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These Minutes were confirmed by City Council on June 22, 2004

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

**TUESDAY, MAY 18, 2004,
WEDNESDAY, MAY 19, 2004, AND
THURSDAY, MAY 20, 2004**

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

8.1 CALL TO ORDER - 9:36 A.M.

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

The meeting opened with O Canada.

8.2 CONFIRMATION OF MINUTES

Deputy Mayor Feldman, seconded by Councillor Shiner, moved that the Minutes of Council from its regular meeting held on March 1, 2 and 3, 2004, and its Special meeting held on April 15 and 16, 2004, be confirmed in the form supplied to the Members, which carried.

8.3 PETITIONS

- (a) Councillor Rae submitted a petition containing the signatures of approximately 107 members of the Moore Park Residents Association, in support a complete ban of pesticides, herbicides and fungicides.

- (b) Councillor Mihevc submitted a petition from Hillcrest Public School, in support a complete ban of pesticides, herbicides and fungicides.

The above petitions were received and considered with Joint Report No. 1 of The Economic Development and Parks Committee and the Works Committee, headed "Implementation of the City's Pesticide By-law".

- (c) Councillor Thompson submitted a petition containing the signatures of approximately 90 individuals, in support of alterations recommended by the Toronto East Community Council to the intersection at Brimley Road and Ellesmere Road.

The above petition was received and considered with Deferred Clause No. 8a of Report No. 3 of The Toronto East Community Council, headed "Proposed Traffic Operations Changes on Brimley Road south of Ellesmere Road (Wards 37 and 38 - Scarborough Centre)".

PRESENTATION OF REPORTS

- 8.4 Councillor Carroll presented the following Reports for consideration by Council:

Deferred Clauses:

Report No. 1 of The Policy and Finance Committee, Clause No. 2b,
Report No. 3 of The Policy and Finance Committee, Clauses Nos. 3a, 4a, 6a, 7a and 10a,
Report No. 1 of The Administration Committee, Clause No. 13b,
Report No. 2 of The Administration Committee, Clauses Nos. 12b and 26b,
Report No. 1 of The Planning and Transportation Committee, Clause No. 3c,
Report No. 3 of The Toronto East Community Council, Clause No. 8a,
Report No. 3 of The Toronto North Community Council, Clause No. 4a,
Report No. 2 of The Toronto South Community Council, Clause No. 14b,
Report No. 3 of The Toronto South Community Council, Clauses Nos. 10a, 27a, 49a and 60a,
Report No. 2 of The Toronto West Community Council, Clauses Nos. 7b, 12b and 13b,
and
Report No. 3 of The Toronto West Community Council, Clauses Nos. 8a, 9a, 16a and 27a.

New Reports:

Report No. 4 of The Policy and Finance Committee,
Report No. 3 of The Economic Development and Parks Committee,

Report No. 3 of The Planning and Transportation Committee,
Report No. 3 of The Works Committee,
Report No. 3 of The Administration Committee,
Report No. 3 of The Community Services Committee,
Joint Report No. 1 of The Economic Development and Parks Committee and the Works Committee,
Report No. 4 of The Toronto South Community Council,
Report No. 4 of The Toronto West Community Council,
Report No. 4 of The Toronto East Community Council,
Report No. 4 of The Toronto North Community Council,
Report No. 3 of The Audit Committee,
Report No. 3 of The Board of Health, and
Report No. 5 of The Striking Committee,

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

8.5 **DECLARATIONS OF INTEREST**

Councillor Cowbourne declared her interest Motion J(23), moved by Councillor Del Grande, seconded by Councillor Kelly, regarding the sale of surplus school sites, in that she lives in the vicinity of a school that is on the surplus list.

Deputy Mayor Feldman declared his interest in Deferred Clause No. 7a of Report No. 3 of The Policy and Finance Committee, headed "Golf Course Fixed Assessment Agreements", in that he is the past President of a golf course.

Councillor Holyday declared his interest in Deferred Clause No. 7a of Report No. 3 of The Policy and Finance Committee, headed "Golf Course Fixed Assessment Agreements", in that he is a member of a private golf club.

Councillor Jenkins declared his interest in Clause No. 2 of Report No. 4 of The Toronto North Community Council, headed "Request for Approval of a Variance from the former City of North York Sign By-law No. 30788, as amended, for the erection of a Projecting Sign on the Jolly Miller Tavern at 3885 Yonge Street (Ward 25 - Don Valley West)", in that his son is an employee of the restaurant making the subject application.

Councillor Li Preti declared his interest in Deferred Clause No. 13b of Report No. 1 of The Administration Committee, headed "Exchange of Property Interests with Bombardier Inc./Release of Covenant (Ward 9 - York Centre and Ward 10 - York Centre)", in that his principal residence is in close proximity to the subject property.

Mayor Miller declared his interest in Deferred Clause No. 7a of Report No. 3 of The Policy and Finance Committee, headed “Golf Course Fixed Assessment Agreements”, in that he is a member of a golf club that has a fixed assessment.

Councillor Palacio declared his interest in Item (e), entitled “Committee of Adjustment – 36-38 Evelyn Avenue (Ward 13 – Parkdale-High Park)”, as contained in Clause No. 29 of Report No. 4 of The Toronto West Community Council, headed “Other Items Considered by the Community Council”, in that he is the owner of the subject property.

Councillor Shiner declared his interest in Clause No. 13 of Report No. 4 of The Policy and Finance Committee, headed “Allocation of Underutilized Reserve Funds, Parks and Recreation Capital Budget (Various Wards)”, in that his family has an interest in property in close proximity to one of the playgrounds.

Councillor Watson declared her interest in Clause No. 8 of Report No. 4 of The Toronto East Community Council, headed “Preliminary Report - OPA and Rezoning Application 04 113582 ESC 35 OZ - Stafford Homes Ltd. (The Goldman Group), Architect: Gail E. Lamb, 671-679 Warden Avenue – Oakridge Employment District (Ward 35 – Scarborough Southwest)”, in that she is the Chair of the Board of Directors of the Ina Grafton Home.

CONSIDERATION OF REPORTS

CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION

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

Report No. 1 of The Policy and Finance Committee, Clause No. 2b.

Report No. 3 of The Policy and Finance Committee, Clauses Nos. 6a and 7a.

Report No. 1 of The Administration Committee, Clause No. 13b.

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

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

Report No. 3 of The Toronto East Community Council, Clause No. 8a.

Report No. 3 of The Toronto North Community Council, Clause No. 4a.

Report No. 2 of The Toronto South Community Council, Clause No. 14b.

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

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

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

Report No. 4 of The Policy and Finance Committee, Clauses Nos. 3, 5, 7, 8, 9, 13 and 14.

Report No. 3 of The Economic Development and Parks Committee, Clauses Nos. 1, 2, 3, 6, 10, 16 and 17.

Report No. 3 of The Planning and Transportation Committee, Clauses Nos. 1, 2, 3, 4, 5, 6, 7 and 9.

Report No. 3 of The Works Committee, Clauses Nos. 2, 3, 5, 6, 8, 10, 13, 14, 15, 16, 17, 20, 21, 23, 27 and 31.

Report No. 3 of The Administration Committee, Clauses Nos. 1, 2, 7, 8, 9, 11, 15, 18, 19, 30 and 32.

Report No. 3 of The Community Services Committee, Clause No. 13.

Joint Report No. 1 of The Economic Development and Parks Committee and the Works Committee, Clause No. 1.

Report No. 4 of The Toronto South Community Council, Clauses Nos. 2, 9, 10, 14, 16, 19, 21, 27, 28, 29, 43, 44, 45 and 50.

Report No. 4 of The Toronto West Community Council, Clauses Nos. 1, 2, 3, 6, 16 and 21.

Report No. 4 of The Toronto East Community Council, Clause No. 8.

Report No. 4 of The Toronto North Community Council, Clauses Nos. 2, 4, 13 and 20.

Report No. 3 of The Audit Committee, Clauses Nos. 1, 2, 4 and 5.

Report No. 3 of The Board of Health, Clause No. 1.

Report No. 5 of The Striking Committee, Clauses Nos. 1 and 2.

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

Report No. 3 of The Policy and Finance Committee, Clause No. 7a.

Report No. 4 of The Policy and Finance Committee, Clauses Nos. 5, 8, 9 and 14.

Report No. 3 of The Economic Development and Parks Committee, Clauses Nos. 3, 10 and 17.

Report No. 3 of The Planning and Transportation Committee, Clauses Nos. 1 and 6.

Report No. 3 of The Works Committee, Clauses Nos. 6, 10 and 31.

Report No. 3 of The Administration Committee, Clauses Nos. 1, 15, 18 and 30.

Report No. 4 of The Toronto South Community Council, Clauses Nos. 2, 10 and 16.

Report No. 4 of The Toronto West Community Council, Clauses Nos. 3.

Report No. 4 of The Toronto East Community Council, Clause No. 8.

Report No. 3 of The Audit Committee, Clause No. 2.

Report No. 3 of The Board of Health, Clause No. 1.

Report No. 5 of The Striking Committee, Clause No. 1.

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 Clauses were re-opened for further consideration and subsequently amended:

Report No. 3 of The Administration Committee, Clause No. 22. (See Minute No. 8.62, Page 84).

Report No. 3 of The Administration Committee, Clause No. 35. (See Minute No. 8.39, Page 45).

Report No. 4 of The Toronto South Community Council, Clause No. 4. (See Minute No. 8.41, Page 46).

Report No. 4 of The Toronto West Community Council, Clause No. 17. (See Minute No. 8.57, Page 63).

Report No. 4 of The Toronto West Community Council, Clause No. 29. (See Minute No. 8.51, Page 53).

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

8.7 Deferred Clause No. 14b 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 the Clause be amended in accordance with the following recommendation of the Toronto South Community Council contained in the communication dated May 10, 2004, from the City Clerk:

"The Toronto South Community Council recommends that Council adopt changes to the draft Fort York Neighbourhood Public Realm Plan, received by Toronto South Community Council at its meeting of February 17, 2004, to reflect an alternative option for the reconstruction of Fleet Street substantially as shown in Attachments 1 and 2, contained in the report (May 3, 2004) from the Director, Community Planning, South District."

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

Motion to Re-Open:

Deputy Mayor Pantalone, 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:

Deputy Mayor Pantalone moved that the Clause be further amended by adding the following:

“That the supplementary report dated May 13, 2004, from the Commissioner of Urban Development Services, containing the following recommendations, be adopted:

‘It is recommended that Council:

- (1) adopt the Fort York Neighbourhood Public Realm Master Plan, attached as Attachment 1 to this report;
- (2) authorize the City Solicitor, in consultation with the Commissioner of Urban Development Services and the Commissioner of Works and Emergency Services, to initiate amendments to any existing zoning by-laws for the site, as well as any agreements with the landowners, as may be necessary to achieve the intent of the Fort York Neighbourhood Public Realm Master Plan; and
- (3) authorize civic officials to undertake any other work to implement the policy directions outlined in the Fort York Neighbourhood Public Realm Master Plan, as may be necessary.’ ”

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as further amended, carried.

In summary, Council amended this Clause:

- (1) in accordance with the following recommendation of the Toronto South Community Council contained in the communication dated May 10, 2004, from the City Clerk:

“The Toronto South Community Council recommends that Council adopt changes to the draft Fort York Neighbourhood Public Realm Plan, received by Toronto South Community Council at its meeting of February 17, 2004, to reflect an alternative option for the reconstruction of Fleet Street substantially as shown in Attachments 1 and 2, contained in the report (May 3, 2004) from the Director, Community Planning, South District.”; and

- (2) by adding the following:

“That the supplementary report dated May 13, 2004, from the Commissioner of Urban Development Services, containing the following recommendations, be adopted:

‘It is recommended that Council:

- (1) adopt the Fort York Neighbourhood Public Realm Master Plan, attached as Attachment 1 to this report;

- (2) authorize the City Solicitor, in consultation with the Commissioner of Urban Development Services and the Commissioner of Works and Emergency Services, to initiate amendments to any existing zoning by-laws for the site, as well as any agreements with the landowners, as may be necessary to achieve the intent of the Fort York Neighbourhood Public Realm Master Plan; and

- (3) authorize civic officials to undertake any other work to implement the policy directions outlined in the Fort York Neighbourhood Public Realm Master Plan, as may be necessary.’ ”

8.8 Clause No. 7 of Report No. 4 of The Policy and Finance Committee, headed “Roundtables – Designation of Chairs and Recommendations for Community Membership on the Arts and Culture Roundtable”.

Procedural Motion:

Councillor Miller moved that Clause No. 5 of Report No. 2 of The Policy and Finance Committee, headed “Terms of Reference for Roundtables on – Access, Equity and Human Rights; Arts and Culture; Beautiful City; Children, Youth and Education; Environment; Seniors; and the Employee and Labour Relations Committee”, which was adopted, without amendment, by City Council on March 1, 2 and 3, 2004, be re-opened for further consideration, only as it pertains to the Terms of Reference for the Roundtable on Arts and Culture, and that the Terms of Reference for the Roundtable on Arts and Culture be amended to provide that the Roundtable will be composed of up to 19 members, including the Mayor and up to two Members of Council, which carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Clause No. 7 of Report No. 4 of The Policy and Finance Committee was adopted, without amendment.

8.9 **Clause No. 11 of Report No. 3 of The Administration Committee, headed “Status Report on the Proposed Sale - 590 Jarvis Street (Ward 27 - Toronto Centre-Rosedale)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Rae moved that City Council adopt the following:

“That the supplementary report dated May 13, 2004, from the Commissioner of Corporate Services, containing the following recommendations, be adopted:

‘It is recommended that:

- (1) the Commissioner of Corporate Services be directed to offer 590 Jarvis Street for sale on the open market with Royal LePage Commercial Inc.;
- (2) costs associated with the operation, upkeep and security of the building located at 590 Jarvis Street, from May 12, 2004, until completion of a further sale, be paid from the deposit monies; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

8.10 **Clause No. 14 of Report No. 4 of The Toronto South Community Council, headed “Renaming of Davisville Park to June Rowlands Park (St. Paul’s, Ward 22)”.**

Vote:

The Clause was adopted, without amendment.

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

8.11 **Clause No. 21 of Report No. 4 of The Toronto South Community Council, headed “Installation of Lay-by in the Vicinity of Premises No. 750 Spadina Avenue (Trinity-Spadina, Ward 20)”.**

Motion:

Councillor Chow moved that the Clause be amended by deleting the recommendation of the Toronto South Community Council and adopting instead the recommendation contained in the report dated April 22, 2004, from the Director, Transportation Services, South District, to receive the report for information.

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

8.12 **Clause No. 50 of Report No. 4 of The Toronto South Community Council, headed "Temporary Road Occupation to Accommodate Construction Staging Area - Premises No. 1 St. Thomas Street (Toronto Centre-Rosedale, Ward 27)".**

The Clause was submitted without recommendation.

Motion:

Councillor Rae moved that Council adopt the following:

"That the report dated April 19, 2004, from the Director, Transportation Services, South District, as contained in the Clause, be adopted, subject to increasing the student pick-up/drop-off (10 minute parking) zone for The Lycee Francais de Toronto, on the north side of Charles Street West, from four (4) parking spaces to eight (8) parking spaces."

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

Motion to Re-Open:

Councillor Rae, 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 Rae moved that the Council also adopt the following:

“That the Clause be adopted, subject to:

- (1) replacing all references to ‘Charles Street’ in Recommendations Nos. (1) to (6), with ‘Charles Street West’; and
- (2) deleting from Recommendations Nos. (4) and (5), the number ‘22.0’ and inserting instead the number ‘44.0’, so that such recommendations shall now read as follows:
 - ‘(4) a 10-minute maximum parking regulation be implemented between 8:00 a.m. and 4:00 p.m., Monday to Friday, on the north side of Charles Street West, between a point 15 metres west of St. Thomas Street and 44.0 metres further west to facilitate a student pick-up/drop-off zone;
 - (5) the “No Parking, 7:30 a.m. to 9:30 a.m., Monday to Friday” regulation on the north side of Charles Street West, between a point 15 metres west of St. Thomas Street and 44.0 metres further west, be rescinded;’.”

Votes:

The motion by Councillor Rae carried.

The Clause, as further amended, carried.

In summary, Council adopted the following:

“That the report dated April 19, 2004, from the Director, Transportation Services, South District, as contained in the Clause, be adopted, subject to:

- (1) replacing all references to ‘Charles Street’ in Recommendations Nos. (1) to (6), with ‘Charles Street West’;
- (2) increasing the student pick-up/drop-off (10 minute parking) zone for The Lycee Francais de Toronto, on the north side of Charles Street West, from four (4)

parking spaces to eight (8) parking spaces; and

- (3) deleting from Recommendations Nos. (4) and (5), the number '22.0' and inserting instead the number '44.0', so that such recommendations shall now read as follows:

(4) a 10-minute maximum parking regulation be implemented between 8:00 a.m. and 4:00 p.m., Monday to Friday, on the north side of Charles Street West, between a point 15 metres west of St. Thomas Street and 44.0 metres further west to facilitate a student pick-up/drop-off zone;

(5) the "No Parking, 7:30 a.m. to 9:30 a.m., Monday to Friday" regulation on the north side of Charles Street West, between a point 15 metres west of St. Thomas Street and 44.0 metres further west, be rescinded;."

8.13 Clause No. 1 of Report No. 3 of The Audit Committee, headed "Review of the Implementation of Recommendations of the Final Report of the Task Force on Community Access and Equity".

Motion:

Councillor Mihevc moved that the Clause be amended by adding to Recommendation No. (3) of the Audit Committee, the words "and the Auditor General be requested to consider including the Audit in his workplan", so that such recommendation shall now read as follows:

- "(3) the Audit for this term of Council begin and be completed by the end of this term of Council and the Auditor General be requested to consider including the Audit in his workplan."

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

8.14 Clause No. 16 of Report No. 4 of The Toronto West Community Council, headed "Designation of Our Lady of Light Annual Festival as a Community Festival (Ward 12- -York South-Weston)".

Motion:

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

“That Council, for Liquor licensing purposes, declare the Maltese Annual Mnarja Festival to be held on June 27, 2004 at Runnymede Park, to be a community festival of municipal significance, and the Alcohol and Gaming Commission of Ontario be advised that the City of Toronto has no objection to the event taking place.”

Votes:

The motion by Councillor Nunziata carried.

The Clause, as amended, carried.

8.15 Deferred Clause No. 2b of Report No. 1 of The Policy and Finance Committee, headed “Naming of Community Councils”.

Motions:

- (a) Councillor Holyday moved that the Clause be amended in accordance with the following recommendations of the Toronto West Community Council contained in the communication dated May 6, 2004, from the City Clerk:

“The Toronto West Community Council recommends that:

- (1) The Toronto West Community Council be renamed ‘The Etobicoke York Community Council’; and
- (2) the communication (April 27, 2004) from Councillor Doug Holyday, be received.”

- (b) Councillor Nunziata moved that the Clause be amended by deleting Recommendation No. (2) of the Policy and Finance Committee and inserting instead the following:

“(2) That the Toronto West Community Council be named the York-Etobicoke Community Council;”.

Deputy Mayor Pantalone in the Chair.

- (c) Councillor Pitfield moved that the Clause be amended by deleting Recommendation No. (4) of the Policy and Finance Committee and inserting instead the following:

“(4) That the Toronto North Community Council continue to be named the Toronto North Community Council.”

(d) Councillor Jenkins moved that the Clause be amended by referring Recommendation No. (4) of the Policy and Finance Committee back to the Toronto North Community Council for consideration.

(e) Councillor Moscoe moved that:

(1) the Clause be amended by deleting Recommendation No. (2) of the Policy and Finance Committee and inserting instead the following:

“(2) That the Toronto West Community Council be named the Etobicoke Humber Community Council;” and

(2) in the event motion (d) by Councillor Jenkins fails, the Clause be amended by deleting Recommendation No. (4) of the Policy and Finance Committee and inserting instead the following:

“(2) That the Toronto North Community Council be named the North York Forest Hill East York Willowdale Elia Don Mills and Downsview Community Council;”.

(f) Councillor Ford moved that the Clause be amended by deleting the recommendation of the Policy and Finance Committee and inserting instead the following:

“That the Community Councils maintain their current names, i.e., the Toronto South Community Council, the Toronto West Community Council, the Toronto East Community Council and the Toronto North Community Council.”

Votes:

Adoption of motion (f) by Councillor Ford:

| | |
|--------------|---|
| Yes – 10 | |
| Councillors: | Augimeri, Di Giorgio, Ford, Grimes, Jenkins, Mammoliti, Palacio, Pitfield, Rae, Stintz |
| No – 26 | |
| Mayor: | Miller |
| Councillors: | Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Hall, Holyday, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Saundercook, Shiner, Soknacki, Thompson, Watson |

Lost by a majority of 16.

Adoption of motion (a) by Councillor Holyday:

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| Yes – 31 | |
| Mayor: | Miller |
| Councillors: | Augimeri, Balkissoon, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Ford, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Ootes, Palacio, Pantalone, Shiner, Soknacki, Stintz, Thompson, Walker, Watson |
| No – 7 | |
| Councillors: | Di Giorgio, Mammoliti, Moscoe, Nunziata, Pitfield, Rae, Saundercook |

Carried by a majority of 24.

Deputy Mayor Pantalone, due to the above decision of Council, declared motion (b) by Councillor Nunziata, and Part (1) of motion (e) by Councillor Moscoe, redundant.

Adoption of motion (d) by Councillor Jenkins:

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|--------------|---|
| Yes - 9 | |
| Mayor: | Miller |
| Councillors: | Augimeri, Carroll, Jenkins, Moscoe, Pitfield, Saundercook, Stintz, Watson |
| No - 29 | |
| Councillors: | Balkissoon, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Rae, Shiner, Soknacki, Thompson, Walker |

Lost by a majority of 20.

Deputy Mayor Pantalone, due to the above decisions of Council, declared motion (c) by Councillor Pitfield, redundant.

Adoption of Part (2) of motion (e) by Councillor Moscoe:

| | |
|--------------|--------------------------------------|
| Yes - 4 | |
| Councillors: | Augimeri, Jenkins, Lindsay Luby, Rae |

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|--------------|---|
| No - 32 | |
| Mayor: | Miller |
| Councillors: | Balkissoon, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Hall, Holyday, Kelly, Li Preti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson |

Lost by a majority of 28.

Adoption of Clause, as amended:

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| Yes - 32 | |
| Mayor: | Miller |
| Councillors: | Augimeri, Balkissoon, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Ford, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Palacio, Pantalone, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 5 | |
| Councillors: | Di Giorgio, Jenkins, Nunziata, Pitfield, Rae |

Carried by a majority of 27.

In summary, Council amended this Clause in accordance with the following recommendations of the Toronto West Community Council contained in the communication dated May 6, 2004, from the City Clerk:

“The Toronto West Community Council recommends that:

- (1) The Toronto West Community Council be renamed ‘The Etobicoke York Community Council’; and

(2) the communication (April 27, 2004) from Councillor Doug Holyday, be received.”

8.16 Deferred Clause No. 26b of Report No. 2 of The Administration Committee, headed “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”.

The Clause was submitted without recommendation.

Motion:

(a) Councillor Nunziata moved that:

(1) Council adopt the following:

“That the contract be terminated and the City utilize in-house services for the provision of media services.”; or

(2) in the event Part (1) fails, the Clause be received.

Ruling by Deputy Mayor:

Deputy Mayor Pantalone, due to the nature of Part (1) of motion (a) by Councillor Nunziata, ruled such Part out of order.

Councillor Nunziata challenged the ruling of the Deputy Mayor.

Vote to Uphold the Ruling of the Deputy Mayor:

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|--------------|---|
| Yes – 21 | |
| Councillors: | Augimeri, Balkissoon, Bussin, Carroll, Davis, Feldman, Fletcher, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Saundercook, Soknacki, Thompson, Watson |
| No – 5 | |
| Councillors: | Del Grande, Ford, Nunziata, Ootes, Palacio |

Carried by a majority of 16.

Motions:

(b) Councillor Milczyn moved that Council adopt the following:

“That the report dated January 19, 2004, from the Commissioner of Corporate Services, as contained in the Clause, be adopted.”

(c) Councillor Del Grande moved that Council adopt the following:

“That the Commissioner of Corporate Services be requested to report to the Administration Committee respecting the possible utilization of the staff re-deployed from Security to the City Clerk’s Office to undertake the press clippings function.”

Votes:

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

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|---|
| Yes – 8 |
| Councillors: Balkissoon, Del Grande, Ford, Kelly, Minnan-Wong, Nunziata, Palacio, Watson |
| No – 21 |
| Councillors: Augimeri, Bussin, Carroll, Cowbourne, Davis, Feldman, Fletcher, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Ootes, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson |

Lost by a majority of 13.

Adoption of motion (b) by Councillor Milczyn:

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| Yes - 25 |
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|--------------|---|
| Councillors: | Augimeri, Balkissoon, Bussin, Carroll, Cowbourne, Davis, Del Grande, Feldman, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Ootes, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Watson |
| No - 5 | |
| Councillors: | Ford, McConnell, Minnan-Wong, Nunziata, Palacio |

Carried by a majority of 20.

Motion (c) by Councillor Del Grande carried.

Adoption of Clause, as amended:

| | |
|--------------|---|
| Yes - 24 | |
| Councillors: | Augimeri, Bussin, Cowbourne, Davis, Del Grande, Feldman, Fletcher, Giambrone, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Watson |
| No - 3 | |
| Councillors: | Ford, Minnan-Wong, Nunziata |

Carried by a majority of 21.

In summary, Council adopted the following:

“That:

- (1) the report dated January 19, 2004, from the Commissioner of Corporate Services, as contained in the Clause, be adopted; and
- (2) the Commissioner of Corporate Services be requested to report to the Administration Committee respecting the possible utilization of the staff re-deployed from Security to the City Clerk’s Office to undertake the press clippings function.”

8.17 Deferred Clause No. 12b of Report No. 2 of The Administration Committee, headed “Moving Forward with SAP”.

Motions:

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

“That the Commissioner of Corporate Services be requested to submit a project plan to the e-City Committee on the competency centre, such plan to include milestones, timelines and deliverables.”

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

“That the Commissioner of Corporate Services be requested to report to the Budget Advisory Committee, prior to the early deliberations on the 2005 budget, i.e., before the end of 2004, on the SAP Competency Centre.”

Votes:

Adoption of motion (a) by Councillor Stintz:

| | |
|--------------------------|---|
| Yes - 24 Councillors: | Balkissoon, Chow, Cowbourne, Del Grande, Feldman, Filion, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Stintz, Thompson, Watson |
| No - 10 Councillors: | Augimeri, Bussin, Carroll, Davis, Di Giorgio, Fletcher, Giambrone, Li Preti, Moscoe, Rae |

Carried by a majority of 14.

Adoption of motion (b) by Councillor Pitfield:

| | |
|--------------------------|---|
| Yes - 34 Councillors: | Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson |
| No - 0 | |

Carried, without dissent.

The Clause, as amended, carried.

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

“That the Commissioner of Corporate Services be requested to:

- (1) submit a project plan to the e-City Committee on the competency centre, such plan to include milestones, timelines and deliverables; and
- (2) report to the Budget Advisory Committee, prior to the early deliberations on the 2005 budget, i.e., before the end of 2004, on the SAP Competency Centre.”

8.18 Deferred Clause No. 4a of Report No. 3 of The Toronto North Community Council, headed “Request for Fence Exemption - 14 Breen Crescent (Ward 25 - Don Valley West)”.

Motion:

Councillor Jenkins moved that the Clause be referred back to the Toronto North Community Council.

Vote:

The motion by Councillor Jenkins carried.

8.19 Deferred Clause No. 10a of Report No. 3 of The Toronto South Community Council, headed “Driveway Widening - 9 Fulton Avenue (Toronto-Danforth, Ward 29)”.

Motion:

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

“That the report dated January 23, 2004, from the Manger, Right of Way Management, Transportation Services, South District, as contained in the Clause, be adopted.”

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

“That the Commissioner of Urban Development Services, in consultation with the Commissioner of Works and Emergency Services, be requested to report to Planning and Transportation Committee and Works Committee on re-examining the by-laws pertaining to front yard parking, speed humps, traffic lights and pedestrian crossings, with a view to harmonizing these by-laws.”

Ruling by Deputy Mayor:

Deputy Mayor Pantalone ruled that, as the Clause relates to a specific driveway widening and does not consider the City policy related to front yard parking, speed humps, traffic lights and pedestrian crossings, motion (b) by Councillor Del Grande was out of order.

Votes:

Adoption of motion (a) by Councillor Holyday:

| |
|---|
| Yes - 3 Councillors: Del Grande, Holyday, Kelly |
| No - 29 Councillors: Augimeri, Balkissoon, Bussin, Carroll, Cowbourne, Davis, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Soknacki, Thompson, Walker, Watson |

Lost by a majority of 26.

Adoption of Clause, without amendment:

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| Yes - 29 Councillors: Augimeri, Balkissoon, Bussin, Carroll, Cowbourne, Davis, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Walker, Watson |
| No - 4 Councillors: Del Grande, Hall, Holyday, Kelly |

Carried by a majority of 25.

- 8.20 **Deferred Clause No. 27a of Report No. 3 of The Toronto South Community Council, headed “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)”.**

Vote:

Adoption of Clause, without amendment:

| | |
|--------------------------|--|
| Yes - 30 Councillors: | Balkissoon, Bussin, Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Thompson, Walker, Watson |
| No - 2 Councillors: | Ford, Holyday |

Carried by a majority of 28.

- 8.21 **Deferred Clause No. 49a of Report No. 3 of The Toronto South Community Council, headed “Installation of Speed Humps - Belsize Drive, Between Harwood Road and Cleveland Street (St. Paul’s, Ward 22)”.**

Mayor Miller in the Chair.

Motion:

Councillor Holyday moved that the Clause be received.

Votes:

Adoption of motion by Councillor Holyday:

| | |
|-------------------------|----------------------------------|
| Yes - 4 Councillors: | Del Grande, Ford, Holyday, Kelly |
| No - 31 Mayor: | Miller |

| | |
|--------------|--|
| Councillors: | Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, Feldman, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Thompson, Walker, Watson |
|--------------|--|

Lost by a majority of 27.

The Clause was adopted, without amendment.

8.22 **Deferred Clause No. 60a of Report No. 3 of The Toronto South Community Council, headed “Request for ‘Stop’ Sign Control - Adelaide Street West and Massey Street (Trinity-Spadina, Ward 19)”.**

Motion:

Councillor Holyday moved that the Clause be received.

Votes:

Adoption of motion by Councillor Holyday:

| | |
|--------------|--|
| Yes - 2 | |
| Councillors: | Del Grande, Holyday |
| No - 29 | |
| Mayor: | Miller |
| Councillors: | Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Thompson, Watson |

Lost by a majority of 27.

The Clause was adopted, without amendment.

8.23 **Clause No. 7b of Report No. 2 of The Toronto West Community Council, headed “Installation for All-Way Stop Control - Kirah Court at Purdy Crescent (Ward 11 - York South-Weston)”.**

Motion:

Councillor Holyday moved that the Clause be amended by deleting the recommendation of the Toronto West Community Council and inserting instead the following:

“That the report dated November 19, 2003, from the Director, Transportation Services, West District, as contained in the Clause, be adopted.”

Votes:

Adoption of motion by Councillor Holyday:

| | |
|--------------|--|
| Yes - 3 | |
| Councillors: | Del Grande, Holyday, Moscoe |
| No - 26 | |
| Mayor: | Miller |
| Councillors: | Augimeri, Balkissoon, Bussin, Carroll, Cowbourne, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Jenkins, Li Preti, Mammoliti, McConnell, Milczyn, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Thompson, Watson |

Lost by a majority of 23.

The Clause was adopted, without amendment.

8.24 Clause No. 2 of Report No. 3 of The Economic Development and Parks Committee, headed “Archaeological Master Plan - Interim Report (All Wards)”.

Motion:

Councillor Moscoe moved that the Clause be amended to provide that the Parson’s Site, located directly south of York University, be included in the Black Creek Area to be considered in the Archaeological Master Plan.

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

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

Motion:

Councillor Moscoe moved that Council receive this Clause and refer this matter to the Mayor and the Chief Administrative Officer to deal with any issues that may arise.

Vote:

The motion by Councillor Moscoe carried.

Deputy Mayor Pantalone in the Chair.

8.26 Clause No. 1 of Report No. 3 of The Economic Development and Parks Committee, headed “Application by the Bloor-Yorkville Business Improvement Area for a ‘Tourist Area’ Exemption from the *Retail Business Holidays Act* (Ward 27 Toronto Centre-Rosedale)”.

Motion:

Councillor Moscoe moved that the Clause be amended to provide that Christmas Day be excluded from the “Tourist Area” Exemption from the *Retail Business Holidays Act*.

Votes:

Adoption of motion by Councillor Moscoe:

| | |
|--------------|---|
| Yes - 29 | |
| Mayor: | Miller |
| Councillors: | Augimeri, Balkissoon, Carroll, Davis, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Walker, Watson |
| No - 6 | |
| Councillors: | Cho, Cowbourne, Ford, Holyday, Mihevc, Rae |

Carried by a majority of 23.

The Clause, as amended, carried.

8.27 Clause No. 6 of Report No. 3 of The Economic Development and Parks Committee, headed “Authority to Renew Option Years for Request for Quotation (RFQ) No. 0203-01-0015 for the Supply of all Labour, Materials, Equipment and Supervision Necessary to Perform Janitorial Services”.

Motions:

- (a) Councillor Moscoe moved that the Clause be amended by adding the following:
“That the Commissioner of Economic Development, Culture and Tourism be requested to report to the Economic Development and Parks Committee on the feasibility of providing this service in-house.”
- (b) Councillor Holyday moved that motion (a) by Councillor Moscoe be amended by adding the words “such report to include a comparison between outside cleaning services and the service provided by City workers”.

Votes:

Adoption of motion (b) by Councillor Holyday:

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| Yes - 17 | Councillors: Cowbourne, Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Jenkins, Mammoliti, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Soknacki |
| No - 16 | Councillors: Altobello, Augimeri, Balkissoon, Carroll, Cho, Davis, Fillion, Fletcher, Giambrone, McConnell, Mihevc, Moscoe, Pantalone, Rae, Walker, Watson |

Carried by a majority of 1.

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

| | |
|---------|--|
| Yes - 6 | Councillors: Del Grande, Holyday, Jenkins, Saundercook, Soknacki, Watson |
| No - 28 | Councillors: Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, Feldman, Fillion, Fletcher, Ford, Giambrone, Grimes, Hall, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Walker |

Lost by a majority of 22.

The Clause was adopted, without amendment.

8.28 **Clause No. 27 of Report No. 3 of The Works Committee, headed “Ashbridges Bay Treatment Plant, Plant-Wide Heating System - Phase 2, RFP No. 9155-03-7268 (Ward 32 – Beaches-East York)”.**

Vote:

Adoption of Clause, without amendment:

| | |
|--------------|--|
| Yes - 25 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Bussin, Carroll, Chow, Cowbourne, Davis, Feldman, Filion, Fletcher, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Walker, Watson |
| No - 6 | |
| Councillors: | Del Grande, Holyday, Kelly, Ootes, Shiner, Soknacki |

Carried by a majority of 19.

Deputy Mayor Bussin in the Chair.

Motion to Re-Open:

Councillor Pitfield, 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 Pitfield, seconded by Councillor Soknacki, moved that the Clause be amended by deleting Recommendation No. (2) contained in the joint report dated April 27, 2004, from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, and inserting instead the following new Recommendation No. (2):

“(2) project cost of \$16,433,122.00 be approved, with 2004 cash flow of \$1,400,000.00 and future year commitments of \$12,000,000.00 in 2005, and \$3,033,122.00 in 2006.”

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

Deputy Mayor Pantalone in the Chair.

8.29 **Clause No. 32 of Report No. 3 of The Administration Committee, headed “Declaration as Surplus - An Additional Portion of 150 Borough Drive and Status of Negotiations Respecting the Land Exchange (Ward 38 – Scarborough Centre)”.**

Motion:

Councillor De Baeremaeker moved that the Clause be amended in accordance with the following recommendations of the Toronto East Community Council contained in the communication dated May 5, 2004, from the City Clerk:

“The Toronto East Community Council recommends that:

- (1) Recommendation No. (2) in the report (April 23, 2004) from the Commissioner of Corporate Services, be deleted and the following inserted instead:

‘(2) direct Planning staff to ensure that an updated zoning regimen for the Civic Centre complex, including appropriate parking standards, be determined and recommended for implementation in conjunction with the formal planning processes associated with any proposal to develop the Civic Centre lands identified in this and previous reports as lands to be declared surplus;’; and

- (2) the following Recommendation No. (5) be added:

‘(5) that in the event that Council approves a land exchange as a result of these ongoing negotiations, the proceeds of the transaction be allocated to improvements to the Civic Centre Complex.’ ”

Votes:

The motion by Councillor De Baeremaeker carried.

The Clause, as amended, carried.

8.30 **Clause No. 13 of Report No. 3 of The Community Services Committee, headed “Grant to Tenants’ Association of 220 Eglinton Avenue East (Ward 22, St. Paul’s)”.**

Motion:

Councillor Del Grande moved that the Clause be received.

Votes:

Adoption of motion by Councillor Del Grande:

| |
|---|
| Yes - 8 Councillors: Del Grande, Ford, Grimes, Holyday, Kelly, Nunziata, Ootes, Palacio |
| No - 24 Councillors: Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Fletcher, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Thompson, Walker, Watson |

Lost by a majority of 16.

Adoption of Clause, without amendment:

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| Yes - 25 Councillors: Altobello, Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Fletcher, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Thompson, Walker, Watson |
| No - 8 Councillors: Del Grande, Ford, Grimes, Holyday, Kelly, Nunziata, Ootes, Palacio |

Carried by a majority of 17.

- 8.31 **Clause No. 27 of Report No. 4 of The Toronto South Community Council, headed “Ontario Municipal Board Hearing - 511 Bremner Boulevard; 2 and 20 Housey Street; 20, 22A and 24 Bathurst Street (Trinity-Spadina, Wards 19 and 20)”.**

Motion:

Councillor Chow moved that the Clause be referred back to the Toronto South Community Council and the City Solicitor be requested to report further to the Toronto South Community Council on this matter.

Vote:

The motion by Councillor Chow carried.

- 8.32 **Clause No. 16 of Report No. 3 of The Economic Development and Parks Committee, headed “Parking Revenue Increase Options”.**

The Clause was submitted without recommendation.

Motions:

- (a) Councillor Moscoe moved that Council adopt the following:

“That:

- (1) Option 1, entitled ‘Increasing Parking Tag Enforcement Revenues by Eliminating the Voluntary Payment Amount for Parking Fines’, be adopted; and
- (2) the Chief Financial Officer and Treasurer be requested to report to the Planning and Transportation Committee on the feasibility of establishing additional ‘First Appearance Centres’.”

- (b) Councillor Ootes moved that Council adopt the following:

“That the City Solicitor be directed to apply to the Senior Regional Justice of the Ontario Court of Justice to increase the fine for Prohibited Parking type parking offences (‘No Parking’) to a set fine of \$45.00 and a voluntary payment of \$30.00.”

