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These Minutes were confirmed by City Council on July 20, 2004

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

**TUESDAY, JUNE 22, 2004,
WEDNESDAY, JUNE 23, 2004, AND
THURSDAY, JUNE 24, 2004**

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

CALL TO ORDER

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

The meeting opened with O Canada.

9.2 **CONFIRMATION OF MINUTES**

Councillor Soknacki, seconded by Councillor Moscoe, moved that the Minutes of the Council meetings held on the 19th, 20th, 21st, 22nd, 23rd, 26th, 27th and 28th days of April, 2004, and the 18th, 19th and 20th days of May, 2004, be confirmed in the form supplied to the Members, which carried.

PRESENTATION OF REPORTS

- 9.3 Councillor Davis presented the following Reports for consideration by Council:

Deferred Clauses:

Planning and Transportation Committee Report 3, Clause 2a,

Works Committee Report 3, Clauses 8a and 17a,
Toronto North Community Council Report 4, Clause 20a,
Toronto South Community Council Report 4, Clause 19a, and
Toronto West Community Council Report 3, Clause 16b.

New Reports:

Administration Committee Report 4,
Community Services Committee Report 4,
Economic Development and Parks Committee Report 4,
Planning and Transportation Committee Report 4,
Policy and Finance Committee Report 5,
Works Committee Report 4,
Toronto East Community Council Report 5,
Toronto North Community Council Report 5,
Toronto South Community Council Report 5,
Toronto West Community Council Report 5, and
Board of Health Report 4,

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

- 9.4 Councillor Davis, with the permission of Council, presented the following Report for the consideration of Council:

Works Committee Report 5,

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

9.5 **DECLARATIONS OF INTEREST**

Councillor Chow declared her interest in Toronto South Community Council Report 5, Clause 27, headed "Ontario Municipal Board Appeal - 421-423 Spadina (Trinity Spadina, Ward 20)", in that she owns property in the vicinity of the subject site.

Deputy Mayor Pantalone declared his interest in Policy and Finance Committee Report 5, Clause 11, headed "Review of Business Licensing Fees/Establishment of Traditional Medicine

Establishment and Practitioner Licences”, in that a person from whom he is legally separated is a registered massage therapist.

Councillor Shiner declared his interest in Toronto South Community Council Report 5, Clause 13, headed “Appeal to Ontario Municipal Board - Interim Control by-law – Prohibition of Entertainment Facilities west of Spadina Avenue in King-Spadina Part II Plan Area (Trinity-Spadina, Ward 20)”, in that his family owns property in the King-Spadina Area.

CONSIDERATION OF REPORTS

CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION

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

Planning and Transportation Committee Report 3, Clause 2a.

Works Committee Report 3, Clauses 8a and 17a.

Toronto North Community Council Report 4, Clause 20a.

Toronto South Community Council Report 4, Clause 19a.

Toronto West Community Council Report 3, Clause 16b.

Administration Committee Report 4, Clauses 1, 11 and 18.

Community Services Committee Report 4, Clauses 1, 5, 6, 13, 14 and 16.

Economic Development and Parks Committee Report 4, Clauses 1, 2, 3, 4, 5, 6 and 11.

Planning and Transportation Committee Report 4, Clauses 1, 2, 3 and 5.

Policy and Finance Committee Report 5, Clauses 1, 2, 3, 4, 5, 8, 11, 12, 19, 21, 23 and 24.

Works Committee Report 4, Clauses 3 and 13.

Works Committee Report 5, Clause 1.

Toronto East Community Council Report 5, Clauses 2, 16, 17 and 18.

Toronto North Community Council Report 5, Clauses 10, 32 and 41.

Toronto South Community Council Report 5, Clauses 9, 19, 20, 21, 25, 26, 28, 34, 36, 40, 43, 50 and 67.

Toronto West Community Council Report 5, Clauses 1, 8 and 11.

Board of Health Report 4, Clauses 2 and 3.

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

Planning and Transportation Committee Report 3, Clause 2a.

Community Services Committee Report 4, Clause 16.

Economic Development and Parks Committee Report 4, Clause 11.

Planning and Transportation Committee Report 4, Clauses 1, 2 and 3.

Policy and Finance Committee Report 5, Clause 12.

Works Committee Report 4, Clause 3.

Toronto South Community Council Report 5, Clauses 26 and 34.

Toronto West Community Council Report 5, Clauses 8 and 11.

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:

Policy and Finance Committee Report 5, Clause 10. (See Minute 9.30, Page 40).

Toronto South Community Council Report 5, Clause 5. (See Minute 9.16, Page 20).

Toronto South Community Council Report 5, Clause 6. (See Minute 9.17, Page 22).

CONSIDERATION OF REPORTS CLAUSES WITH MOTIONS, VOTES, ETC.

