It will also remove a major objection by an industry employing 350 local workers. The Settlement provides additional security to the company and supports the City's goal of retaining industrial base jobs in an Employment Area.

The other matters now outstanding between NEXXT Corporation and the local resident appellants include determining the need for on and/or off-site soil remediation, parking issues on Heintzman Street and construction impact on local residents. Staff will continue to assist with mediation of the outstanding matters.

The City Solicitor and staff of Economic Development, Culture and Tourism have reviewed this report and concur in its recommendations.

Contact:

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(The attachments to this report are on file in the City Clerk's Office.)

ATTACHMENT NO. 6 [Notice of Motion J(18)]

Report dated April 14, 2004, from the Commissioner of Urban Development Services, entitled "Interim Control By-law Amendment Report to Include lands at 18 Fern Avenue, File Number: 10/15/1-4 York-South-Weston (Ward 11)". (See Minute No. S6.47, Page 82):

Purpose:

To consider an amendment to Interim Control By-law No. 189-2003, as amended, to include 18 Fern Avenue.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend City of Toronto By-law No. 189-2003, as amended, substantially in accordance with the Interim Control By-law Amendment; and
- (2) authorize the City Solicitor to make such stylistic and technical changes to the Interim Control By-law amendment as may be required.

Background:

City Council at its meeting on April 14, 15 and 16, 2003, passed Interim Control By-law No.189-2003. The purpose of this By-law was to allow staff to review the present R2 zoning of lands, located within the map shown, with a view to preserving the existing character of the neighbourhood.

Two properties, 35 Church Street and 18 Fern Avenue, located within the study area, were exempted from the Interim Control By-law because they were the subject of Committee of Adjustment applications that were in process the time the By-law was passed.

At its meeting on June 24, 25 and 26, 2003, City Council passed By-law Amendment No. 563-2003 to By-law No. 189-2003. The purpose of By-law No. 563-2003 was to exclude lands municipally known as 2209 Weston Road and 16 King George Road, as they were both the subject of Committee of Adjustment applications, initiated prior to the passage of Interim Control, and were in the final stages of development.

City Council on March 3, 2004, passed By-law No. 216-2004 to amend By-law No. 189-2003, as amended, to effect interim control for an additional one-year period, to allow staff time to

complete the review.

Comments:

The site was subject to a Committee of Adjustment application for consent to sever the property into two residential lots, and a minor variance application, which resulted from the proposed consent application. At its Public Hearing of August 12, 2003, the Committee of Adjustment refused the applications, and the decision was appealed to the Ontario Municipal Board.

The applications have recently been before the Board, and the Board has given an oral decision, dismissing the applicant's appeal. It is expected that the Board's written decision will be issued shortly. Accordingly, the basis for the original exemption for this property is no longer valid and the interim control provisions that are applicable to other R2 zoned properties in the area should now also apply to 18 Fern Avenue.

Conclusions:

It is recommended that Community Council amend Interim Control By-law No. 189-2003, as amended, to include 18 Fern Avenue.

Contact:

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(The attachments to this report are on file in the City Clerk's Office.)

ATTACHMENT NO. 7 [Notice of Motion J(19)]

Report dated April 8, 2004, from the Commissioner of Community and Neighbourhood Services, entitled "Non-Concurrence in Request for a Tenant Support Grant from the Tenant Defence Fund by the Fountainhead Tenants' Association Following an Ontario Municipal Board Decision (Ward 8 - York West)". (See Minute No. S6.48, Page 84)

Purpose:

To provide information about a request for a grant from the Tenant Defence Fund by the Fountainhead Tenants' Association for legal representation in the tenant consultation process following a decision of the Ontario Municipal Board respecting 1 Fountainhead Road, 35 Fountainhead Road, 40 Fountainhead Road and 470 Sentinel Road.

Financial Implications and Impact Statement:

There are no financial implications as a result of this report.

Recommendations:

It is recommended that the request for a grant of \$3,000.00 for the Fountainhead Tenants' Association from the Tenant Support Grants Program of the Tenant Defence Fund not be approved.