- (c) Councillor Soknacki moved that Council adopt the following:

“That the 2004 Parks and Recreation revenue budget be reduced by \$996,400.00 for parking charges in parks, and replaced with a commensurate increase in the Parking Tag Enforcement and Operations (non-program) Revenue, the reduction to be achieved by approving the following:

- (a) the voluntary payments for all Parking Offences be eliminated;
 - (b) the set fine amount for Meter Offences be reduced from \$30 to \$20; and
 - (c) the set fine amount for No Parking Offences be increased from \$30 to \$40.”
- (d) Councillor Lindsay Luby moved that Council adopt the following:

“That:

- (1) the voluntary payment for disabled parking offences be eliminated; and
 - (2) the Budget Advisory Committee be directed to consider, in the 2005 budget deliberations, an increase of \$4 million in the Parks budget to be dedicated to restoring the turf quality of the parks, such funding to come from the increase in parking revenues.”
- (e) Councillor Shiner moved that Council adopt the following:

“That the Voluntary Payment Amount be adjusted, where necessary, from the 66 percent level to the 75 percent level (for example the no parking voluntary fine would increase from \$20.00 to \$22.50), so as to raise the \$1 million needed to replace the \$996,400.00 revenue shortfall in the Parks and Recreation budget for parking in Waterfront lots, and staff report back on the changes.”

- (f) Councillor Holyday moved that Council adopt the following:

“That the Clause be received and the Commissioner of Economic Development, Culture and Tourism be requested to report to the Economic Development and Parks Committee on how the financial shortfall can be covered without increasing user fees or reducing service.”

- (g) Councillor Fletcher moved that Council adopt the following:

“That the Chief Financial Officer and Treasurer report to Policy and Finance Committee on the revenues received, by Ward, from No Parking Fines levied on non-metered streets.”

- (h) Councillor Rae moved that:

(1) motion (c) by Councillor Soknacki be amended by maintaining the set fine for meter offences at \$30.00; and

(2) Council adopt the following:

“That the set fine for ‘no parking offences’ be increased to \$60.00, with no voluntary payment.”

(i) Mayor Miller moved that Council adopt the following:

“That the City Solicitor be directed to apply to the Senior Regional Justice of Ontario Court of Justice in regard to the revised fine levels and the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Permission to Withdraw Motion:

Councillor Ootes, with the permission of Council, withdrew his motion (b).

Votes:

Adoption of motion (f) by Councillor Holyday:

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|--------------|--|
| Yes - 7 | |
| Councillors: | Del Grande, Feldman, Holyday, McConnell, Palacio, Pitfield, Shiner |
| No - 31 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson |

Lost by a majority of 24.

Adoption of Part (1) of motion (h) by Councillor Rae:

| | |
|-----------------------------------|--|
| Yes - 11 Councillors: | Altobello, Carroll, De Baeremaeker, Del Grande, Fletcher, Giambrone, Holyday, Kelly, Mammoliti, McConnell, Rae |
| No - 27 Mayor: Councillors: | Miller Augimeri, Bussin, Cho, Cowbourne, Davis, Feldman, Filion, Grimes, Hall, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson |

Lost by a majority of 16.

Adoption of Part (2) of motion (h) by Councillor Rae:

| | |
|-----------------------------------|--|
| Yes - 4 Councillors: | Carroll, Giambrone, Mammoliti, Rae |
| No - 34 Mayor: Councillors: | Miller Altobello, Augimeri, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson |

Lost by a majority of 30.

Ruling by Deputy Mayor:

Deputy Mayor Pantalone, upon being requested by Councillor Shiner to take separate votes on Parts (1), (2) and (3) of motion (c) by Councillor Soknacki, ruled that such motion would be voted on in its entirety.

Councillor Shiner challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

| | |
|--------------|---|
| Yes - 35 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 4 | |
| Councillors: | Del Grande, Fletcher, Mammoliti, Shiner |

Carried by a majority of 31.

Votes:

Adoption of motion (c) by Councillor Soknacki, without amendment:

| | |
|--------------|---|
| Yes - 32 | |
| Mayor: | Miller |
| Councillors: | Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Walker, Watson |
| No - 7 | |
| Councillors: | Altobello, Del Grande, Fletcher, Holyday, McConnell, Shiner, Stintz |

Carried by a majority of 25.

Adoption of motion (a) by Councillor Moscoe:

| | |
|--------------|---|
| Yes - 28 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Filion, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Watson |
| No - 12 | |
| Councillors: | Cho, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Holyday, Kelly, McConnell, Shiner, Stintz, Walker |

Carried by a majority of 16.

Deputy Mayor Pantalone, due to the above decision of Council, declared Part (1) of motion (d) by Councillor Lindsay Luby, and motion (e) by Councillor Shiner, redundant.

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

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| Yes - 28 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Bussin, Carroll, Cho, Cowbourne, Di Giorgio, Filion, Giambrone, Grimes, Hall, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker |
| No - 12 | |
| Councillors: | Davis, De Baeremaeker, Del Grande, Feldman, Fletcher, Ford, Holyday, Jenkins, Kelly, Pitfield, Shiner, Watson |

Carried by a majority of 16.

Adoption of motion (g) by Councillor Fletcher:

| | |
|--------------|--|
| Yes - 14 | |
| Councillors: | Augimeri, Bussin, Cho, Davis, Di Giorgio, Fletcher, Giambrone, Holyday, McConnell, Milczyn, Shiner, Stintz, Walker, Watson |
| No - 25 | |
| Mayor: | Miller |
| Councillors: | Carroll, Cowbourne, De Baeremaeker, Del Grande, Feldman, Fillion, Ford, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson |

Lost by a majority of 11.

Adoption of motion (i) by Mayor Miller:

| | |
|--------------|---|
| Yes - 32 | |
| Mayor: | Miller |
| Councillors: | Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 6 | |
| Councillors: | Del Grande, Fletcher, Ford, Holyday, McConnell, Shiner |

Carried by a majority of 26.

Adoption of Clause, as amended:

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|----------|--------|
| Yes - 30 | Miller |
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|--------------|---|
| Mayor: | |
| Councillors: | Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Walker, Watson |
| No - 8 | |
| Councillors: | Del Grande, Fletcher, Ford, Holyday, Kelly, McConnell, Shiner, Stintz |

Carried by a majority of 22.

In summary, Council adopted the following:

“That:

- (1) Option 1, entitled ‘Increasing Parking Tag Enforcement Revenues by Eliminating the Voluntary Payment Amount for Parking Fines’, be adopted;
- (2) the 2004 Parks and Recreation revenue budget be reduced by \$996,400.00 for parking charges in parks, and replaced with a commensurate increase in the Parking Tag Enforcement and Operations (non-program) Revenue, the reduction to be achieved by approving the following:
 - (a) the voluntary payments for all Parking Offences be eliminated;
 - (b) the set fine amount for Meter Offences be reduced from \$30 to \$20; and
 - (c) the set fine amount for No Parking Offences be increased from \$30 to \$40;
- (3) the Budget Advisory Committee be directed to consider, in the 2005 budget deliberations, an increase of \$4 million in the Parks budget to be dedicated to restoring the turf quality of the parks, such funding to come from the increase in parking revenues;
- (4) the Chief Financial Officer and Treasurer be requested to report to the Planning and Transportation Committee on the feasibility of establishing additional ‘First Appearance Centres’; and
- (5) the City Solicitor be directed to apply to the Senior Regional Justice of Ontario Court of Justice in regard to the revised fine levels and the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

- 8.33 **Deferred Clause No. 16a of Report No. 3 of The Toronto West Community Council, headed “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)”.**

Motion:

Councillor Di Giorgio moved that consideration of this Clause be deferred to the next regular meeting of City Council on June 22, 2004.

Vote:

The motion by Councillor Di Giorgio carried.

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

Motion:

Councillor Milczyn moved that the Clause be amended in accordance with the supplementary report dated January 26, 2004, from the Commissioner of Urban Development Services, containing the following recommendations:

“It is recommended that:

- (1) in place of the recommendation adopted by the Planning and Transportation Committee on January 8, 2004, Chapter 447, Fences, of the Municipal Code, be amended as set out in Appendix ‘A’ attached to this report; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”,

subject to:

- (a) adding the following further definitions to Appendix “A”:

“LOT LINE – A lot line is the boundary line on all sides of a lot that marks the division of properties;” and

“PUBLIC HIGHWAY – means any highway and includes any street, road, sidewalk, boulevard, lane or any other portion of a highway”;

- (b) deleting the reference to amending Section 2.B.(3) of Municipal Code, Chapter 447, Fences, concerning an exemption for corner lots; and
- (c) repealing the existing Section 2.B.(3) of Chapter 447, Fences, concerning an exemption to the fence height requirement for a fence in a front or flankage yard.

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

Motion to Re-Open:

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

“That City staff, including the City Solicitor, be requested to take the appropriate actions to have the front yard fence between 7 and 9 Kingsgrove Boulevard removed.”

Votes:

The motion by Councillor Milczyn carried.

The Clause, as further amended, carried.

In summary, Council amended this Clause:

- (1) in accordance with the supplementary report dated January 26, 2004, from the Commissioner of Urban Development Services, containing the following recommendations:

“It is recommended that:

- (1) in place of the recommendation adopted by the Planning and Transportation Committee on January 8, 2004, Chapter 447, Fences, of the Municipal Code, be amended as set out in Appendix 'A' attached to this report; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”,

subject to:

- (a) adding the following further definitions to Appendix “A”:

“LOT LINE – A lot line is the boundary line on all sides of a lot that marks the division of properties;” and
“PUBLIC HIGHWAY – means any highway and includes any street, road, sidewalk, boulevard, lane or any other portion of a highway”;
 - (b) deleting the reference to amending Section 2.B.(3) of Municipal Code, Chapter 447, Fences, concerning an exemption for corner lots; and
 - (c) repealing the existing Section 2.B.(3) of Chapter 447, Fences, concerning an exemption to the fence height requirement for a fence in a front or flankage yard; and
- (2) by adding the following:

“That City staff, including the City Solicitor, be requested to take the appropriate actions to have the front yard fence between 7 and 9 Kingsgrove Boulevard removed.”

Deputy Mayor Pantalone in the Chair.

8.35 Deferred Clause No. 8a of Report No. 3 of The Toronto East Community Council, headed “Proposed Traffic Operations Changes on Brimley Road South of Ellesmere Road (Wards 37 and 38 - Scarborough Centre)”.

Motion:

Councillor Holyday 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 19, 2004, from the Director, Transportation Services, East District, as contained in the Clause, be adopted.”

Votes:

Adoption of motion by Councillor Holyday:

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|---|
| Yes – 1 Councillor: Holyday |
| No – 29 Councillors: Altobello, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fletcher, Ford, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Thompson, Walker, Watson |

Lost by a majority of 28.

The Clause was adopted, without amendment.

8.36 Deferred Clause No. 12b of Report No. 2 of The Toronto West Community Council, headed “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)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the recommendation of the Toronto West Community Council and inserting instead the following:

“That the report dated January 30, 2004, from the Director, Transportation Services, West District, as contained in the Clause, be adopted.”

Votes:

Adoption of motion by Councillor Holyday:

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| Yes - 3 Councillors: Del Grande, Holyday, Kelly |
| No - 27 Mayor: Miller Councillors: Altobello, Bussin, Carroll, Chow, Cowbourne, De Baeremaeker, Feldman, Filion, Fletcher, Ford, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson |

Lost by a majority of 24.

The Clause was adopted, without amendment.

Mayor Miller in the Chair.

- 8.37 **Deferred Clause No. 13b of Report No. 2 of The Toronto West Community Council, headed “(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)”.**

Motion:

Councillor Holyday moved that the Clause be amended by deleting the recommendation of the Toronto West Community Council and inserting instead the following:

“That the report dated April 16, 2003, from the Manager, Right of Way Management, Transportation Services, District 1, as contained in the Clause, be adopted.”

Votes:

Adoption of motion by Councillor Holyday:

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| Yes - 28 | |
| Mayor: | Miller |
| Councillors: | Altobello, Bussin, Carroll, Chow, Cowbourne, De Baeremaeker, Del Grande, Filion, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson |
| No - 0 | |

Carried, without dissent.

The Clause, as amended, carried.

- 8.38 **Deferred Clause No. 8a of Report No. 3 of The Toronto West Community Council, headed “Traffic Assessment - The Kingsway Neighbourhood (Ward 5 - Etobicoke-Lakeshore)”.**

The Clause was submitted without recommendation.

Motions:

- (a) Councillor Hall moved that Council adopt the following:

“That the report dated August 12, 2003 from the Director, Transportation Services, District 2, as contained in the Clause, be adopted.”

- (b) Councillor Milczyn moved that Council adopt the following:

“That:

- (1) Works and Emergency staff proceed with a formal traffic calming poll for residents on The Kingsway;
- (2) an all-way stop control be erected at the intersection of The Kingsway and King Georges Road and that an all-way stop control be erected at the intersection of The Kingsway and Kingsway Crescent;
- (3) an all-way stop control be erected at the intersection of The Kingsway and Craik Road/Usher Avenue;
- (4) a three-way stop control be erected at the intersection of The Kingsway and Government Road; and
- (5) the Commissioner of Works and Emergency Services be requested to report back to the Toronto West Community Council on the continuation of these new all-way stop controls after any implementation of traffic calming measures on The Kingsway.”

Votes:

Adoption of Part (1) of motion (b) by Councillor Milczyn:

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| Yes - 26 | |
| Mayor: | Miller |
| Councillors: | Altobello, Bussin, Carroll, Cowbourne, De Baeremaeker, Del Grande, Feldman, Fletcher, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Thompson, Walker, Watson |

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| No - 2 Councillors: Ford, Holyday |
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Carried by a majority of 24.

Adoption of the balance of motion (b) by Councillor Milczyn:

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| Yes - 18 Mayor: Miller Councillors: Altobello, Bussin, Cowbourne, Fletcher, Ford, Jenkins, McConnell, Mihevc, Milczyn, Nunziata, Palacio, Pantalone, Pitfield, Rae, Thompson, Walker, Watson |
| No - 10 Councillors: Carroll, De Baeremaeker, Del Grande, Feldman, Hall, Holyday, Lindsay Luby, Moscoe, Ootes, Saundercook |

Carried by a majority of 8.

Mayor Miller, due to the above decisions of Council, declared motion (a) by Councillor Hall, redundant.

8.39 **Clause No. 35 of Report No. 3 of The Administration Committee, headed “Expropriation of a Portion of 1251 Tapscott Road - McNicoll Avenue Extension Project (Ward 42 - Scarborough-Rouge River)”.**

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

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

Motion:

Councillor Thompson moved that the Clause be referred back to the Administration Committee for further consideration.

Vote:

The motion by Councillor Thompson carried.

8.40 Deferred Clause No. 9a of Report No. 3 of The Toronto West Community Council, headed “Traffic Assessment - Swan Avenue and Wedgewood Drive (Ward 5 - Etobicoke-Lakeshore)”.

Vote:

Adoption of Clause, without amendment:

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| Yes - 24 | |
| Mayor: | Miller |
| Councillors: | Bussin, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Filion, Ford, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson |
| No - 3 | |
| Councillors: | Carroll, Del Grande, Holyday |

Carried by a majority of 21.

8.41 Clause No. 4 of Report No. 4 of The Toronto South Community Council, headed “Draft By-laws – Official Plan Amendment and Rezoning - 456-460 Shaw Street (Trinity - Spadina, Ward 19)”.

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

Deputy Mayor Pantalone, 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:

Deputy Mayor Pantalone moved that the Clause be amended by adding the following:

“That the supplementary report dated May 17, 2004, from the Commissioner of Urban Development Services, containing the following recommendations, be adopted:

‘In addition to the recommendations in the Final Report, dated April 16, 2004, it is further recommended that:

- (1) the vent/opening at the south and west end of the parking area be relocated in a northerly direction. The newly relocated vent/opening will be one metre wide and be adjacent to the integral garage on lot 1;
- (2) the portion of the privacy fence that is proposed to run along the side walls of the building at 454 Shaw Street and the townhouse unit on lot 7 be eliminated and replaced with a gate at both ends;
- (3) an easement be registered on title to give the owner of the property at 454 Shaw Street access to the approximately 0.8 metre wide strip that will be created with the elimination of the fence in Recommendation No. (2);
- (4) the owner lay gravel on the 0.8 metre wide strip for ease of maintenance;
- (5) the roof deck be eliminated for the townhouse unit on lot 7;
- (6) the roof decks for the townhouse units on lots 8-13 be set back 2 metres on the Shaw Street frontage to prevent overlook onto Shaw Street;
- (7) the owner submit revised plans reflecting the changes to the development made in Recommendations Nos. (1) to (6) and that the changes be secured as part of Site Plan approval pursuant to Section 41 of the *Planning Act*;
- (8) at his own expense, the owner consult with the owner of the property at 454 Shaw Street to develop and implement a plan to mitigate the impact of construction on the front yard of the property at 454 Shaw Street; and
- (9) the owner agree to restrict the hours of construction during the initial phase which shall consist of the excavation of the site, the pouring of concrete for the foundations and the framing for the buildings to 7:30 a.m. to 7:00 p.m.’ ”

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

8.42 Deferred Clause No. 27a of Report No. 3 of The Toronto West Community Council, headed “Traffic Assessment - Edgemore Drive, Glenroy Avenue and Meadowvale Drive (Ward 5 - Etobicoke-Lakeshore)”.

The Clause was submitted without recommendation.

Motion:

Councillor Milczyn moved that Council adopt the following:

“That staff proceed with the formal poll for traffic calming on Edgemore Drive, Glenroy Avenue and Meadowvale Drive.”

Vote:

Adoption of motion by Councillor Milczyn:

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| Yes - 25 | |
| Mayor: | Miller |
| Councillors: | Altobello, Bussin, Carroll, Chow, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Walker |
| No - 3 | |
| Councillors: | Ford, Holyday, Kelly |

Carried by a majority of 22.

8.43 Clause No. 13 of Report No. 4 of The Policy and Finance Committee, headed “Allocation of Underutilized Reserve Funds, Parks and Recreation Capital Budget (Various Wards)”.

Councillor Kelly in the Chair.

Extension to Question:

Councillor Del Grande asked questions for a period of five minutes. Councillor Ootes, seconded by Councillor Ford, moved that §27-28E, Questioning to Obtain Facts, of Chapter 27, Council Procedures, of the City of Toronto Municipal Code be waived and that Councillor Del Grande be granted a further period of five minutes to ask questions, which carried, more than two-thirds of Members present having voted in the affirmative.

Mayor Miller in the Chair.

Motion:

Councillor Kelly moved that the Clause be referred back to the Policy and Finance Committee for further consideration.

Vote on Referral:

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| Yes - 7 | |
| Councillors: | Altobello, Del Grande, Ford, Holyday, Kelly, Lindsay Luby, Palacio |
| No - 22 | |
| Councillors: | Bussin, Carroll, Chow, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Fletcher, Grimes, Hall, Jenkins, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson |

Lost by a majority of 15.

Vote:

Adoption of Clause, without amendment:

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| Yes - 26 | |
| Mayor: | Miller |
| Councillors: | Bussin, Carroll, Chow, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Fletcher, Ford, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson |
| No - 4 | |
| Councillors: | Altobello, Del Grande, Holyday, Kelly |

Carried by a majority of 22.

8.44 **Clause No. 9 of Report No. 3 of The Planning and Transportation Committee, headed “Delegation of Authority to Instruct the City Solicitor on Litigation Court Proceedings Relating to Municipal Licensing and Standards Issues”.**

Motion:

Councillor Watson moved that the Clause be amended by inserting in Recommendation (i) contained in the joint report dated March 17, 2004, from the Commissioner of Urban Development Services and the Solicitor, after the words “Executive Director of Municipal Licensing and Standards (‘MLS’)”, the words “in consultation with the Ward Councillor”, so that such recommendation shall now read as follows:

- “(i) the Executive Director of Municipal Licensing and Standards (‘MLS’), in consultation with the Ward Councillor, be authorized to instruct the Legal Division on litigation court proceedings relating to the enforcement of the City’s municipal standards and licensing by-laws and the City’s zoning by-laws;”.

Votes:

The motion by Councillor Watson carried.

The Clause, as amended, carried.

8.45 **Clause No. 7 of Report No. 3 of The Administration Committee, headed “Declaration as Surplus - 30 Regent Street (Ward 28 - Toronto Centre-Rosedale)”.**

Motion:

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

“That the Chief Operating Officer of the Toronto Community Housing Corporation be requested to meet with the East Downtown Muslim Community to give consideration to the possibility of creating options for development of a mosque on other sites within the Regent Park Redevelopment Project.”

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

8.46 **Clause No. 9 of Report No. 3 of The Administration Committee, headed ‘Proposed Permanent Easements and Crossing Agreement for a Proposed Water Main Project (Ward 24 - Willowdale, and Ward 39 - Scarborough-Agincourt)’.**

Motion:

Councillor Watson moved that the Clause be amended by deleting the recommendations of the Administration Committee contained in the confidential communication dated May 3, 2004, from the City Clerk, and inserting instead the following:

“That the joint confidential report dated May 14, 2004, from the Commissioner of Corporate Services and the Commissioner of Works and Emergency Services, be adopted, and that staff be directed to update the Administration Committee monthly on the outcome. 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 pertaining to litigation or potential litigation:

‘It is recommended that:

- (1) Council communicate to the Province of Ontario, through the Chair of Management Board, the implications of changing the alignment of the proposed water main from the Finch hydro corridor to the Finch Avenue road allowance as summarized in this report;
- (2) Council request the Province of Ontario, through the Chair of Management Board, to expeditiously provide an easement for the water main in the Finch corridor with terms and conditions that do not pose unacceptable potential risk and open-ended cost to the City of Toronto; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Votes:

The motion by Councillor Watson carried.

The Clause, as amended, carried.

- 8.47 **Clause No. 2 of Report No. 4 of The Toronto North Community Council, headed “Request for Approval of a Variance from the Former City of North York Sign By-law No. 30788, as amended, for the Erection of a Projecting Sign on the Jolly Miller Tavern at 3885 Yonge Street (Ward 25 - Don Valley West)”.**

Motion:

Councillor Moscoe moved that the Clause be referred back to the Toronto North Community Council, in accordance with the following recommendation contained in the supplementary report dated May 14, 2004, from the City Solicitor:

“It is recommended that Clause No. 2 of Report No. 4 of The Toronto North Community Council be referred back to the Toronto North Community Council for further consideration, at such time as the proposed signage is approved by the Commissioner of Corporate Services and the business name is approved by the Commissioner of Economic Development, Culture and Tourism, pursuant to the provisions of the existing lease.”

Vote:

The motion by Councillor Moscoe carried.

- 8.48 **Clause No. 2 of Report No. 5 of The Striking Committee, headed “Appointment of Member of Council to the Pedestrian Committee”.**

Motion:

Councillor Saundercook moved that the Clause be amended by adding Councillor Saundercook as a Member of the Pedestrian Committee.

Votes:

The motion by Councillor Saundercook carried.

The Clause, as amended, carried.

8.49 **Clause No. 21 of Report No. 3 of The Works Committee, headed “Toronto Pedestrian Committee - Terms of Reference”.**

Vote:

The Clause was adopted, without amendment.

Deputy Mayor Bussin in the Chair.

Motion to Re-Open:

Deputy Mayor Pantalone, 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:

Deputy Mayor Pantalone moved that the Clause be amended by revising the Terms of Reference of the Pedestrian Committee contained in the communication dated February 25, 2004, from the City Clerk, to provide that the Committee will be composed of up to 18 members; and that up to two Members of Council will be appointed.

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

8.50 **Clause No. 2 of Report No. 3 of The Works Committee, headed “Development and Operation of a Small-Scale Research Facility for Processing Residual Municipal Solid Waste – Request for Qualifications No. 9155-04-7021”.**

Motion:

Councillor Pitfield moved that the Clause be referred back to the Works Committee for a Special Meeting to be held at the Call of the Chair, in order to brief Council Members and to allow for an opportunity to communicate with the Ministry of the Environment, and for report to the next meeting of Council on June 22, 2004.

Vote:

The motion by Councillor Pitfield carried.

8.51 **Clause No. 29 of Report No. 4 of The Toronto West Community Council, headed “Other Items Considered by the Community Council”.**

Vote:

The Clause was received for information.

Motion to Re-Open:

Councillor Saundercook, 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 McConnell, on behalf of Councillor Saundercook, moved that Council:

- (1) waive the necessary provisions of Chapter 27 of the City of Toronto Municipal Code, in order to consider Item (e), entitled “Committee of Adjustment – 36-38 Evelyn Avenue (Ward 13 – Parkdale-High Park)”; and
- (2) adopt the following Motion:

“**WHEREAS** the community on Evelyn Avenue have appealed a decision from the Committee of Adjustment to legalize an illegal basement apartment in the triplex at 36-38 Evelyn Avenue, to the Ontario Municipal Board; and

WHEREAS the community is comprised largely of single family homes; and
WHEREAS the increased density that occurs from a triplex can create problems with parking, traffic, street safety and noise; and

WHEREAS the current absentee landlord situation can create potential problems with property maintenance such as snow removal, leaf removal and solid waste collection; and

WHEREAS the landlord should never have allowed tenants to inhabit the illegal and potentially unsafe rental unit prior to receiving the proper approvals; and

WHEREAS when making its decision, the Committee of Adjustment based its reason for

approval on the owner's claim that the home was purchased with the basement already finished; however, members of the community allege this was not the case and the basement was actually unfinished;

NOW THEREFORE BE IT RESOLVED THAT the City send a City Solicitor and an outside planner to the Ontario Municipal Board on June 2, 2004, to represent the views of the community."

Votes:

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

Adoption of Part (2) of the motion by Councillor McConnell:

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| Yes – 15 | |
| Mayor: | Miller |
| Councillors: | Augimeri, Carroll, Cho, Di Giorgio, Feldman, Fletcher, Giambrone, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Soknacki, Stintz |
| No – 12 | |
| Councillors: | Altobello, De Baeremaeker, Del Grande, Ford, Hall, Holyday, Kelly, Lindsay Luby, Nunziata, Ootes, Pitfield, Thompson |

Carried by a majority of 3.

The balance of the Clause was received as information.

8.52 **Council considered the following Clauses concurrently:**

- (1) **Clause No. 13 of Report No. 3 of The Works Committee, headed "Request for a Pedestrian Crossover - York Mills Road at Birchwood Avenue (Ward 25 – Don Valley West)";**
- (2) **Clause No. 14 of Report No. 3 of The Works Committee, headed "Feasibility of Installing a Pedestrian Crossover or Traffic Control Signals at Midland Avenue and Havendale Road (Ward 41 – Scarborough-Rouge River)"; and**

- (3) **Clause No. 15 of Report No. 3 of The Works Committee, headed “Ossington Avenue, Between Carus Avenue and Geary Avenue/Acores Avenue - Proposed Installation of Traffic Control Signals (Ward 17 – Davenport; Ward 21 - St. Paul’s)”.**

Deputy Mayor Feldman in the Chair.

Ruling by Deputy Mayor:

Deputy Mayor Feldman, due to the nature of the questions by Councillor Ford of Councillor Holyday, ruled such questions out of order.

Councillor Ford challenged the ruling of the Deputy Mayor:

Vote to Uphold Ruling of Deputy Mayor:

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| Yes - 26 | |
| Mayor: | Miller |
| Councillors: | Altobello, Balkissoon, Carroll, Chow, Cowbourne, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Jenkins, Kelly, Li Preti, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Shiner, Stintz, Watson |
| No - 7 | |
| Councillors: | De Baeremaeker, Del Grande, Ford, Grimes, Holyday, Ootes, Walker |

Carried by a majority of 19.

Motions:

- (a) Councillor Del Grande moved that the Clause No. 13 of Report No. 3 of The Works Committee be amended by deleting the recommendation of the Works Committee and inserting instead the following:
“It is recommended that the report dated March 2, 2004, from the Commissioner of Works and Emergency Services, be adopted.”
- (b) Councillor Holyday moved that:
- (1) Clause No. 14 of Report No. 3 of The Works Committee be amended by deleting the recommendation of the Works Committee and inserting instead the following:

“It is recommended that the report dated March 18, 2004, from the Director, Transportation Services, Works and Emergency Services, East District, be adopted.”; and

- (2) Clause No. 15 of Report No. 3 of The Works Committee be received.
- (c) Councillor Shiner moved that Clause No. 13 of Report No. 3 of The Works Committee be received.
- (d) Councillor Ootes moved that No. 14 of Report No. 3 of The Works Committee be amended by adding the following:

“That the Commissioner of Works and Emergency Services report to the Works Committee on the following matters related to speed humps, crosswalks, stop signs and stop lights:

- (1) the number that were requested by individual Councillors in 2003;
- (2) the number that were approved that met the warrants in 2003;
- (3) the number that did not meet the warrants and were approved in 2003; and
- (4) the number that were installed in 2003.”

Ruling by Deputy Mayor:

Deputy Mayor Feldman ruled that, as the Clause relates to the installation of specific pedestrian crossings and/or traffic control signals and not the issues raised in motion (d) by Councillor Ootes, the motion was out of order.

Councillor Ootes challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

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| Yes - 10 | Councillors: Altobello, Augimeri, Balkissoon, Carroll, Chow, Feldman, Giambrone, Jenkins, Lindsay Luby, McConnell |
| No - 20 | |

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|--------------|---|
| Councillors: | Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Ford, Grimes, Hall, Holyday, Kelly, Li Preti, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Shiner, Stintz, Walker |
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Lost by a majority of 10.

Due to the above decision of Council, motion (d) by Councillor Ootes was deemed to be in order.

Mayor Miller in the Chair.

Motion:

- (e) Councillor Pitfield moved that motion (d) by Councillor Ootes be amended to provide that the report be submitted to the Works Committee for its meeting to be held on September 8, 2004.

Deputy Mayor Bussin in the Chair.

Votes on Clause No. 13 of Report No. 3 of The Works Committee:

Adoption of motion (c) by Councillor Shiner:

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| Yes - 8 | |
| Councillors: | Balkissoon, Cho, Del Grande, Feldman, Holyday, Kelly, Rae, Shiner |
| No - 27 | |
| Mayor: | Miller |
| Councillors: | Altobello, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Ford, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Stintz, Walker |

Lost by a majority of 19.

Adoption of motion (a) by Councillor Del Grande:

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| Yes - 6 | |
| Councillors: | Cho, Del Grande, Ford, Holyday, Kelly, Shiner |
| No - 30 | Miller |

Mayor:
Councillors: Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Walker, Watson

Lost by a majority of 24.

Adoption of Clause No. 13 of Report No. 3 of The Works Committee, without amendment:

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| Yes - 34 | |
| Mayor: | Miller |
| Councillors: | Altobello, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker, Watson |
| No - 3 | |
| Councillors: | Del Grande, Holyday, Kelly |

Carried by a majority of 31.

Votes on Clause No. 14 of Report No. 3 of The Works Committee:

Adoption of Part (1) of motion (b) by Councillor Holyday:

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| Yes - 3 Councillors: Del Grande, Holyday, Kelly |
| No - 32 Mayor: Miller Councillors: Altobello, Augimeri, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Ford, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker, Watson |

Lost by a majority of 29.

Motion (e) by Councillor Pitfield carried.

Adoption of motion (d) by Councillor Ootes, as amended:

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| Yes - 22 Mayor: Miller Councillors: Altobello, Balkissoon, Cho, Davis, De Baeremaeker, Del Grande, Ford, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Stintz, Walker, Watson |
| No - 11 Councillors: Augimeri, Bussin, Chow, Cowbourne, Filion, Fletcher, Giambrone, Jenkins, McConnell, Mihevc, Rae |

Carried by a majority of 11.

Clause No. 14 of Report No. 3 of The Works Committee, as amended, carried.

In summary, Council amended Clause No. 14 of Report No. 3 of The Works Committee by adding the following:

“That the Commissioner of Works and Emergency Services report to the Works Committee on September 8, 2004, on the following matters related to speed humps, crosswalks, stop signs and stop lights:

- (1) the number that were requested by individual Councillors in 2003;
- (2) the number that were approved that met the warrants in 2003;
- (3) the number that did not meet the warrants and were approved in 2003; and

(4) the number that were installed in 2003.”

Votes on Clause No. 15 of Report No. 3 of The Works Committee:

Adoption of Part (2) of motion (b) by Councillor Holyday:

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| Yes - 4 | |
| Councillors: | Augimeri, Del Grande, Holyday, Kelly |
| No - 32 | |
| Mayor: | Miller |
| Councillors: | Altobello, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Ford, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker, Watson |

Lost by a majority of 28.

Clause No. 15 of Report No. 3 of The Works Committee was adopted, without amendment.

Mayor Miller in the Chair.

8.53 **Clause No. 7 of Report No. 3 of The Planning and Transportation Committee, headed “Budgetary and Staffing Implications of City Council’s Amendments to the Revised Organization Structure for the Committee of Adjustment, August 14, 2003 (All Wards)”.**

Motion:

Councillor Del Grande moved that the Clause be amended by adding the following:

“That the Chief Administrative Officer be requested to forward the outstanding report on remuneration for appointees to the City’s Agencies, Boards and Commissions to the Policy and Finance Committee for its July 8, 2004 meeting for submission to City Council no later than its July 20, 2004 meeting.”

Votes:

The motion by Councillor Del Grande carried.

The Clause, as amended, carried.

8.54 **Clause No. 28 of Report No. 4 of The Toronto South Community Council, headed “Requests for Endorsement of Events for Liquor Licensing Purposes”.**

Motion:

Councillor Rae moved that the Clause be amended by amending the recommendations of the Toronto South Community Council as follows:

(1) adding the following Parts (i), (j) and (k) to Recommendation No. (1):

“(i) ‘Inti Rami’ festival to be held on June 26 and 27 at Christie Pits;

(j) Eurocup Celebration hosted by Café Diplomatic, to be held on July 4, 2004, on Clinton Street from the north side of College Street to the first laneway, from 1:00 p.m. to 11:00 p.m.; and

(k) Portugal Week Festival to be held June 5 and 6, 2004, at Trinity Bellwoods Park;”;
and

(2) adding the following Part (f) to Recommendation No. (5):

“(f) MuchMusic Video Awards After Gala to be held on Sunday, June 20, 2004, from 11:00 p.m. to 4:00 a.m., at The Courthouse, 10 Court Street and the Liberty Grand;”;

(3) adding the following new Recommendation No. (7):

“(7) advise the Alcohol and Gaming Commission of Ontario that it is aware of the request of the Executive Director, 519 Church Street Community Centre for a beer garden in Cawthra Park (wading pool area and north side of 519 Church Street) on June 26, 2004, from 3:00 p.m. to 10:00 p.m., and on June 27, 2004, from 1:00 p.m. to 10:00 p.m., in conjunction with the Toronto Pride Celebrations, and has no objection to the granting of the request;”;

(4) adding the following new Recommendation No. (8):

“(8) declare the 36th Annual CHIN International Picnic, to be held at Exhibition Place from July 1 to 3, 2004, to be an event of municipal and/or community significance and advise the Alcohol and Gaming Commission of Ontario that it has no objection

to its taking place, nor to the granting of a teletheatre licence to Woodbine Entertainment from noon to 10:00 p.m. from July 1 to 3, 2004, inclusive, on the CNE Grounds in the Better Living Centre, in conjunction with the picnic;” and

(5) adding the following new Recommendation No. (9):

“(9) advise the Alcohol and Gaming Commission of Ontario that it is aware of the request of the Church-Wellesley Village BIA to extend the service boundaries of all licensed establishments within the Church-Wellesley Village BIA area to the sidewalk, every Sunday from July 4, 2004, to September 5, 2004, inclusive, in conjunction with the Church Street Sunday street closures, and has no objection to the granting of the request.”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

8.55 **Clause No. 5 of Report No. 3 of The Audit Committee, headed “2003 Audited Consolidated Financial Statements”.**

Motion:

Councillor Balkissoon moved that the Clause be amended by:

(1) inserting in the first Operative Paragraph in Recommendation No. (2) of the Audit Committee, after the words “Now therefore be it resolved that”, the words “in accordance with the Audit protocol”, so that such Operative Paragraph shall now read as follows:

“Now therefore be it resolved that, in accordance with the Audit protocol, the Chief Financial Officer and Treasurer review and report to the Audit Committee, at its meeting to be held on October 19, 2004 on:”; and

(2) referring Recommendation No. (3) of the Audit Committee to the Policy and Finance Committee for further consideration.

Votes:

The motion by Councillor Balkissoon carried.

The Clause, as amended, carried.

8.56 Clause No. 20 of Report No. 3 of The Works Committee, headed “Road Salts Partnership”.

Motion:

Councillor Fletcher moved that the Clause be referred back to the Works Committee for further consideration at its meeting on June 2, 2004.

Vote:

The motion by Councillor Fletcher carried.

8.57 Clause No. 17 of Report No. 4 of The Toronto West Community Council, headed “Designation of St. Mary of the Angels Festival as a Community Festival (Ward 17 – Davenport)”.

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

Councillor Mammoliti, 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 Mammoliti moved that the Clause be amended by adding the following:

“That the following events be declared community festivals of municipal significance and the Alcohol and Gaming Commission of Ontario be advised that the City of Toronto has no objection to these events taking place:

- (1) North Islington Seniors’ Festival to be held on August 8, 2004, at Plunkett Park from 8:00 a.m. to 12:00 p.m.; and

- (2) Emery Village Citizens Festival to be held on August 22, 2004, at Lindylou Park from 8:00 a.m. to 12:00 p.m.”

Votes:

The motion by Councillor Mammoliti carried.

The Clause, as amended, carried.

Deputy Mayor Feldman in the Chair.

8.58 **Clause No. 1 of Joint Report No. 1 of The Economic Development and Parks Committee and The Works Committee, headed “Implementation of the City’s Pesticide By-law”.**

Extension to Question:

Councillor Davis asked questions for a period of five minutes. Councillor Fletcher, seconded by Councillor Stintz, moved that §27-28E, Questioning to Obtain Facts, of Chapter 27, Council Procedures, of the City of Toronto Municipal Code be waived and that Councillor Davis be granted a further period of five minutes to ask questions, which carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Bussin in the Chair.

Extension to Question:

Councillor Fletcher asked questions for a period of five minutes. Councillor Cowbourne, seconded by Councillor Carroll, moved that §27-28E, Questioning to Obtain Facts, of Chapter 27, Council Procedures, of the City of Toronto Municipal Code be waived and that Councillor Fletcher be granted a further period of five minutes to ask questions, which carried, more than two-thirds of Members present having voted in the affirmative.

Mayor Miller in the Chair.

Extension to Question:

Councillor Kelly asked questions for a period of five minutes. Councillor Del Grande, seconded by Councillor Holyday, moved that §27-28E, Questioning to Obtain Facts, of Chapter 27, Council Procedures, of the City of Toronto Municipal Code be waived and that Councillor Kelly be granted a further period of five minutes to ask questions, which carried, more than two-thirds of Members present having voted in the affirmative.

Motions:

- (a) Councillor Mihevc moved that the Clause be amended by:
- (1) deleting the joint recommendations of the Economic Development and Parks Committee and the Works Committee and inserting instead the following:

“That Council adopt the recommendations of the Board of Health contained in the communication dated February 24, 2004, from the Secretary, Board of Health.”;
and
 - (2) adding the following:

“That as products to control pests and weeds are approved or evaluated by Health Canada, the Acting Medical Officer of Health be requested to report to the Board of Health and Council on whether these products would be appropriate for use in the City of Toronto.”

Deputy Mayor Pantalone in the Chair.

Mayor Miller in the Chair.

- (b) Councillor Filion moved that:
- (1) Part (1) of motion (a) by Councillor Mihevc be amended by adding the words “subject to the education-only phase of the by-law being extended to September 1, 2007, for homeowners, so that no tickets will be issued against homeowners during this period; from January 1, 2007, to August 31, 2007, warnings will be issued to homeowners who do not comply with the by-law”; and
 - (2) the Clause be amended by adding the following:

“That:

(a) the Commissioner of Economic Development, Culture and Tourism be requested to report to the Economic Development and Parks Committee on strategies to achieve beautiful pesticide-free parks, using examples of best practices from such cities as Montreal, Halifax and Waterloo;

- (b) the Chief Administrative Officer be requested to arrange annual seminars in all four districts, as well as in individual Wards where requested by local Councillors, on how to maintain healthy lawns and gardens without pesticides; and
- (c) the Roundtable on Seniors be requested to examine ways to assist seniors with the implementation of natural lawn and garden care.”