9.7 **Toronto East Community Council Report 5, Clause 17, headed “Disposition of Surplus Property, 161 Eastwood Avenue (Ward 36 - Scarborough Southwest)”.**

Motion:

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

“That Council adopt the following staff recommendations contained in the Recommendations section of the supplementary report dated June 15, 2004, from the Commissioner of Corporate Services:

‘It is recommended that:

- (1) the Offer to Purchase from Wilfredo Rodriguez to purchase 161 Eastwood Avenue (the ‘Property’) in the amount of \$160,000.00 be accepted on the terms outlined in the body of this report, and that either one of the Commissioner of Corporate Services or the Director of Real Estate

Services be authorized to accept the Offer on behalf of the City;

- (2) authority be granted to direct a portion of the proceeds on closing to fund the outstanding expenses related to this property;
- (3) the City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses and amending the closing date to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Votes:

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

9.8 **Toronto East Community Council Report 5, Clause 18, headed “Disposition of a Parcel of Surplus Vacant Land Located on the West Side of Eastwood Avenue Between 144 and 148 Eastwood Avenue (Ward 36 – Scarborough Southwest)”.**

Motion:

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

“That Council adopt the following staff recommendations contained in the Recommendations section of the supplementary report dated June 15, 2004, from the Commissioner of Corporate Services:

‘It is recommended that:

- (1) the offer from 412 Jarvis Street Holdings Limited to purchase the City-owned parcel of vacant land located on the west side of Eastwood Avenue, being Lot 85, Plan 1812, designated as Part 14 on Reference Plan 64R-6666, in the amount of \$110,001.00, be accepted on the terms outlined in the body of this report, and that either one of the Commissioner of Corporate Services or the Director of Real Estate Services be authorized to accept the Offer on behalf of the City;

- (2) authority be granted to direct a portion of the proceeds on closing to fund the outstanding expenses related to this property;
- (3) the City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses and amending the closing date to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Votes:

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

9.9 **Toronto South Community Council Report 5, Clause 9, headed “Residential Demolition Application - 6 Howard Street (Toronto Centre-Rosedale, Ward 28)”.**

Motion:

Councillor Rae moved that the Clause be referred back to the Toronto and East York Community Council for further consideration.

Vote:

The motion by Councillor Rae carried.

9.10 **Toronto South Community Council Report 5, Clause 28, headed “Balmy Beach Heritage Conservation District Study (Beaches-East York, Ward 32)”.**

Motion:

Deputy Mayor Bussin moved that the Clause be amended by inserting in staff Recommendation (1) contained in the Recommendations section of the report dated April 19, 2004, from the Commissioner of Economic Development, Culture and Tourism, as contained in the Clause, after the words “of this report”, the words “excluding Neville Park Avenue, both sides, south of Queen Street East”, so that the recommendation now reads as follows:

- “(1) City Council pass a by-law pursuant to Part V of the *Ontario Heritage Act* identifying the area shown in Attachment No. 1 of this report, excluding Neville

Park Avenue, both sides, south of Queen Street East, as the Balmy Beach Heritage Conservation District Study Area; and”.

Votes:

The motion by Deputy Mayor Bussin carried.

The Clause, as amended, carried.

9.11 **Toronto South Community Council Report 5, Clause 50, headed “Requests for Endorsement of Events for Liquor Licensing Purposes”.**

June 22, 2004:

Motion:

Councillor Rae moved that the Clause be amended by amending Recommendation (1) of the Toronto South Community Council by adding the following new Parts (n) and (o):

- “(n) Sorauren Park Festival to be held in Sorauren Park on July 17, 2004, nor to the request for a beer garden in the Park in conjunction with the Festival; and
- (o) the Global Cafe music festival to be held during evenings and weekend afternoons from July 7 to 11, 2004, in the Distillery District;”.

Votes:

The motion by Councillor Rae 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 amending Parts (j) and (l) of Recommendation (1) of the Toronto South Community Council to now read as follows:

- “(j) the 2nd Annual Taste of the Entertainment District to be held on Duncan Street between King Street West and Adelaide Street West, from September 10 to 12, 2004, nor to the temporary extension of Filet of Sole Restaurant’s liquor licence for the duration of the event; and
- (l) the Hair Hop Festival to be held on Duncan Street, between King Street West and Adelaide Street West, on July 17, 2004, nor to the temporary extension of the Filet of Sole Restaurant’s liquor licence for the duration of the event;”.

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as further amended, carried.

July 23, 2004:

Deputy Mayor Bussin in the Chair.

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 Clause be further amended by adding the following new Recommendation (13) to the recommendations of the Toronto South Community Council:

“(13) advise the Alcohol and Gaming Commission that it is aware of applications from the following in conjunction with the 2004 Pride Week, which City Council has deemed an event of municipal significance, and has no objection to the granting of the requests:

- (a) Zipperz at 72 Carlton Street for extended hours; and
- (b) ‘All Women’s Weekend’ for a special occasion permit to serve liquor in Norman Jewison Park;”.