Background:

1. The Ontario Municipal Board Appeal

The Fountainhead Tenants' Association represents a group of tenants residing in the Maple Grove apartment complex located in Ward 8 -York-West, at 1 Fountainhead Road, 35 Fountainhead Road, 40 Fountainhead Road and 470 Sentinel Road.

In May 2002, the owner of the complex, Met Cap Living Management Inc., applied to the City for an official plan amendment and a zoning by-law amendment in order to construct a long-term care facility between two existing rental apartment buildings (40 Fountainhead Road and 470 Sentinel Road). In August 2002, the owner appealed the applications to the Ontario Municipal Board (OMB). The hearing proceeded February 24, 2003.

At its meeting of November 26, 27 and 28, 2002, Council refused the owner's original application, based on the reasons that the owner failed to satisfy the required conditions of the Official Plan related to intensification, particularly, the loss of outdoor amenity space and the swimming pool with no replacement, and lack of net benefit to existing residents, and limited sensitivity to the preservation of the existing woodlot.

Before the start of the OMB hearing, the owner revised their application to address the concerns identified by the City. The revisions included shifting the location of the proposed new retirement building in order to reduce tree loss, and the addition of a day care centre. Additional benefits to be secured through Section 37 Agreement were also proposed to compensate tenants for the loss of amenities:

- (a) a new community room in the long-term care facility for use by area tenants;
- (b) a new recreational facility close to the south pool;
- (c) a new children's playground close to the south pool;
- (d) landscaping improvements in the south pool area;
- (e) increased capacity of the south pool through additional staff;
- (f) woodlot management plan that includes a tree replanting program;
- (g) tree protection measures; and
- (h) formal pedestrian walkway through the woodlot.

In a decision dated May 22, 2003, the OMB allowed the owner's appeal, approved the specific benefits proposed by the owner as compensation for the loss of the amenities, added that the shallow end of the south pool be expanded as had been requested by the tenants and required these specific benefits to be secured through a Section 37 Agreement with the City. The details of some of the benefits were to be the subject of consultation by the owner with the tenants, which is part of the reason for the current grant request.

Since the OMB decision was issued, two reports have been submitted by the City Solicitor to provide a status report on the OMB proceedings. The initial report recommended that Council authorize execution of the Section 37 Agreement. The reports were deferred by Council at its meeting on January 27, 28 and 29, 2004, pending the outcome of the tenant consultation. The City Solicitor has been advised by the owner that they intend to schedule the tenant consultation in the near future.

2. Requests for Grants by the Fountainhead Tenants' Association

At its meeting of February 4, 5 and 6, 2003, on a Notice of Motion submitted by Councillor Li Preti, Council approved a grant of \$5,000.00 from the Tenant Defence Fund to the Fountainhead Tenants' Association to retain legal representation in order to challenge the owner's appeal to the OMB on the basis that the proposed intensification of the site would result in the loss of existing amenities for tenants in the complex (loss of the north pool, trees and green space), thereby reducing the quality of life for the tenants.

A second grant of \$3,000.00 was requested by Councillor Li Preti, on behalf of the Fountainhead Tenants' Association, at the meeting of the Tenant Defence Sub-Committee on February 27, 2004. The purpose of the grant would be to assist tenants with the cost of hiring a lawyer to ensure that the tenants' interests are represented in the proposed consultation

process with the owner, and to assist them in attempting to negotiate a permanent rent reduction for the loss of services and facilities which would result from the OMB decision when development occurs on the site. The Sub-Committee authorized its Chair, Councillor Walker, to submit a Notice of Motion to Council for its meeting on April 15, 2004 recommending a grant of \$3,000.00 to the Fountainhead Tenants' Association and requesting the Commissioner of Community and Neighbourhood Services to report to Council at the same meeting about the grant request.

Comments:

A number of factors have been considered in the decision to not recommend approval of the \$3,000.00 grant requested for the Fountainhead Tenants' Association.