Deputy Mayor Bussin in the Chair.

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

“That the appropriate City staff be directed to make available to the public promotional material on corn gluten meal and other organic products that contribute to a healthy lawn and control dandelions, crabgrass and other common weeds.”

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

“That:

- (1) the next three years be devoted to education for homeowners on how to maintain a healthy landscape; and
- (2) once a selective, post-emergent biological (non-chemical) weed control product is registered by the Pest Management Regulatory Agency (expected in the next three years); and approved for use by Health Canada that the product(s) are acceptable for commercial and retail use, then all weed thresholds for chemical herbicide use on turf be increased to 80 percent.”

Mayor Miller in the Chair.

Procedural Advice and Ruling by Mayor:

Mayor Miller advised the Council that, during the afternoon session of the third day of this meeting, he would be seeking a recorded vote on extensions to speak and question, and ruled that Chapter 27, Council Procedures, of the City of Toronto Municipal Code provides that any Member of Council may request a recorded vote on any decisions to be made by City Council.

Councillor Holyday challenged the ruling of the Mayor.

Vote to Uphold Ruling of Mayor:

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|--------------|---|
| Yes - 22 | |
| Mayor: | Miller |
| Councillors: | Augimeri, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Jenkins, Li Preti, McConnell, Mihevc, Milczyn, Pitfield, Rae, Saundercook, Shiner, Stintz, Watson |
| No - 7 | |
| Councillors: | Ford, Holyday, Kelly, Mammoliti, Minnan-Wong, Nunziata, Ootes |

Carried by a majority of 15.

Vote Be Now Taken:

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

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| Yes - 14 | |
| Councillors: | Augimeri, Bussin, Cowbourne, De Baeremaeker, Filion, Fletcher, Giambrone, McConnell, Mihevc, Pitfield, Rae, Saundercook, Thompson, Watson |
| No - 22 | |
| Mayor: | Miller |
| Councillors: | Carroll, Chow, Del Grande, Di Giorgio, Feldman, Ford, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Shiner, Stintz, Walker |

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

Motions:

- (e) Councillor Hall moved that the Clause be the Clause be amended:
 - (1) to provide that:

- (a) dandelions be included in the definition of “infestation” which includes residential lawns, and staff be requested to develop action thresholds; and
- (b) preventative procedures be established for fruit trees that will include the use of pesticides, where necessary, to ensure the health of the trees;
- (2) by adding the words “except for dandelions” to guiding principle (3); and
- (3) by adding the following:

“That the Federal Government and the Ontario Ministry of Agriculture be requested to address the following issues:

 - (a) the availability of pesticides and the ability of the public to purchase them;
 - (b) the availability of biological or non-chemical weed control products;
 - (c) the use of pesticides by the agricultural industry and the regulations which govern such usage; and
 - (d) the federal regulation of usage of pesticides throughout the Greater Toronto Area.”
- (f) Councillor Holyday moved that the Clause be received and the Toronto Board of Health be requested to contact Health Canada to determine that the lawn products tested by them and offered for sale in the City of Toronto are safe for public use if used as instructed.
- (g) Councillor Mammoliti moved that the Clause be amended by adding the following:

“That the Chief Financial Officer and Treasurer be requested to prepare an insert to be included in the next issue of the water bill, advising the residents of the City of Toronto of their personal rights with respect to refusing the entry of City of Toronto Health By-law Officers, who are inspecting with the purpose of checking for pesticides, onto their private property if they so wish.”
- (h) Councillor Del Grande moved that Part (1) of motion (a) by Councillor Mihevc be amended by adding the words “subject to the requirements of the Pesticides By-law also applying to sports fields, golf courses and cemeteries”.

Mayor Miller in the Chair.

- (i) Councillor Shiner moved that the Clause be amended by amending joint Recommendation No. (1)(2)(a) to now read as follows:

- “(a) home lawns, golf and bowling greens, cemeteries and irrigated sports fields be treated when weed cover reaches 15 percent by spot spraying only;”.

Deputy Mayor Bussin in the Chair.

- (j) Councillor Di Giorgio moved that Part (2) of motion (d) by Councillor Stintz be referred to the Medical Officer of Health for a report to the Board of Health.

Mayor Miller in the Chair.

- (k) Deputy Mayor Pantalone moved that:

- (1) the Clause be amended by adding the following:

“That the Chief Administrative Officer be requested to ensure that the following reports, previously requested of staff, be submitted to the same meeting of City Council before the end of 2004:

- (a) from the Acting Medical Officer of Health:

- (i) options for requiring users of non-exempt pesticides to post signs detailing the use of such pesticides 24 hours prior to, and four (4) days after, application of the pesticide; and
- (ii) options for a notification system requiring owners to notify the City of their intention to apply non-exempt pesticides; and

- (b) from the Chief Administrative Officer:

- (i) the Acting Medical Officer of Health, in consultation with the Commissioner of Economic Development, Culture and Tourism report back to the Board of Health, by April 2005, on specific action thresholds for the most common weeds and insect pests; this report to consider seasonal factors and any newly developed amendments to action thresholds; further, that a review of action thresholds proposed or in use in other jurisdictions, including Ontario Ministry of Agriculture and Food (OMAF) be conducted and consolidated into the range of existing action thresholds;
- (ii) the Acting Medical Officer of Health continuously review new products that could be added to the exempt product list in the Pesticide By-law, taking into account any products that Health

Canada deems as reduced risk, and make recommendations to the Board of Health, if appropriate, as they emerge or on an ongoing basis; and

- (iii) the Commissioner of Economic Development, Culture and Tourism report to the Economic Development and Parks Committee on the cost of implementing a full Integrated Pest Management (IPM) program for city parklands within six months, and any recommendations be included in the 2005 budget submission.”; and

- (2) Part (2) of motion (d) by Councillor Stintz, motion (i) by Councillor Shiner and motion (e) by Councillor Hall be referred to the Medical Officer of Health to report back at the same time as the other outstanding pesticide issues.

- (1) Councillor Lindsay Luby moved that:

- (1) Part (2) of motion (d) by Councillor Stintz be amended by inserting, after the words “and approved for use by Health Canada”, the words “and the Turf Grass Institute of Guelph determines, based on the products’ efficacy, and”, so that such Part shall now read as follows:

“(2) once a selective, post-emergent biological (non-chemical) weed control product is registered by the Pest Management Regulatory Agency (expected in the next three years); and approved for use by Health Canada and the Turf Grass Institute of Guelph determines, based on the products’ efficacy and that the product(s) are acceptable for commercial and retail use, then all weed thresholds for chemical herbicide use on turf be increased to 80 percent.”; and

- (2) the Clause be amended:

- (a) to provide that golf courses, lawn bowling greens and cemeteries be exempt from the pesticide by-law, provided that these industries use Integrated Pest Management practices; and

- (b) by adding the following:

“That a Toronto Weed Pickers for Seniors (TWPS) Program be established in the same manner as the snow clearing program for seniors.”

- (m) Councillor Moscoe moved that Part (2) of motion (k) by Deputy Mayor Pantalone be amended to include:
- (1) Part (2)(a) of motion (l) by Councillor Lindsay Luby;
 - (2) Part (1) of motion (l) by Councillor Lindsay Luby; and
 - (3) Part (2)(b) of motion (l) by Councillor Lindsay Luby.
- (n) Councillor Minnan-Wong moved that the Clause be amended to provide that the City not enforce the Pesticide By-law until such time as each City park has no more than 10 percent of weeds covering its turf.
- (o) Councillor Kelly moved that Part (2) of motion (a) by Councillor Mihevc be amended by adding the words “and the Acting Medical Officer of Health and the Board of Health be requested to report to Council with criteria by which ‘appropriate’ pesticides would be determined, such criteria to require Council approval”.

Ruling by Mayor:

Mayor Miller, upon being requested by Councillor Shiner to rule on whether Part (2) of motion (k) by Deputy Mayor Pantalone was in order, ruled such Part in order.

Councillor Shiner challenged the ruling of the Mayor.

Vote to Uphold Ruling of Mayor:

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| Yes - 29 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Jenkins, Li Preti, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Thompson, Walker, Watson |
| No - 14 | |
| Councillors: | Del Grande, Feldman, Ford, Hall, Holyday, Kelly, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Shiner, Soknacki, Stintz |

Carried by a majority of 15.

Ruling by Mayor:

Mayor Miller, due to the nature of the comments made by Councillor Mammoliti on a Point of Order, ruled that such comments were not a Point of Order.

Councillor Mammoliti challenged the ruling of the Mayor.

Vote to Uphold Ruling of Mayor:

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| Yes - 35 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 8 | |
| Councillors: | Ford, Kelly, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Shiner |

Carried by a majority of 27.

Permission to Withdraw Motions:

Councillor Stintz, with the permission of Council, withdrew Part (1) of her motion (d).

Councillor Del Grande, with the permission of Council, withdrew his motion (h).

Councillor Di Giorgio, with the permission of Council, withdrew his motion (j).

Votes:

Adoption of motion (f) by Councillor Holyday:

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| Yes - 16 |
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| Councillors: | Del Grande, Di Giorgio, Feldman, Ford, Grimes, Holyday, Kelly, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Shiner, Soknacki, Stintz, Thompson |
| No - 27 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson |

Lost by a majority of 11.

Adoption of Part (1) of motion (b) by Councillor Filion:

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

Carried by a majority of 9.

Adoption of Part (1) of motion (a) by Councillor Mihevc, as amended:

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| Yes - 24 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson |
| No - 19 | |

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|--------------|---|
| Councillors: | Del Grande, Di Giorgio, Feldman, Ford, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Shiner, Soknacki, Stintz, Thompson |
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Carried by a majority of 5.

Mayor Miller, due to the above decisions of Council, declared Part (2) of motion (d) by Councillor Stintz, motion (i) by Councillor Shiner, and those portions of Part (2) of motion (k) by Deputy Mayor Pantalone which refer to Part (2) of motion (d) by Councillor Stintz and motion (i) by Councillor Shiner, redundant.

Adoption of Part (2) of motion (k) by Deputy Mayor Pantalone as it refers to motion (e) by Councillor Hall:

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

Carried by a majority of 2.

Adoption of Part (1) of motion (m) by Councillor Moscoe:

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| Yes - 23 | |
| Mayor: | Miller |

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| Councillors: | Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Watson |
| No - 19 | |
| Councillors: | Altobello, Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Shiner, Soknacki, Stintz, Walker |

Carried by a majority of 4.

Mayor Miller, due to the above decisions of Council, declared motion (n) by Councillor Minnan-Wong, redundant.

Adoption of motion (o) by Councillor Kelly:

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

Carried by a majority of 2.

Adoption of Part (2) of motion (a) by Councillor Mihevc, as amended:

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| Yes - 25 |
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|--------------|---|
| Councillors: | Altobello, Augimeri, Del Grande, Di Giorgio, Feldman, Filion, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Watson |
| No - 17 | |
| Mayor: | Miller |
| Councillors: | Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Fletcher, Ford, Giambrone, Grimes, Moscoe, Ootes, Pantalone, Rae, Walker |

Carried by a majority of 8.

Adoption of Part (2) of motion (b) by Councillor Filion:

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

Carried by a majority of 28.

Motion (c) by Councillor De Baeremaeker carried.

Adoption of Part (2) of motion (m) by Councillor Moscoe:

| | |
|--------------|--|
| Yes - 24 | |
| Mayor: | Miller |
| Councillors: | Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Jenkins, Li Preti, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Walker, Watson |
| No - 18 | |
| Councillors: | Altobello, Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Kelly, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Shiner, Soknacki, Stintz |

Carried by a majority of 6.

The vote on Part (2) of motion (m) by Councillor Moscoe was deemed to be redundant, as Part (1) of motion (l) by Councillor Lindsay Luby was redundant.

Adoption of Part (3) of motion (m) by Councillor Moscoe:

| | |
|--------------|--|
| Yes - 24 | |
| Mayor: | Miller |
| Councillors: | Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Walker, Watson |
| No - 18 | |
| Councillors: | Altobello, Davis, Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Kelly, Li Preti, Mammoliti, Minnan-Wong, Nunziata, Ootes, Saundercook, Shiner, Soknacki, Stintz |

Carried by a majority of 6.

Adoption of motion (k) by Deputy Mayor Pantalone, as amended:

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|--------------|--|
| Yes - 25 | |
| Mayor: | Miller |
| Councillors: | Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson |
| No - 17 | |
| Councillors: | Altobello, Del Grande, Di Giorgio, Feldman, Ford, Grimes, Hall, Holyday, Kelly, Li Preti, Mammoliti, Minnan-Wong, Nunziata, Ootes, Shiner, Soknacki, Stintz |

Carried by a majority of 8.

Adoption of motion (g) by Councillor Mammoliti:

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|--------------|--|
| Yes - 14 | |
| Councillors: | Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Kelly, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Shiner |
| No - 29 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Jenkins, Li Preti, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson |

Lost by a majority of 15.

Adoption of Clause, as amended:

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|--------------|--|
| Yes - 27 | |
| Mayor: | Miller |
| Councillors: | Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Thompson, Walker, Watson |
| No - 16 | |
| Councillors: | Altobello, Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Shiner, Soknacki |

Carried by a majority of 11.

In summary, Council amended this Clause by:

- (1) deleting the joint recommendations of the Economic Development and Parks Committee and the Works Committee and inserting instead the following:

“That Council adopt the following recommendations of the Board of Health contained in the communication dated February 24, 2004, from the Secretary, Board of Health, subject to the education-only phase of the by-law being extended to September 1, 2007, for homeowners, so that no tickets will be issued against homeowners during this period; from January 1, 2007, to August 31, 2007, warnings will be issued to homeowners who do not comply with the by-law:

‘The Board of Health recommends adoption of the attached reports:

- (1) (February 10, 2004) from the Chief Administrative Officer, headed “Pesticide By-law Advisory Committee Report to Assist in the Implementation of the City’s Pesticide By-law”; and
- (2) (February 6, 2004) from the Medical Officer of Health, headed “Implementation of the Pesticide By-law”; and

- (2) adding the following:

“That:

- (a) as products to control pests and weeds are approved or evaluated by Health Canada, the Acting Medical Officer of Health be requested to report to the Board of Health and Council on whether these products would be appropriate for use in the City of Toronto, and the Acting Medical Officer of Health and the Board of Health be requested to report to Council with criteria by which ‘appropriate’ pesticides would be determined, such criteria to require Council approval;
- (b) the Roundtable on Seniors be requested to examine ways to assist seniors with the implementation of natural lawn and garden care;

- (c) the Chief Administrative Officer be requested to arrange annual seminars in all four districts, as well as in individual Wards where requested by local Councillors, on how to maintain healthy lawns and gardens without pesticides;
- (d) the Commissioner of Economic Development, Culture and Tourism be requested to report to the Economic Development and Parks Committee on strategies to achieve beautiful pesticide-free parks, using examples of best practices from such cities as Montreal, Halifax and Waterloo;
- (e) the appropriate City staff be directed to make available to the public promotional material on corn gluten meal and other organic products that contribute to a healthy lawn and control dandelions, crabgrass and other common weeds;
- (f) the Chief Administrative Officer be requested to ensure that the following reports, previously requested of staff, be submitted to the same meeting of City Council before the end of 2004:
 - (i) from the Acting Medical Officer of Health:
 - (1) options for requiring users of non-exempt pesticides to post signs detailing the use of such pesticides 24 hours prior to, and four (4) days after, application of the pesticide; and
 - (2) options for a notification system requiring owners to notify the City of their intention to apply non-exempt pesticides; and
 - (ii) from the Chief Administrative Officer:
 - (1) the Acting Medical Officer of Health, in consultation with the Commissioner of Economic Development, Culture and Tourism report back to the Board of Health, by April 2005, on specific action thresholds for the most common weeds and insect pests; this report to consider seasonal factors and any newly developed amendments to action thresholds; further, that a review of action thresholds proposed or in use in other jurisdictions, including Ontario Ministry of Agriculture and Food (OMAF) be conducted and consolidated into the range of existing action thresholds;
 - (2) the Acting Medical Officer of Health continuously review new

products that could be added to the exempt product list in the Pesticide By-law, taking into account any products that Health Canada deems as reduced risk, and make recommendations to the Board of Health, if appropriate, as they emerge or on an ongoing basis; and

- (3) the Commissioner of Economic Development, Culture and Tourism report to the Economic Development and Parks Committee on the cost of implementing a full Integrated Pest Management (IPM) program for city parklands within six months, and any recommendations be included in the 2005 budget submission; and
- (g) the following motions be referred to the Acting Medical Officer of Health for report back at the same time as the other outstanding pesticide issues:

Moved by Councillor Hall:

‘That the Clause be amended:

- (1) to provide that:
 - (a) dandelions be included in the definition of “infestation” which includes residential lawns, and staff be requested to develop action thresholds; and
 - (b) preventative procedures be established for fruit trees that will include the use of pesticides, where necessary, to ensure the health of the trees;
- (2) by adding the words “except for dandelions” to guiding principle (3); and
- (3) by adding the following:

“That the Federal Government and the Ontario Ministry of Agriculture be requested to address the following issues:

- (a) the availability of pesticides and the ability of the public to purchase them;
- (b) the availability of biological or non-chemical weed control products;

- (c) the use of pesticides by the agricultural industry and the regulations which govern such usage; and
- (d) the federal regulation of usage of pesticides throughout the Greater Toronto Area.”

Moved by Councillor Lindsay Luby:

‘That:

- (1) the Clause be amended:
 - (a) to provide that golf courses, lawn bowling greens and cemeteries be exempt from the pesticide by-law, provided that these industries use Integrated Pest Management practices; and
 - (b) by adding the following:

“That a Toronto Weed Pickers for Seniors (TWPS) Program be established in the same manner as the snow clearing program for seniors.”;’.”

8.59 Clause No. 29 of Report No. 4 of The Toronto South Community Council, headed “Summer Weekday Service to Cherry Street and Rochester Ferry”.

The Clause was submitted without recommendation.

Motion:

Councillor Moscoe moved that Council adopt the following:

“That the Commissioner of Economic Development, Culture and Tourism, in consultation with the Waterfront Secretariat and any other appropriate officials, be requested to prepare recommendations regarding the taxi stand to service the ferry terminal and report to the Planning and Transportation Committee or the Works Committee, as appropriate.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

8.60 Clause No. 23 of Report No. 3 of The Works Committee, headed “Approval of Long-Term Initiative to Improve Management of Subsurface Space in the Road Allowance”.

Motions:

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

“That the Commissioner of Works and Emergency Services be requested to report annually to the Works Committee on changes in technology, and any other changes, that would impact on subsurface installations and potential policy adjustments that may be required to accommodate these changes.”

(b) Deputy Mayor Pantalone moved that the Clause be amended by adding the following:

“That, in consultation with the Commissioners of Urban Development Services and Economic Development, Culture and Tourism, all steps and conclusions of this initiative favourably consider and achieve the importance and maximization of the subsurface space to protect and enhance:

- (1) successful tree plantings (present and future);
- (2) soft landscaping (to achieve Wet Weather Flow Master Plan objectives); and
- (3) other urban design objectives.”

Votes:

Motion (a) by Councillor Moscoe carried.

Motion (b) by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

In summary, Council adopted the following:

“That:

- (1) the Commissioner of Works and Emergency Services be requested to report annually to the Works Committee on changes in technology, and any other changes,

that would impact on subsurface installations and potential policy adjustments that may be required to accommodate these changes; and

- (2) in consultation with the Commissioners of Urban Development Services and Economic Development, Culture and Tourism, all steps and conclusions of this initiative favourably consider and achieve the importance and maximization of the subsurface space to protect and enhance:
 - (a) successful tree plantings (present and future);
 - (b) soft landscaping (to achieve Wet Weather Flow Master Plan objectives); and
 - (c) other urban design objectives.”

8.61 Clause No. 9 of Report No. 4 of The Toronto South Community Council, headed “Request by Concord Adex Developments Corp. - Development Levies at 325/341 Bremner Blvd. (Block 20/23) (Trinity-Spadina, Ward 20)”.

The Clause was submitted without recommendation.

Motion:

Councillor Chow moved that the Clause be received.

Vote:

The motion by Councillor Chow carried.

8.62 Clause No. 22 of Report No. 3 of The Administration Committee, headed “2004 Insurance Program Renewal”.

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

Councillor Walker, 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 Walker moved that the Clause be amended by adding the following:

“That the supplementary confidential report dated May 19, 2004, from the Chief Financial Officer and Treasurer, be adopted. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act*, as it contains confidential instructions to staff.”

Votes:

The motion by Councillor Walker carried.

The Clause, as amended, carried.

8.63 **Clause No. 5 of Report No. 3 of The Planning and Transportation Committee, headed “Protocol for Enforcement of Property Standards in Toronto Community Housing Corporation-Owned Buildings”.**

Motion:

Councillor Hall moved that the Clause be amended:

(1) to provide that Council adopted the recommendations of the Planning and Transportation Committee, in principle; and

(2) by adding the following:

“That:

(a) the Commissioner of Urban Development Services, in consultation with the Toronto Community Housing Corporation, be requested to report back to Council, through

the appropriate Committees, by the end of September 2004, on the implementation, including the staffing and budgetary implications embodied in the recommendations, and the role that the Toronto Community Housing Corporation has in enforcing property standards, and that such report also be forwarded to the Board of Directors of the Toronto Community Housing Corporation; and

- (b) a copy of this Clause be forwarded to the Board of Directors of the Toronto Community Housing Corporation.”

Votes:

The motion by Councillor Hall carried.

The Clause, as amended, carried.

Deputy Mayor Bussin in the Chair.

- 8.64 **Clause No. 1 of Report No. 4 of The Toronto West Community Council, headed “Operational Implications of Using Etobicoke Civic Centre or York Civic Centre for Future Toronto West Community Council Meetings”.**

Motion:

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

“That the Commissioner of Corporate Services be requested to bring forward to the Administration Committee the existing policy with respect to rotation of meetings.”

Votes:

The motion by Councillor Nunziata carried.

The Clause, as amended, carried.

- 8.65 **Clause No. 4 of Report No. 3 of The Planning and Transportation Committee, headed “Protocol for Enforcement of Property Standards and Other By-laws in Residential Rental Apartment Buildings”.**

Motion:

Councillor Watson moved that the Clause be amended by amending Appendix 'A', entitled "Protocol for Enforcement of Property Standards and Other By-laws in Residential Rental Apartment Buildings", attached to the report dated April 5, 2004, from the Commissioner of Urban Development Services, as follows:

(1) by amending the preamble:

(a) by inserting the following new recital between the third and fourth recitals:

"And Whereas there may be circumstances in which co-operation between the tenant and the landlord does not exist;"; and

(b) by adding the following new recital:

"And Whereas there are circumstances which require that enforcement be done on a proactive, rather than a complaint basis. Examples of such circumstances include buildings with a history of non-compliance with standards or repeated concerns about deficient maintenance or management.";

(2) by inserting the words "and to provide options for enforcing Chapter 629 in a proactive way" at the end of the first sentence under "Purpose", so that this section shall now read as follows:

"Purpose:

To define the procedure for the handling of complaints by tenants concerning possible violations to the Code and in particular, Chapter 629 (Property Standards) of the Code as it relates to residential apartment buildings and to provide options for enforcing Chapter 629 in a proactive way. A separate protocol is applicable to the enforcement of property standards in properties owned by the Toronto Community Housing Corporation.";

(3) by amending the seventh paragraph under "Making a Complaint" to read as follows:

"Where there appears to be legitimate concerns regarding communication, the Municipal Licensing and Standards Officer will take the complaint."; and

(4) by adding a new section, after the section entitled "Making an Inspection", as follows:

"Proactive Enforcement:

In circumstances where a building has a history of non-compliance or inadequate maintenance, the Municipal Licensing and Standards Officer, in consultation with the Ward Councillor, shall initiate a proactive mechanism for enforcement which is intended to achieve compliance on an ongoing basis, rather than relying on the complaint mechanism.”

Votes:

The motion by Councillor Watson carried.

The Clause, as amended, carried.

8.66 **Clause No. 3 of Report No. 3 of The Planning and Transportation Committee, headed “Pedicabs in the City of Toronto”.**

Motion:

Councillor Moscoe moved that the Clause be amended by:

- (1) deleting Recommendation No. (I)(6) of the Planning and Transportation Committee and inserting instead the following:

“(I)(6) Chapter 545 be further amended to require that all pedicab drivers and owners hold a valid Ontario driver’s licence and be required to produce it when requested to do so, as prescribed under the *Highway Traffic Act*, and to produce it to a City of Toronto By-law Enforcement Officer upon request;”; and

- (2) adding the following:

“That Chapter 545 be further amended to prohibit pedicabs on sidewalks.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

8.67 **Clause No. 4 of Report No. 3 of The Audit Committee, headed “Ernst and Young Report - Audit Results – Year ended December 31, 2003”.**

Motions:

(a) Councillor Pitfield moved that the Clause be amended by:

- (1) inserting in the first Operative Paragraph in Recommendation No. (2) of the Audit Committee, after the words “Be it resolved that”, the words “in accordance with the Audit protocol”, so that such Operative Paragraph shall now read as follows:

“Be it resolved that, in accordance with the Audit protocol, the Chief Financial Officer and Treasurer review and report to the Audit Committee, on October 19, 2004, on the amounts outstanding and what aggressive collection procedures, including the use of collection agencies etc., can be implemented to collect these funds before any write-off; and”; and

- (2) adding the following:

“That the Chief Administrative Officer and the Chief Financial Officer and Treasurer, in preparation of the 2005 budget process, be requested to review the budgets of the departments, agencies, boards and commissions, and give consideration to actual service levels and staff resources required, not on approved 2004 base budgets, as a starting point.”

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

“That the final 2005 budget presentation/documentation to City Council will include the most current 2004 actual costs by program.”

Votes:

Motion (a) by Councillor Pitfield carried.

Motion (b) by Councillor Shiner carried.

The Clause, as amended, carried.

In summary, Council amended this Clause by:

- (1) inserting in the first Operative Paragraph in Recommendation No. (2) of the Audit Committee, after the words “Be it resolved that”, the words “in accordance with the Audit protocol”, so that such Operative Paragraph shall now read as follows:

“Be it resolved that, in accordance with the Audit protocol, the Chief Financial Officer and Treasurer review and report to the Audit Committee, on October 19, 2004, on the amounts outstanding and what aggressive collection procedures, including the use of collection agencies etc., can be implemented to collect these funds before any write-off; and”;

- (2) adding the following:

“That:

- (a) the Chief Administrative Officer and the Chief Financial Officer and Treasurer, in preparation of the 2005 budget process, be requested to review the budgets of the departments, agencies, boards and commissions, and give consideration to actual service levels and staff resources required, not on approved 2004 base budgets, as a starting point; and
- (b) the final 2005 budget presentation/documentation to City Council will include the most current 2004 actual costs by program.”

8.68 Clause No. 3 of Report No. 4 of The Policy and Finance Committee, headed “Tax Arrears - 103 and 111 Ingram Drive (Ward 12 - York South-Weston)”.

Motion:

Councillor Di Giorgio moved that the Clause be amended by adding the following:

“That:

- (1) the Executive Director of Municipal Licensing and Standards be requested to investigate whether the primary use on the site is a transfer station and, if not, to determine and report back on the primary use on the site to Council, through the Policy and Finance Committee;
- (2) By-law Enforcement staff be directed to investigate possible violations of the Zoning By-law related to the outside storage of prohibited materials, both source separated or non-source separated, in an M3 zone in general and on a transfer station site, in

- particular at this site, and if violations are present, to take appropriate and immediate enforcement action; and
- (3) the Chief Administrative Officer be requested to report to the Administration Committee, within six months, on the prompt and potential transfer of the site to TEDCO, in the event that the tax sale proceedings are unsuccessful.”

Votes:

The motion by Councillor Di Giorgio carried.

The Clause, as amended, carried.

8.69 **Clause No. 5 of Report No. 3 of The Works Committee, headed “Drain Grant Appeal - 69 Craydon Avenue (Ward 11 - York South-Weston)”.**

Motions:

- (a) Councillor Nunziata moved that the Clause be amended by deleting the recommendation of the Works Committee and inserting instead the following:

“It is recommended that the request by Mr. Frank Ciancio of 69 Craydon Avenue for a grant in the amount of \$223.50 from the Drain Grant Program, be approved.”

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

“That the owner of 69 Craydon Avenue consult with the appropriate City staff to discuss documentation.”

Permission to Withdraw Motion:

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

Votes:

Motion (b) by Councillor Moscoe carried.

The Clause, as amended, carried.

8.70 **Clause No. 21 of Report No. 4 of The Toronto West Community Council, headed “Application for a Major Fence Encroachment Agreement 1 Athlone Drive (Ward 5 - Etobicoke-Lakeshore)”.**

Motion:

Councillor Milczyn moved that the Clause be amended by adding to Recommendation No. (1) of the Toronto West Community Council, the words “and the Manager, Municipal Licensing and Standards, West District, be directed to negotiate a one-time fee for the encroachment agreement”, so that such recommendation shall now read as follows:

“(1) the request for a fence encroachment agreement be granted subject to compliance with the Fence By-law, currently under review and the Manager, Municipal Licensing and Standards, West District, be directed to negotiate a one-time fee for the encroachment agreement;”.

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

- 8.71 **Clause No. 16 of Report No. 3 of The Works Committee, headed “Broadway Avenue, between Mount Pleasant Road and Bayview Avenue - Request for Speed Humps (Ward 22 - St. Paul’s; Ward 25 - Don Valley West)”.**

Vote:

The Clause was adopted, without amendment.

Deputy Mayor Feldman and Councillor Holyday requested that their opposition to this Clause be noted in the minutes of this meeting.

- 8.72 **Clause No. 43 of Report No. 4 of The Toronto South Community Council, headed “Installation of Speed Humps - Acores Avenue, between Ossington Avenue and Shaw Street (St. Paul’s, Ward 21)”.**

Vote:

The Clause was adopted, without amendment.

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

- 8.73 **Clause No. 44 of Report No. 4 of The Toronto South Community Council, headed “Installation of Speed Humps - Fairleigh Crescent, between Eglinton Avenue West and W.R. Allen Bridge (St. Paul’s, Ward 21)”.**

Vote:

The Clause was adopted, without amendment.

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

- 8.74 **Clause No. 45 of Report No. 4 of The Toronto South Community Council, headed “Installation of Speed Humps - Hillsdale Avenue East, from Forman Avenue to Cleveland Street (St. Paul’s, Ward 22)”.**

Vote:

The Clause was adopted, without amendment.

Councillors Ford and Holyday requested that their opposition to this Clause be noted in the minutes of this meeting.

- 8.75 **Clause No. 2 of Report No. 4 of The Toronto West Community Council, headed “Poll Results - Request for Introduction of On-Street Permit Parking on Little Avenue between Lawrence Avenue West and Weston Road (Ward 11 - York South-Weston)”.**

Vote:

The Clause was adopted, without amendment.

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

- 8.76 **Clause No. 6 of Report No. 4 of The Toronto West Community Council, headed “Request for the Installation of All-Way Stop Controls at Porterfield Road and Delsing Drive (Ward 2 - Etobicoke North)”.**

Vote:

Adoption of Clause, without amendment:

Yes - 22

Councillors: Altobello, Bussin, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Fillion, Ford, Giambrone, Grimes, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Milczyn, Nunziata, Pantalone, Pitfield, Saundercook, Soknacki, Walker

No - 6
Councillors: Augimeri, Del Grande, Hall, Holyday, Moscoe, Stintz

Carried by a majority of 16.

8.77 **Clause No. 4 of Report No. 4 of The Toronto North Community Council, headed “All Way Stop Control – Dolores Road at Sawmill Road (Ward 9 – York Centre)”.**

Vote:

The Clause was adopted, without amendment.

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

8.78 **Clause No. 13 of Report No. 4 of The Toronto North Community Council, headed “40 km/h Speed Limit – Fisherville Road (Ward 10 - York Centre)”.**

Vote:

The Clause was adopted, without amendment.

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

8.79 **Clause No. 8 of Report No. 3 of The Administration Committee, headed ‘Option to Purchase Railway Lands Block 18C-Skydome Bus Parking Facility (Ward 20 - Trinity-Spadina)’.**

Motion:

Councillor Chow moved that the Clause be received and the City of Toronto Economic Development Corporation (TEDCO) be requested to provide an extension to the City of Toronto on the option to purchase the Railway Lands Block 18C - Skydome Bus Parking Facility.

Vote:

The motion by Councillor Chow carried.

8.80 Clause No. 2 of Report No. 3 of The Administration Committee, headed “Greater Inclusiveness in the Annual Schedule of Meetings”.

Motion:

Councillor Hall moved that the Clause be amended:

- (1) to provide that the 2004 Schedule of Meetings be revised for November and December as shown in the attached Appendix, in order to avoid a conflict with the November 24 to 27, 2004 Federation of Canadian Municipalities (FCM) Board of Directors meeting; and
- (2) by adding the following:

“That City Council refrain from scheduling Council meetings that conflict with meetings of the Board of Directors of the FCM, for the balance of 2004 and in future years.”

Votes:

The motion by Councillor Hall carried.

The Clause, as amended, carried.

8.81 Clause No. 3 of Report No. 3 of The Works Committee, headed “Getting to 60% Diversion and Beyond Report”.

Motion:

Councillor Ootes moved that the Clause be amended by amending Recommendation No. (1) contained in the report dated April 21, 2004, from the Commissioner of Works and Emergency Services, to now read as follows:

- “(1) Council approve the principle that the initiatives in the attached Getting to 60% Diversion and Beyond Report will need to be approved if the City is to achieve 60% waste diversion.”

Votes:

The motion by Councillor Ootes carried.

The Clause, as amended, carried.

8.82 IN-CAMERA MEETING SESSIONS OF THE COMMITTEE OF THE WHOLE**May 19, 2004:**

Mayor Miller in the Chair.

Procedural Motion:

Mayor Miller, at 6:07 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Clause No. 19 of Report No. 3 of The Administration Committee, headed "Union Station - Request for Proposals – Negotiations with Union Pearson Group (Ward 28 – Toronto Centre - Rosedale)", in accordance with the provisions of the *Municipal Act*, as it contains information which is subject to solicitor-client privilege.

Vote:

The motion by Mayor Miller carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 6:12 p.m. to meet privately in the Council Chamber to consider the above matter, in accordance with the provisions of the *Municipal Act*.

Committee of the Whole rose, reconvened as Council at 7:30 p.m., and met in public session in the Council Chamber.

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

Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the *Municipal Act*, reported that, as Council had not concluded its debate on Clause No. 19 of Report No. 3 of The Administration Committee, the in-camera portion of this meeting would resume on Thursday, May 20, 2004.

May 20, 2004:

Deputy Mayor Bussin in the Chair.

Procedural Motion:

Deputy Mayor Bussin, at 5:35 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately, in accordance with the provisions of the *Municipal Act*, to:

- (1) resume consideration of Clause No. 19 of Report No. 3 of The Administration Committee, headed “Union Station - Request for Proposals – Negotiations with Union Pearson Group (Ward 28 – Toronto Centre - Rosedale)”, as it contains information which is subject to solicitor-client privilege; and
- (2) consider Deferred Clause No. 6a of Report No. 3 of The Policy and Finance Committee, headed “Enwave District Energy Limited, Capital Calls of the Shareholders”, as it contains information related to the security of the property of the municipality.

Vote:

The motion by Deputy Mayor Bussin carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 5:43 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 7:13 p.m., and met in public session in the Council Chamber.

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

8.83 Deferred Clause No. 6a of Report No. 3 of The Policy and Finance Committee, headed “Enwave District Energy Limited, Capital Calls of the Shareholders”.

Report of the Committee of the Whole:

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

- (a) Councillor Soknacki moved that the Clause be amended by:
 - (1) deleting from Recommendation No. (1) of the Policy and Finance Committee the amount “\$11.25 million net”, and inserting instead the amount and words “\$10.648 million net, being the City’s amount for the balance of this term of Council”, so that

such recommendation shall now read as follows:

“(1) future Capital Calls to the City of Toronto by Enwave District Energy Limited, to a maximum of \$10.648 million net, being the City’s amount for the balance of this term of Council, be funded in the same manner as those previously approved; i.e. that funds be provided from the Water Capital Reserve Fund and that the by-law for the Water Capital Reserve Fund be amended accordingly;”;
 and

(2) adding the following:

“That, prior to the approval of the 2005 Water and Wastewater water rates, the Chief Financial Officer and Treasurer, in consultation with the Commissioner of Works and Emergency Services, report to the Works Committee on a detailed business case with respect to the Enwave investment.”

(b) Councillor Ootes moved that the Clause be received.

Votes:

Adoption of motion (a) by Councillor Ootes:

| | |
|--------------------------|---|
| Yes - 13 Councillors: | Altobello, Del Grande, Ford, Holyday, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Soknacki, Walker |
| No - 21 Councillors: | Augimeri, Bussin, Carroll, Cho, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Kelly, McConnell, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Shiner, Stintz, Thompson, Watson |

Lost by a majority of 8.

Adoption of Part (1) of motion (a) by Councillor Soknacki:

| | |
|--------------------|--------|
| Yes - 28 Mayor: | Miller |
|--------------------|--------|

| | |
|--------------|---|
| Councillors: | Altobello, Augimeri, Bussin, Carroll, Cho, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Palacio, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson |
| No - 7 | |
| Councillors: | Del Grande, Ford, Holyday, Nunziata, Ootes, Pitfield, Walker |

Carried by a majority of 21.

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

| | |
|--------------|---|
| Yes - 35 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Bussin, Carroll, Cho, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 0 | |

Carried, without dissent.

Adoption of Clause, as amended:

| | |
|--------------|--|
| Yes - 25 | |
| Mayor: | Miller |
| Councillors: | Augimeri, Carroll, Cho, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Kelly, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Palacio, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson |
| No - 9 | |
| Councillors: | Altobello, Del Grande, Ford, Holyday, Lindsay Luby, Nunziata, Ootes, Pitfield, Walker |

Carried by a majority of 16.

8.84 **Clause No. 19 of Report No. 3 of The Administration Committee, headed “Union Station - Request for Proposals – Negotiations with Union Pearson Group (Ward 28 – Toronto Centre - Rosedale)”.**

Report of the Committee of the Whole:

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

- (a) Councillor Holyday moved that the Clause be amended by deleting the recommendation of the Administration Committee and inserting instead the following:

“That the supplementary confidential report dated May 19, 2004, from the Commissioner of Corporate Services, be adopted.”

- (b) Councillor Watson moved that the Clause be amended to provide that the terms of the proposed agreement be amended to define the terms “Master Plan” and “Master Plan Review” to clarify that the review is the process approved by Council by the adoption of Report No. 3 of The Planning and Transportation Committee, Clause No. 1, headed “Application to Amend Zoning By-law No. 168-93, 61-71 Front Street West, (Union Station), City of Toronto (Ward 28 - Toronto Centre-Rosedale)”, and that the Master Plan is the result of that process.

Motions in Public Session:

Mayor Miller, having regard for the motions moved in Committee of the Whole, called for additional motions on this Clause.

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

“That the supplementary report dated May 20, 2004, from the Commissioner of Corporate Services, be received.”

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

“That the supplementary report dated May 20, 2004, from the Commissioner of Corporate Services, be adopted.”

Votes:

Adoption of motion (c) by Councillor Walker:

| | |
|-----------------------------------|--|
| Yes - 6 Councillors: | Fletcher, Ford, McConnell, Palacio, Walker, Watson |
| No - 27 Mayor: Councillors: | Miller Altobello, Augimeri, Bussin, Carroll, Cho, Del Grande, Di Giorgio, Feldman, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson |

Lost by a majority of 21.

Adoption of motion (a) by Councillor Holyday:

| | |
|------------------------------------|--|
| Yes - 30 Mayor: Councillors: | Miller Altobello, Augimeri, Bussin, Carroll, Cho, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson |
| No - 4 Councillors: | Fletcher, Ford, Walker, Watson |

Carried by a majority of 26.

Adoption of motion (d) by Councillor Holyday:

| | |
|------------------------------------|--|
| Yes - 30 Mayor: Councillors: | Miller Altobello, Augimeri, Bussin, Carroll, Cho, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson |
| No - 4 Councillors: | Fletcher, Ford, Walker, Watson |

Carried by a majority of 26.

Motion (b) by Councillor Watson carried.

Adoption of Clause, as amended:

| | |
|--------------|--|
| Yes - 30 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Bussin, Carroll, Cho, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson |
| No - 4 | |
| Councillors: | Fletcher, Ford, Walker, Watson |

Carried by a majority of 26.

In summary, Council amended this Clause:

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

“That the supplementary confidential report dated May 19, 2004, from the Commissioner of Corporate Services, be adopted. The following recommendations contained in this report are now public and the balance of this report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information which is subject to solicitor-client privilege:

‘It is recommended that:

- (1) City Council approve the transaction with Union Pearson Group, essentially on the terms and conditions outlined in this report; and
- (2) appropriate City staff be authorized and directed to take all necessary actions to give effect thereto.’ ”;
- (2) to provide that the terms of the proposed agreement be amended to define the terms “Master Plan” and “Master Plan Review” to clarify that the review is the process approved by Council by the adoption of Report No. 3 of The Planning and Transportation Committee, Clause No. 1, headed “Application to Amend Zoning By-law No. 168-93, 61-71 Front Street West, (Union Station), City of Toronto (Ward 28 - Toronto Centre-Rosedale)”, and that the Master Plan is the result of that process; and

(3) by adding the following:

“That the supplementary report dated May 20, 2004, from the Commissioner of Corporate Services, containing the following recommendations, be adopted:

‘It is recommended that:

- (1) City Council approve the Master Agreement attached hereto as Appendix 2; and
- (2) appropriate City staff be authorized and directed to take all necessary actions to give effect thereto.’ ”

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

Mayor Miller in the Chair.

8.85 **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’**

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

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 to have the opportunity to acquire disposed of City of Toronto computer equipment appropriate to support writers in exile."

Motion:

Councillor Soknacki moved that Motion F(1) be adopted, subject to amending the Operative Paragraph to read as follows:

"NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Corporate Services be requested to report to the next meeting of the Administration Committee on whether PEN Canada can have the opportunity to acquire disposed of City of Toronto computer equipment appropriate to support writers in exile."

Votes:

The motion by Councillor Soknacki carried.

Motion F(1) as amended, carried.

8.86 Request for Report - Traffic Studies at Signalized and Non-Signalized Intersections Along St. Clair Avenue West (Ward 17, Davenport)

Mayor Miller called upon Notice of Motion I(1) appearing on the Order Paper, as follows:

Moved by: Councillor Palacio

Seconded by: Councillor Nunziata

"WHEREAS Report No. 1 of The Works Committee, as adopted by City Council on

February 4, 5 and 6, 2003, headed 'Feasibility of a Reserved Streetcar Right of Way on St. Clair Avenue (Wards 11, 17, 21 and 22)', indicated there may be significant impacts to traffic patterns on streets adjacent to St. Clair Avenue West, as a result of restricting left turns at most signalized and non-signalized intersections; and

WHEREAS many members of the St. Clair Avenue West and Davenport community have serious concerns about this prospect;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Works and Emergency Services be requested to submit a report to the April 28, 2004 meeting of the Works Committee with up-to-date traffic studies for all signalized and non-signalized intersections along St. Clair Avenue West in Ward 17;

AND BE IT FURTHER RESOLVED THAT the report include the number of cars making left turns, right turns and continuing straight through these intersections in the morning rush hour, evening rush hour and during the day."

Advice by Mayor Miller:

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

Procedural Vote:

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

Motion:

Councillor Palacio moved that Motion I(1) be amended by:

- (1) deleting the two Recitals and inserting instead the following:

“**WHEREAS** an ongoing Environmental Assessment is underway on St. Clair Avenue West to study potential ‘transit improvements’ to the street;” and

- (2) deleting from the first Operative Paragraph, the words “the April 28, 2004 meeting of the Works Committee”, and inserting instead the words “the June 29, 2004 meeting of the Works Committee”, so that such Operative Paragraph shall read as follows:

“**NOW THEREFORE BE IT RESOLVED THAT** the Commissioner of Works and Emergency Services be requested to submit a report to the June 29, 2004 meeting of the

Works Committee with up-to-date traffic studies for all signalized and non-signalized intersections along St. Clair Avenue West in Ward 17;”.

Votes:

The motion by Councillor Palacio carried.

Motion I(1) as amended, carried.

8.87 Payment of Outstanding Hydro Charges – 200 Madison Avenue

Mayor Miller called upon Notice of Motion I(2) appearing on the Order Paper, as follows:

Moved by: Councillor Chow

Seconded by: Councillor Walker

“**WHEREAS** on May 21, 22, and 23, 2003, Council approved the report titled ‘Outstanding Hydro Charges - Various Non-Profit Agencies’ which approved funding for payment of the outstanding Hydro bill and part of the go-forward costs of Chill Out and Furniture Bank, the two occupants of 200 Madison Avenue; and

WHEREAS in October 1999, the Property Management Committee allocated 200 Madison Avenue for use as affordable housing; and

WHEREAS Let’s Build has established that development of 200 Madison Avenue is expected to begin on October 1, 2004; and

WHEREAS Chill Out and Furniture Bank have been informed that they will be expected to vacate the premises when development activity begins;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Community and Neighbourhood Services be authorized to draw on appropriate sources of funding, including the Mayor’s Homeless Initiatives Fund, up to a maximum of \$25,000.00, for the payment of Hydro costs at 200 Madison Avenue until September 30, 2004;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Corporate Services be directed to notify the tenants of 200 Madison Avenue that they must vacate the premises by September 30, 2004.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion I(2) 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 I(2) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Motion I(2), without amendment:

| | |
|--------------|---|
| Yes - 27 | |
| Mayor: | Miller |
| Councillors: | Augimeri, Bussin, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Shiner, Thompson, Walker, Watson |
| No - 6 | |
| Councillors: | Ford, Holyday, Kelly, Nunziata, Ootes, Palacio |

Carried by a majority of 21.

8.88 Urban Design Improvement Plan - Gerrard Street East, between the Don River and Coxwell Avenue

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(1), 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 Toronto Transit Commission is implementing a track replacement program on Gerrard Street East, between May and October, 2004; and

WHEREAS there is a serious need for revitalization of the business communities located on Gerrard Street East in the proposed study area; and

WHEREAS efficiencies might be achieved by folding some improvements into the 2004 track replacement program, as well as developing longer term solutions;

NOW THEREFORE BE IT RESOLVED THAT an Urban Design Improvement Plan for Gerrard Street East, between the Don River and Coxwell Avenue, be developed by the Commissioner of Urban Development Services;

AND BE IT FURTHER RESOLVED THAT the Urban Design Improvement Plan develop short and long-term plans for revitalization of Gerrard Street East within the study area and, where practicable, elements of the plan that can be implemented during the 2004 Gerrard Street East track replacement program should be fast-tracked;

AND BE IT FURTHER RESOLVED THAT the Urban Design Improvement Plan be developed in consultation with the local City Councillor, Parks and Recreation, representatives of affected business communities, including the Chinatown East Chamber of Commerce, the Gerrard India Bazaar, Gerrard Square and the South Riverdale Revitalization Project, and interested local residents.”

Advice by Mayor Miller:

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

Procedural Vote:

The vote to waive referral of Motion J(1) to the Economic Development and Parks Committee was taken as follows:

| | |
|--------------|---|
| Yes - 28 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Di Giorgio, Fletcher, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Soknacki, Thompson, Walker, Watson |
| No - 11 | |
| Councillors: | Del Grande, Feldman, Ford, Holyday, Kelly, Nunziata, Ootes, Palacio, Saundercook, Shiner, Stintz |

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

Motion:

Councillor Del Grande moved that Motion J(1) be amended by deleting from the second Operative Paragraph the words “and, where practicable, elements of the plan that can be implemented during the 2004 Gerrard Street East track replacement program should be fast-tracked”, so that such Operative Paragraph now reads as follows:

“**AND BE IT FURTHER RESOLVED THAT** the Urban Design Improvement Plan develop short and long-term plans for revitalization of Gerrard Street East within the study area.”

Votes:

The motion by Councillor Del Grande carried.

Motion J(1) as amended, carried.

8.89 Request for Permission to Install a Plaque to Honour Mr. Ed Mirvish

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

Moved by: Deputy Mayor Pantalone

Seconded by: Mayor Miller

“**WHEREAS** Mr. Ed Mirvish will be celebrating his ninetieth birthday on July 24, 2004; and

WHEREAS Mr. Mirvish’s numerous accomplishments and contributions are well known in the City of Toronto - among his lasting contributions are founding Canada’s first discount retail establishment in 1940, saving the Royal Alexandra Theatre from demolition in 1963, building the Princess of Wales Theatre in 1993 and developing Mirvish Village outside Honest Ed’s at 581 Bloor Street West; and

WHEREAS Mr. Mirvish has officially been proclaimed Toronto’s *Good Will Ambassador* and has been awarded the Key to Toronto, in recognition of his many accomplishments and contributions; and

WHEREAS on the occasion of Mr. Mirvish’s birthday, an annual public celebration is held in his honour, with the day being proclaimed ‘Ed Mirvish Day’ by Toronto’s Mayor, and in addition to this summer celebration, Mr. Mirvish also conceived and instituted a well known public Christmas tradition at Honest Ed’s; and

WHEREAS the friends and family of Mr. Mirvish propose to dedicate and install a plaque commemorating his birthday outside Honest Ed's at or near 581 Bloor Street West;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council approve the installation of a plaque on public property at or near 581 Bloor Street West to commemorate the ninetieth birthday of Mr. Ed Mirvish;

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(2) to the 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(2) to the Toronto South Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Motion J(2), without amendment:

| | |
|--------------|---|
| Yes - 39 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 0 | |

Carried, without dissent.

8.90 Award of Tender No. 105-2004 for Reconstruction of Toronto Transit Commission Track Allowance, Pavement, Curb and Sidewalk on Gerrard Street East, Coxwell Avenue to Jones Street

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

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Pitfield

“WHEREAS the City issued Tender No. 105-2004 for the Reconstruction of Toronto Transit Commission (‘T.T.C.’) Track Allowance, Pavement, Curb and Sidewalk on Gerrard Street East from Coxwell Avenue to Jones Avenue; and

WHEREAS the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer recommend award of Tender No. 105-2004 to Sanscon Construction Limited, in the amount of \$2,528,666.27, including all taxes and charges, being the lowest tender received, as outlined in the joint report from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, dated May 3, 2004, entitled ‘Contract No. 04D1-51RD– Tender Call No. 105-2004, Reconstruction of TTC Track Allowance, Pavement, Curb and Sidewalk on Gerrard Street East from Coxwell Avenue to Jones Avenue in District One, (Ward Nos. 30 and

32 - Toronto Danforth and Beaches East York)'); and

WHEREAS the award of the tender was scheduled to be before the Works Committee on June 2, 2004; and

WHEREAS the India Bazaar Business Improvement Association, located on Gerrard Street East, requested completion of the work prior to the end of June; and

WHEREAS the work must commence on May 25, 2004, in order to comply with the request from the India Bazaar B.I.A.; and

WHEREAS the award of Tender No. 105-2004 by Council is required on a 'time critical' basis;

NOW THEREFORE BE IT FURTHER RESOLVED THAT Council adopt the joint report from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, dated May 3, 2004, entitled 'Contract No. 04D1-51RD – Tender Call No. 105-2004, Reconstruction of TTC Track Allowance, Pavement, Curb and Sidewalk on Gerrard Street East from Coxwell Avenue to Jones Avenue in District One, (Ward Nos. 30 and 32 – Toronto Danforth and Beaches East York)'."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(3) to the Works 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 a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 1, Page 244)

Procedural Vote:

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

Council also had before it, during consideration of Motion J(3), a joint report dated May 3, 2004, from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, entitled 'Contract No. 04D1-51RD– Tender Call No. 105-2004, Reconstruction of TTC Track Allowance, Pavement, Curb and Sidewalk on Gerrard Street East from Coxwell

Avenue to Jones Avenue in District One, (Ward Nos. 30 and 32 – Toronto Danforth and Beaches East York)”. (See Attachment No. 1, Page 208)

Vote:

Motion J(3) was adopted, without amendment.

Summary:

In adopting Motion J(3), without amendment, Council adopted, without amendment, the joint report dated May 3, 2004, from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, entitled “Contract No. 04D1-51RD– Tender Call No. 105-2004, Reconstruction of TTC Track Allowance, Pavement, Curb and Sidewalk on Gerrard Street East from Coxwell Avenue to Jones Avenue in District One, (Ward Nos. 30 and 32 – Toronto Danforth and Beaches East York)”, containing the following recommendation:

“It is recommended that Contract No. 04D1-51RD, Tender Call No. 105-2004 for Reconstruction of TTC Track Allowance, Pavement, Curb and Sidewalk on Gerrard Street East from Coxwell Avenue to Jones Avenue in District One, be awarded to Sanscon Construction Ltd., in the amount of \$2,528,666.27, including all taxes and charges, being the lowest Tender received.”

8.91 Authority to Enter Into an Agreement with the Owner of 1236 Dundas Street East to Secure an Extension of Boston Avenue

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

Moved by: Councillor Fletcher

Seconded by: Deputy Mayor Bussin

“**WHEREAS** site plan approval has been issued for a 28-unit townhouse development at 1236 Dundas Street East, including a new extension to the public street known as Boston Avenue; and

WHEREAS the townhouses are built and draft conditions are pending for a common element condominium approval; and

WHEREAS authority is required from City Council for City staff to execute an agreement under Section 45 (9); and

WHEREAS the developer must satisfy the conditions of the site plan approval prior to registration of the condominium;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto give consideration to the report dated May 11, 2004, from the Commissioner of Urban Development Services, entitled 'Authorization for 1236 Dundas Street East to Proceed, Toronto - Danforth, Ward 30, 03-157045 000 00 CD', and that such report be adopted."

Advice by Mayor Miller:

Mayor Miller 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 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(4), 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 241)

Procedural Vote:

The vote to waive referral of Motion J(4) to the Toronto South Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(4), a report dated May 11, 2004, from the Commissioner of Urban Development Services, entitled "Authorization for 1236 Dundas Street East to Proceed, Toronto-Danforth, Ward 30, 03-157045 000 00 CD". (See Attachment No. 2, Page 210)

Vote:

Motion J(4) was adopted, without amendment.

Summary:

In adopting Motion J(4), without amendment, Council adopted, without amendment, the report dated May 11, 2004, from the Commissioner of Urban Development Services, entitled "Authorization for 1236 Dundas Street East to Proceed (Toronto-Danforth, Ward 30) 03-157045 000 00 CD", containing the following recommendation:

“It is recommended that City Council authorize the City Solicitor to undertake any steps necessary to implement Council’s direction set out in this report, including the execution of a Section 45 (9) agreement, pertaining to the variances conditionally set out in the decision of the Committee of Adjustment.”

8.92 Support for the Cardiac Community Advisory Group - Cardiac Care Centre for the Scarborough Community

Councillor Soknacki 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 Soknacki

Seconded by: Councillor Cowbourne

“**WHEREAS** the Rouge Valley Health System serves the residents of the Scarborough community, western Durham Region and southeastern York Region; and

WHEREAS in the most recent census, the Scarborough community has experienced a 6.1 percent increase in total population - from 558,960 to 593,297, Durham’s population increased from 458,616 in 1996 to 506,901 in 2001, an increase of 10.5 percent, and York has seen a 23.1 percent increase in population from 592,445 to 729,254; and

WHEREAS the growth of the population aged over 65 years is expected to increase dramatically, creating a significant impact on health care facilities; and

WHEREAS the Rouge Valley Health System and the Lakeridge Health Corporation have formed a cardiac care partnership because both of these hospital systems believe that a regional system of cardiac care can provide optimal care; and

WHEREAS there are eleven cardiac care surgical service sites in Ontario but only two sites in eastern Ontario (Kingston and Ottawa), creating a serious disparity of services for the Scarborough community and the Regions of Durham and York; and

WHEREAS a group of former cardiac patients have come together to form the Cardiac Care Community Advisory Group to advocate on behalf of future cardiac patients;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council supports the Cardiac Community Advisory Group’s efforts to have the Ontario Minister of Health and Long-Term Care alleviate the disparity in cardiac care by naming the Centenary site of the Rouge Valley Health System as the cardiac care centre for the Scarborough community and

the Regions of Durham and York.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(5) to the 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(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 241)

Procedural Vote:

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

Vote:

Motion J(5) was adopted, without amendment.

8.93 Ontario Municipal Board Hearing - 28 Oriole Road

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

Moved by: Councillor Walker

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** the Midtown Committee of Adjustment approved an application for consent to sever and for minor variances to permit the development of three single detached dwelling units at 28 Oriole Road; and

WHEREAS this development was opposed by a significant number of area neighbours; and

WHEREAS this development was opposed by Forestry Services because of the existence of a significant heritage tree at 20 Oriole Road which could be detrimentally impacted by this development (see attached); and

WHEREAS the tree is 'one of the largest and most spectacular specimens of white oak in the City of Toronto and is upwards of 300 years old'; and

WHEREAS the Deer Park Ratepayers Association has identified heritage trees as one of the special features and characteristics of their neighbourhood that deserve extra protection and preservation from the undue impacts of over-intensification; and

WHEREAS one of the conditions of the approval by the Committee of Adjustment was that Forestry Services be consulted on all plans with respect to this development;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor, in consultation with staff from Forestry Services, be directed to seek status and to attend all Ontario Municipal Board hearings with respect to 28 Oriole Road to ensure the continued health of this significant tree;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be authorized to retain outside planning evidence, if necessary, to further protect this site with respect to the nature of the infill project proposed, ensuring adequate separation between any re-development and the root system of this historic tree;

AND BE IT FURTHER RESOLVED THAT the City Forester be directed to take all necessary actions and to seek maximum damages in the event of any unauthorized actions by the owner, agent or any other representative of 28 Oriole Road."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(6) to the 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(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 241)

Procedural Vote:

The vote to waive referral of Motion J(6) to the Toronto South Community Council carried, more

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

Council also had before it, during consideration of Motion J(6), a communication dated March 24, 2004, from the City Forester, addressed to the Manager and Deputy Secretary/Treasurer, Committee of Adjustment Toronto North Panel, entitled "28 Oriole Road, File No. B008/04M". (See Attachment No. 3, Page 212)

Vote:

Adoption of Motion J(6), without amendment.

| | |
|--------------|--|
| Yes – 35 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson, Walker, Watson |
| No – 6 | |
| Councillors: | Ford, Grimes, Holyday, Nunziata, Ootes, Saundercook |

Carried by a majority of 29.

8.94 **650-672 Sheppard Avenue East – Section 37 Benefits (Ward24 – Willowdale)**

Councillor Shiner 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(7), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Shiner

Seconded by: Deputy Mayor Feldman

“WHEREAS the tenants of the residential rental buildings at 640, 642 and 644 Sheppard Avenue East have requested that the original arrangement between themselves, the City and the developer of the proposed residential development at 650-672 Sheppard Avenue East be reinstated, which would make \$60,000.00 available to the tenants for the purpose of paying for amenities on the rental property to mitigate the impact of the proposed development on their buildings; and

WHEREAS by a report dated May 12, 2004 to City Council, the City Solicitor describes the action that could be taken if Council wishes to once again make the \$60,000.00 available to the tenants for the amenities; and

WHEREAS it would be appropriate for the City to direct the \$60,000.00 to the tenants' use for amenities, rather than adding that sum to the \$400,000.00 the City is already receiving as Section 37 benefits for park improvements and community facilities in the area; and

WHEREAS neither the President of the Bayview Village Association nor the developer of 650-672 Sheppard Avenue East have expressed to City staff any objections to the re-direction of the \$60,000.00 to the tenants for amenities;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with § 27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 36 of Report No. 2 of the Toronto North Community Council, headed 'OMB Direction Report - Application to Amend Official Plan and Zoning By-law TB CMB 2002 0017 – BBT Devgroup Inc. - (Rafael + Bigauskas Architects) - 650 & 672 Sheppard Avenue East (Ward 24 Willowdale)', be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT City Council authorize the re-direction of the \$60,000.00 by adopting the recommendations contained in the report dated May 12, 2004 from the City Solicitor, entitled '650-672 Sheppard Avenue East, Section 37 Benefits, Application to Amend Official Plan and Zoning By-law TB CMB 2002 0017 – BBT Devgroup Inc. (Ward 24 - Willowdale)'."

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 241)

Council also had before it during consideration of Motion J(7), a report dated May 12, 2004, from the City Solicitor, entitled "650-672 Sheppard Avenue East, Section 37 Benefits, Application to Amend Official Plan and Zoning By-law TB CMB 2002 0017 - BBT Devgroup Inc., Ward 24 (Willowdale)". (See Attachment No. 4, Page 214)

Votes:

The first Operative Paragraph in Motion J(7) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(7) was adopted, without amendment.

Summary:

In adopting Motion J(7), without amendment, Council adopted, without amendment, the report dated May 12, 2004, from the City Solicitor, entitled “650-672 Sheppard Avenue East, Section 37 Benefits, Application to Amend Official Plan and Zoning By-law TB CMB 2002 0017 – BBT Devgroup Inc., Ward 24 (Willowdale)”, containing the following recommendations:

“It is recommended that City Council:

- (1) delete Recommendation No. (2) of Clause No. 36 of Report No. 2 of The Toronto North Community Council and replace it with the requirement that the applicant, prior to the issuance of the first building permit for the proposed development at 650-672 Sheppard Avenue East, is to pay to the City \$60,000.00 to be used for amenities for the tenants of the rental apartment buildings at 640-644 Sheppard Avenue East, such amenities to be determined in consultation with the tenants and the local Councillor;
- (2) the City Solicitor be directed to request the Ontario Municipal Board to amend its Decision No. 0648 issued on March 25, 2004, to reflect the \$60,000.00 to be used for amenities benefiting the tenants of 640-644 Sheppard Avenue East; and
- (3) the City Solicitor and other appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

8.95 Line of Credit Guarantee with the Toronto Philharmonia and the Royal Bank of Canada

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

Moved by: Deputy Mayor Feldman

Seconded by: Councillor Carroll

“**WHEREAS** at its regular meeting held on May 21, 22, and 23, 2002, Council authorized that a tri-party agreement be entered into with the Toronto Philharmonia and the Royal Bank of Canada for a guarantee of a line of credit in the amount of \$200,000.00 for a period June 1, 2002, to May 31, 2004, and that such guarantee be on term and conditions satisfactory to the City Solicitor and the Chief Financial Officer and Treasurer; and

WHEREAS the City of Toronto, the Toronto Philharmonia and the Royal Bank of Canada have entered into an agreement dated July 31, 2002, for the provision of the line of credit guarantee in the amount of \$200,000.00; and

WHEREAS the Toronto Philharmonia has requested an extension to this agreement which expires on May 31, 2004, but is not yet able to provide the City with its most recent audited financial statements until September 2004, since its fiscal year-end is May 31, 2004; and **WHEREAS** the issuance of a line of credit guarantee is considered a financial commitment of the City and the Chief Financial Officer and Treasurer has certified that the commitment of \$200,000.00 is within the City's updated Debt and Financial Repayment Limit;

NOW THEREFORE BE IT RESOLVED THAT Council authority be granted to extend the agreement with the Toronto Philharmonia and the Royal Bank of Canada with respect to the line of credit guarantee until December 31, 2004, on terms and conditions approved by the City Solicitor, the Chief Financial Officer and Treasurer and the Commissioner of Economic Development, Culture and Tourism by which time the Toronto Philharmonia's audited financial statements for the fiscal year ending May 31, 2004, will have been provided to the City."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(8) to the Policy and Finance 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(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 241)

Procedural Vote:

The vote to waive referral of Motion J(8) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(8) was adopted, without amendment.

8.96 Possible Land Exchange with Village Securities - 311 Staines Road

Councillor DeBaermaeker 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 DeBaeremaeker

Seconded by: Deputy Mayor Feldman

“**WHEREAS** Village Securities Limited owns property known by the municipal address of 311 Staines Road located on the east side of Staines Road north of Finch Avenue which has been granted all planning approvals required to commence development on the property comprised of two parcels totaling approximately 24 acres; and

WHEREAS the Village Securities property, containing 700 year-old artifacts, has been identified as a site of cultural and natural heritage significance by the Toronto Region Conservation Authority, the Iroquois and Mohawk nations and the Save the Rouge organizations; and

WHEREAS Village Securities Limited will within weeks, commence construction activities on the site but, as Village Securities Limited has in the past co-operated with the City of Toronto and Toronto Region Conservation Authority in their attempts to acquire the site, Village Securities has acquiesced that during the intervening period, prior to finalizing construction scheduling, it will consider one final effort by the City of Toronto to acquire said lands by purchase and/or land exchange; and

WHEREAS Village Securities has requested that the City of Toronto expedite any offer to purchase and/or land exchange it wishes to submit due to imminent construction activities; and

WHEREAS Village Securities Limited has indicated that it will consider an exchange of its site at Staines Road for the McCowan Road property, pending the determination that the site is amenable to residential development and that required planning approvals could be ‘fast tracked’ by the City of Toronto;

NOW THEREFORE BE IT RESOLVED THAT City Council request the Commissioner of Corporate Services to report to the Administration Committee meeting scheduled for June 28, 2004, on:

- (1) the feasibility of declaring surplus approximately 4.4 acres of City lands located in the vicinity of the McCowan LRT Station; and
- (2) the feasibility of the land exchange and the potential for residential development on the McCowan site;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Corporate Services meet as soon as possible with representatives of Village Securities Limited to discuss the potential for a land swap of the McCowan Road site for the Village Securities site.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(9) to the 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(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 241)

Procedural Vote:

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

Motion:

Councillor Soknacki moved that Motion J(9) be amended by adding the following Parts (3) and (4) to the Operative Paragraph:

- “(3) the relative values of the two properties; and
- (4) any other matters the Commissioner may deem appropriate to bring to the attention of Members of Council.”

Votes:

The motion by Councillor Soknacki carried.

Motion J(9), as amended, carried.

8.97 Request to Amend the *Municipal Elections Act* to Allow a Municipality to Place Restrictions on the Terms Under Which Their Members May Stand for a Higher Office

Councillor Holyday 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):

Moved by: Councillor Holyday

Seconded by: Councillor Ootes

“**WHEREAS** in an open and accountable free society, an oath of office calls for a total commitment to fulfill the duties and responsibilities that voters expect and deserve during a term of office; and

WHEREAS our democratic institutions are not a business, nor are the votes a commodity

to be purchased and then ignored at will; and

WHEREAS it is incumbent upon individuals when standing for office to recognize that the public fully expects that winning candidates will honour their selection with conscientious dedication for the full period of the mandate; and

WHEREAS any disruption in a term of office can cause a new election to be held with considerable cost to the taxpayers; and

WHEREAS should the Council decide upon an appointment in place of an election, the democratic rights of citizens to elect their representatives is denied and perversion of the system ensues; and

WHEREAS the financial difficulties endured by Council to balance the budget and maintain services make it imperative that no unnecessary expenses be incurred; and

WHEREAS citizens standing for office should be aware of both the remuneration and demands of office and understand that the public expects that they, once elected, honour that trust and complete their term; and

WHEREAS any time a councillor is absent (with or without pay) from Council deliberations, the ward involved remains unrepresented on many key issues; and

WHEREAS it has never been more important to have a strong Council unaligned with political party interests to best effect negotiations with other levels of government; and

WHEREAS it is manifestly unfair that some councillors use their candidacy for higher office to buttress the evaluation of their local incumbency by voters; and

WHEREAS a councillor's role in governing Toronto affairs should not be used like a Las Vegas poker table where you 'fold a hand' and play another later without risk, penalty or moral censure; and

WHEREAS the public, according to published surveys, perceives the democratic process to be so fundamentally flawed and controlled by opportunists, that voter turnout is at an all-time low;

NOW THEREFORE BE IT RESOLVED THAT this Council recognize the electoral abuse that takes place when a Ward remains unrepresented for weeks at a time and enact appropriate safeguards to prevent voluntary absenteeism in the pursuit of another office;

AND BE IT FURTHER RESOLVED THAT candidates for Council should swear upon filing their nomination papers that, if elected, they will serve at least half the term of their mandate before seeking another office, or as a result of such a decision, trigger automatic dismissal;

AND BE IT FURTHER RESOLVED THAT Toronto Council request the Government of Ontario to amend the *Municipal Elections Act* to allow a municipality to place restrictions on the terms under which their members may stand for a higher office.”,

the vote upon which was taken as follows:

| | |
|--------------|---|
| Yes - 14 | |
| Councillors: | Del Grande, Feldman, Holyday, Kelly, Li Preti, Lindsay Luby, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz |
| No - 27 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Ford, Giambrone, Grimes, Hall, Jenkins, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Rae, Thompson, Walker, Watson |

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

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on June 22, 2004.

8.98 **Ontario Municipal Board Hearing – 4 Reigate Road**

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

Moved by: Councillor Lindsay Luby

Seconded by: Councillor Hall

“**WHEREAS** the Etobicoke Committee of Adjustment refused an application to increase

the depth of a dwelling at 4 Reigate Road; and

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

WHEREAS the increased dwelling depth is more than minor in nature and is not appropriate;

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(11) to the Toronto West 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 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 241)

Procedural Vote:

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

Vote:

Motion J(11) was adopted, without amendment.

8.99 **Request to the Province of Ontario to Assist with the Clean-Up on Provincial Highways in the City of Toronto**

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

Moved by: Councillor Lindsay Luby

Seconded by: Deputy Mayor Bussin

"WHEREAS thousands of Toronto residents participated in both the 20 minute Toronto

makeover on April 23, 2004, and the Mayor's Community Clean-Up Day on April 24, 2004; and

WHEREAS City Council and the Mayor are proud of the initiatives many citizens took on these days to make Toronto beautiful; and

WHEREAS the 400 Series Provincial Highways are littered with illegal dumping on off-ramp boulevards; and

WHEREAS the Ontario Government should clean-up its fair share of Toronto's litter, especially on lands in its jurisdiction;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council congratulate the Mayor and the citizens of Toronto for the success of the 20 minute Toronto makeover and the Mayor's Community Clean-Up Day;

AND BE IT FURTHER RESOLVED THAT Toronto City Council request the Minister of Transportation to address the issue of litter and illegal dumping on off-ramp boulevards of Provincial Highways in the City of Toronto;

AND BE IT FURTHER RESOLVED THAT the Minister of Transportation be requested to take immediate action in Toronto by cleaning up these boulevards of litter and that signs be erected to discourage such activity."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(12) to the Works 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(12), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 241)

Procedural Vote:

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

Vote:

Motion J(12) was adopted, without amendment.

8.100 Disqualification from Procurement Awards of Persons and Entities that are Indebted to the City of Toronto

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

Moved by: Councillor Del Grande

Seconded by: Councillor Di Giorgio

“**WHEREAS** it is in the interests of the City of Toronto and its taxpayers that the City have the right to disqualify persons, directly or indirectly, from bidding on City contracts when such persons are indebted to the City until such time as the indebtedness is paid in full;

NOW THEREFORE BE IT RESOLVED THAT the Chief Financial Officer and Treasurer in consultation with the City Solicitor, be requested to submit a report to the Administration Committee at its meeting of June 28, 2004, on a policy on disqualification from procurement awards of persons and entities that are indebted to the City, and that the appropriate City officials be authorized and directed to take the necessary action to give effect hereto.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(13) to the 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(13), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 241)

Procedural Vote:

The vote to waive referral of Motion J(13) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(13) was adopted, without amendment.

8.101 **Institution Waiver and Indemnification Agreement with Defence Research and Development Canada for Advance Chemical, Biological, Radiological Nuclear Training by the Office of Public Safety and Emergency Preparedness 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(14), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Chow

Seconded by: Councillor Mihevc

“WHEREAS the Federal Office of Public Safety and Emergency Preparedness Canada (PSEPC) will provide Chemical, Biological, Radiological Nuclear (CBRN) training to employees of the City of Toronto involved in emergency response at Defence Research and Developments Canada’s (DRDC) location in Suffield, Alberta; and

WHEREAS the CBRN training will greatly benefit the Toronto Joint CBRN Team’s performance and its ability to respond to potential terrorist incidents and large-scale chemical disasters; and

WHEREAS prior to providing the training, DRDC requires the City to execute an Institution Waiver and Indemnification Agreement; and

WHEREAS in order for the City employees to participate in a training course currently scheduled for August 2004, DRDC requires the Institution Waiver and Indemnification Agreement to be executed as soon as possible;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the joint report dated May 14, 2004 from the Commissioner of Works and Emergency Services, the Fire Chief and General Manager, and the Emergency Medical Services Chief and General Manager, entitled ‘Institution Waiver and Indemnification Agreement With Defence Research And Development Canada For Advanced Chemical, Biological, Radiological Nuclear Training’ and that such report be adopted.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal

Code requiring the referral of Motion J(14) to the Works 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(14), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 2, Page 245)

Procedural Vote:

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

Council also had before it, during consideration of Motion J(14), a joint report dated May 14, 2004, from the Commissioner of Works and Emergency Services, the Fire Chief and General Manager, and the Emergency Medical Services Chief and General Manager, entitled "Institution Waiver and Indemnification Agreement with Defence Research and Development Canada for Advanced Chemical, Biological, Radiological Nuclear Training". (See Attachment No. 5, Page 217)

Vote:

Motion J(14) was adopted, without amendment.

Summary:

In adopting Motion J(14), without amendment, Council adopted, without amendment, the joint report dated May 14, 2004, from the Commissioner of Works and Emergency Services, the Fire Chief and General Manager, and the Chief and General Manager, Emergency Medical Services, entitled "Institution Waiver and Indemnification Agreement with Defence Research and Development Canada for Advanced Chemical, Biological, Radiological Nuclear Training", containing the following recommendations:

"It is recommended that:

- (1) two Toronto Emergency Medical Services staff and five Toronto Fire Services staff be permitted to participate in the final phase of the Advanced Chemical, Biological, Radiological Nuclear training course sponsored by the Office of Public Safety and Emergency Preparedness Canada and taking place at Defence Research and Development Canada's training grounds and facilities in Alberta in October 2004;

- (2) ten Toronto Emergency Medical Services staff and ten Toronto Fire Services staff be permitted to participate in the Advanced, Biological, Radiological Nuclear training course taking place at Defence Research and Development Canada's training grounds and facilities in Alberta in August 2004;
- (3) the City enter into the Institution Waiver and Indemnification Agreement required by Defence Research and Development Canada for training on its premises;
- (4) the Commissioner of Works and Emergency Services be authorized to sign this Institution Waiver and Indemnification Agreement on behalf of the City, provided it is in a form satisfactory to the City Solicitor;
- (5) the Commissioner of Works and Emergency Services be authorized to arrange for future training programs for CBRN within budgeted amounts and to sign future Institution Waiver and Indemnification Agreements on behalf of the City, provided they are in the same form as the current Institution Waiver and Indemnification Agreement; and
- (6) the appropriate City officials be authorized and directed to take the necessary action to give effect to these recommendations."

8.102 World Partnership Walk Day

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

Moved by: Councillor Carroll

Seconded by: Councillor Pitfield

“WHEREAS the World Partnership Walk is a volunteer initiative of the Aga Khan Foundation which is fully supported by the Canadian International Development Agency; and

WHEREAS the World Partnership Walk raises funds to support education and development to help fight global poverty; and

WHEREAS the World Partnership Walk is Canada's largest annual event in support of international development; and

WHEREAS all Councillors have been invited to participate in this year's walk which

starts at Metro Hall;

NOW THEREFORE BE IT RESOLVED THAT City Council endorse the aims of the World Partnership Walk and declare Sunday, May 30, 2004, as ‘World Partnership Walk Day’.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(15) to the Policy and Finance 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(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 241)

Procedural Vote:

The vote to waive referral of Motion J(15) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(15) was adopted, without amendment.

8.103 **Instructions to Settle Claim between former Borough of East York and Daimerson Construction – Replacement of Storm Sewers**

Councillor Pitfield moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(16), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Pitfield

Seconded by: Councillor Ootes

“**WHEREAS** the City Solicitor has prepared a report seeking authority for a proposed settlement of legal actions brought against the former Borough of East York with respect to a storm sewer contract entered into in November 1992; and

WHEREAS consideration of this matter by Council is required on an urgent basis to provide the City Solicitor the authority to instruct Loopstra Nixon, acting on behalf of the City of Toronto in this matter;

NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the recommendations contained in the confidential report of the City Solicitor dated May 1, 2004.”

Advice by Mayor Miller:

Mayor Miller 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.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(16), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

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.

Council also had before, it during consideration of Motion J(16), a confidential report dated May 1, 2004, from the City Solicitor.

Vote:

Motion J(16) was adopted, without amendment.

Summary:

In adopting Motion J(16), without amendment, Council adopted, without amendment, the confidential report dated May 1, 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 pertains to the security of the property of the municipality:

“It is recommended that:

- (1) the City Solicitor be given the authority to instruct Loopstra Nixon to settle the claim

substantially in accordance with the attached letter dated May 10, 2004; and

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

8.104 Request of the Federal Commissioner of Competition and the Attorney General to Investigate Lookalike 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(17), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Moscoe

Seconded by: Councillor Pitfield

“**WHEREAS** Section 52 of the *Competition Act (Canada)* prohibits anyone from knowingly or recklessly making a false or misleading representation to the public for the purpose of promoting, directly or indirectly, any business interest; and

WHEREAS lookalike parking tickets issued by employees of a number of business corporations are designed to mislead the public into thinking that they are parking infraction notices issued under the *Provincial Offences Act*; and

WHEREAS many such lookalike parking tags are paid, and the corporations enriched, as a result of these misrepresentations;

NOW THEREFORE BE IT RESOLVED THAT the Federal Commissioner of Competition and the Attorney General of Canada be requested to undertake an investigation and enforcement action in relation to corporations that issue lookalike parking tickets.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(17) to the 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(17), 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 241)

Procedural Vote:

The vote to waive referral of Motion J(17) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(17) was adopted, without amendment.