1. Tenant Support Grants Program Criteria

The grant request does not satisfy By-law No. 48-2000 and By-law No. 838-2000, which set out the scope and criteria for the Tenant Support Grants Program. The objective of the Tenant Support Grants Program is primarily to assist tenants in preserving the affordability of their units, and to help preserve the supply of rental housing units in Toronto. With respect to affordability, the Fund provides limited grants to tenants to help them dispute landlord applications for rent increases above the provincial guideline (AGI), as such increases would reduce affordability, and help them file court appeals on orders issued by the Ontario Rental Housing Tribunal with respect to AGI applications. With respect to protecting rental supply, the Fund provides limited grants to tenants to assist them in representation before the Ontario Municipal Board on applications which put their units at risk of demolition or conversion. In both situations, a certain percentage of units must have affordable rents and a certain percentage of tenants must indicate their support for the Grant application by signing a petition.

There is no provision under the Tenant Support Grants Program by-laws to provide grants for tenants to challenge their landlords at the OMB because of loss of amenities or services in their buildings; nor is there a provision to approve a grant to help tenants with consultation in connection with the details of Section 37 benefits or negotiation with the building owner for a rent reduction.

2. Status of the OMB Appeal

At the time of the hearing, City staff advised the OMB that the owner's revised proposal addressed the original reasons that had been identified as the basis for recommending the City's refusal. In its decision allowing the owner's appeal, the OMB concluded that the proposed benefits were appropriate and required the owner to consult with the tenants regarding details of:

- the proposed pool improvements (including increasing the size of the shallow end in

- the south pool as had been requested by the tenants);
- the proposed new playground; and
- the proposed new recreation facility.

Part of the reason for the grant request is to assist the tenants with hiring a lawyer to ensure the tenants' interests are represented in the consultation process. City Planning advises that, in the case of an intensification project on a rental site such as the subject development, it is the City's normal practice to require the landlord to consult with tenants of existing rental buildings about proposed improvements, and the OMB has been consistent with this approach by requiring consultation on the improvements that the OMB has approved. Staff are not aware that tenants in other similar situations have requested assistance or a grant from the City for hiring a lawyer to represent the tenants in these discussions.

2. Purpose of the Tenant Consultation

The other reason for the grant request is to secure legal assistance for negotiating a rent reduction for the tenants during the tenant consultation process required by the OMB.

The OMB decision does not make provision for negotiation of additional benefits for the tenants beyond those identified in the site specific official plan and zoning by-law amendments submitted by City staff to the OMB in accordance with its decision. The City Solicitor advises that the nature of the benefits required as compensation for the loss of other amenities has already been determined by the OMB, and the purpose of the tenant consultation is limited to fine tuning the details of the benefits specifically related to the pool expansion/improvements, the playground and the recreation facility. Rent reduction was not requested by the tenants nor considered by the OMB as a proposed benefit at the time of hearing.

The OMB decision for this site does not include rent reductions in the list of permitted benefits to be consulted upon. It is therefore not appropriate to approve a grant for the purpose of attempting to negotiate a benefit beyond what was permitted in the OMB decision.

3. Alternative Legislative Options for Rent Reduction

Where there is a loss of service or facility, tenants are able to apply for a rent reduction under rent laws, rather than the planning process. The Tenant Protection Act (TPA), for example, permits tenants to apply for rent reductions in cases where the landlord has removed or reduced a service or facility for tenants' use.

Planning staff advise that they do not recommend the use of provisions in the Planning Act, such as Section 37, to secure matters expressly addressed by other provincial legislation, such as the Tenant Protection Act. Council considered whether or not to include rent reductions as a benefit under Section 37 of the Planning Act during its deliberations in approving the City's

new Official Plan in November 2002, and did not amend the policy to include rent reductions. Therefore, when development occurs on the site, depending upon legislation in effect at the time, the tenants should be able to apply for reductions in rent if services and/or facilities have been withdrawn.

The Commissioner of Urban Development Services has been consulted and concurs. The City Solicitor has also been consulted in the preparation of this report with respect to the history and the details of the OMB Decision.