8.105 **Finalization of Negotiations with York Major Holdings Inc. – Keele Valley Landfill Site**

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

Moved by: Councillor Pitfield

Seconded by: Deputy Mayor Bussin

“**WHEREAS** City Council at its meeting held on December 4, 5 and 6, 2001 adopted Clause No. 2 of Report No. 17 of the Administration Committee (the ‘Original Report’), thereby authorizing the City to enter into agreements with York Major Holdings Inc. (‘York Major’) to effect an exchange of interests in land at Keele Valley Landfill, on terms and conditions outlined in the Original Report; and

WHEREAS City Council at its meeting held on November 26, 27 and 28, 2002 adopted Clause No. 22 of Report No. 14 of the Administration Committee (the ‘Amending Report’), thereby authorizing amendments to the transaction documents previously approved by the adoption of the Original Report; and

WHEREAS by the adoption of Clause No. 11 of Report No. 1 of the Administration Committee at its meeting held on January 27, 28 and 29, 2004 (the ‘Additional Lands Report’), City Council declared surplus to the City’s requirements certain additional portions of Keele Valley Landfill (the ‘Additional Lands’) and extended the closing date for this transaction to no later than June 30, 2004; and

WHEREAS the Additional Lands Report provides that the Commissioner of Corporate Services, in consultation with the Commissioner of Works and Emergency Services, continue negotiations with York Major to amend the previously approved transaction to incorporate the Additional Lands, to finalize transaction documentation and to report back to the Administration Committee on the outcome of such negotiations; and

WHEREAS negotiations have continued pursuant to the Additional Lands Report and agreement has now been reached; and

WHEREAS York Major has requested that the City of Toronto enter into a Site Plan Agreement in its capacity as owner and landlord of portions of the lands of the Keele Valley Landfill on which York Major, as tenant, has constructed or will construct improvements in the completion of the transactions provided for in the Original Report, as amended; and

WHEREAS York Major requires execution of the Site Plan Agreement as soon as possible;

NOW THEREFORE BE IT RESOLVED THAT the Council consider the report dated May 17, 2004 from the Commissioner of Corporate Services, entitled 'Finalization of Negotiations with York Major Holdings Inc. - Keele Valley Landfill Site' and that the report be adopted."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(18) to the 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(18), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 3, Page 246)

Procedural Vote:

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

Council also had before, it during consideration of Motion J(18), a report dated May 17, 2004, from the Commissioner of Corporate Services, entitled, "Finalization of Negotiations with York Major Holdings Inc., Keele Valley Landfill Site (Vaughan)". (See Attachment No. 6, Page 222)

Vote:

Motion J(18) was adopted, without amendment.

Summary:

In adopting Motion J(18), without amendment, Council adopted, without amendment, the report dated May 17, 2004, from the Commissioner of Corporate Services, entitled "Finalization of Negotiations with York Major Holdings Inc., Keele Valley Landfill Site (Vaughan)", containing the following recommendations:

"It is recommended that:

- (1) authority be granted to enter into a site plan agreement with York Major, The Corporation of the City of Vaughan and The Regional Municipality of York in respect of the lands shown as the 'Site Plan Lands' on the Sketch attached as an Appendix to this report ('Appendix 1') (the 'Site Plan Agreement');
- (2) authority be granted to release the City's easement interest in the lands identified as Part 5, 65R-26982 on Appendix 1;
- (3) authority be granted to include the lands shown hatched on Appendix 1 and identified as the 'Additional Lands' in the previously approved transaction; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

Deputy Mayor Pantalone in the Chair.

8.106 **Issuance of Debentures**

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

Moved by: Councillor Walker

Seconded by: Deputy Mayor Bussin

"WHEREAS at its meeting held on January 27, 28 and 29, 2004, City Council adopted By-law No. 92-2004 being a by-law to authorize agreements respecting the issue and sale of debentures; and

WHEREAS pursuant to By-law No. 92-2004, the Mayor and Treasurer are authorized to enter into an agreement or agreements with a purchaser or purchasers during the year for the sale and issue of debentures upon such terms and conditions, including price or prices as they deem expedient, to provide an amount not exceeding \$500,000,000.00 for the purposes of the City of Toronto, including the purposes of any former area municipality, the former Municipality of Metropolitan Toronto and a board of education; and

WHEREAS the Mayor and Treasurer have entered into an agreement dated May 11, 2004 for the issue and sale of debentures and the Treasurer is required to report the terms of the agreement to Council not later than the second regular Council meeting following the entering

into of such agreement; and

WHEREAS the *City of Toronto Act, 1997 (No. 2)*, subsection 102(6), requires Council to pass all necessary money by-laws in accordance with the said agreement and applicable legislation;

NOW THEREFORE BE IT RESOLVED THAT Council consider the report of the Chief Financial Officer and Treasurer, dated May 14, 2004, entitled 'Issuance of Debentures', regarding the issuance of debentures; that such report be adopted; and that leave be granted for the introduction of the necessary Bills in Council to give effect to the issuance of debentures."

Advice by Deputy Mayor:

Deputy Mayor Pantalone advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(19) 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(19) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(19), a report dated May 14, 2004, from the Chief Financial Officer and Treasurer, entitled "Issuance of Debentures". (See Attachment No. 7, Page 225)

Vote:

Motion J(19) was adopted, without amendment.

Summary:

In adopting Motion J(19), without amendment, Council adopted, without amendment, the report dated May 14, 2004, from the Chief Financial Officer and Treasurer, entitled "Issuance of Debentures", containing the following recommendations:

"It is recommended that:

- (1) authority be granted for the introduction of the necessary Bills in Council on May 18, 2004, to give effect to the issuance of debentures as described in this report; and
- (2) the appropriate officials be authorized to take the necessary actions to give effect

thereto.”

Mayor Miller in the Chair.

8.107 **Request to the Minister of Health and Long-Term Care to Maintain the 100 Complex Continuing Care Beds at Toronto Grace Hospital**

Councillor Soknacki 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 Soknacki

Seconded by: Councillor Rae

“WHEREAS The Salvation Army Toronto Grace Hospital (Toronto Grace Hospital) is a 100 bed Complex Continuing Care Hospital with an additional 19 beds designated for palliative care; and

WHEREAS the Toronto Grace Hospital has been operating and providing care to Toronto residents since 1905 at this location; and

WHEREAS the relocation of this hospital will result in a significant reduction of the number of complex continuing care and palliative care beds as well as associated services/programs in Toronto; and

WHEREAS the Toronto District Health Council has determined that the hospital’s clients and referring agencies originate predominantly from Toronto’s downtown core and west end; and

WHEREAS the Toronto District Health Council has also determined that the loss of the Grace’s 100 complex continuing care beds would result in an reduced access to complex continuing care in Toronto; and

WHEREAS the Toronto District Health Council has further determined that the loss of 19 palliative care beds would eliminate a unique and necessary service in terms of location, accessibility, and environment; and

WHEREAS the Toronto Grace Hospital also provides outreach palliative care, a much-needed service that alleviates visits to hospital emergency departments and the loss of this service would cause a breakdown in the palliative care continuum;

NOW THEREFORE BE IT RESOLVED THAT Toronto Council supports the recommendations of the Toronto District Health Council on this matter, and urges the Minister of Health and Long-Term Care to maintain the 100 Complex Continuing Care Beds in Toronto using existing infrastructure at other facilities;

AND BE IT FURTHER RESOLVED THAT Toronto Council urges the Minister of Health and Long-Term Care to maintain the 19 palliative care beds within the City of Toronto and requests that the Toronto District Health Council conduct work to determine the best allocation of these resources;

AND BE IT FURTHER RESOLVED THAT Toronto Council request the Salvation Army Toronto (Grace Hospital) to continue to operate its palliative care program in Toronto as either a stand-alone program or in conjunction with another agency.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(20) to the 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(20), 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 241)

Procedural Vote:

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

Vote:

Motion J(20) was adopted, without amendment.

8.108 **Authority to Execute Minor Variance Agreement - Voluntary Community Amenity Contributions pursuant to Ontario Municipal Board Order 0282 - Minor Variance Application A0131/02EY at 183 Dovercourt Road – Ward 19 – Trinity Spadina**

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

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Giambrone

“**WHEREAS** the Ontario Municipal Board, pursuant to Order 0282, issued on February 26, 2003, granted minor variances required to convert an existing five-storey industrial building (the former Ideal Bread Company designated heritage building) to residential use and to add a penthouse addition; and

WHEREAS the Ontario Municipal Board conditions include that, prior to building permit issuance, the applicant provide their agreed-to voluntary community amenity contributions in the amount of \$200,000.00, which contributions are proposed for improvements to the heritage facades of the Santa Cruz Church at Dovercourt Road and Argyle Street, for the Osler Playground, for the Senor Santo Cristo School playground, for the playground at Ossington/Old Orchard School and for community programming at the St. Christopher House 1033 King Street West facility; and

WHEREAS the City, pursuant to the advice of the City Solicitor, wishes to record the fact that it has received and redistributed the above funds in an agreement pursuant to subsection 45(9) of the *Planning Act* and such an agreement requires the authorization of Council; and

NOW THEREFORE BE IT RESOLVED THAT Council authorize the execution of an agreement pursuant to subsection 45(9) of the *Planning Act* to record that it will receive and redistribute the above-described voluntary community amenity contributions pursuant to the conditions of Ontario Municipal Board Order 0282, issued on February 26, 2003, in relation to minor variance application A0131/02EY at 183 Dovercourt Road.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(21) 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(21), 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 241

Procedural Vote:

The vote to waive referral of Motion J(21) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(21) was adopted, without amendment.

8.109 Grant Application to Cultural Spaces Canada on Behalf of Museum of Contemporary Canadian Art

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

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Chow

“WHEREAS Cultural Spaces Canada, a program of the Department of Canadian Heritage, among other things, supports the improvement, renovation and construction of arts and heritage facilities and the acquisition of specialized equipment, as well as conducting feasibility studies; and

WHEREAS non-profit arts and heritage organizations incorporated under Part II of the *Canada Business Corporations Act* or under corresponding provincial or territorial legislation, municipal governments and their agencies are eligible to apply for funding from this program; and

WHEREAS the Museum of Contemporary Canadian Art, a City-sponsored institution, could receive funding at no cost to the City of Toronto by applying for funding from Cultural Spaces Canada;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Economic Development Culture and Tourism be authorized and directed to submit a grant application to Cultural Spaces Canada, together with all necessary supporting documentation, on behalf

of the Museum of Contemporary Canadian Art (MOCCA).”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(22) 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(22), 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 241)

Procedural Vote:

The vote to waive referral of Motion J(22) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(22) was adopted, without amendment.

8.110 **Sale of Surplus School Sites**

Councillor Del Grande 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(23), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Del Grande

Seconded by: Councillor Kelly

“**WHEREAS** the Toronto District School Board, the Toronto Catholic District School Board, the Conseil des Ecoles Francaises de la Communaute Urbaine de Toronto and the Conseil Scolaire de District Catholique Centre-Sud (collectively called the ‘School Boards’) form an integral part of the social fabric of the City of Toronto; and

WHEREAS the School Boards have had their school sites funded by the property taxes collected by the City of Toronto; and

WHEREAS the school sites owned by the School Boards constitute a significant portion of the greenspace in the City of Toronto and the buildings and facilities are often used for

community purposes; and

WHEREAS the School Boards are disposing of properties deemed surplus to their current needs under Ontario Regulation 444; and

WHEREAS the redevelopment of school sites may lead to the permanent removal of or reduction in greenspace, buildings and facilities and deprive the residents of the City of Toronto of the greenspace, buildings and facilities in perpetuity; and

WHEREAS this is a significant public policy issue;

NOW THEREFORE BE IT RESOLVED THAT City Council request that the School Boards, in addition to the current statutory notice which must be given to municipalities, notify the City of Toronto immediately upon a School Board becoming aware of, or concerned that, any particular school site under its jurisdiction may be surplus to its needs, and further that the School Boards work in a co-operative fashion with the City to consider both the immediate and long term impacts on the community of the possible loss of the school site, with a view to developing a strategy to ensure that the reuse of the school site will not unduly deprive the community of the significant public attributes of the school site;

AND BE IT FURTHER RESOLVED THAT City Council direct City staff who are responsible for reviewing redevelopment applications involving surplus school sites to ensure that, where possible and appropriate, the significant public attributes of the school site are preserved and secured through the appropriate planning tools;

AND BE IT FURTHER RESOLVED THAT City Council request the Chief Administrative Officer to report to the Policy and Finance Committee on the financial and operational implications of the City requesting the Province of Ontario to amend the appropriate legislation to permit the City to acquire school sites declared surplus at a nominal cost for the purpose of operating the school site for community and/or commercial purposes until the school site may once again be required by one of the School Boards for school purposes;

AND BE IT FURTHER RESOLVED THAT the City's Inter-departmental School Team comprised of representatives from all City departments continue to meet with representatives of the School Boards on a regular basis for the purpose of sharing information and discussing matters of mutual interest."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(23) to the Policy and Finance 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(23), 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 241)

Procedural Vote:

The vote to waive referral of Motion J(23) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motions:

- (a) Councillor Giambrone moved that Motion J(23) be amended by adding the following Recital:

“**WHEREAS** the City of Toronto recognizes that regional school boards embark on a thoughtful and comprehensive process involving staff, trustees and the community, before declaring their properties surplus.”

- (b) Councillor Moscoe moved that Motion J(23) be amended by adding the following new Operative Paragraph:

“**AND BE IT FURTHER RESOLVED THAT** this motion, as amended, be forwarded to the Commissioner of Urban Development Services with the request that she report to the next meeting of the Planning and Transportation Committee on the implementation of the recommendations contained in the Motion.”

Votes:

Motion (a) by Councillor Giambrone carried.

Motion (b) by Councillor Moscoe carried.

Motion J(23) as amended, carried.

8.111 Development Charge By-law – 75 Lemonwood Drive

Councillor Lindsay Luby moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(24), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Lindsay Luby

Seconded by: Councillor Watson

“WHEREAS the Final Report to amend the Official Plan and Zoning Code; Studio Court Limited, 75 Lemonwood Drive (Toronto West Community Council, Report No. 1, Clause No. 43), was adopted by City Council, at its Special meeting on January 30 and February 12, 2004; and

WHEREAS the City Solicitor has prepared a report seeking authority to enter into an agreement to extend the provisions of the City’s current Development Charge By-law to the proposed development at 75 Lemonwood;

NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the recommendations contained in the report dated May 10, 2004 from the City Solicitor.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(24) to the Policy and Finance 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(24), 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. 4, Page 247)

Procedural Vote:

The vote to waive referral of Motion J(24) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(24), a report dated May 10, 2004, from the City Solicitor, entitled “Development Charge By-law - 75 Lemonwood Drive (Ward 4 - Etobicoke Centre)”. (See Attachment No. 8, Page 227)

Vote:

Motion J(24) was adopted, without amendment.

Summary:

In adopting Motion J(24), without amendment, Council adopted, without amendment, the report dated May 10, 2004, from the City Solicitor, entitled "Development Charge By-law – 75 Lemonwood Drive (Ward 4 – Etobicoke Centre)", containing the following recommendations:

"It is recommended that:

- (1) Council authorize the execution of an agreement between the City and the applicant, Studio Court Limited, providing that the provisions of By-law No. 476-1999 (Current Development Charge By-law) will apply to the 7 and the 11 storey retirement building proposed to be constructed at 75 Lemonwood Drive, the Official Plan and Zoning Code amendment for which were authorized by Clause No. 43, Report No. 1 of The Toronto West Community Council and adopted by the Council of the City of Toronto at its Special meeting held on January 30 and February 12, 2004, notwithstanding that the building permits may be applied for or issued after the enactment of a new Development Charge By-law in July, 2004;
- (2) the terms of such agreement provide that such exemption apply on condition that the proposed development proceeds substantially as approved and within a period of 5 years from the date upon which the zoning amendment comes into force, and the form and content of such agreement be satisfactory to the City Solicitor; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

8.112 Introduction of Overnight On-Street Permit Parking on Floyd Avenue, between Burley Avenue and Logan Avenue

Councillor Ootes 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(25), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Ootes

Seconded by: Councillor Rae

"WHEREAS a petition was received on behalf of the Floyd Avenue residents between Burley Avenue and Logan Avenue, requesting the implementation of overnight on-street permit parking; and

WHEREAS overnight parking has been an issue to residents for sometime, and there is an urgency to bring resolution as quickly as possible due to a lack of parking and increased enforcement;

NOW THEREFORE BE IT RESOLVED THAT the report dated May 17, 2004, from of the Commissioner of Works and Emergency Services be adopted to authorize a formal poll of effected residents, and subject to favourable results, the necessary parking regulation changes be approved.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(25) 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(25), 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. 5, Page 248)

Procedural Vote:

The vote to waive referral of Motion J(25) to the Toronto South Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(25), a report dated May 17, 2004, from the Commissioner of Works and Emergency Services, entitled “Introduction of Overnight On-Street Permit Parking on Floyd Avenue, between Burley Avenue and Logan Avenue (Toronto-Danforth - Ward 29)”. (See Attachment No. 9, Page 231)

Vote:

Motion J(25) was adopted, without amendment.

Summary:

In adopting Motion J(25), without amendment, Council adopted, without amendment, the report dated May 17, 2004, from the Commissioner of Works and Emergency Services, entitled “Introduction of Overnight On-Street Permit Parking on Floyd Avenue, between Burley Avenue and Logan Avenue (Toronto-Danforth, Ward 29)”, containing the following recommendations:

“It is recommended that:

- (1) the City Clerk be directed to conduct a formal poll of the residents of Floyd Avenue, between Burley Avenue and Logan Avenue, to determine support for the implementation of overnight on-street permit parking and report the results of the poll to the Toronto South Community Council;
- (2) subject to the results of the poll being favourable, the existing no parking anytime restriction on the north side of Floyd Avenue, between Burley Avenue and Bater Avenue be rescinded;
- (3) permit parking be introduced on both sides of the street to operate on an alternate side basis between the hours of 11:00 p.m. and 5:00 a.m., 7 days a week, and be included in permit parking area 7K; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction of all necessary bills.”

8.113 Request for Reports on Seniors Abuse Cases and Seniors Abuse Investigations

Councillor Carroll 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(26), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Carroll

Seconded by: Councillor Cowbourne

“**WHEREAS** Toronto demographics indicate a demographic bulge of aging citizens; and

WHEREAS the City of Toronto must always endeavour to keep pace with its most vulnerable citizen’s need for services and support; and

WHEREAS a shortage of services and supports to seniors and the families that care for them could, in extreme situations, lead to seniors abuse; and

WHEREAS a lack of co-ordination of existing services and supports to seniors in abusive situations could present extreme difficulty for the Toronto Police Service in the processing and protection of senior victims of abuse;

NOW THEREFORE BE IT RESOLVED THAT the Toronto Police Service be requested to report on the incidence of reported seniors abuse cases and seniors abuse

investigations over the past two years and the current cases year-to-date;

AND BE IT FURTHER RESOLVED THAT appropriate City staff report on the current ability of the senior services agencies of the City of Toronto to meet the emergency needs of a senior victim of abuse;

AND BE IT FURTHER RESOLVED THAT these reports be submitted to the Mayor's Roundtable on Seniors."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(26) to the Policy and Finance 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(26), 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 241)

Procedural Vote:

The vote to waive referral of Motion J(26) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(26) was adopted, without amendment.

8.114 Extension to the Closing Date in an Agreement with 863880 Ontario Limited - 9 Hanna Avenue

Deputy Mayor Pantalone moved that, in accord 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(27), which carried:

Moved by: Deputy Mayor Pantalone

Seconded by: Mayor Miller

"WHEREAS City Council at its meeting on December 4, 5 and 6, 2001, adopted Clause No. 23 of Report No.18 of The Administrative Committee, headed 'Front Street Extension

Project - Acquisition of Lands Owned by 863880 Ontario Limited, Known as Liberty Street Village (Ward 19 - Trinity Spadina)' authorizing the City to enter into a Section 30 Agreement with 863880 Ontario Limited to purchase a property west of Strachan Avenue for the future provision of land for Front Street Extension; and

WHEREAS City Council at its meeting held July 22, 23 and 24, 2003, adopted Clause No. 20 of Report No. 8 of The Policy and Finance Committee, headed '9 Hanna Street - Purchase of Building for Toronto Police Service Central Traffic and Garage and Court Services (Ward 19 - Trinity-Spadina)' and requested that staff report back on the minimization of existing easements located on 9 Hanna Avenue; and

WHEREAS staff have continued to negotiate with 863880 Ontario Limited regarding the minimization of existing easements located on 9 Hanna Avenue and require the authorization to extend the closing date of the Section 30 Agreement in order to finalize the terms of the release of these easements;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached confidential dated May 13, 2004, from the Commissioner of Corporate Services and that such report be adopted."

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(27), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Council also had before it, during consideration of Motion J(27), a confidential report dated May 13, 2004, from the Commissioner of Corporate Services.

Vote:

Motion J(27) was adopted, without amendment.

Summary:

In adopting Motion J(27), without amendment, Council adopted, without amendment, the confidential report dated May 13, 2004, from the Commissioner of Corporate Services. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act*, as it contains information which is subject to solicitor-client privilege.

8.115 Swansea Town Hall Expansion Project

Councillor Saundercook 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(28), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Saundercook

Seconded by: Councillor Grimes

“WHEREAS in adopting Clause No. 3 of Report No. 7 of Humber York Community Council at its meeting held on July 24, 25 and 26, 2001, City Council authorized a site-specific Official Plan Amendment (OPA No. 193) and site specific Zoning By-law Amendment (Zoning By-law No. 708-2001) to permit the redevelopment of the former Stelco site at 3 and 6 Windermere Avenue (the ‘Site’); and

WHEREAS the owner of the Site entered into a Section 37 Agreement to secure certain matters including payments for certain community services and facilities, one of which was the payment of a \$25,000.00 contribution to capital improvements of the Swansea Town Hall; and

WHEREAS in adopting Clause No. 56 of Report No. 7 of the Humber York Community Council at its meeting held on September 22, 23, 24 and 25, 2003, City Council authorized an amendment to the Section 37 Agreement:

- (a) to secure a condition imposed by the Ontario Municipal Board (the ‘OMB’), in dealing with a minor variance appeal, to secure further payments for community services and facilities, one of which was a payment of \$20,000.00 to the Swansea Town Hall basement extension, and
- (b) to redirect certain other funds secured by the Section 37 Agreement, in the amount of \$23,000.00, to the Swansea Town Hall basement extension; and

WHEREAS in dealing with a subsequent minor variance appeal, the OMB has by decision issued on March 12, 2004, granted the variance subject to a condition that:

‘The owner will contribute a further amount of up to \$60,000.00 toward Section 37 of the *Planning Act* community benefits within 60 days of the issue date of this Board Decision. The owner will undertake that the appropriate Section 37 agreement or agreement amendment will be entered into and registered to the satisfaction of the Commissioner of Urban Development Services in consultation with the City Solicitor.’; and

WHEREAS in imposing this condition, the OMB specified that it would leave it to the applicant and the City to finalize an appropriate agreement within a reasonable period of time; and

WHEREAS staff of Urban Development Services and the owner are still determining how the \$60,000.00 shall be allocated among various Section 37 community benefits; and

WHEREAS the Commissioner of Urban Development Services will be reporting to the Toronto West Community Council upon the allocation of the \$60,000.00 among various Section 37 community benefits and the required further amendment to the Section 37 Agreement; and

WHEREAS the owner has already provided the \$60,000.00 payment to the City; and

WHEREAS the Swansea Town Hall Expansion project is currently underway; and

WHEREAS fundraising for phase one of the project is complete and additional funds are needed to complete phase two; and

WHEREAS construction of phase one is already underway, and the necessary foundation and caisson equipment is currently mobilized and on site; and

WHEREAS immediate additional funds to drill four extra caissons for phase two would complete the caisson work for the entire expansion project and would save the City money in the long run by not having to bring the caisson drilling equipment back to the site in the future; and

WHEREAS it would be in the best interest of the City to use the existing contractor for any additional work as they are already familiar with the site and have the necessary equipment mobilized; and as it would eliminate any future level of disruption to staff and local residents; and

WHEREAS the owner has agreed that \$20,000.00 of the said \$60,000.00 provided by the owner in satisfaction of the March 12, 2004, OMB decision, be granted to the Swansea Town Hall Expansion Project;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Development Services report to the Toronto West Community Council upon the allocation of the \$60,000.00 among various Section 37 community benefits and the required further amendment to the Section 37 Agreement;

AND BE IT FURTHER RESOLVED THAT Council direct the Commissioner of Urban

Development Services to stipulate that \$20,000.00 of the said \$60,000.00 be granted to the Swansea Town Hall Expansion Project;

AND BE IT FURTHER RESOLVED THAT Council immediately direct that \$20,000.00 of the \$60,000.00 already provided by the owner in satisfaction of the OMB decision, be granted to the Swansea Town Hall Expansion Project and the City use the existing contractor for the additional caisson work.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(28) to the Toronto West 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(28), 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 241)

Procedural Vote:

The vote to waive referral of Motion J(28) to the Toronto West Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(28) was adopted, without amendment.

8.116 **Ontario Municipal Board Hearing - 1100 King Street West**

Councillor Watson moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(29), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Watson**

Seconded by: **Councillor Walker**

“**WHEREAS** the Ontario Municipal Board (OMB) has delivered a decision dated March 26, 2004, regarding 1100 King Street West; and

WHEREAS it is prudent for Council to provide the City Solicitor with instructions

regarding this matter during the Council meeting scheduled for May 18, 19 and 20, 2004;
and

WHEREAS the City Solicitor has provided a confidential report to City Council dated May 17, 2004, to be considered in camera;

NOW THEREFORE BE IT RESOLVED THAT City Council consider and adopt the recommendations contained in the confidential report dated May 17, 2004, from the City Solicitor;

AND BE IT FURTHER RESOLVED THAT the report be considered in camera as it relates to matters of solicitor-client privilege.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(29) 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(29), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

The vote to waive referral of Motion J(29) to the Toronto South Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(29), a confidential report dated May 17, 2004, from the City Solicitor.

Vote:

Motion J(29) was adopted, without amendment.

Summary:

In adopting Motion J(29), without amendment, Council adopted, without amendment, the confidential report dated May 17, 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:

- (1) the Commissioner of Urban Development Services (‘UDS’) be requested to report to Toronto South Community Council upon the revisions being submitted by Urbancorp;
- (2) the City Solicitor advise the OMB that:
 - (a) Council is awaiting a further report from UDS on the revisions being submitted by Urbancorp, and
 - (b) the City Solicitor will advise the OMB of Council’s instructions regarding 1100 King Street West after Council has considered the Commissioner’s report.”

8.117 **Proposed Adjustments to the Boundaries of Toronto South and West Committees of Adjustment**

Councillor Watson moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(30), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Watson

Seconded by: Councillor Rae

“**WHEREAS** on March 1, 2 and 3, 2004, Council adopted, without amendment, Policy and Finance Committee Report No. 2, Clause No. 9, headed ‘Proposed Adjustments to the Boundaries of the Toronto South Community Council and the Toronto West Community Council’, and, in so doing, approved the relocation of Ward 14 from Toronto West to Toronto South Community Council; and

WHEREAS Ward 14 was included within the boundaries of the South District because Council determined that its residents would be best served from the South District; and

WHEREAS the Committee of Adjustment boundaries have not yet been revised to reflect the relocation of Ward 14 to the South District; and

WHEREAS residents of Parkdale-High Park are still forced to attend Committee of Adjustment meetings at the Etobicoke Civic Centre, which is a great distance away and results in an inability on the part of many Ward 14 constituents to participate in Committee of Adjustment matters; and

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

NOW THEREFORE BE IT RESOLVED THAT henceforth all Committee of Adjustment matters pertaining to properties in Ward 14 be dealt with in the Toronto South Committee of Adjustment and this be done forthwith."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(30) 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(30), 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 241)

Procedural Vote:

The vote to waive referral of Motion J(30) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(30) was adopted, without amendment.

8.118 Support for Exemption from Taxation - Large Non-Profit Theatres

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

Moved by: **Councillor Rae**

Seconded by: **Deputy Mayor Feldman**

“**WHEREAS** the Canadian Opera House Corporation (COHC) acquired a parcel of land located at 145 Queen Street West in August 2002, for the purpose of constructing a new opera house on this site; and

WHEREAS under the *Assessment Act*, the opera house, once constructed, would qualify as a ‘large non-profit theatre’, and would therefore be eligible for an exemption from property tax under paragraph 27 of subsection 3(1) of the *Act*; and

WHEREAS the current *Assessment Act* provisions relating to exemption would not apply during the period of construction of the opera house, nor would the exemption apply to other portions of the property used to carry on business related functions, (e.g. concession shops, underground parking lots, boutiques, etc.), with the result that these portions would remain taxable at the full commercial rate once the building was constructed; and

WHEREAS other large non-profit theatres in the City of Toronto, including Massey Hall and Roy Thomson Hall, and certain theatres owned by the City of Toronto, including The Hummingbird Centre, and the Toronto Centre for the Arts, are fully exempt from taxation, including any ancillary business portions such as concessions or shops, and that these facilities, as far as can be ascertained, were exempt from taxation during the construction phase; and

WHEREAS legislative amendments to Section 3(1)27 of the *Assessment Act* had been proposed by the former provincial Finance Minister that would have seen the opera house project fully exempt from taxation, both during and after the construction phase, but that this legislation was never passed due to the timing of the election call; and

WHEREAS with the City’s consent, an opportunity exists at present to introduce similar legislative amendments, in conjunction with amendments that will give effect to measures introduced by the 2004 Provincial Budget, that would see the opera house and similar large non-profit theatres made exempt from property taxes both during and after the construction period, and would ensure that all ancillary uses (concession shops, boutiques and underground parking) would also be exempt once the facility became operational;

NOW THEREFORE BE IT RESOLVED THAT Toronto Council indicate its support of legislative amendments to Section 3(1)27 of the *Assessment Act* that will have the effect of making exempt from taxation large non-profit theatres (as otherwise defined under the *Assessment Act*), and the premises on which they are situated, both during and after the construction phase.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal

Code requiring the referral of Motion J(31) to the Policy and Finance 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(31), 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 241)

Procedural Vote:

The vote to waive referral of Motion J(31) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Motion J(31), without amendment:

| | |
|--------------|--|
| Yes - 25 | |
| Mayor: | Miller |
| Councillors: | Augimeri, Balkissoon, Carroll, Davis, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson |
| No - 7 | |
| Councillors: | De Baeremaeker, Ford, Holyday, Mammoliti, Moscoe, Nunziata, Thompson |

Carried by a majority of 18.

8.119 Waiving of Fees for Proposed Development – 38 St. Lawrence Street – Habitat for Humanity

Councillor McConnell moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(32), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor McConnell

Seconded by: Councillor Pitfield

“WHEREAS Habitat for Humanity is a non-profit charitable organization which has had many successful years of experience in the development and construction of ownership

housing for low income families with children; and

WHEREAS the average sale price of a Toronto home in 2003 was \$293,067.00 and the average rent of an apartment with three or more units in 2003 was \$1,211.00, meaning that families with lower incomes are having a very difficult time finding suitable housing which they can afford; and

WHEREAS Habitat for Humanity constructs and renovates homes which are then sold to low income families at reduced rates with zero-interest mortgages; and

WHEREAS Habitat for Humanity has previously requested and been granted dispensation from the payment of building permit and planning application fees, consistent with the Council policy supporting the construction of affordable rental housing stock by other non-profit organizations; and

WHEREAS the waiving of building permit and planning application fees would permit the price of these homes to be reduced, making them even more affordable to the families who purchase them; and

NOW THEREFORE BE IT RESOLVED THAT City Council agree to waive all building permit and planning application fees for the Habitat for Humanity Housing project involving the development of 10 townhouses at 38 St. Lawrence Street, located at Eastern Avenue and St. Lawrence Street.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(32) to the Policy and Finance 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(32), 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. 6, Page 249)

Procedural Vote:

The vote to waive referral of Motion J(32) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(32) was adopted, without amendment.

8.120 **Ontario Municipal Board Hearing – 754 Indian Road**

Councillor Watson moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(33), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Watson

Seconded by: Councillor Walker

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

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

WHEREAS the community is strongly opposed to the proposed development and believes the variances are not minor; and

WHEREAS the proposed development represents a significant increase in density and fails to meet any of the required setbacks;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto appeal the Committee of Adjustment decision and send the City Solicitor and other appropriate City staff in support of the appeal to the Ontario Municipal Board.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(33) 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(33), 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 241)

Procedural Vote:

The vote to waive referral of Motion J(33) to the Toronto South Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(33), a communication dated May 18, 2004, addressed to Councillor Watson, from David and Marie Plank and Michael and Gracy Morrissey, which is on file in the City Clerk's Office.

Vote:

Motion J(33) was adopted, without amendment.

8.121 Intention to Designate Property at 754 Indian Road under Part IV of the *Ontario Heritage Act*

Councillor Watson moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(34), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Watson

Seconded by: Councillor Walker

“WHEREAS on April 13, 2004, the West Toronto Junction Historical Society submitted a request to Heritage Preservation Services nominating the church on the property known as 754 Indian Road for designation as a Heritage Property; and

WHEREAS the church, constructed in 1907 to 1911, is an early example of twentieth century architecture designed by well-known local architects Ellis & Connery, who designed many other heritage buildings in the area during this period; and

WHEREAS a demolition permit was issued recently to the current owner of this property, without notification to the Ward Councillor or to any members of the community; and

WHEREAS a Committee of Adjustment hearing of May 4, 2004 gave the developer who has purchased the property permission to construct four detached houses on the site; and

WHEREAS the interior of the church has undergone extensive restoration work, is in excellent condition and could be adapted to a variety of uses; and

WHEREAS the Committee of Adjustment decision will be appealed to the OMB; and

WHEREAS there is community support to retain the church building; and

WHEREAS this is an urgent motion as the developer who purchased the property has already begun to tear the church down;

NOW THEREFORE BE IT RESOLVED THAT Council of the City of Toronto give notice of its intention to designate the property at 754 Indian Road under Part IV of the *Ontario Heritage Act* for architectural and historical reasons, provided the Toronto Preservation Board endorses the designation;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be authorized and directed to take the necessary action to give effect thereto including issuing an order to the property owner to immediately cease demolition of the building.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(34) 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(34), 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 241)

Procedural Vote:

The vote to waive referral of Motion J(34) to the Toronto South Community Council carried, more than two-thirds of Members present having voted in the affirmative.
Council also had before it, during consideration of Motion J(34), a communication dated May 18, 2004, addressed to Councillor Watson, from David and Marie Plank and Michael and Gracy Morrissey, which is on file in the City Clerk's Office.

Vote:

Motion J(34) was adopted, without amendment.

Councillor Holyday requested that his opposition to this Motion be noted in the Minutes of this meeting.

8.122 Declaration of the “Taste of Lawrence” an Event of Municipal and/or Community Significance

Councillor Thompson 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(35), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Thompson

Seconded by: Mayor Miller

“WHEREAS the Wexford Heights Business Improvement Area (BIA) has requested City Council to declare the ‘Taste of Lawrence’ to be held on July 9 to 11, 2004 event of municipal and/or community significance; and

WHEREAS the Wexford Heights BIA has requested that restaurants participating in the ‘Taste of Lawrence Event’ be permitted to serve alcohol on their extended patio for the same hours as already existing patios on Lawrence Avenue only; and

WHEREAS the Alcohol and Gaming Commission of Ontario requires at least 30 days advance notice to issue a liquor licence and refuses any permit for Business Improvement areas with less than 30 days notice; and

WHEREAS the next Council meeting is scheduled to be held on June 22, 23 and 24, 2004, which would not leave sufficient time for the City of Toronto to notify the Alcohol and Gaming Commission of Ontario and have the application processed;

NOW THEREFORE BE IT RESOLVED THAT the ‘Taste of Lawrence’ be declared an event of municipal and/or community significance, taking place on July 9, 2004 from noon to 12:00 a.m. and July 10, 2004 from 1:00 p.m. to 12:00 a.m. and July 11, 2004 from 1:00 p.m. to 11:00p.m.;

AND BE IT FURTHER RESOLVED THAT the patio extensions for the establishments approved by the Wexford Heights BIA be permitted to serve alcohol until 12:00 a.m. on July 9, 2004 and July 10, 2004 and until 11:00 p.m. on July 11, 2004, and that the Alcohol and Gaming Commission be so advised;

AND BE IT FURTHER RESOLVED THAT the Alcohol and Gaming Commission of Ontario also be advised that the designation of municipal and/or community significance be extended to the Wexford Heights BIA in order to operate their Ontario Beer and Wine Garden for the ‘Taste of Lawrence’ taking place on July 9, 2004 from 12:00 noon to 12:00 a.m., July 10, 2004 from 1:00 p.m. to 12:00 a.m., and July 11, 2004 from 12:00 noon to

11:00 p.m.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(35) to the Toronto East 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(35), 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 241)

Procedural Vote:

The vote to waive referral of Motion J(35) to the Toronto East Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(35) was adopted, without amendment.

8.123 **City's Submission on Provincial Residential Tenancy Reform Consultation**

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

Moved by: Councillor Walker

Seconded by: Councillor Carroll

“**WHEREAS** on April 20, 2004, the Government of Ontario released its Residential Tenancy Reform Consultation Paper (Green Paper) proposing a new legislative landscape for residential tenancies, and

WHEREAS the government is conducting an extensive consultation with stakeholder groups including tenants, landlords, builders, municipalities, advocacy groups, and the public at large; and

WHEREAS as part of the consultation, the government has requested that stakeholders respond to various issues raised in the Green Paper, including rents for new tenants, utility

costs, maintenance, demolition/conversion and dispute resolution amongst others; and

WHEREAS staff in the Shelter, Housing and Support Division are in the process of drafting the City's response to the issues raised in the Green Paper for submission to the Provincial Government; and

WHEREAS this report is scheduled to come before the Tenant Defence Sub-Committee on May 26, 2004, the Community Services Committee on June 3, 2004, and Toronto City Council on June 22, 2004; and

WHEREAS the Provincial Government has set a deadline of June 15, 2004, for receiving submissions; and

WHEREAS this date would preclude City Council from being able approve the submission prior to the deadline;

NOW THEREFORE BE IT RESOLVED THAT City Council delegate final approval of the City of Toronto's submission on the Provincial Government's Residential Tenancy Reform Consultation to the Community Services Committee, in order to ensure compliance with the deadline established by the Province."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(36) 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(36), 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 241)

Procedural Vote:

The vote to waive referral of Motion J(36) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Stintz moved that Motion J(36) be amended by adding to the Operative Paragraph, the words, “and a report on the City’s submission be submitted to Council for its information.”, so that such Operative Paragraph now reads as follows:

“**NOW THEREFORE BE IT RESOLVED THAT** City Council delegate final approval of the City of Toronto’s submission on the Provincial Government’s Residential Tenancy Reform Consultation to the Community Services Committee, in order to ensure compliance with the deadline established by the Province and a report on the City’s submission be submitted to Council for its information.”

Votes:

The motion by Councillor Stintz carried.

Motion J(36) as amended, carried.

8.124 **Revision to the Let’s Build Program Application for 1555 Jane Street**

Councillor Di Giorgio 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(37), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Di Giorgio**

Seconded by: **Councillor Li Preti**

“**WHEREAS** the property at 1555 Jane Street has a density of 2.3 with the addition of two new rental buildings whose height is limited to eight storeys as outlined under an OMB decision of April 2001; and

WHEREAS the approved new buildings are subject to a Section 37 agreement under the Planning Act that secures benefits that render the site essentially fully developed for a 25-year period; and

WHEREAS a recent Committee of Adjustment decision granting relief on the height of the new buildings and permitting a transfer of density from one building to another has the net effect of increasing the maximum density on the site; and

WHEREAS Council recently approved an application on the subject site under the Let’s Build Program which modifies the purpose built rental housing originally approved to

affordable housing; and

WHEREAS these recent decisions alter the approved development substantively and are not reasonable from a good planning perspective; and

WHEREAS the proposed development is still subject to site-plan approval;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto ensure that the integrity of the Planning process is not violated and that a comprehensive, master site-plan be requested that outlines the distribution of all density approved on the site;

AND BE IT FURTHER RESOLVED THAT in the alternative, the City of Toronto demand that any partial site-plan that may be approved be registered on title for a 25-year period;

AND BE IT FURTHER RESOLVED THAT the City of Toronto ensure that the integrity of the Official Plan is not violated and that the proposed commercial floor space be established as the minimum commercial space on the site;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Urban Development Services be requested to report to the next Council meeting on the merits of revising the Let's Build Program application approved in 2003 to reflect more accurately the number of newly built and not converted units that qualify under the program and to secure the appropriate benefits and amenities for the Community under an amended Section 37 agreement.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(37) to the Toronto West 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(37), 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 241)

Procedural Vote:

The vote to waive referral of Motion J(37) to the Toronto West Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Bussin in the Chair.

Motion:

Councillor Di Giorgio moved that Motion J(37) be amended by deleting the fourth Operative Paragraph and inserting instead the following:

“AND BE IT FURTHER RESOLVED THAT the Commissioner of Urban Development Services and the City Solicitor work in consultation with the local Councillor on the following:

- (1) investigate whether the Section 37 agreement accurately secures the public benefits that were specified in the Ontario Municipal Board decision of April 2001; and
- (2) identify up to three new variances that were not requested by the applicant in the Committee of Adjustment application submitted in April 2003.”

Votes:

The motion by Councillor Di Giorgio carried.

Motion J(37) as amended, carried.

Mayor Miller in the Chair.

8.125 **Options to Deal with Properties used as Illegal Marijuana Growing Houses**

Councillor Kelly 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(38), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Kelly

Seconded by: Councillor Ootes

“WHEREAS there is an increasing problem of criminals and gangs converting residential properties into marijuana cultivating businesses; and

WHEREAS the number of ‘Grow Houses’ in the Greater Toronto area has escalated to over 10,000 properties in recent years; and

WHEREAS to facilitate the operation and protection of ‘Grow Houses,’ the neighbourhoods in which these houses exist become more dangerous with violent criminal offenders in their midst; and

WHEREAS a marijuana growing operation poses serious health and safety concerns, not only while in operation, but also after it is shut down by the police; and

WHEREAS it would be appropriate for the City Solicitor to investigate potential actions available to Toronto pursuant to the new *Municipal Act, 2001* to deal with this problem;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be directed to investigate and report to the Policy and Finance Committee on options available to deal with properties being used as illegal marijuana growing houses.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(38) to the Policy and Finance 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(38), 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 241)

Procedural Vote:

The vote to waive referral of Motion J(38) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Moscoe moved that Motion J(38) be amended by inserting in the Operative Paragraph, after the words, “investigate and report”, the words “in consultation with the Toronto Police Services Board”, so that the Operative Paragraph now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be directed to investigate and report, in consultation with the Toronto Police Services Board, to the Policy and Finance Committee on options available to deal with properties being used as illegal marijuana growing houses.”

Votes:

The motion by Councillor Moscoe carried.

Motion J(38) as amended, carried.

8.126 **Standardization of Warrants, Regulations and Traffic Calming Policies**

Councillor Del Grande 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(39), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Del Grande

Seconded by: Councillor Kelly

“BE IT RESOLVED THAT the Commissioner of Works and Emergency Services be requested to re-examine and report to the Works Committee on the standardization of warrants, regulations, and policies, with respect to:

- (1) speed humps;
- (2) traffic lights;
- (3) pedestrian crossings;
- (4) right and left turn signals; and
- (5) advance green traffic lights.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(39) to the Works 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(39), 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 241)

Procedural Vote:

The vote to waive referral of Motion J(39) to the Works Committee, was taken as follows:

| | |
|--------------|--|
| Yes - 21 | |
| Councillors: | Altobello, Augimeri, De Baeremaeker, Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Moscoe, Nunziata, Ootes, Palacio, Shiner, Soknacki, Stintz |
| No - 20 | |
| Mayor: | Miller |
| Councillors: | Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, Di Giorgio, Fletcher, Giambrone, McConnell, Mihevc, Pantalone, Pitfield, Rae, Saundercook, Thompson, Walker, Watson |

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

Disposition:

Motion J(39) was referred to the Works Committee.

8.127 **Toronto Computer Leasing Inquiry (“TCLP”) and Toronto External Contracts Inquiry (“TECP”)**

Mayor Miller moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(40), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Mayor Miller

Seconded by: Councillor Walker

“**WHEREAS** the City Solicitor has prepared a report providing City Council with an update on the Toronto Computer Leasing Inquiry (“TCLI”); and

WHEREAS this report seeks Council’s instruction with respect to the resumption of the Toronto External Consultants Inquiry (“TECI”);

NOW THEREFORE BE IT RESOLVED THAT Council consider the report of the City Solicitor dated May 18, 2004, entitled ‘Toronto Computer Leasing Inquiry and

Toronto External Consultants Inquiry’ and provide instructions to staff.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(40) to the Policy and Finance 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(40), 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. 7, Page 250)

Procedural Vote:

The vote to waive referral of Motion J(40) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(40), a report dated May 18, 2004, from the City Solicitor, entitled “Toronto Computer Leasing Inquiry and Toronto External Consultants Inquiry”. (See Attachment No. 10, Page 233)

Motions:

- (a) Mayor Miller moved that Motion J(40) be amended by adding the following new Operative Paragraph:

“**AND BE IT FURTHER RESOLVED THAT** the following Recommendation No. (1) contained in the report dated May 18, 2004, from the City Solicitor be adopted:

‘(1) City Council direct the City Solicitor to advise Commission Counsel that it wishes TECI to proceed.’”

- (b) Councillor Nunziata moved that Motion J(40) be amended by adding the following new Operative Paragraph:

“**AND BE IT FURTHER RESOLVED THAT** Council request the Toronto Police Service to conduct a criminal investigation into this matter.”

Ruling by the Mayor:

Mayor Miller, due to the nature of motion (b) by Councillor Nunziata, ruled the motion out of order.

Councillor Walker challenged the ruling of the Mayor.

Vote to Uphold Ruling of Mayor:

| | |
|--------------|---|
| Yes - 33 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, McConnell, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker, Watson |
| No - 4 | |
| Councillors: | Ford, Holyday, Mammoliti, Nunziata |

Carried by a majority of 29.

Ruling by the Mayor:

Mayor Miller, due to the nature of Motion J(40), ruled that the Motion was in order.

Councillor Ootes challenged the ruling of the Mayor.

Vote to Uphold Ruling of Mayor:

| | |
|--------------|---|
| Yes - 27 | |
| Mayor: | Miller |
| Councillors: | Altobello, Balkissoon, Carroll, Cowbourne, Davis, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson |
| No - 6 | |
| Councillors: | Del Grande, Hall, Holyday, Mammoliti, Nunziata, Ootes |

Carried by a majority of 21.

Votes:

Adoption of motion (a) by Mayor Miller:

| | |
|--------------|---|
| Yes – 34 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson |
| No – 4 | |
| Councillors: | Del Grande, Di Giorgio, Kelly, Nunziata |

Carried by a majority of 30.

Motion J(40) as amended, carried.

8.128 Social Housing Agreement - 66 Roncesvalles Avenue (Copernicus Lodge)

Councillor Watson moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(41), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Watson

Seconded by: Councillor Walker

“**WHEREAS** City Council passed an amendment to the Official Plan of the former City of Toronto (By-law No. 865-2000) and an amendment to Zoning By-law No. 438-86 (866-2000) for the property known as 66 Roncesvalles Avenue to allow, among other things, an increase in height and density and a reduction in the required number of parking spaces; and

WHEREAS By-law No. 866-2000 stipulated that the portion of the building used as senior citizens' housing should not contain more than 150 dwelling units; and

WHEREAS the owner of 66 Roncesvalles Avenue recently obtained a variance from the Committee of Adjustment to By-law No. 866-2000 permitting an additional 60 senior citizens' dwelling units; and

WHEREAS the definition of senior citizens' housing within By-law No. 438-86 defines senior citizens' housing as social housing dwelling units operated by a non-profit housing corporation; and

WHEREAS in order to qualify as senior citizens' housing and benefit from the zoning relief requested, the use must constitute social housing dwelling units; and

WHEREAS the Owners of 66 Roncesvalles Avenue have entered into agreements with the Province of Ontario for the provision of this housing; and

WHEREAS By-law No. 438-86 defines social housing as 'dwelling units which the owner of the lot, and the operator if different from the owner, agrees with the Corporation pursuant to section 2 of the *City of Toronto Act, 1988 (No.2)*, as amended, to provide for the purposes of a social housing program, as defined in the *City of Toronto Act*, and is in compliance with such agreement'; and

WHEREAS in order to comply with the definition of social housing under By-law No. 438-86, the owner must enter into a social housing agreement with the City, despite already having similar agreements with the Province of Ontario;

NOW THEREFORE BE IT RESOLVED that City Council authorize the execution of a social housing agreement between the owner and/or operator of 66 Roncesvalles Avenue and the City of Toronto, provided that such agreement does not contravene or duplicate any other social housing or similar agreement with other levels of government."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(41) 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(41) to the Community Services Committee carried, more than

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

Vote:

Motion J(41) was adopted, without amendment.

Deputy Mayor Bussin in the Chair.

8.129 **An Interim Control By-law to Control Roof-Top Patios along Bloor Street West between Prince Edward Drive and Mimico Creek**

Councillor Milczyn 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(42), which carried:

Moved by: Councillor Milczyn

Seconded by: Councillor Jenkins

“WHEREAS an increasing number of establishments are creating outdoor patios to allow for their customers to enjoy eating, drinking, and smoking outdoors; and

WHEREAS the former City of Etobicoke established an outdoor patio by-law that regulates outdoor patios in areas abutting residential zones; and

WHEREAS the by-law regulates outdoor patios by means of standards governing location and limiting distances; and

WHEREAS the by-law does not govern the establishment of roof-top patios; and

WHEREAS it can be reasonably expected that roof-top patios will have impacts on residential zones related to noise; and

WHEREAS it reasonable to establish development standards to regulate roof-top patios so as to alleviate impacts on residential zones; and

WHEREAS the City of Toronto conducted a study to establish Urban Design Guidelines and enacted Zoning By-law changes along Bloor Street West between Prince Edward Drive and Mimico Creek in the former City of Etobicoke;

NOW THEREFORE BE IT RESOLVED THAT Council consider the report dated May 18, 2004, from the Commissioner of Urban Development Services entitled ‘Proposed

Interim Control By-law to prohibit outdoor roof-top patios in the Kingway/Bloor Street West District, located between Thompson, Montgomery Road in the west, to Prince Edward Drive in the east (Ward 5, Etobicoke - Lakeshore)', and that such report be adopted.”

City Council had before it, during consideration of Motion J(42), a report dated May 18, 2004, from the Commissioner of Urban Development Services, entitled “Proposed Interim Control By-law to prohibit commercial outdoor roof-top patios in The Kingsway/Bloor Street West District, located between Thompson Avenue and Montgomery Road, in the west, to Prince Edward Drive, in the east. (Ward 5 - Etobicoke-Lakeshore).” (See Attachment No. 11, Page 237)

Vote:

Motion J(42) was adopted, without amendment.

Summary:

In adopting Motion J(42), without amendment, Council adopted, without amendment, the report dated May 18, 2004, from the Commissioner of Urban Development Services, entitled “Proposed Interim Control By-law to prohibit commercial outdoor roof-top patios in The Kingsway/Bloor Street West District, located between Thompson Avenue and Montgomery Road, in the west, to Prince Edward Drive, in the east (Ward 5 - Etobicoke-Lakeshore)”, containing the following recommendations:

“It is recommended that:

(1) City Council adopt the following resolution:

‘Whereas Section 38 of the *Planning Act* authorizes Council to pass resolutions directing that a review or study be undertaken in respect of land use planning policies within the area of the municipality which is to be the subject of an Interim Control By-law, therefore be it resolved that Council request the Commissioner of Urban Development Services to undertake a review or study in respect of land use policies for those lands along Bloor Street West in The Kingsway/Bloor Street West District that are identified on Attachment 1’; and

(2) City Council, after adopting the resolution in No. (1) above, grant authority for the introduction of the necessary Bills in Council to substantially give effect to the following:

‘No person shall, in the area referred to in Recommendation No. (1) above, use any lot or erect any building or structure that includes a commercial outdoor roof-top patio for a period of one year, save any use lawfully existing on the lands at the time

of the passage of these Bills.’ ”

- 8.130 Consideration of the following matters was deferred to the next regular meeting of City Council on June 22, 2004, as they remained on the Order Paper at the conclusion of this meeting of Council:

REPORT NO. 3 OF THE PLANNING AND TRANSPORTATION COMMITTEE

Clause No. 2 - “Amendments to Municipal Code Chapter 447 Fences, and Chapter 441, Fees”.

REPORT NO. 3 OF THE WORKS COMMITTEE

Clause No. 8 - “Execution of a Release for the Cured-in-Place Sanitary Sewer Rehabilitation Project Within G. Ross Lord Park (Ward 8 - York West)”.

Clause No. 17 - “Alternate Side Parking - Changeover Times and Grace Periods - Follow-up Report”.

REPORT NO. 4 OF THE TORONTO NORTH COMMUNITY COUNCIL

Clause No. 20 - “Site Plan Control Application - TB SPC 2001 0077 - Revival Time Tabernacle - 4340 Dufferin Street (Ward 8 - York West)”.

REPORT NO. 4 OF THE TORONTO SOUTH COMMUNITY COUNCIL

Clause No. 19 - “Installation of Speed Humps - Glenside Avenue, between Walpole Avenue and Gerrard Street East (Toronto-Danforth, Ward 30)”.

BILLS AND BY-LAWS

- 8.131 On May 18, 2004, at 6:05 p.m., Councillor Cowbourne, seconded by Councillor Ford, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws:

| | | |
|--------------|---------------------|--|
| Bill No. 401 | By-law No. 354-2004 | To authorize the borrowing upon sinking fund debentures in the principal amount of \$128,000,000.00 for purposes of the City of Toronto. |
|--------------|---------------------|--|

| | | |
|--------------|---------------------|--|
| Bill No. 402 | By-law No. 355-2004 | To authorize the borrowing upon debentures in the principal amount of \$72,000,000.00 for purposes of the City of Toronto, |
|--------------|---------------------|--|

the vote upon which was taken as follows:

| | |
|--------------|--|
| Yes - 31 | |
| Mayor: | Miller |
| Councillors: | Altobello, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Thompson, Walker |
| No - 0 | |

Carried, without dissent.

- 8.132 On May 18, 2004, at 7:21 p.m., Councillor Lindsay Luby, seconded by Councillor Palacio, 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:

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| Bill No. 457 | By-law No. 356-2004 | To confirm the proceedings of the Council at its meeting held on the 18th day of May, 2004, |
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the vote upon which was taken as follows:

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| Yes - 29 | |
| Mayor: | Miller |
| Councillors: | Altobello, Bussin, Carroll, Chow, Cowbourne, De Baeremaeker, Di Giorgio, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Thompson, Walker, Watson |
| No - 1 | |

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| Councillors: Kelly |
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Carried by a majority of 28.

- 8.133 On May 19, 2004, at 7:24 p.m., Councillor Holyday, seconded by Councillor De Baeremaeker, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

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|--------------|---------------------|---|
| Bill No. 458 | By-law No. 357-2004 | To confirm the proceedings of the Council at its meeting held on the 18th and 19th days of May, 2004, |
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the vote upon which was taken as follows:

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| Yes - 29 |
| Mayor: Miller |
| Councillors: Altobello, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Ford, Hall, Holyday, Jenkins, Kelly, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson |
| No - 1 |
| Councillor: Grimes |

Carried by a majority of 28.

- 8.134 On May 20, 2004, at 5:16 p.m., Councillor Milczyn, seconded by Councillor Jenkins, 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:

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| Bill No. 441 | By-law No. 358-2004 | To effect interim control with respect to roof top patios along both sides of Bloor Street West between Montgomery Road and Thompson Avenue, and Prince Edward Drive, |
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the vote upon which was taken as follows:

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| Yes - 30 |
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| Councillors: | Altobello, Augimeri, Bussin, Chow, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, McConnell, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Walker, Watson |
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| No - 0 |
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Carried, without dissent.

8.135 On May 20, 2004, at 7:44 p.m., Councillor Giambrone, seconded by Councillor Thompson, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws:

| | | |
|--------------|---------------------|---|
| Bill No. 352 | By-law No. 359-2004 | To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads. |
| Bill No. 353 | By-law No. 360-2004 | To repeal City of Toronto Municipal Code Chapter 59, and to adopt a new Chapter 59, Emergency Planning. |
| Bill No. 354 | By-law No. 361-2004 | To amend By-law No. 1129-87 of the former City of York, being a By-law "To prescribe a speed limit of 40 kilometres per hour", on Rushton Road. |
| Bill No. 355 | By-law No. 362-2004 | To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Porterfield Road and Delsing Drive. |
| Bill No. 356 | By-law No. 363-2004 | To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Porterfield Road and Delsing Drive. |
| Bill No. 357 | By-law No. 364-2004 | To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Duffield Road. |
| Bill No. 358 | By-law No. 365-2004 | To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Medulla Avenue. |
| Bill No. 359 | By-law No. 366-2004 | To amend By-law No. 31001 of the former City of North York, as amended, |

| | | |
|--------------|---------------------|--|
| | | regarding Blue Haven Crescent. |
| Bill No. 360 | By-law No. 367-2004 | To amend By-law No. 31001 of the former City of North York, as amended, regarding Erie Street. |
| Bill No. 362 | By-law No. 368-2004 | To amend By-law No. 31001 of the former City of North York, as amended, regarding Dolores Road, Homewood Avenue, Melrose Avenue and St. Regis Crescent. |
| Bill No. 363 | By-law No. 369-2004 | To amend By-law No. 31001 of the former City of North York, as amended, regarding Barse Street and Melrose Avenue, Dolores Road and Sawmill Road, Homewood Avenue and Peckham Avenue, St. Regis Crescent and St. Regis Crescent North. |
| Bill No. 364 | By-law No. 370-2004 | To amend By-law No. 31001 of the former City of North York, as amended, regarding Rockford Road. |
| Bill No. 365 | By-law No. 371-2004 | To amend By-law No. 31001 of the former City of North York, as amended, regarding Glenbrook Avenue and Rockford Road. |
| Bill No. 366 | By-law No. 372-2004 | To amend By-law No. 31001 of the former City of North York, as amended, regarding Glenbrook Avenue, Mason Boulevard and Rockford Road. |
| Bill No. 367 | By-law No. 373-2004 | To amend By-law No. 31878, as amended, of the former City of North York, regarding Burke Street and Fisherville Road. |
| Bill No. 368 | By-law No. 374-2004 | To amend By-law No. 31770, as amended, of the former City of North York, |

| | | |
|--------------|---------------------|--|
| | | regarding Canyon Avenue. |
| Bill No. 369 | By-law No. 375-2004 | To amend the former City of Toronto Municipal Code Ch. 297, Signs, respecting lands in the vicinity of Fort York. |
| Bill No. 370 | By-law No. 376-2004 | To exempt lands known municipally as 108 – 122 Neptune Drive from Part Lot Control. |
| Bill No. 371 | By-law No. 377-2004 | To amend Scarborough Zoning By-law No. 14402, as amended, with respect to lands east of Tapscott Road, west of Pinery Trail and south of CPR Railway. |
| Bill No. 372 | By-law No. 378-2004 | To adopt an amendment to By-law No. 191-2001(OMB) for the former City of Toronto respecting the lands municipally known as, part of 2230 Gerrard Street East (to be known as 7 to 59 Belleville Street). |
| Bill No. 373 | By-law No. 379-2004 | To layout and dedicate certain land for public highway purposes to form part of the public highway Wanstead Avenue. |
| Bill No. 374 | By-law No. 380-2004 | To layout and dedicate certain land for public highway purposes to form part of the public highway Leaffield Drive South. |
| Bill No. 375 | By-law No. 381-2004 | To layout and dedicate certain land for public highway purposes to form part of the public highway Salome Drive. |
| Bill No. 376 | By-law No. 382-2004 | To layout and dedicate certain land for public highway purposes to form part of the public highway Birchmount Road. |
| Bill No. 377 | By-law No. 383-2004 | To appoint area weed inspectors under the Weed Control Act and to repeal By-law No. 308-1998, “A By-law to appoint |

| | | |
|--------------|---------------------|---|
| | | Weed Inspectors.” |
| Bill No. 378 | By-law No. 384-2004 | To permanently close to vehicular and pedestrian traffic a portion of the public lane extending easterly from Pembroke Street between Premises Nos. 73 and 77 Pembroke Street. |
| Bill No. 379 | By-law No. 385-2004 | To amend City of Toronto Municipal Code Chapter 612, Pesticides, Use Of, to add Corn gluten meal to the list of exempted products and to clarify § 612-1B(2). |
| Bill No. 380 | By-law No. 386-2004 | To amend By-law No. 168-93, as amended, of the former City of Toronto with respect to the lands known as 61-71 Front Street West. |
| Bill No. 381 | By-law No. 387-2004 | To amend By-law No. 3491-80 of the former City of York, being a By-law “To provide for night-time parking of motor vehicles on Borough of York Roads, regarding Little Avenue.” |
| Bill No. 382 | By-law No. 388-2004 | To amend By-law No. 196-84 of the former City of York, being a By-law “To regulate traffic on City of York Roads, regarding Little Avenue.” |
| Bill No. 383 | By-law No. 389-2004 | To amend By-law No. 2958-94 of the former City of York, being a By-law “To regulate traffic on City of York Roads, regarding Little Avenue.” |
| Bill No. 384 | By-law No. 390-2004 | To amend By-law No. 1129-87 of the former City of York, being a By-law “To prescribe a speed limit of 40 kilometres per hour”, on Folkes Street, Humber Trail, Rivercrest Road and Weatherell Street. |
| Bill No. 385 | By-law No. 391-2004 | To exempt certain lands found on Knotwood Crescent from Part Lot |

| | | Control. |
|--------------|---------------------|--|
| Bill No. 386 | By-law No. 392-2004 | To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to reflect the name change of the Queen-Broadview Village Business Improvement Area to Riverside Business Improvement Area. |
| Bill No. 387 | By-law No. 393-2004 | To amend City of Toronto Municipal Code Chapter 19, "Business Improvement Areas", to make changes to the size of various Business Improvement Area Boards of Management. |
| Bill No. 388 | By-law No. 394-2004 | To amend the City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to include the new Wexford Heights Business Improvement Area and to establish a Board of Management for the Wexford Heights Business Improvement Area. |
| Bill No. 389 | By-law No. 395-2004 | To amend the City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to include the new Emery Village Business Improvement Area and to establish a Board of Management for the Emery Village Business Improvement Area. |
| Bill No. 390 | By-law No. 396-2004 | To amend further By-law No. 92-93, a by-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York, regarding Brentcliffe Road. |
| Bill No. 391 | By-law No. 397-2004 | To amend further Metropolitan By-law |

| | | |
|--------------|---------------------|---|
| | | No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Brentcliffe Road and Eglinton Avenue East. |
| Bill No. 392 | By-law No. 398-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Sandford Avenue. |
| Bill No. 393 | By-law No. 399-2004 | To levy and collect taxes for 2003 on Certain Railway Company and Power Utility Lands. |
| Bill No. 394 | By-law No. 400-2004 | To permit certain retail business establishments to be open on certain holidays pursuant to the Retail Business Holidays Act. |
| Bill No. 395 | By-law No. 401-2004 | To amend By-law No. 2696, being “A By-law to establish schedules of retention for records of local boards of the Municipality of Metropolitan Toronto”, to establish immediate destruction dates for certain records of The Board of Governors of Exhibition Place. |
| Bill No. 396 | By-law No. 402-2004 | To amend City of Toronto Municipal Code Chapter 447, Fences, to include additional definitions and delete the height exception for fences in front or flankage yards. <i>*amended*</i> |
| Bill No. 397 | By-law No. 403-2004 | To authorize the alteration of Glenbrook Avenue between Dufferin Street and Lois Avenue by the installation of speed humps. |
| Bill No. 399 | By-law No. 404-2004 | To amend City of Toronto Municipal Code |

| | | |
|--------------|---------------------|--|
| | | Chapter 447, Fences, to exempt a portion of the fence on the property municipally known as 119 Gracefield Avenue from the maximum height requirements. |
| Bill No. 400 | By-law No. 405-2004 | To rename part of the public highway Livingston Road as "Livingston Road North". |
| Bill No. 403 | By-law No. 406-2004 | To layout and dedicate part of the 0.30 metre reserve strip west of Tapscott Road to form part of the public highway McLevin Avenue. |
| Bill No. 404 | By-law No. 407-2004 | To authorize the alteration of Khedive Avenue between Ranee Avenue and Bathurst Street by the installation of speed humps. |
| Bill No. 405 | By-law No. 408-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Relmar Road. |
| Bill No. 406 | By-law No. 409-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Barrington Avenue, Bertmount Avenue, Greenwood Avenue, Walpole Avenue, Wheeler Avenue and Wyndham Street. |
| Bill No. 407 | By-law No. 410-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, regarding Folkes Street, Rivercrest Road and Weatherell Street. |
| Bill No. 408 | By-law No. 411-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, regarding Afton Avenue, Alma Avenue, Collahie Street, Cross Street, Gladstone Avenue, Mackenzie Crescent, Peel Avenue, Stonehouse Crescent and Waterloo Avenue. |

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| Bill No. 409 | By-law No. 412-2004 | To amend City of Toronto Municipal Code Ch. 910, Parking Machines, regarding parking machines Queen Street East. |
| Bill No. 410 | By-law No. 413-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Blackburn Street, Claremont Street, Grosvenor Street, Jackman Avenue, Manning Avenue, Queen Street East, Relmar Road, Rose Avenue and Winchester Street. |
| Bill No. 411 | By-law No. 414-2004 | To amend By-law No. 31001 of the former City of North York, as amended, regarding Kirah Court and Purdy Crescent. |
| Bill No. 412 | By-law No. 415-2004 | To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Brimley Road. |
| Bill No. 413 | By-law No. 416-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Parkmount Road. |
| Bill No. 414 | By-law No. 417-2004 | To designate certain lands in the Regent Park Area as a Community Improvement Project Area. |
| Bill No. 415 | By-law No. 418-2004 | To amend further Metropolitan By-law No. 107-86, respecting parking meters on former Metropolitan Roads, regarding Adelaide Street East. |
| Bill No. 416 | By-law No. 419-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, regarding Duncan Street, Pearl Street, Simcoe Street and Victoria Street. |

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| Bill No. 417 | By-law No. 420-2004 | To amend By-law No. 640-1998 being “A By-law to authorize the alteration of Heath Street and Lower Village Gate/Tweedsmuir Avenue in the City of York.” to allow for the removal of existing raised pedestrian crosswalks and replacement with a tabled intersection on Heath Street (commonly known as Heath Street West) as shown on the new drawing attached to this By-law. |
| Bill No. 418 | By-law No. 421-2004 | 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 Yardley Avenue. |
| Bill No. 419 | By-law No. 422-2004 | To amend further By-law No. 92-93, a by-law “To regulate traffic on roads in the Borough of East York”, being a by-law of the former Borough of East York, regarding Newman Avenue. |
| Bill No. 420 | By-law No. 423-2004 | To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Lake Shore Boulevard West. |
| Bill No. 421 | By-law No. 424-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Indian Road Crescent and Kenneth Avenue. |
| Bill No. 423 | By-law No. 425-2004 | To authorize the alteration of Derby Street by narrowing the roadway. |
| Bill No. 424 | By-law No. 426-2004 | To authorize the alteration of Miranda Avenue, between Bowie Avenue and Schell Avenue, by the installation of speed humps. |

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| Bill No. 425 | By-law No. 427-2004 | To authorize the alteration of Raven Road/Mangrove Road, between Jane Street and Fleetwood Avenue, by the installation of speed humps. |
| Bill No. 426 | By-law No. 428-2004 | To authorize the alteration of Maple Leaf Drive, between Donofree Road and Culford Road, by the installation of speed humps. |
| Bill No. 427 | By-law No. 429-2004 | To authorize the alteration of Gracefield Avenue, between Arkwright Street and Culford Road, by the installation of speed humps. |
| Bill No. 428 | By-law No. 430-2004 | To authorize the alteration of Rustic Road, between Culford Road and Keele Street, by the installation of speed humps. |
| Bill No. 429 | By-law No. 431-2004 | To authorize the alteration of George Anderson Drive, between Culford Road and Keele Street, by the installation of speed humps. |
| Bill No. 430 | By-law No. 432-2004 | To authorize the alteration of Gracefield Avenue, between Culford Road and Keele Street, by the installation of speed humps. |
| Bill No. 431 | By-law No. 433-2004 | To authorize the alteration of various streets in the Ashdale Village Area, by the installation of speed humps on Rhodes Avenue, Craven Road, Ashdale Avenue, Hiawatha Road and Woodfield Road. |
| Bill No. 432 | By-law No. 434-2004 | To authorize the alteration of Gledhill Avenue, between Danforth Avenue and Cosburn Avenue, by the installation of twelve speed humps. |

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| Bill No. 433 | By-law No. 435-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Parkmount Road. |
| Bill No. 434 | By-law No. 436-2004 | To authorize the alteration of Bayview Avenue north of Eglinton Avenue East by the construction of a median on Bayview Avenue. |
| Bill No. 435 | By-law No. 437-2004 | To provide for the temporary closing of the public laneway between Dundas Street East and Cornwall Street. |
| Bill No. 436 | By-law No. 438-2004 | To provide for the temporary closing of the cyclist only lane on the west side of Sherbourne Street. |
| Bill No. 437 | By-law No. 439-2004 | To provide for the temporary closing of the sidewalk and curb lane on the north side of Charles Street. |
| Bill No. 438 | By-law No. 440-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Charles Street East and Charles Street West. |
| Bill No. 439 | By-law No. 441-2004 | To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Lake Shore Boulevard West. |
| Bill No. 440 | By-law No. 442-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Fleet Street and Strachan Avenue. |
| Bill No. 442 | By-law No. 443-2004 | To adopt Amendment No. 296 to the Official Plan for the former City of Toronto with respect to lands known municipally in the year 2003 as 456 Shaw Street. |

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| Bill No. 443 | By-law No. 444-2004 | To amend General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known municipally in the year 2003 as 456 Shaw Street. |
| Bill No. 444 | By-law No. 445-2004 | To adopt Amendment No. 293 to the former City of Toronto Part I Official Plan in respect of lands known municipally as 146 and 160 Wellesley Street East. |
| Bill No. 445 | By-law No. 446-2004 | To amend former City of North York By-law No. 7625 in respect of the lands known municipally as 139 Finch Avenue West. |
| Bill No. 446 | By-law No. 447-2004 | To adopt Amendment No. 1097 to the Official Plan of the former City of Scarborough with respect to lands known municipally as 60 Fairfax Crescent. |
| Bill No. 447 | By-law No. 448-2004 | To adopt Amendment No. 22 to the Official Plan of the City of Toronto with respect to lands known municipally as 60 Fairfax Crescent. |
| Bill No. 448 | By-law No. 449-2004 | To amend Employment Districts Zoning By-law No. 24982, (Golden Mile Employment District - West) as amended, of the former City of Scarborough, with respect to the lands known municipally as 60 Fairfax Crescent; and to amend the Clairlea Community Zoning By-law No. 8978, as amended, of the former City of Scarborough, with respect to lands known municipally as 60 Fairfax Crescent. |

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|--------------|---------------------|---|
| Bill No. 449 | By-law No. 450-2004 | To amend By-law No. 21319, as amended, of the former City of Scarborough (Clairlea Community), to designate a Site Plan Control Area, with respect to lands known municipally as 60 Fairfax Crescent. |
| Bill No. 450 | By-law No. 451-2004 | To adopt Amendment No. 116-2003 to the Official Plan of the Etobicoke Planning Area with respect to the lands located at 75 Lemonwood Drive. |
| Bill No. 451 | By-law No. 452-2004 | To adopt Amendment No. 23 to the Official Plan of the City of Toronto respecting lands known municipally as 75 Lemonwood Drive. |
| Bill No. 452 | By-law No. 453-2004 | To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to the subject lands known as 75 Lemonwood Drive. |
| Bill No. 453 | By-law No. 454-2004 | To amend General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally as Nos. 326 and 358 King Street West. |
| Bill No. 454 | By-law No. 455-2004 | To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Brimley Road. |
| Bill No. 455 | By-law No. 456-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones. |
| Bill No. 456 | By-law No. 457-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones, |

the vote upon which was taken as follows:

| | |
|--------------|--|
| Yes - 29 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Carroll, Cho, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Stintz, Thompson |
| No - 0 | |

Carried, without dissent.

- 8.136 On May 20, 2004, at 7:46 p.m., Councillor Mihevc, seconded by Councillor Di Giorgio, 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. 459 | By-law No. 458-2004 | To confirm the proceedings of the Council at its meeting held on the 18th, 19th and 20th days of May, 2004, |
|--------------|---------------------|---|

the vote upon which was taken as follows:

| | |
|--------------|---|
| Yes - 28 | |
| Mayor: | Miller |
| Councillors: | Altobello, Augimeri, Carroll, Cho, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Hall, Holyday, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Stintz, Thompson |
| No - 1 | |
| Councillors: | Kelly |

Carried by a majority of 27.

OFFICIAL RECOGNITIONS:

8.137 **Condolence Motions**

May 18, 2004:

Moved by Councillor Grimes, seconded by Mayor Miller:

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of The Honourable Anthony William (Bill) Maloney, retired Justice of the Superior Court of Ontario, on May 1, 2004, in his 76th year; and

WHEREAS Mr. Justice Maloney’s illustrious career saw him as a trial lawyer, a member of the Queen’s Counsel, Justice of the Supreme Court of Ontario, Senior Judge of the Northwest Region of Ontario (The ‘Chief Justice of the North’) and Justice for the Supreme Court of the Yukon and Northwest Territories; and

WHEREAS Mr. Justice Maloney loved the law, especially court room trials - being a trial judge wasn’t a job; it was more than a career, it was his passion and he continued sitting until he reluctantly retired on May 12, 2003, at the age of 75; and

WHEREAS Mr. Justice Maloney presided over many difficult trials but will always be remembered as the judge who presided over the trial of the four men charged in the death of the young shoeshine boy, Emmanuel Jacques, in 1978, the trial that changed the face of Toronto forever;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to his wife The Honourable Senator Marian Maloney and their family.”

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

Council rose and observed a moment of silence in memory of the late Honourable Anthony William Maloney.

May 19, 2004:

Moved by Councillor McConnell, seconded by Mayor Miller:

“WHEREAS the Members of City Council are deeply saddened to learn that Mr. John William McIninch was killed suddenly in a car accident on the evening May 14, 2004; and

WHEREAS John William McIninch has touched the lives of many Torontonians and the children of Toronto through his volunteer contributions for over thirty years to the Young Ambassadors of Toronto, the Learnxs Foundation and the Toronto school system; and

WHEREAS John William McIninch willingly and generously applied his considerable talents as a lawyer to provide invaluable advice to friends and community organizations, often acting as a reasonable sounding board for the discussion of new and innovative approaches in many arenas; and

WHEREAS John William McIninch achieved an outstanding reputation for his insight and legal brilliance as a partner of Torys, often donating his legal expertise to many worthy causes;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey on behalf of Members of City Council, our sincere sympathy to his wife Michele Leroux, his daughters Merryn and Amanda, his sisters and brothers, and all members of his family.”

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

Council rose and observed a moment of silence in memory of the late John William McIninch.

May 20, 2004:

Moved by Mayor Miller, seconded by Deputy Mayor Pantalone:

“WHEREAS the Members of City Council are deeply saddened to learn of the passing of Commissioner Joe Halstead’s mother Mrs. Enid Thompson on May 13, 2004, at the age of 89 in Bristol England; and

WHEREAS Mrs. Enid Thompson was an inspiration to Commissioner Halstead and his family;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, the Chief Administrative Officer and Commissioners, our sincere sympathy to Commissioner Halstead and his family.”

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

Council rose and observed a moment of silence in memory of the late Mrs. Enid Thompson.

8.138 Presentations/Introductions/Announcements:

May 18, 2004:

Deputy Mayor Pantalone, during the morning session of the meeting, introduced the students of the following schools, present at the meeting:

- Toronto Hischel School;
- Covenant Church School; and
- Paul Penna Downtown Jewish Day School.

Councillor Chow, during the morning session of the meeting, with the permission of Council, invited Members of Council to join the volunteers for the Homes for the Aged for lunch in the Members' Lounge, at 12:30 p.m. today.

Mayor Miller, during the morning session of the meeting, introduced Signore Bruno Romeo, Mayor of Mamola, and Signore Domenico Zavattiere, Mayor of Bova Marina, and their delegation, present at the meeting, and advised the Council that Mamola is a picturesque town nestled in the mountains of Calabria, Italy, and many immigrants from Calabria left their homeland and settled in Toronto in search of the Canadian Dream. The Mamolese community of Toronto is active in promoting its Italo-Canadese culture through various social events and the group performed in various schools across the City, including Nathan Phillips Square this past weekend.

May 19, 2004:

Deputy Mayor Bussin, during the morning session of the meeting, introduced the students of Brian Public School, present at the meeting.

Mayor Miller, during the afternoon session of the meeting, introduced the students of Earls court LINC, present at the meeting.

Mayor Miller, during the afternoon session of the meeting, introduced John Leung, Vice-President of the Chinese Business Association (and future President as of the fall of this year). Mayor Miller advised the Council that Mr. Leung worked to promote small businesses in Toronto, during the SARS crisis, and the City of Toronto is looking forward to working closely with the Chinese Business Association in the future.

Councillor Rae, during the afternoon session of the meeting, addressed the Council in regard to the history of the Carlu, the old 7th floor of the Eaton's College Store, which has been completely

restored and is a fine example of early 20th Century classical commercial design, an elegant public suite, created in the “streamline moderne” style by Jacques Carlu, the French Architect and Interior Designer who later was to become one of the principal Architects of the Palais-de-Chaillot in Paris. Councillor Rae recognized the representatives of the following groups who were instrumental in the complete restoration of the site:

Friends of the Seventh Floor:

Eleanor Koldofsky
James Reid
Brian Forsythe
Patricia Zolf

Developers/Entrepreneurs:

Jeff Roick, The Carlu
Mark Robert, The Carlu
Merv McCoubrey, Vice President, GWL Realty

May 20, 2004:

Councillor Augimeri, during the morning session of the meeting, as the representative on Council on the Toronto Youth Games, addressed the Council in regard to the 2003 Toronto Youth Games, the 4th annual Toronto Youth Games, which took place on August 9 and 10, 2003, at the Birchmount Stadium and Community Centre. Councillor Augimeri congratulated all of the teams who participated in the Toronto Youth Games and expressed her special appreciation to the staff of the Economic Development, Culture and Tourism Department who often work on their own time to organize the games. Councillor Augimeri introduced the following members of the winning team, present at the meeting:

Coaches: Lauren Kolyn
 Mike Love
 James Noronha

Team: Alex Maitland
 Mohammed Mahdi
 Viren Saldanha
 Alex Sirianni
 Siera Vercillo
 Jillian Lenarcic
 Cassie Kurnik
 Larissa Lychenko
 Kristina Loschiavo
 Corina Buligan
 Kimberly Cockerill
 Lauren Aubrey

Mayor Miller, during the morning session of the meeting, introduced a 27-member delegation of government officials from Beijing, China, who are in Toronto as part of a four-month training program through York University. The group of officials, from the Xicheng district of Beijing municipal government, represent various government departments, and are here to learn how local government operates in the City of Toronto.