Conclusions:

A number of factors have been considered in the decision to not recommend approval of the \$3,000.00 grant requested for the Fountainhead Tenants' Association:

- the grant request does not meet criteria set out in the Tenant Support Grants Program by-law for funding approval;
- tenant consultation is a normal requirement during the planning process when intensification of residential rental sites is proposed, and legal representation for tenants is not normally necessary;
- the OMB decision does not include rent reductions in the list of permitted benefits, and therefore, it is not appropriate to provide a grant to negotiate a benefit in addition to what was permitted in the OMB decision; and
- rent regulation legislation, such as the Tenant Protection Act, already sets out provisions for tenants to seek rent reductions when services or facilities have been withdrawn or removed, and the City's Official Plan does not support rent reduction as a benefit to be secured through section 37 agreements.

In light of the above considerations, approval for the \$3,000.00 grant requested is not recommended.

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FISCAL IMPACT STATEMENT SUMMARY
Notices of Motion
Submitted by the Chief Financial Officer and Treasurer
 Council Meeting – April 15 and 16, 2004

Motion #	Title	Operating \$(net)	Capital \$(net)	Comments
J(1)	Proposed Amendment to Licencing By-law to Regulate Issuance of Parking Tickets	\$0	\$0	Consider.
J(2)	Access to Licence Plate Information	\$0	\$0	Consider
J(3)	Appointments to Intergovernmental Task Force to Eradicate the Asian Long-Horned Beetle	\$0	\$0	Consider.
J(4)	Proposal to Make Used City of Toronto Information Technology Equipment (Personal Computers, Printers and Other Equipment) Available to PEN Canada for Support of 'Writers in Exile'	\$1,500.00	N/A	See FIS. Consider.
J(5)	Yonge/Dundas Redevelopment Project, Transfer of Limited Partnership Interest in 259 Victoria Street	\$0	\$0	Consider.
J(6)	Technical Amendment to Term of Agreement with The Data Group of Companies for the Provision of Printing Services for Snap Set/NCR and other Legal Forms relating to Provincial Offences	\$0	\$0	Consider.
J(7)	Acknowledgement of Lease and Assignment of Agreements for the Operation and Management of the Indoor Ice Facility at the Ted Reeve Community Arena	\$0	\$0	Consider.

Motion #	Title	Operating \$(net)	Capital \$(net)	Comments
J(8)	Report of the City Clerk – Filing of Financial Statements for the 2003 municipal Election	\$0	\$0	Consider.
J(9)	Application for Liquor Licence for Additional Facilities and Application for Removal of Conditions on an Existing Liquor Licence - 280 Coxwell Avenue, “Adam’s Sports Bar” (Toronto - Danforth, Ward 30)	\$0	\$0	Consider.
J(10)	Request to Senior Levels of Government for Increased Funding for Language Instruction for Newcomers to Canada	\$0	\$0	Consider.
J(11)	Instructions for Ontario Municipal Board hearing - 800 Lansdowne Avenue			<i>Confidential. See FIS.</i>
J(12)	Ontario Municipal Board Hearing - 403 Keele Street	\$0	\$0	Consider.
J(13)	Falun Dafa	\$0	\$0	Consider.
J(14)	Court Application on the Stolport Agreement			<i>Confidential. See FIS.</i>
J(15)	Bloordale Village Community Street Festival	\$0	\$0	Consider.

FISCAL IMPACT STATEMENT NO. 1 [NOTICE OF MOTION J(4)]

(See Minute No. S6.34, Page 60)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$1,500 (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input checked="" type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion –(J4) – Make used City of Toronto Information Technology Equipment (Personal Computers, Printers and Other Equipment) Available to PEN Canada for Support of 'Writers in Exile'.
Up to 10 units at a cost of \$100 - \$150 per unit to prepare these units are not budgeted in 2004 but will be absorbed by the Information & Technology.

- Consider
- Refer to Standing Committee

Submitted by: Chief Financial Officer and Treasurer