Councillor Thompson, during the afternoon session of the meeting, with the permission of Council, introduced The Right Honourable Minister Portia Simpson-Miller, Minister of Local Government, Community Development and Sport, and a member of Parliament for Southwest St. Andrew, Jamaica, since 1989, together with the following delegation, present at the meeting:

- Vivia Betton, Consul General of Jamaica to Canada;
- Gary Sadler, General Manager, Sandal's Resort;
- Carolyn Goulbourne-Warren;
- Pamela Redwood; and
- Eddie Grant.

Deputy Mayor Bussin, during the afternoon session of the meeting, introduced the students of the following schools, present at the meeting:

- St. Dominic Catholic School; and
- Emily Carr Secondary School.

8.139 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE

Vary the order of proceedings of Council:

May 18, 2004:

Councillor Soknacki, at 10:30 a.m., moved that Council vary the order of its proceedings to consider Clause No. 1 of Report No. 3 of The Planning and Transportation Committee, headed "Application to Amend Zoning By-law No. 168-93 - 61-71 Front Street West, (Union Station), City of Toronto (Ward 28 - Toronto Centre-Rosedale)", after Council has concluded its consideration of Clause No. 19 of Report No. 3 of The Administration Committee, headed "Union Station - Request for Proposals – Negotiations with Union Pearson Group (Ward 28 – Toronto Centre - Rosedale)", which carried.

Ruling by Deputy Mayor:

Deputy Mayor Pantalone, at 2:55 p.m., ruled that the order of the proceedings of Council would only be varied by Council at the beginning of the Council meeting or after each recess, in order that

the maximum number of Members of Council are present in the Chamber and aware of a change in the order of the proceedings of the Council meeting.

Councillor Shiner challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

| | |
|--------------|---|
| Yes – 18 | |
| Councillors: | Altobello, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, Fillion, Fletcher, Giambrone, McConnell, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Soknacki, Walker |
| No – 15 | |
| Councillors: | Balkissoon, Del Grande, Feldman, Grimes, Hall, Holyday, Jenkins, Kelly, Mammoliti, Nunziata, Ootes, Palacio, Saundercook, Shiner, Watson |

Carried by a majority of 3.

Councillor Ootes, at 3:10 p.m., requested that Council vary the order of its proceedings to now consider Clause No. 16 of Report No. 3 of The Economic Development and Parks Committee, headed “Parking Revenue Increase Options”.

Deputy Mayor Pantalone denied the request by Councillor Ootes, based on his ruling on varying the order of the proceedings of Council.

May 20, 2004:

Councillor Soknacki, at 2:18 p.m., moved that Council vary the order of its proceedings to now consider Clause No. 19 of Report No. 3 of The Administration Committee, headed “Union Station - Request for Proposals – Negotiations with Union Pearson Group (Ward 28 – Toronto Centre - Rosedale)”, the vote upon which was taken as follows:

| | |
|--------------|---|
| Yes - 12 | |
| Councillors: | Cho, Del Grande, Feldman, Kelly, Li Preti, Lindsay Luby, Nunziata, Ootes, Palacio, Soknacki, Stintz, Thompson |
| No - 23 | |

| | |
|--------------|---|
| Councillors: | Altobello, Augimeri, Bussin, Carroll, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson |
|--------------|---|

Lost by a majority of 11.

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

May 19, 2004:

Deputy Mayor Bussin, at 12:25 p.m., proposed that Council now recess and reconvene at 2:00 p.m. Council concurred in the proposal by Deputy Mayor Bussin.

Councillor Shiner, at 7:30 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. recess, in order to conclude the vote on the confirming by-law for this portion of the meeting, which carried, more than two-thirds of Members present having voted in the affirmative.

May 20, 2004:

Councillor Saundercook, at 12:29 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 12:30 p.m. recess, and that Council continue in session to permit Councillor Grimes to conclude his remarks, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Mihevc, at 2:20 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. adjournment, and that Council continue in session to conclude consideration of Clause No. 19 of Report No. 3 of The Administration Committee, headed “Union Station - Request for Proposals – Negotiations with Union Pearson Group (Ward 28 – Toronto Centre - Rosedale)”, Clause No. 1 of Joint Report No. 1 of The Economic Development and Parks Committee and Works Committee, headed “Implementation of the City’s Pesticide By-law”, and all ‘time critical’ items on the Order Paper for this meeting of Council, the vote upon which was taken as follows:

| | |
|--------------|---|
| Yes - 21 | |
| Councillors: | Altobello, Augimeri, Bussin, Carroll, Chow, Davis, De Baeremaeker, Fillion, Fletcher, Giambrone, Hall, Holyday, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Watson |
| No - 16 | |
| Councillors: | Cho, Del Grande, Feldman, Grimes, Jenkins, Kelly, Li Preti, Lindsay Luby, Nunziata, Ootes, Palacio, Shiner, Soknacki, Stintz, Thompson, Walker |

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

Councillor Shiner, at 4:55 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. adjournment, and that Council continue in session to conclude consideration of Clause No. 19 of Report No. 3 of The Administration Committee, headed “Union Station - Request for Proposals – Negotiations with Union Pearson Group (Ward 28 – Toronto Centre - Rosedale)”.

Ruling by Deputy Mayor:

Deputy Mayor Bussin, having been requested by Councillor Ootes to rule on whether the motion to extend by Councillor Shiner was in order, ruled that such motion was in order.

Councillor Ootes challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

| | |
|--------------|--|
| Yes - 17 | |
| Councillors: | Augimeri, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Hall, Holyday, McConnell, Milczyn, Moscoe, Pantalone, Saundercook |
| No - 12 | |
| Councillors: | Altobello, Feldman, Kelly, Li Preti, Minnan-Wong, Nunziata, Ootes, Palacio, Shiner, Soknacki, Stintz, Watson |

Carried by a majority of 5.

Councillor Saundercook moved that the motion by Councillor Shiner to extend the time of the meeting be amended to include all ‘time critical’ items on the Order Paper for this meeting of Council.

Votes:

Adoption of amendment by Councillor Saundercook:

| | |
|--------------------------|---|
| Yes - 18 Councillors: | Altobello, Augimeri, Bussin, Carroll, Chow, De Baeremaeker, Del Grande, Fletcher, Hall, Holyday, Jenkins, McConnell, Milczyn, Moscoe, Pantalone, Rae, Saundercook, Watson |
| No - 12 Councillors: | Cho, Cowbourne, Feldman, Ford, Li Preti, Minnan-Wong, Nunziata, Ootes, Palacio, Shiner, Soknacki, Stintz |

Carried by a majority of 6.

Adoption of motion by Councillor Shiner to extend time of meeting, as amended:

| | |
|--------------------------|---|
| Yes - 24 Councillors: | Altobello, Augimeri, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Hall, Holyday, Kelly, McConnell, Milczyn, Moscoe, Pantalone, Rae, Saundercook, Soknacki, Stintz |
| No - 10 Councillors: | Cho, Ford, Jenkins, Li Preti, Minnan-Wong, Nunziata, Ootes, Palacio, Shiner, Watson |

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

8.140 ATTENDANCE

Councillor Nunziata, seconded by Councillor Hall, moved that the absence of Councillor Ashton from this meeting of Council, be excused, which carried.

| May 18, 2004 | 9:36 a.m. to 12:30 p.m.* | 2:11 p.m. to 7:30 p.m.* |
|--------------|--------------------------|-------------------------|
| Miller | x | x |
| Altobello | - | x |
| Ashton | - | - |
| Augimeri | x | x |
| Balkissoon | x | x |
| | | |

Minutes of the Council of the City of Toronto
May 18, 19 and 20, 2004

| May 18, 2004 | 9:36 a.m. to 12:30 p.m.* | 2:11 p.m. to 7:30 p.m.* |
|----------------|--------------------------|-------------------------|
| Bussin | x | x |
| Carroll | x | x |
| Cho | - | x |
| Chow | x | x |
| Cowbourne | x | x |
| Davis | x | x |
| De Baeremaeker | x | x |
| Del Grande | x | x |
| Di Giorgio | x | x |
| Feldman | x | x |
| Filion | x | x |
| Fletcher | x | x |
| Ford | x | x |
| Giambrone | x | x |
| Grimes | x | x |
| Hall | x | x |
| Holyday | x | x |
| Jenkins | x | x |
| Kelly | x | x |
| Li Preti | x | x |
| Lindsay Luby | x | x |
| Mammoliti | x | x |
| McConnell | x | x |
| Mihevc | x | x |
| Milczyn | x | x |
| Minnan-Wong | x | - |
| Moscoe | x | x |
| Nunziata | x | x |
| Ootes | x | x |
| Palacio | x | x |
| Pantalone | x | x |
| Pitfield | x | x |
| Rae | x | x |

Minutes of the Council of the City of Toronto
May 18, 19 and 20, 2004

| May 18, 2004 | 9:36 a.m. to 12:30 p.m.* | 2:11 p.m. to 7:30 p.m.* |
|--------------|--------------------------|-------------------------|
| Saundercook | x | x |
| Shiner | x | x |
| Soknacki | x | x |
| Stintz | x | x |
| Thompson | x | x |
| Walker | x | x |
| Watson | x | x |
| Total | 42 | 43 |

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

| May 19, 2004 | 9:36 a.m. to 12:25 p.m.* | 2:10 p.m. to 6:07 p.m.* | Ctte. of the Whole in-Camera 6:12 p.m. | 7:30 p.m. to 7:32 p.m.* |
|----------------|--------------------------|-------------------------|---|-------------------------|
| Miller | x | x | x | x |
| Altobello | x | x | x | x |
| Ashton | - | - | - | - |
| Augimeri | x | x | x | x |
| Balkisson | x | x | - | - |
| Bussin | x | x | x | x |
| Carroll | x | x | x | x |
| Cho | x | x | x | x |
| Chow | x | x | x | x |
| Cowbourne | x | x | x | x |
| Davis | x | x | x | x |
| De Baeremaeker | x | x | x | x |
| Del Grande | x | x | x | x |
| Di Giorgio | x | x | x | x |
| Feldman | x | x | - | - |
| Filion | x | x | x | x |
| Fletcher | x | x | x | x |
| Ford | x | x | x | x |
| Giambrone | x | x | - | - |
| Grimes | x | x | x | x |

Minutes of the Council of the City of Toronto
May 18, 19 and 20, 2004

| May 19, 2004 | 9:36 a.m. to 12:25 p.m.* | 2:10 p.m. to 6:07 p.m.* | Ctte. of the Whole in-Camera 6:12 p.m. | 7:30 p.m. to 7:32 p.m.* |
|--------------|-----------------------------|----------------------------|---|----------------------------|
| Hall | x | x | x | x |
| Holyday | x | x | x | x |
| Jenkins | x | x | x | x |
| Kelly | x | x | x | x |
| Li Preti | x | x | x | 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 | - | - | - | - |
| Moscoe | x | x | x | x |
| Nunziata | x | x | x | x |
| Ootes | x | x | x | x |
| Palacio | x | x | x | x |
| Pantalone | x | x | x | x |
| Pitfield | x | x | x | x |
| Rae | x | x | x | x |
| Saundercook | x | x | x | x |
| Shiner | x | x | x | x |
| Soknacki | x | x | x | x |
| Stintz | x | x | x | x |
| Thompson | x | x | - | - |
| Walker | x | x | x | x |
| Watson | x | x | x | x |
| Total | 43 | 43 | 38 | 38 |

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

| May 20, 2004 | 9:37 a.m. to 12:32 p.m.* | Roll Call 2:10 p.m. | 2:08 p.m. to 5:35 p.m.* | Ctte. of the Whole in-Camera 5:43 p.m. | 7:13 p.m. to 7:47 p.m.* |
|--------------|-----------------------------|------------------------|----------------------------|---|----------------------------|
| Miller | x | x | x | x | x |
| Altobello | x | x | x | x | x |
| | | | | | |

Minutes of the Council of the City of Toronto
 May 18, 19 and 20, 2004

| May 20, 2004 | 9:37 a.m. to 12:32 p.m.* | Roll Call 2:10 p.m. | 2:08 p.m. to 5:35 p.m.* | Ctte. of the Whole in-Camera 5:43 p.m. | 7:13 p.m. to 7:47 p.m.* |
|----------------|-----------------------------|------------------------|----------------------------|---|----------------------------|
| Ashton | - | - | - | - | - |
| Augimeri | x | x | x | x | x |
| Balkissoon | - | - | - | - | - |
| Bussin | x | - | x | x | x |
| Carroll | x | x | x | x | x |
| Cho | x | x | x | x | x |
| Chow | x | - | x | - | - |
| Cowbourne | x | - | x | x | - |
| Davis | x | x | x | x | - |
| De Baeremaeker | x | x | x | x | x |
| Del Grande | x | - | x | x | x |
| Di Giorgio | x | - | x | x | x |
| Feldman | x | - | x | x | x |
| Filion | x | x | x | x | - |
| Fletcher | x | x | x | x | x |
| Ford | x | - | x | x | x |
| Giambrone | x | - | x | x | x |
| Grimes | x | x | x | x | - |
| Hall | x | x | x | x | x |
| Holyday | x | x | x | x | x |
| Jenkins | x | x | x | - | - |
| Kelly | x | x | x | x | x |
| Li Preti | x | x | x | - | - |
| Lindsay Luby | x | - | x | x | x |
| Mammoliti | x | - | x | - | - |
| McConnell | x | - | x | x | x |
| Mihevc | x | x | x | x | x |
| Milczyn | x | - | x | x | x |
| Minnan-Wong | x | - | x | x | x |
| Moscoe | x | x | x | x | x |
| Nunziata | x | x | x | x | x |
| Ootes | x | x | x | x | x |

Minutes of the Council of the City of Toronto
May 18, 19 and 20, 2004

| May 20, 2004 | 9:37 a.m. to 12:32 p.m.* | Roll Call 2:10 p.m. | 2:08 p.m. to 5:35 p.m.* | Ctte. of the Whole in-Camera 5:43 p.m. | 7:13 p.m. to 7:47 p.m.* |
|--------------|-----------------------------|------------------------|----------------------------|---|----------------------------|
| Palacio | x | x | x | x | x |
| Pantalone | x | x | x | x | x |
| Pitfield | x | x | x | x | x |
| Rae | x | x | x | x | x |
| Saunderscook | x | x | x | x | x |
| Shiner | x | - | x | x | x |
| Soknacki | - | x | x | x | x |
| Stintz | x | - | x | x | x |
| Thompson | x | x | x | x | x |
| Walker | x | x | x | x | x |
| Watson | x | x | x | x | x |
| Total | 42 | 28 | 43 | 39 | 35 |

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

Council adjourned on May 20, 2004 at 7:47 p.m.

**DAVID R. MILLER,
Mayor**

**ULLI S. WATKISS,
City Clerk**

ATTACHMENT NO. 1 [Notice of Motion J(3)]

Joint report dated May 3, 2004 from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, entitled "Contract No. 04D1-51RD– Tender Call No. 105-2004, Reconstruction of TTC Track Allowance, Pavement, Curb and Sidewalk on Gerrard Street East from Coxwell Avenue to Jones Avenue in District One, (Ward Nos. 30 & 32 – Toronto Danforth and Beaches East York)." (See Minute 8.90, Page 109):

Purpose:

The purpose of this report is to advise on the results of the Tender issued for Reconstruction of TTC Track Allowance, Pavement, Curb and Sidewalk on Gerrard Street East from Coxwell Avenue to Jones Avenue in District One, in accordance with specifications as required by the Works and Emergency Services Department, and to request authority to award a contract to the recommended bidder.

Financial Implications and Impact Statement:

This project has been included in the approved Transportation Services 2004 Capital Budget. Funds in the amount of \$2,528,666.27 are available in Accounts, CTP304-01 (Major Road Resurfacing), CTP404-01 (Sidewalks) and CTP804-01 (Various Construction Projects) (Fully Recoverable). The engineering estimate for this contract is \$2,928,965.75.

Recommendation:

It is recommended that Contract No. 04D1-51RD, Tender Call No. 105-2004 for Reconstruction of TTC Track Allowance, Pavement, Curb and Sidewalk on Gerrard Street East from Coxwell Avenue to Jones Avenue in District One, be awarded to Sanscon Construction Ltd., in the amount of \$2,528,666.27, including all taxes and charges, being the lowest Tender received.

Background:

The Bid Committee, at its meeting held on April 14, 2004, opened the following Tenders for Contract No. 04D1-51RD, Tender Call No. 105-2004 for Reconstruction of TTC Track Allowance, Pavement, Curb and Sidewalk on Gerrard Street East from Coxwell Avenue to Jones Avenue in District One:

| Tenderer | Price Complete Including all Taxes and Charges |
|----------------------------------|---|
| Sanscon Construction Ltd. | \$2,528,666.27 |
| Dufferin Construction | \$2,567,384.75 |
| CRCE Construction | \$2,639,320.85 |
| Warren Bitulithic Ltd. | \$2,659,049.23 |
| Domti Engineering & Construction | \$2,669,040.10 |
| Gazzola Paving Ltd. | \$2,793,724.53 |

Comments:

The Tender documentation submitted by the recommended bidder has been reviewed by the Commissioner of Works and Emergency Services and was found to be in conformance with the Tender requirements.

Works and Emergency Services staff have compared the bid to the estimated cost and found the price of the recommended bidder to be reasonable and within the budget available.

The Fair Wage Office has reported that the recommended firm has indicated that it has reviewed and understands the Fair Wage Policy and Labour Trades requirements and has agreed to comply fully.

Conclusion:

This report requests authority to award a contract for Reconstruction of TTC Track Allowance, Pavement, Curb and Sidewalk on Gerrard Street East from Coxwell Avenue to Jones Avenue in District One, in accordance with specifications to Sanscon Construction Ltd., being the lowest Tender received.

Contacts:

G. MacMillan, P.Eng.
Director, Technical Services Division

L. A. Pagano, P.Eng.
Director, Purchasing and Materials
e-mail: lpagano@toronto.ca

J. Niedra, P.Eng.
Director, Transportation Infrastructure Management

W. G. Crowther, P.Eng.
Executive Director, Technical Services Division

ATTACHMENT NO. 2 [Notice of Motion J(4)]

Report dated May 11, 2004 from the Commissioner of Urban Development Services, entitled "Authorization for 1236 Dundas Street East to Proceed, Toronto-Danforth, Ward 30, 03-157045 000 00 CD." (See Minute 8.91, Page 111):

Purpose:

The purpose of this report is to seek City Council authority to enter into a Section 45 (9) Agreement with the owner of 1236 Dundas Street East to execute the required agreement and satisfy the decision of the Committee of Adjustment to secure an extension of Boston Avenue. It is a time sensitive matter that requires a resolution to ensure the City gets what it requires and the owner gets the approvals needed to finalize the project.

Financial Implications and Impact Statement:

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

Recommendation:

It is recommended that City Council authorize the City Solicitor to undertake any steps necessary to implement Council's direction set out in this report, including the execution of a Section 45 (9) agreement, pertaining to the variances conditionally set out in the decision of the Committee of Adjustment.

Comments:

On March 19, 2004, a Site Plan approval was issued setting out the conditions of development to permit the construction of 28 rowhouses with parking on the site known as 1236 Dundas Street East. As part of the development proposal many variances were required and a Committee of Adjustment decision issued on December 27, 2002 approved the variances. No one objected to the approval and the condition set out. The project is now complete and the new owners are waiting to occupy the units.

The developer for 1236 Dundas Street East wishes to register the condominium for the above-mentioned property by the end of the month. In order to achieve this deadline a Section 45(9) agreement must be executed to secure the extension to the public road and convey it to the City to satisfy the development requirements. This report seeks authority to enter into a Section 45 (9) agreement to ensure the City secures what it needs from the project and the owner gets the approval required.

Contact:

Denise Graham, Senior Planner, East Section

Telephone: 416-392-0871

Fax: 416-392-1330

E-mail: dgraham1@toronto.ca

(The Location Plan, attached to this report, is on file in the City Clerk's Office.)

ATTACHMENT NO. 3 [Notice of Motion J(6)]

Communication dated March 24, 2004, from the City Forester, addressed to the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto North Panel, entitled "28 Oriole Road, File No. B008/04M." (See Minute 8.93, Page 114):

I acknowledge receipt of the public hearing notice regarding an application for the division of a parcel of residential lands into three parts for conveyance purposes in order to facilitate the development of three single detached dwelling units. The hearing is scheduled to take place on March 25, 2004. I have reviewed the site plan and advise that:

Tree by-laws to protect and preserve trees on City and private property have been established in order to attempt to retain as much crown cover as possible, particularly where development is concerned. It is expected that retention and appropriate protection of existing trees will be considered when developing site plans, and whenever possible, buildings and driveways are to be diverted around trees.

I advise that there is an extremely significant tree situated on the private property 20 Oriole Road, which is the property situated immediately adjacent and to the south of the subject site. The tree in question is a 145 cm diameter white oak tree which is healthy. This tree is one of the largest and most spectacular specimens of white oak in the City of Toronto and is upwards of 300 years old.

Municipal Code, Chapter 331, Trees, Article III, of the former City of Toronto requires that a permit be obtained for the injury or destruction of trees situated on private property which are healthy and have a diameter of 30 cm or more measured at 1.4 m above the ground. Trees which may be affected could be located on the subject site or on lands adjacent to the development site.

In the opinion of Urban Forestry Services, City Forester's Office, the site plan for the proposed development does not currently provide an adequate protection zone for this tree and the tree will be impacted by the development if construction of the new homes takes place in accordance with the site plan filed with the Committee of Adjustment application. If the most southerly house is constructed in the location proposed on the site plan, the tree in question will be significantly injured.

It is the recommendation of Urban Forestry Services that the Consent Application before the Committee of Adjustment be denied due to the potential impact on the very significant white oak tree should construction take place on the most southerly proposed building lot.

If the development is to proceed as currently proposed, it will be necessary for the applicant to submit a completed application for permit to injure or destroy trees on private property to Urban Forestry Services along with a replanting plan indicating tree replacement so that this request can be forwarded as necessary to Community Council and City Council for consideration.

Should Committee of Adjustment decide to approve the Consent Application, such approval must be conditional on the following:

- that the applicant submit a completed application to Urban Forestry Services, City Forester's Office, for a permit to injure privately owned trees under former City of Toronto Municipal Code, Chapter 331, Trees, Article III; and
- that the applicant provide the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto North Panel, with a letter from Urban Forestry Services, City Forester's Office, confirming that a permit for the injury or removal of privately owned trees has been obtained.

Please contact Gary Le Blanc at 416-392-0494 if additional information is required.

ATTACHMENT NO. 4 [Notice of Motion J(7)]

Report dated May 12, 2004, from the City Solicitor, entitled "650-672 Sheppard Avenue East, Section 37 Benefits, Application to Amend Official Plan and Zoning By-law, TB CMB 2002 0017 – BBT Devgroup Inc., Ward 24 (Willowdale)." (See Minute 8.94, Page 116):

Purpose:

To obtain instructions from City Council on the use of a portion of the Section 37 benefits to be received from the proposed development at 650-672 Sheppard Avenue East.

Financial Implications and Impact Statement:

If Council decides to reinstate the original arrangement between the developer, the abutting residential tenants and the City, then \$60,000.00 of the \$460,000.00 of Section 37 benefits currently allocated for park and community facilities in the area would instead be used for amenities for the tenants of the residential buildings located at 640, 642 and 644 Sheppard Avenue East.

Recommendations:

If City Council wishes to reinstate the original arrangement with the tenants of the residential buildings at 640, 642 and 644 Sheppard Avenue East, then it is recommended that City Council:

- (1) delete Recommendation No. (2) of Clause No. 36 of Report No. 2 of the Toronto North Community Council and replace it with the requirement that the applicant, prior to the issuance of the first building permit for the proposed development at 650-672 Sheppard Avenue East, is to pay to the City \$60,000.00 to be used for amenities for the tenants of the rental apartment buildings at 640-644 Sheppard Avenue East, such amenities to be determined in consultation with the tenants and the local Councillor;
- (2) the City Solicitor be directed to request the Ontario Municipal Board to amend its Decision No. 0648 issued on March 25, 2004 to reflect the \$60,000.00 to be used for amenities benefiting the tenants of 640-644 Sheppard Avenue East; and
- (3) the City Solicitor and other appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

In July, 2003 the developer of the proposed residential development at 650-672 Sheppard Avenue East appealed to the Ontario Municipal Board applications for amendments to the Official Plan and Zoning By-law for the former City of North York and an application for site plan approval, based on Council's failure to approve the said applications within the statutory time periods.

Amongst the concerns raised with respect to the proposed development were the concerns of the residents of the rental apartment buildings located at 640, 642 and 644 Sheppard Avenue East, to the immediate west of the development site, who felt that the proposed development would shadow their outdoor swimming pool.

At its meeting held on February 17, 2004, the Toronto North Community Council considered a report dated February 5, 2004 from the Director of Community Planning, North District, recommending that the proposed development be revised to reduce the height and density. Toronto North Community Planning recommended to City Council a settlement substantially on the basis of the report from Community Planning and made further recommendations to City Council, including Recommendation No. (2) as contained in Clause No. 36 of Report No. 2 of the Toronto North Community Council, which required the developer to relocate the swimming pool to another location on the lands at 640-644 Sheppard Avenue East, or to provide some other equal amenities for the tenants of those rental buildings, such alternative amenities to be determined in consultation with the tenants and the local Councillor. In the event the negotiations between the developer and the owner of the rental apartment buildings were not concluded by the March 1, 2 and 3 City Council meeting, then the developer was to instead contribute a further \$60,000.00 to the City for community benefits.

The negotiations were not concluded prior to the March 1, 2 and 3, 2004 City Council meeting and therefore the developer will be required to contribute Section 37 benefits to the City in the amount of \$460,000.00, rather than \$400,000.00, for park improvements and community facilities in the area. Those benefits are to be secured through a Section 37 Agreement registered on title to the 650-672 Sheppard Avenue East property.

The Ontario Municipal Board in its Decision No. 0648 issued on March 25, 2004 accepted the settlement between the City and the developer.

The tenants of 640-644 Sheppard Avenue East advise that the negotiations between themselves, their landlord and the developer did not conclude prior to the March 1, 2 and 3, 2004 Council meeting due to a recent change in ownership and management of the rental buildings. Consequently the tenants are now requesting that the \$60,000.00 be once again made available for such tenant amenities to be determined in consultation between the tenants and the local Councillor. It is the tenants' position that the amenities will help to mitigate the impact of the proposed development on their buildings.

Comments:

The tenants' request for access to the \$60,000.00 to pay for amenities at 640-644 Sheppard East is consistent with the original arrangement with the developer of 650-672 Sheppard East. The funds were only added to the City's Section 37 benefits because the tenants, developer and landlord had not concluded their negotiations prior to the March 1, 2 and 3, 2004 City Council meeting. The President of the Bayview Village Association, a party at the OMB Hearing, has advised that he has no objection to the \$60,000.00 being re-directed to the tenants of 640-644 Sheppard Avenue East for amenities to the rental buildings. The developer, through his solicitor Adam Brown, also advises that he has no objections to the tenant's request.

Conclusions:

Rather than keep the sum of \$60,000.00 originally earmarked for amenities on the rental properties at 640-644 Sheppard East, City Council may wish to consider adopting the recommendations contained in this report for the purpose of re-directing the \$60,000.00 to pay for amenities on the rental properties, such amenities to be determined in consultation between the local Councillor and the tenants.

Contact:

Brian W. Haley
Senior Solicitor, Planning and Administrative Tribunal Law
Tel: (416)-392-6757
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ATTACHMENT NO. 5 [Notice of Motion J(14)]

Joint report dated May 14, 2004, from the Commissioner of Works and Emergency Services, the Fire Chief and General Manager, and the Chief and General Manager, Emergency Medical Services, entitled "Institution Waiver and Indemnification Agreement With Defence Research and Development Canada for Advanced Chemical, Biological, Radiological Nuclear Training." (See Minute 8.101, Page 127):

Purpose:

To seek Council's approval for Advanced Chemical, Biological, Radiological, Nuclear (CBRN) training provided by the Office of Public Safety and Emergency Preparedness Canada (PSEPC) for a specialized response to chemical, biological, radiological and nuclear emergencies.

Financial Implications and Impact Statement:

This report deals with two training events, each funded from different sources. The first event for up to seven City staff from the City's two emergency service providers, is scheduled to occur in October, 2004 and qualifies for sponsorship by PSEPC. Two Police Service staff will also be attending.

The second event in August 2004 involving 30 staff from the City's two emergency service providers as well as the Police, will be funded by the City and is eligible for cost-shared funding under the federal government Joint Emergency Preparedness Program (JEPP).

The airfare, ground transportation, hotel and course costs for the first mentioned event will be paid directly by PSEPC for all staff. Other expenditures not covered by PSEPC are the per diem costs for City staff totalling \$3,185.00. Fire Services costs of \$2,275.00 are for five Fire Fighters at a per diem cost of \$65.00 for seven days. There is sufficient funding provided for within the training estimates included in Fire Services' 2004 operating budget and these costs are eligible for recovery through the funding arrangement specified within the CBRN mutual aid agreement with the Province. The equivalent costs for Emergency Medical Services for two paramedics is \$910.00. The Ministry of Health and Long-Term Care currently funds 50 percent of Toronto Emergency Medical Services budget; therefore, the cost of the training to the City of Toronto is \$455.00. There is sufficient funding provided for within the training estimates included in Emergency Medical Services 2004 operating budget. Police will report to the Police Services Board, as required, for authorization for costs for its staff. The gross cost to the City for this training event cost will be \$3,185.00, excluding any Police costs, and net \$445.00 after funding under the mutual aid agreement with the Province and the provincial cost sharing for EMS operations.

The second event involving 30 staff from all three emergency service providers is funded from the City's corporate Emergency Management Plan CBRN account – PM0011 at a gross cost of \$172,150.00 and \$94,683.00 net after applicable JEPP funding. A submission has been made and is eligible for cost-sharing under the federal Joint Emergency Preparedness Program (JEPP) at a rate of 45 percent Federal and 55 percent City. Toronto Council approved the Emergency Management Plan 2004 Operating budget for CBRN at \$760,000.00 to be funded from the Emergency Planning Reserve Fund (WES-Technical Services), subject to the draw on the reserve fund being reduced by any JEPP funding received from the Federal Government.

The per person August training cost specifics are:

- Training course cost per person - \$3,000.00
- Accommodation per person - \$450.00
- Per Diem per person - \$455.00
- Ground Transportation per person - \$260.00
- Airfare per person - \$1,000.00
- Total for 30 attendees - \$154,950.00

There will be additional costs of \$4,000.00 for transporting team equipment to DRDC Alberta and \$13,200.00 for replacing the Toronto Personal Protective Equipment used at the training exercise to be funded from the CBRN account.

The Chief Financial Officer and Treasurer has reviewed this report and concurs with the Financial Implications section.

Recommendations:

It is recommended that:

- (1) two Toronto Emergency Medical Services staff and five Toronto Fire Services staff be permitted to participate in the final phase of the Advanced Chemical, Biological, Radiological Nuclear training course sponsored by the Office of Public Safety and Emergency Preparedness Canada and taking place at Defence Research and Development Canada's training grounds and facilities in Alberta in October 2004;
- (2) ten Toronto Emergency Medical Services staff and ten Toronto Fire Services staff be permitted to participate in the Advanced, Biological, Radiological Nuclear training course taking place at Defence Research and Development Canada's training grounds and facilities in Alberta in August 2004;
- (3) the City enter into the Institution Waiver and Indemnification Agreement required by Defence Research and Development Canada for training on its premises;

- (4) the Commissioner of Works and Emergency Services be authorized to sign this Institution Waiver and Indemnification Agreement on behalf of the City provided it is in a form satisfactory to the City Solicitor;
- (5) the Commissioner of Works and Emergency Services be authorized to arrange for future training programs for CBRN within budgeted amounts and to sign future Institution Waiver and Indemnification Agreements on behalf of the City, provided they are in the same form as the current Institution Waiver and Indemnification Agreement; and
- (6) the appropriate City officials be authorized and directed to take the necessary action to give effect to these recommendations.

Background:

At its meeting held on April 16,17, and 18, 2002, Council adopted the recommendation to enter into a Memorandum of Understanding between the Province and the City of Toronto Fire Services to enhance public safety by ensuring that a competent, multi-disciplinary team is available on a province-wide basis to respond to large-scale or complex natural or human-caused chemical, biological, radiological and nuclear emergencies in a planned, co-ordinated and timely manner.

Comments:

Defence Research and Development Canada (DRDC) in Suffield, Alberta is the only location in North America where advanced level training in a live-agent environment exists. The course participants will perform live chemical sampling and testing exercises in DRDC's laboratories at the direction of scientists and technicians, who are world leaders in this field. From this controlled laboratory environment, participants will move on to DRDC's Cameron Centre where they will participate in a series of field exercises. Training topics will include dirty bombs, high yield explosives, radiological effects, nerve agents, blister agents, blood agents, biological terrorism, air monitoring, mass decontamination, personal decontamination, cross-contamination and personal protective equipment. This education and skill development will greatly benefit the Toronto Joint CBRN Team's performance to respond to potential terrorist incidents or large-scale chemical disasters.

There will be two streams of funding, one for training funded primarily by PSEPC and the second training funded by the City.

1. CBRN Training Funded by PSEPC

The only personnel eligible to attend the training are those who received training at PSEPC's first CBRN counter-terrorism course in Ottawa, 2003. The course attendees will be composed of five Toronto Fire Services and two Toronto EMS staff (with two Toronto Police Service staff also eligible to attend). The final phase of PSEPC's advanced level course runs from October 18 to 22, 2004.

2. CBRN Training Funded by the City of Toronto

The Joint CBRN Team currently consists of over 300 Toronto Emergency Medical Services, Toronto Police Service and Toronto Fire Services members trained to the technical specialist level.

The live chemical agent training is imperative to their training and a vital part of emergency preparedness. To date only 42 members (14 Emergency Medical Services, 14 Police Service and 14 Fire Services across the various shift patterns) have had the opportunity to experience live agent training. The course attendees will be composed of 10 Toronto Fire Services and 10 Toronto EMS staff (with 10 Toronto Police Service staff to be authorized to attend by Police Service Board). The advanced level course runs August 30 to September 3, 2004.

This highly sought after training avenue will increase the knowledge base and skills of emergency responders who respond to large-scale or complex natural or human-caused chemical, biological, radiological and nuclear emergencies. A very important aspect of the training is the networking relationship that is built between emergency services personnel and DRDC staff. This important communications link would be extremely useful should Toronto face a threat or terrorist event.

3. Institution Waiver and Indemnification Agreement

Before DRDC will permit City staff to participate in this training on its premises, it requires the City to sign an Institution Waiver and Indemnification Agreement in its favour and each individual participant to sign an Individual Indemnification Agreement and Liability Waiver and Urinalysis Consent Form. Participants will also be required to sign a Dose History Request in order to permit DRDC to obtain the individual's personal radiation history from the National Dose Registry operated by Health Canada so that DRDC can determine whether the individual's radiation levels are within prescribed acceptable limits for participating in training exercises involving radioactive sources. Individuals who are not within these prescribed limits will not be permitted to participate in these exercises.

The Institution Waiver and Indemnification Agreement, among other things, requires the City to assume any and all risks that may be associated with the training and to indemnify and save harmless Her Majesty the Queen in Right of Canada, Her officers, servants, agents, employees and members of Her Canadian Forces from and against all claims and demands, loss, costs, disbursements, damages, actions, causes of action, suits or other proceedings made or brought by City employees

in relation to any loss, property damage, personal injury or death, resulting from, occasioned by or attributable in any way to their presence or participation during the live agent training or the medical care that may be associated with it. It is not unusual for a property owner to require an organization that will be benefiting from the activities taking place on the owner's premises to accept the risks inherent in such activities, especially when the activities to be performed are potentially dangerous or there is a potential exposure to harm by simply being present on premises where dangerous activities are taking place.

Despite the potential risk of costs to the City that might arise under the Institution Waiver and Indemnification Agreement, Toronto Fire Services and Toronto Emergency Medical Services are of the view that the actual benefit to the City from this training far outweighs the potential cost to the City. The participants are highly trained professionals, which will assist in reducing their risk when completing the training.

Insurance and Risk Management and Legal Services have been consulted in writing this report and are content with the form of Institution Waiver and Indemnification Agreement in light of the fact that DRDC requires this Agreement to be in place before training will be provided.

Conclusions:

The training opportunity will enhance Toronto Emergency Medical Services and Toronto Fire Services in developing a response to large-scale or complex natural or human-caused chemical, biological, radiological and nuclear emergencies in Toronto or throughout Ontario when the team is activated.

Contacts:

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Deputy Chief and Director
Toronto Emergency Medical Services
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Terry Boyko
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ATTACHMENT NO. 6 [Notice of Motion J(18)]

Report dated May 17, 2004, from the Commissioner of Corporate Services, entitled "Finalization of Negotiations with York Major Holdings Inc., Keele Valley Landfill Site (Vaughan)." (See Minute 8.105, Page 133):

Purpose:

To seek authority to supplement and finalize the previously approved transaction documentation required in connection with the land exchange and lease transaction with York Major Holdings Inc. ("York Major") in respect of lands at Keele Valley landfill site ("KVL").

Financial Implications and Impact Statement:

Additional revenue of \$44,113.00 will be generated by the completion of the previously approved transaction if it is amended as detailed herein. The Chief Financial Officer and Treasurer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) authority be granted to enter into a site plan agreement with York Major, The Corporation of the City of Vaughan and The Regional Municipality of York in respect of the lands shown as the "Site Plan Lands" on the Sketch attached as an Appendix to this report ("Appendix 1") (the "Site Plan Agreement");
- (2) authority be granted to release the City's easement interest in the lands identified as Part 5, 65R-26982 on Appendix 1;
- (3) authority be granted to include the lands shown hatched on Appendix 1 and identified as the "Additional Lands" in the previously approved transaction; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

City Council at its meeting held on December 4, 5 and 6, 2001 adopted Clause No. 2 of Report No. 17 of the Administration Committee (the "Original Report"), thereby authorizing the City to enter into agreements with York Major to effect an exchange of interests in land at KVL on terms and conditions outlined in that report.

City Council at its meeting held on November 26, 27 and 28, 2002 adopted Clause No. 22 of Report No. 14 of the Administration Committee, thereby authorizing amendments to the previously approved transaction documents.

By its adoption of Clause No. 11 of Report No. 1 of the Administration Committee on January 27, 28 and 29, 2004 (the "Additional Lands Report"), Council declared surplus to the City, the "Additional Lands" and extended the closing date for this transaction to no later than June 30, 2004. These actions were required because design considerations for York Major's golf course, being constructed, in part, on lands to be leased to York Major pursuant to the Original Report, as amended, required the inclusion of the Additional Lands in the golf course.

In its construction of the golf course, York Major was required to erect certain structures, including rain shelters and convenience facilities, on lands owned by the City of Toronto and to be leased to York Major pursuant to the Original Report, as amended. As owner of the affected lands, the City of Toronto has been required to enter into the Site Plan Agreement, even though York Major is required to be responsible for constructing and maintaining the structures in question.

As the design of the golf course evolved, it became apparent to York Major and staff of Works and Emergency Services that the City's easement interest in Part 5, 65R-26982, originally used for the purpose of accessing KVL, was no longer required. York Major requested that the City release its easement interest in Part 5, and Works and Emergency Services staff were of the view that it is appropriate for the City to do so.

Comments:

Negotiations continued with York Major pursuant to the Additional Lands Report and agreement has now been reached on the following revised terms:

(1) Compensation for Additional Lands and Release of Easement interest in Part 5, 65R-26982

The Original Report, as amended, provided (among other matters) for the payment by York Major to the City of the sum of \$200,000.00, in consideration of the lease of certain lands at KVL to York Major and certain other matters. On the basis of the inclusion of the Additional Lands in the lands in which York Major is to acquire leasehold and easement interests pursuant to the Original Report, as amended, and on the basis of the release by the City of its easement interest in Part 5, it is appropriate to increase the compensation to be paid to the City by York Major by \$44,113.00, so that the cash payment to be made to the City on closing will be \$244,113.00.

(2) Site Plan Agreement

In the completion of the golf course, it was necessary for York Major to construct rain shelters, convenience facilities and certain other structures on the Site Plan Lands owned by the City and to be leased to York Major pursuant to the Original Report, as amended. The Planning Act requires the execution of site plan agreements in respect of such structure by the owner of the Site Plan Lands, even if (as is the case with these structures) the responsibility for construction and maintenance remains with York Major as tenant of the affected lands.

(3) Release of City Easement Interest in Part 5, 65R-26982

In connection with the operation of KVL, the City of Toronto acquired an easement interest over Part 5 for access purposes. With the closure of KVL, Works and Emergency Services staff are of the view that the City's easement interest over Part 5 is no longer required, and that it would be appropriate to release the easement interest in the context of the transaction provided for in the Original Report, as amended.

Conclusions:

Based on the considerations outlined in this report, the City should proceed with the proposed exchange of interests in the subject lands on the amended terms and conditions detailed herein, enter into a site plan agreement with York Major, The Corporation of the City of Vaughan and The Regional Municipality of York in respect of the lands shown as the "Site Plan Lands" and release the City's easement interest in the lands identified as Part 5, 65R-26982.

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(Appendix 1 to this report is on file in the City Clerk's Office.)

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

Report dated May 14 2004, from the Chief Financial Officer and Treasurer, entitled "Issuance of Debentures." (See Minute 8.106, Page 135):

Purpose:

This report requests that the necessary Bills be introduced in Council at its meeting on May 18, 2004 to give effect to the issuance of debentures.

Financial Implications and Impact Statement:

The level of debt issuance undertaken, \$200 million on May 11, 2004 in the Canadian domestic market, is required to finance previously approved capital expenditures. The debt charges associated with this issue have been included in the City's 2004 operating budget in non-program and will be included in the 2005 budget on an annualized basis.

Recommendations:

It is recommended that:

- (1) authority be granted for the introduction of the necessary Bills in Council on May 18, 2004, to give effect to the issuance of debentures as described in this report; and
- (2) the appropriate officials be authorized to take the necessary actions to give effect thereto.

Background:

By-law No. 92-2004, as adopted by Council on January 29, 2004, authorizes the Mayor and Treasurer to enter into agreements for the issuance and sale of debentures during the year 2004 to provide an aggregate amount not exceeding \$500,000,000 for purposes of the City and including the purposes of any former municipality, the former municipality of Metropolitan Toronto and a board of education.

Any such agreement must be reported to Council not later than the second regular meeting of Council after the agreement is signed and Council is required to pass all necessary money by-laws required to carry out the agreement.

Comments:

Acting in accordance with the aforementioned authorities and the unanimous advice of our investment syndicate lead managers (Scotia Capital Inc., RBC Capital Markets Inc., and CIBC World Markets

Inc.), negotiations were completed on May 11, 2004 for a public issue of debentures in the Canadian domestic market.

This transaction is the City's first debenture issue in 2004 and received a good reception in an attractive and stable bond market. The instalment debentures were issued with a par value of \$72 million ranging from 1 to 9 years terms-to-maturity with interest rates between 2.50 percent to 5.15 percent per annum. Sinking fund debentures in the amount of \$128 million were issued with a ten-year maturity at an interest rate of 5.30 percent per annum. The overall net average cost of financing the \$200 million issue is approximately 5.233 percent. The structure and pricing of the transaction represents the lowest cost of funds available relative to other potential structures, markets and currencies as provided by provincial legislation.

Delivery of the debentures and the receipt of proceeds will occur on May 21, 2004. The issue will be book-based with no physical certificates as were previous debenture issues. This process continues to generate savings for the City related to the printing, registration and distribution of the securities since the Canadian Depository for Securities (CDS) administers the interest and principal payments to the debenture holders at no cost to the City.

Conclusion:

The City issued \$200 million in debentures on May 11, 2004 as authorized under By-law No. 92-2004 as adopted by Council on January 29, 2004. As the capital projects to be financed with the proceeds of this issue were previously approved and are either completed or in the process of being completed, it is now appropriate to approve the issuance of debentures to permanently finance these undertakings, given current favourable capital market conditions.

Contact Names and Telephone Numbers:

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ATTACHMENT NO. 8 [Notice of Motion J(24)]

Report dated May 10, 2004, from the City Solicitor, entitled "Development Charge By-law - 75 Lemonwood Drive (Ward 4 - Etobicoke Centre)." (See Minute 8.111, Page 144):

Purpose:

The purpose of this report is to obtain Council authority to enter into an agreement to extend the provisions of the City's current Development Charge By-law to the proposed development at 75 Lemonwood Drive in order to secure the benefits of the replacement rental housing and tenant relocation program which have been negotiated with the applicant.

Financial Implications and Impact Statement:

The City will be forgoing development charge revenues that would potentially be assessed on a 7 storey and an 11 storey rental retirement building to be constructed at 75 Lemonwood Drive. The phasing of the development proposal will allow the tenants of the existing buildings to remain in their rental units until the new townhouse building is completed, at which time they will be entitled to move directly to the new townhouse building.

Recommendations:

It is recommended that:

- (1) Council authorize the execution of an agreement between the City and the applicant, Studio Court Limited, providing that the provisions of By-law No. 476-1999 (Current Development Charge By-law) will apply to the 7 and the 11 storey retirement building proposed to be constructed at 75 Lemonwood Drive, the Official Plan and Zoning Code amendment for which were authorized by Clause No. 43, Report No. 1 of the Toronto West Community Council and adopted by the Council of the City of Toronto at its Special meeting held on January 30 and February 12, 2004, notwithstanding that the building permits may be applied for or issued after the enactment of a new Development Charge By-law in July, 2004;
- (2) the terms of such agreement provide that such exemption apply on condition that the proposed development proceeds substantially as approved and within a period of 5 years from the date upon which the zoning amendment comes into force, and the form and content of such agreement be satisfactory to the City Solicitor; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

At its meeting held on January 30 and February 12, 2004, Council adopted the following resolution with respect to the above development proposal (Clause No. 43, Report No. 1 of the Toronto West Community Council, adopted by City Council at its Special Meeting held on January 30 and February 12, 2004):

“It is recommended that City Council:

- (1) amend the Official Plan for the former City of Etobicoke substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 6;
- (2) amend the Official Plan for the City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No 7;
- (3) amend the Zoning Code for the former City of Etobicoke substantially in accordance with the draft Zoning By law Amendment attached as Attachment No. 8;
- (4) authorise the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendments and draft Zoning Code Amendment as may be required;
- (5) before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Section 37 agreement under the Planning Act, to the satisfaction of the City Solicitor in consultation with the Commissioner of Urban Development Services, including registration of such agreement as a first charge against the lands, securing the rental housing replacement and affordability, tenant assistance and park improvements as set out in Attachments Nos. 6 and 7, and securing the upgrading of Buttonwood Park;
- (6) the approval containing a clause that the buildings remain retirement or assisted living;
- (7) before introducing the necessary Bills to Council for enactment, require the applicant to submit a letter of undertaking to the City agreeing to withdraw their appeal with respect to the Toronto Official Plan upon the Official Plan and Zoning Code Amendments coming into force; and
- (8) right-in and right-out access to Eglinton Avenue West be granted and the applicant be requested to design and construct the access to the satisfaction of the Director of Transportation Services, West District, at no cost to the municipality.”

The Ontario Municipal Board has scheduled a prehearing conference for June 17, 2004. It is anticipated that the Section 37 Agreement and bills to enact the proposed Official Plan Amendment and amendment to the Zoning Code will be presented to this meeting of Council.

Planning Proposal

The following excerpt from the Final Report describes the details of this proposed development:

“This is a proposal for the redevelopment and intensification of a site which currently contains three 2 storey maisonette style buildings with a total of 88 rental dwelling units, of which 79 were occupied, and of those, 56 had affordable rents at the time the applications were made (January 28, 2003).

This two phase proposal is to replace the 88 existing rental dwelling units with 75, 3 storey rental townhouses, on the eastern part of the site and, construct a 7 storey, 103 unit rental retirement building as well as an 11 storey, 156 unit rental retirement building on the western part of the site.

Construction phasing is proposed to be: demolition of the most easterly block of maisonettes (Building 3) and construction of 58 or 59 rental replacement townhomes as Phase 1; with the demolition of the remaining maisonettes (Buildings 1 and 2) and construction of the rest of the townhomes and the two retirement buildings being Phase 2.

The applicant has proposed the 75 townhome units as conventional rental units (not condominium registered) to replace the 88 existing conventional rental units. The 75 rental replacement units will be comprised of 56 affordable rental units and 19 mid-range rental units. The applicant is also proposing to provide assistance beyond that required by the Tenant Protection Act to those tenants residing in the buildings as of the date the applications were filed (January 28, 2003) and who would be evicted because of the demolition. The assistance includes the right to occupy one of the rental replacement units at rent similar to what they pay currently.”

Comments:

Development Charges

Under the existing Development Charge By-law, the units in the 7 storey and 11 storey rental retirement buildings would be classified as “dwelling rooms” due to the lack of full kitchen facilities in each of the units, and as dwelling rooms would not be subject to the payment of development charges. The current Development Charge By-law expires in July, 2004, and the new Development Charge By-law, which will come before Council in July for enactment, currently proposes to amend the definition of “dwelling room” so that it will no longer include these types of units. Therefore, the proposed rental retirement units in both buildings would be required to pay development charges under the proposed by-law.

The phasing of the applicant's proposal for replacement rental housing requires that the 58 or 59 replacement townhouses be constructed first so that these rental replacement units are ready for occupancy in the first phase of development. In addition, the phasing will assist the tenants by limiting the number of tenants who may be required to find off-site accommodation. Only once these tenants have moved can the existing building be demolished and the construction of the 7 and 11 storey rental retirement buildings commence. The impact of this phasing program on the applicant is that it delays its ability to obtain a building permit for the two retirement buildings, such that it will be subject to the new development charge by-law and will be required to pay development charges.

If the applicant had not agreed to this phasing, which is a significant benefit to the tenants of the existing buildings, it may well be in a position to obtain building permits under the existing Development Charge By-law and thus not required to pay development charges.

In view of the above, and particularly the benefits accruing to the existing tenants from the Section 37 tenant relocation arrangements and the corresponding impact on the applicant in terms of preventing it from obtaining permits under the existing Development Charge By-law, we are recommending that Council authorize the execution of an agreement between the applicant and the City, whereby the City agrees that the current Development Charge By-law, and specifically the existing definition of "dwelling room", will be applied to the 7 and 11 storey retirement buildings notwithstanding that the building permits may be applied for and/or issued after the enactment of the new development charge by-law.

The Planning and Finance Departments have reviewed this report and support this recommendation.

Conclusions:

In agreeing to the extension of the provisions of the current Development Charge By-law to the subject proposal, the City will ensure that the positive aspects of the proposed development, namely the mitigation of the negative impacts of redevelopment on the existing tenants by phasing the demolition and development, and the provision of replacement rental housing at similar rents, will be secured.

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ATTACHMENT NO. 9 [Notice of Motion J(25)]

Report dated May 17, 2004, from the Commissioner of Works and Emergency Services, entitled "Introduction of Overnight On-Street Permit Parking on Floyd Avenue, between Burley Avenue and Logan Avenue (Toronto-Danforth - Ward 29)." (See Minute 8.112, Page 145):

Purpose:

To report directly to City Council as requested by Councillor Case Ootes on the introduction of overnight on-street permit parking on Floyd Avenue, between Burley Avenue and Logan Avenue, on an area basis, to operate during the hours of 11:00 p.m. and 5:00 a.m., 7 days a week.

Financial Implications and Impact Statement:

Funds to undertake the necessary signage adjustments in the estimated amount of \$200.00 are contained in the Transportation Services Division 2004 Operating Budget.

Recommendations:

It is recommended that:

- (1) the City Clerk be directed to conduct a formal poll of the residents of Floyd Avenue, between Burley Avenue and Logan Avenue, to determine support for the implementation of overnight on-street permit parking and report the results of the poll to the Toronto South Community Council;
- (2) subject to the results of the poll being favourable, the existing no parking anytime restriction on the north side of Floyd Avenue, between Burley Avenue and Bater Avenue be rescinded;
- (3) permit parking be introduced on both sides of the street to operate on an alternate side basis between the hours of 11:00 p.m. and 5:00 a.m., 7 days a week, and be included in permit parking area 7K; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction of all necessary bills.

Comments:

A petition was received from Councillor Case Ootes on behalf of the residents of Floyd Avenue, between Burley Avenue and Logan Avenue, requesting the implementation of overnight on-street permit parking. This petition meets the minimum requirement of 25 percent support from residents for the subject street.

Floyd Avenue, between Burley Avenue and Logan Avenue, is a two-way street with a pavement

width of 8.53 m. Parking on the north side of Floyd Avenue, between Burley Avenue and Bater Avenue, is prohibited all times and regulated to a three hour restriction at all other times on the south side.

Should overnight on-street permit parking be considered on this street, it is standard practice to concurrently implement the alternate side parking regulation, where parking rotates side to side, typically on a monthly basis. Alternate side parking aids street maintenance, clearing and snow removal operations.

A site investigation has confirmed that the implementation of on-street permit parking on the subject street is feasible. Permit parking can operate during the hours of 11:00 p.m. and 5:00 a.m., 7 days a week, and provide a total of 14 available on-street parking spaces and be included in permit parking area 7K.

Under the circumstances, polling requests for the implementation of permit parking usually go before Community Council. Residents of Floyd Avenue have a limited number of off-street parking facilities and as a result, are dependent on the availability of overnight on-street parking. Given that permit parking is not in effect, the residents of Floyd Avenue are currently subject to the maximum three-hour parking regulation, which is especially problematic when enforced overnight. In this instance, we are reporting directly to City Council as requested by Councillor Case Ootes to expedite the process to implement permit parking on the street and help accommodate the residents need for overnight on-street parking availability.

Conclusions:

The petition received by this Department from residents of Floyd Avenue, requesting the implementation of overnight on-street permit parking, satisfies the minimum 25 percent support required for staff to investigate the feasibility of on-street permit parking.

In accordance with By-law No. 20-96, it is recommended that a formal poll be conducted of all residents of Floyd Avenue to ascertain support for the implementation of overnight on-street permit parking. Should there be a favourable poll on the implementation of permit parking, the existing 'No Parking anytime' restriction on the north side of Floyd Avenue, between Burley Avenue and Bater Avenue, must be rescinded.

Contact:

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(The Street Map attached to this report is on file in the City Clerk's Office.)

ATTACHMENT NO. 10 [Notice of Motion J(40)]

Report dated May 18, 2004, from the City Solicitor, entitled "Toronto Computer Leasing Inquiry and Toronto External Consultants Inquiry." (See Minute 8.127, Page 170):

Purpose:

To provide City Council with an update on the Toronto Computer Leasing Inquiry ("TCLI") and to seek Council's instructions with respect to the resumption of the Toronto External Consultants Inquiry ("TECI").

Financial Implications and Impact Statement:

City Council has approved a preliminary estimate of \$15,470,300 for the Inquiries. In January 2004, it was estimated that if TECI did not proceed, the estimated cost would be \$14,160,300 and if TECI proceeded, the estimated cost of both Inquiries would be in the range of \$17,230,000. These estimates do not take into account the costs of the current proceedings in Divisional Court. If City Council wishes to proceed with TECI, the Chief Financial Officer and Treasurer should be directed to report back on a source of funding for the amount in excess of \$15,470,300. At this time, our estimate of the total cost for TECI is \$3,070,000.

The Chief Financial Officer and Treasurer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) City Council direct the City Solicitor to advise Commission Counsel that it wishes TECI to proceed;

OR

- (2) City Council direct the City Solicitor to advise Commission Counsel that it does not wish TECI to proceed at this time.

Background:

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

City Council established a second public inquiry, now known as the Toronto External Contracts Inquiry ("TECI"), at its meeting held on September 22, 23, 24 and 25, 2003.

At its meeting held on January 27, 28 and 29, 2004, City Council considered the report of the City Solicitor and the letter dated December 30, 2003 from Commissioner Bellamy to Mayor Miller.

With respect to the deferral of TECI, City Council resolved among other matters, as follows:

1. The Commission be urged to investigate fully all information relevant to the TCLI terms of reference and to complete that investigation as soon as possible;
2. The Commission be encouraged to call all evidence that may shed light on the issues raised in the TCLI terms of reference;
3. City Council defer further consideration of the letter dated December 30, 2003, to Mayor Miller, from Commissioner Bellamy, until Commissioner Bellamy or her Counsel advise the City that all evidence related to TCLI has been called. In the interim, Council does not expect the Commissioner to begin hearings in the TECI.

Comments:

Since Council's consideration of this matter in January, the Divisional Court released its decision with respect to the judicial review application dealing with the opening of sealed boxes belonging to Mr. Jeffrey Lyons. The Divisional Court upheld the Commissioner's ruling that Commission Counsel could unseal the boxes and review their contents for relevance, helpfulness and possible privilege, taking into account all issues in both TCLI and TECI. The Divisional Court decision was not appealed and Commission Counsel has now completed its review of the boxes.

Commissioner Bellamy resumed TCLI on April 19, 2004. The Inquiry heard from two witnesses. The Inquiry was scheduled to hear from at least five further witnesses including Mr. Peter Wolfrain, Mr. Jeffrey Lyons, Mr. Tom Jakobek and Ms. Deborah Morrish. Prior to testifying, Mr. Tom Jakobek and his wife, Ms. Deborah Morrish brought motions before Commissioner Bellamy. Mr. Jakobek refused to respond to the summons to answer questions with respect to new evidence which was before the Commissioner. He argued that the Commissioner should give the information to the police because it is constitutionally impermissible for the Commissioner to examine this new evidence at a public inquiry. In the alternative he requested that the Commissioner adjourn TCLI so that he can bring an application before the Divisional Court to quash the summons to appear. Ms. Morrish accepted service of the summons to testify at the Inquiry but requested an adjournment to bring an application before the Divisional Court to quash the summons. On April 30, 2004, Commissioner Bellamy issued her decision rejecting the arguments made on the motions. She concluded that she would not limit the recall evidence as requested by Mr. Jakobek.

However, in light of the applications for judicial review, the Commissioner adjourned TCLI to allow Mr. Jakobek and Ms. Morrish to proceed with their applications before the Divisional Court. This matter has now been scheduled to be heard on June 16 and 17, 2004. The Commissioner has retained outside counsel to oppose the applications. The City's outside counsel is also appearing to oppose the applications. There may be further delay if any of the parties seek to appeal the Divisional Court's decision to a higher court.

In response to inquiries, Commission Counsel has provided the attached letter dated May 18, 2004 which provides information on the nature of the issues which form the basis of TECI. If Council now wishes to proceed with TECI, the Commissioner must be advised so that further investigative work can be undertaken. Depending on the length of time for the Divisional Court decision to issue and whether there are appeals of the decision, there may be adequate time to complete the investigation and to commence hearings into TECI. The Commissioner has retained legal, investigative and support staff to assist her during the course of the inquiries. It would be efficient to use these resources to continue with TECI during the adjournment period.

Inquiry Budget Status and Financial Implications

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

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

As of May 6, 2004, actual costs expended by the City are as follows:

| | |
|--|-------------|
| Inquiries cost for 2002 | \$1,921,016 |
| Inquiries cost for 2003 | \$4,565,200 |
| Inquiries cost for 2004 | \$ 584,334 |
| Additional KPMG retainer | \$ 22,447 |
| City's Outside Counsel | \$2,987,021 |
| Funding for Individuals with standing and Current and former City employees | \$1,445,755 |
| Miscellaneous Expenses (printing, software etc) | \$ 13,349 |

Total \$11,539,122

As set out in the attached letter from Commission Counsel, the Commission's budget estimate for TECI is \$1.5 million, based on an estimated 70 hearing days. This figure does not include costs for the City's outside counsel nor funding for certain individuals at the Inquiry. At this time we estimate these costs to be \$570,000 (for the City's outside counsel) and \$1 million (for funding certain individuals). Accordingly, our estimate of costs for TECI at this time are a total of \$3,070,000.

Conclusions:

If Council wishes TECI to move forward, it would be appropriate to advise Commissioner Bellamy accordingly and to direct the City Solicitor and the Chief Financial Officer and Treasurer to report to Policy and Finance Committee with a revised budget and a source of funding.

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(The communication dated May 18, 2004, from Commissioner Bellamy, attached to this report, is on file in the City Clerk's Office.)

ATTACHMENT NO. 11 [Notice of Motion J(42)]

Report dated May 18, 2004, from the Commissioner of Urban Development Services, entitled "Proposed Interim Control By-law to prohibit commercial outdoor roof-top patios in The Kingsway/Bloor Street West District, located between Thompson Avenue and Montgomery Road, in the west, to Prince Edward Drive, in the east (Ward 5 - Etobicoke-Lakeshore)." (See Minute No. 8.129, Page 175):

Purpose:

To propose an Interim Control By-law to prohibit commercial outdoor roof-top patios on lands along both sides of Bloor Street West, between Montgomery Road/Thompson Avenue, in the west, and Prince Edward Drive, in the east, for a one year period. The by-law will enable the Commissioner of Urban Development Services to review the impact of commercial outdoor roof-top patio uses and recommend appropriate development and licensing standards.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) City Council adopt the following resolution:

Whereas Section 38 of the Planning Act authorizes Council to pass resolutions directing that a review or study be undertaken in respect of land use planning policies within the area of the municipality which is to be the subject of an Interim Control By-law, therefore be it resolved that Council request the Commissioner of Urban Development Services to undertake a review or study in respect of land use policies for those lands along Bloor Street West in The Kingsway/Bloor Street West District that are identified on Attachment 1; and

- (2) City Council, after adopting the resolution in Recommendation No. (1) above, grant authority for the introduction of the necessary Bills in Council to substantially give effect to the following:

No person shall, in the area referred to in Recommendation No. (1) above, use any lot or erect any building or structure that includes a commercial outdoor roof-top patio for a period of one year, save any use lawfully existing on the lands at the time of the passage of these Bills.

Comments:

The Kingsway/Bloor Street West District extends from Montgomery Road and Thompson Avenue, in the west, to Prince Edward Drive, in the east.

Former City of Etobicoke Official Plan

The former City of Etobicoke Official Plan designates The Kingsway/Bloor Street West District as a Commercial-Residential Strip. This designation recognizes traditional linear main street commercial and mixed use areas and provides for a full range of commercial uses serving both the residential neighbourhood and the passing traffic along Bloor Street and a wide mix of non-commercial uses such as residential, institutional and community facilities. The maximum height of development in such areas shall not exceed 6 storeys and shall adhere to a 45 degree angular plane requirement from the lot line of the closest abutting residentially zoned property.

New City of Toronto Official Plan

At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Official Plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The new Official Plan is now before the Ontario Municipal Board.

The new Official Plan designates this area as a Mixed-Use Area permitting a broad range of residential, office, retail and services, institutions, entertainment, recreation and cultural activities and parks and open spaces in a compact urban form. It is expected that Mixed Use Areas will absorb much of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the housing. Development criteria for lands within such designations are aimed at minimizing the impact of new development on neighbouring established residential areas.

Urban Design Guidelines

Urban Design Guidelines for The Kingsway/Bloor Street West District, extending from Montgomery Road and Thompson Avenue, in the west, to Prince Edward Drive, in the east, were adopted by Toronto City Council on February 1, 2 and 3, 2000 to enhance the former City of Etobicoke Official Plan policies and the evaluative criteria in reviewing new development proposals along that section of Bloor Street West which is recognized as an "Area of Special Identity". The Guidelines were designed in co-operation with the local community associations and the local BIA to ensure a high quality of urban design and building treatment that is sensitive to significant features within this commercial-residential strip and the existing adjoining residential neighbourhoods. They were written to better inform and educate proponents of new development along this section of Bloor Street West on what the community-at-large considered reasonable and appropriate in terms of building massing and proportion, rhythm and articulation, transitions in scale, architectural design treatments, building

height and setbacks, fenestration, façade and streetscape treatments, signage, and parking and servicing arrangements.

As a follow-up, staff agreed to review the Etobicoke Zoning Code to determine if changes were required to implement the Guidelines. Following a review of the existing zoning, Planning staff proposed that the existing zoning classification for this area be changed from Limited Commercial (CL) to Limited Commercial – Avenues (AV), together with appropriate standards of development, in recognition of its status as an Avenue within the new City of Toronto Official Plan, as well as to enable full implementation of the Kingsway/Bloor Street District Urban Design Guidelines, as previously adopted by City Council. Toronto City Council concurred in the staff recommendation and adopted By-law No. 941–2003 on September 24, 2003.

The (AV) zoning classification contains zoning standards that have been created to permit an appropriate mix of residential and non-residential uses along the Bloor Street frontage, while recognizing the existing residential areas that abut the Avenue to the rear. These standards include provisions related to maximum and minimum building heights, minimum building frontages, build-to lines and setbacks in order to create appropriate building envelopes, as well as other provisions relating to reduced parking requirements for new mixed residential/commercial developments through shared parking, particularly residential visitor and commercial parking, and, the full implementation of the Kingsway/Bloor Street District Urban Design Guidelines.

Etobicoke Zoning Code

Restaurant uses are permitted in all commercial zoning categories, subject to Section 320-23, Supplementary Regulations for Restaurants, which includes requirements for parking, drive-through windows, fencing, lighting, waste receptacles, outdoor patios and entertainment facilities. Sub-section G. specifically requires that restaurants whose operations or business include features or attractions other than those necessarily ancillary to the preparation and dispensing of food, including, without limiting the generality of the foregoing, dancing area, live bands, disc jockeys, entertainment area, floor shows and adult entertainment and bar restaurants, or the lands required for parking or access thereto, shall be situated not closer than 90 metres (295 feet) from a residentially zoned property. In addition, Sub-section M. requires that outdoor patios in side yards or rear yards used in association with standard restaurants which do not include a dancing area, live bands, disc jockey, entertainment area, floor show or adult entertainment, shall be situated not closer than 40 metres (135 feet) from a residentially zoned property, that distance measured from the closest point between the patio and the nearest residentially zoned lot line. Said regulations, however, did not contemplate the establishment of commercial outdoor roof-top patios.

Rationale for an Interim Control By-law

Section 38 of the Planning Act authorizes City Council to pass Interim Control By-laws enabling Council to temporarily restrict a land use while the City studies/reviews the land use policies for affected properties.

The Kingsway/Bloor Street West District Guidelines and current (AV) zoning standards of development support the preservation and enhancement of the pedestrian urban experience along this section of Bloor Street West by providing consistent setbacks from the street line along Bloor Street West so that the sidewalk area can be widened thereby creating a more consistent public realm over time. This expansion of the public realm along the main street frontage allow restaurant patios to spill out into the public sidewalk without creating conflicts with pedestrians or the surrounding neighbouring residential areas comprised primarily of single-detached dwellings. The Guidelines and resulting development standards, however, never contemplated applications for the establishment of commercial outdoor roof-top patio areas able to accommodate hundreds of patrons or the potential impacts, such as increased noise, on adjacent residential zones.

Given the potential impacts and conflicts with immediately abutting residential uses, a planning study should be undertaken for The Kingsway/Bloor Street West District before significant numbers of commercial outdoor roof-top patios locate there. Whether restrictions on roof-top patios are appropriate should be considered. The study will review the concerns and issues associated with commercial outdoor roof-top patios and identify whether specific by-law and licensing changes would be appropriate to address such matters. In the interim, the establishment of this use, or expansion of this use through the conversion of existing building space or the construction of new building space should be prevented so as not to jeopardize the outcome of the study. The Interim Control By-law would not prevent lawfully existing commercial outdoor roof-top patios from continuing to operate.

Conclusions:

The enactment of an Interim Control By-law for the lands identified in Attachment 1 will allow the City to undertake the necessary review of the land use policies as they apply to commercial outdoor roof-top patios in The Kingsway/Bloor Street West District in order to determine whether zoning and licensing standards are appropriate. Given the potential impacts associated with commercial outdoor roof-top patios on abutting residentially zoned properties related to noise, the enactment of the proposed Interim Control By-law authorized under Section 38 of the Planning Act is appropriate. The Planning Division has the staff and resources to complete the study or review within a one year time frame.

(Attachment No. 1 to this report, headed "The Proposed Interim Control By-law Area", is on file in the City Clerk's Office.)

FISCAL IMPACT STATEMENT SUMMARY
Notices of Motion
Submitted by the Chief Financial Officer and Treasurer
 Council Meeting – May 18, 19 and 20, 2004

| Motion # | Title | Operating \$ (net) | Capital \$ (net) | Comments |
|-----------------|---|---------------------------|-------------------------|-----------------------|
| J(3) | Award of Tender No. 105-2004 for Reconstruction of Toronto Transit Commission Track Allowance, Pavement, Curb and Sidewalk on Gerrard Street East, Coxwell Avenue to Jones Street | \$0 | \$430,412.85 | See FIS. Consider. |
| J(4) | Authority to Enter Into an Agreement with the Owner of 1236 Dundas Street East to Secure an Extension of Boston Avenue | \$0 | \$0 | Consider. |
| J(5) | Support for the Cardiac Community Advisory Group - Cardiac Care Centre for the Scarborough Community | \$0 | \$0 | Consider. |
| J(6) | Ontario Municipal Board Hearing - 28 Oriole Road | \$0 | \$0 | Consider. |
| J(7) | 650-672 Sheppard Avenue East – Section 37 Benefits | \$0 | \$0 | Consider. |
| J(8) | Line of Credit Guarantee with the Toronto Philharmonia and the Royal Bank of Canada | \$0 | \$0 | Consider. |
| J(9) | Possible Land Exchange with Village Securities - 311 Staines Road | \$0 | \$0 | Consider. |
| J(10) | Request to Amend <i>The Municipal Elections Act</i> to Allow a Municipality to Place Restrictions on the Terms under which their Members may Stand for a Higher Office | \$0 | \$0 | Consider. |
| J(11) | Ontario Municipal Board Hearing – 4 Reigate Road | \$0 | \$0 | Consider. |
| J(12) | Request to the Province of Ontario to Assist with the Clean-Up on Provincial Highways in the City of Toronto | \$0 | \$0 | Consider. |
| J(13) | Disqualification from Procurement Awards of Persons and Entities that are Indebted to the City of Toronto | \$0 | \$0 | Consider. |

Minutes of the Council of the City of Toronto
May 18, 19 and 20, 2004

| Motion | | Operating | Capital | |
|---------------|---|-------------------------|-----------------|-----------------------------------|
| # | Title | \$ (net) | \$ (net) | Comments |
| J(14) | Institution Waiver and Indemnification Agreement with Defence Research and Development Canada for Advance Chemical, Biological, Radiological Nuclear Training by the Office of Public Safety and Emergency Preparedness Canada | Possible unknown costs. | \$0 | See FIS. Consider. |
| J(15) | World Partnership Walk Day | \$0 | \$0 | Consider. |
| J(16) | Instructions to Settle Claim between former Borough of East York and Daimerson Construction – Replacement of Storm Sewers | | | <i>See FIS. Confidential.</i> |
| J(17) | Request of the Federal Competition Commissioner and the Attorney General to Investigate Lookalike Parking Tickets | \$0 | \$0 | Consider. |
| J(18) | Finalization of Negotiations with York Major Holdings Inc. – Keele Valley Landfill Site | \$44,000 | | See FIS. Consider. |
| J(20) | Request to the Minister of Health and Long-Term Care to Maintain the 100 Complex Continuing Care Beds at Toronto Grace Hospital | \$0 | \$0 | Consider. |
| J(21) | Authority to Execute a Minor Variance Agreement - Voluntary Community Amenity Contributions pursuant to Ontario Municipal Board Order 0282 - minor variance application A0131/02EY at 183 Dovercourt Road – Ward 19 – Trinity Spadina | \$0 | \$0 | Consider. |
| J(22) | Grant Application to Cultural Spaces Canada on Behalf of Museum of Contemporary Canadian Art | \$0 | \$0 | Consider. |
| J(23) | Sale of Surplus School Sites | \$0 | \$0 | Consider. |
| J(24) | Development Charge By-law – 75 Lemonwood Drive | Unknown | | See FIS. Consider. |
| J(25) | Introduction of Overnight On-Street Permit Parking on Floyd Avenue, between Burley Avenue and Logan Avenue | \$640.00 | \$0 | See FIS. Consider. |
| J(26) | Request for Reports on Seniors Abuse Cases and Seniors Abuse Investigations | \$0 | \$0 | Consider. |

| Motion | | Operating | Capital | |
|---------------|---|------------------|-----------------|-----------------------------------|
| # | Title | \$ (net) | \$ (net) | Comments |
| J(27) | Extension to the Closing Date in an Agreement with 863880 Ontario Limited - 9 Hanna Avenue | | | <i>See FIS. Confidential.</i> |
| J(28) | Swansea Town Hall Expansion Project | \$0 | \$0 | Consider. |
| J(29) | Ontario Municipal Board Hearing - 1100 King Street West | | | <i>See FIS. Confidential.</i> |
| J(30) | Proposed Adjustments to the Boundaries of Toronto South and West Committees of Adjustment | \$0 | \$0 | Consider. |
| J(31) | Support for Exemption from Taxation of Large Non-Profit Theatres | \$0 | \$0 | Consider. |
| J(32) | Waiving of Fees for Proposed Development - 38 St. Lawrence Street - Habitat for Humanity | \$20,000 + | | See FIS. Consider. |
| J(33) | Ontario Municipal Board Hearing – 754 Indian Road | \$0 | \$0 | Consider. |
| J(34) | Intention to Designate Property at 754 Indian Road under Part IV of the <i>Ontario Heritage Act</i> | \$0 | \$0 | Consider. |
| J(35) | Declaration of the “Taste of Lawrence” an Event of Municipal and/or Community Significance | \$0 | \$0 | Consider. |
| J(36) | City’s Submission on Provincial Residential Tenancy Reform Consultation | \$0 | \$0 | Consider. |
| J(37) | Revision to the Let’s Build Program Application for 1555 Jane Street | \$0 | \$0 | Consider. |
| J(38) | Options to Deal with Properties used as Illegal Marijuana Growing Houses | \$0 | \$0 | Consider. |
| J(39) | Standardization of Warrants, Regulations and Traffic Calming Policies | \$0 | \$0 | Consider. |
| J(40) | Toronto Computer Leasing Inquiry (“TCLI”) and Toronto External Contracts Inquiry (“TECI”) | Up to \$2.0 M | \$0 | Consider. |

FISCAL IMPACT STATEMENT NO. 1 [NOTICE OF MOTION J(3)]
 (See Minute 8.90, Page 109)

Financial Implications:

| | |
|---|---|
| Operating | |
| 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 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 checked="" type="checkbox"/> Capital | |
| <input checked="" type="checkbox"/> Current year impacts: \$ <u>430,412.85</u> (net) | <input type="checkbox"/> Future year impacts: \$_____ (net) |
| | <input type="checkbox"/> Following year |
| | <input type="checkbox"/> Future years |
| <input checked="" type="checkbox"/> Funding sources (specify): | |
| <input checked="" type="checkbox"/> Accommodation within approved capital budget | <input checked="" type="checkbox"/> Third party funding |
| <input type="checkbox"/> New revenues | <input checked="" type="checkbox"/> Debt |
| <input type="checkbox"/> Reserve/Reserve Fund contributions | <input checked="" type="checkbox"/> Other |
| <input type="checkbox"/> Budget adjustments: \$_____ (net) | |
| <input type="checkbox"/> Operating Impact: | |
| <input type="checkbox"/> Program costs: \$_____ (net) | |
| <input checked="" type="checkbox"/> Debt service costs: \$60,257.80 (net) | |

Impacts/Other Comments:

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

Notices of Motion – J(3) – Total estimated cost of \$2,528,666.27 to provide for TTC Track replacement, resurfacing, curbs and sidewalks on Gerrard Street East from Coxwell to Jones Avenue, to be accommodated as planned within the 2004 capital expenses of the program. Total \$2,528,666.27 consisting of \$1,754,729.92 recoverable from TTC, \$343,523.50 CFC, \$430,412.85 debt. Council approval in May 2004 sought to maintain construction schedule. Completion end of June 2004.

- Consider
- Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

FISCAL IMPACT STATEMENT NO. 2 [NOTICE OF MOTION J(14)]
(See Minute 8.101, Page 127)

Financial Implications: Institution Waiver & Indemnification Agreement for CBRN Training

Operating

Current year impacts: \$ Unknown (net) Future year impacts: \$ Unknown (net)

Following year
 Future years

Funding sources (specify):

| | |
|---|--|
| <input 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 |

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

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 |

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)

Debt service costs: \$ _____ (net)

Impacts/Other Comments:

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

Notices of Motion – J(14) – Possible unknown costs related to inherent risk with this type of training. Costs of training included in the report and included in the operating budgets are: \$3,185 gross and \$455 net for the first event (after provincial funding) and \$172,150. Gross and \$94,683. Net for the second event (after JEPP funding of 45%)

- Consider Refer to Standing Committee
- Submitted by:

Chief Financial Officer and Treasurer

FISCAL IMPACT STATEMENT NO. 5 [NOTICE OF MOTION J(25)]
(See Minute 8.112, Page 145)

Financial Implications:

| | |
|--|--|
| Operating | |
| Current year impacts: \$ <u>640.00</u> (net) | <input type="checkbox"/> Future year impacts: \$ _____ (net) |
| | <input type="checkbox"/> Following year |
| | <input type="checkbox"/> Future years |
| <input checked="" 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):

Notices of Motion – J(25) – Polling conducted by Clerks and costs included in City Clerk’s operating budget.

Consider Refer to Standing Committee
Submitted by: _____
Chief Financial Officer and Treasurer

FISCAL IMPACT STATEMENT NO. 6 [NOTICE OF MOTION J(32)]
(See Minute No. 8.119, Page 157)

Financial Implications:

| | |
|--|--|
| Operating | |
| Current year impacts: \$ <u>20,000+</u> (net) | <input type="checkbox"/> Future year impacts: \$ _____ (net) |
| | <input type="checkbox"/> Following year |
| | <input type="checkbox"/> Future years |
| <input checked="" 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):

Notices of Motion – J(32) – Waiving all building fees will result in a loss of revenue to the order of \$20,000, with an additional loss of revenue resulting from waiving Planning fees to be determined. This will be accommodated within the approved 2004 Operating Budget of Urban Development Services.

Consider Refer to Standing Committee
Submitted by: _____
Chief Financial Officer and Treasurer

Date: May 19, 2004

FISCAL IMPACT STATEMENT NO. 7 [NOTICE OF MOTION J(40)]
(See Minute 8.127, Page 170)

Financial Implications:

| | |
|---|---|
| Operating | |
| Current year impacts: <u>Up To \$2.0 M</u> (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 operating budget | <input type="checkbox"/> Third party funding |
| <input type="checkbox"/> New revenues | <input type="checkbox"/> Tax rate impact |
| <input type="checkbox"/> Balance Sheet Liability | <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):

Notices of Motion – J(40) – The Chief Financial Officer will report back if additional funding is required.

X Consider Refer to Standing Committee
Submitted by: _____
Chief Financial Officer and Treasurer

Date: May 17, 2004