Votes:

The motion by Councillor Rae carried.

The Clause, as further amended, carried.

July 24, 2004:

Mayor Miller in the Chair.

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 Clause be further amended by adding the following new Recommendation (14) to the recommendations of the Toronto South Community Council:

- “(14) advise the Alcohol and Gaming Commission that it is aware of the change of venue of the Pride Ball, to be held on June 26, 2004, from Exhibition Place, Automotive Centre, to the Docks Entertainment Complex at 11 Poulson Street. and has no objection to the change of venue, nor to the extension until 4:00 a.m. of the liquor licence of the Docks Entertainment Complex in conjunction with the Pride Ball.”

Votes:

The motion by Councillor Rae carried.

The Clause, as further amended, carried.

In summary, City Council amended this Clause by:

- (1) amending Recommendation (1) of the Toronto South Community Council by:
 - (a) amending Parts (j) and (l) to now read as follows:
 - “(j) the 2nd Annual Taste of the Entertainment District to be held on Duncan Street between King Street West and Adelaide Street West, from September 10 to 12, 2004, nor to the temporary extension of Filet of Sole Restaurant’s liquor licence for the duration of the event;
 - (l) the Hair Hop Festival to be held on Duncan Street, between King Street West and Adelaide Street West, on July 17, 2004, nor to the temporary extension of the Filet of Sole Restaurant’s liquor licence for the duration of the event.”;
 - (b) adding the following new Parts (n) and (o):
 - “(n) Sorauren Park Festival to be held in Sorauren Park on July 17, 2004, nor to the request for a beer garden in the Park in conjunction with the Festival; and
 - (o) the Global Cafe music festival to be held during evenings and weekend

afternoons from July 7 to 11, 2004, in the Distillery District;” and

- (2) adding the following new Recommendations (13) and (14) to the recommendations of the Toronto South Community Council:

“(13) advise the Alcohol and Gaming Commission that it is aware of applications from the following in conjunction with the 2004 Pride Week, which City Council has deemed an event of municipal significance, and has no objection to the granting of the requests:

- (i) Zipperz at 72 Carlton Street for extended hours; and
- (ii) ‘All Women’s Weekend’ for a special occasion permit to serve liquor in Norman Jewison Park; and

(14) advise the Alcohol and Gaming Commission that it is aware of the change of venue of the Pride Ball, to be held on June 26, 2004, from Exhibition Place, Automotive Centre, to the Docks Entertainment Complex at 11 Poulson Street. and has no objection to the change of venue, nor to the extension until 4:00 a.m. of the liquor licence of the Docks Entertainment Complex in conjunction with the Pride Ball.”

9.12 **Works Committee Report 3, Deferred Clause 8a, headed “Execution of a Release for the Cured-in-Place Sanitary Sewer Rehabilitation Project Within G. Ross Lord Park (Ward 8 - York West)”.**

Motions:

- (a) Councillor Moscoe moved that:

- (1) the Clause be referred back to the Works Committee; and
- (2) Council also adopt the following:

“That:

- (a) the Commissioner of Works and Emergency Services be requested to undertake an independent assessment of any environmental damage that may have resulted from this discharge, and report to the Works Committee prior to the finalization of the settlement;
- (b) the cost of the environmental assessment be added to the settlement, as well as any remediation required as a result of the environmental assessment; and

- (c) the Acting Medical Officer of Health be consulted on this matter and be requested to report to Council, through the Board of Health.”

Deputy Mayor Pantalone in the Chair.

- (b) Councillor Li Preti moved that motion (a) by Councillor Moscoe be referred to the Commissioner of Works and Emergency Services for consideration and report to the Works Committee.

Ruling by Deputy Mayor:

Deputy Mayor Pantalone ruled that, as Councillor Li Preti had moved a motion to refer a referral motion, motion (b) by Councillor Li Preti was out of order.

Vote:

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

Yes - 19	
Councillors:	Altobello, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Fletcher, Grimes, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Pantalone, Saundercook, Soknacki
No - 10	
Councillors:	Ashton, Feldman, Ford, Hall, Holyday, Li Preti, Palacio, Thompson, Walker, Watson

Carried by a majority of 9.

9.13 Toronto North Community Council Report 4, Deferred Clause 20a, headed ‘Site Plan Control Application - TB SPC 2001 0077 - Revival Time Tabernacle - 4340 Dufferin Street (Ward 8 - York West)’.

Motion:

Councillor Moscoe moved that the Clause be amended by deleting Recommendation (2) of the Toronto North Community Council, and inserting instead the following:

- “(2) that this matter be reported to Council, through the North York Community Council, after the issues have been addressed by the applicant to the satisfaction of the Commissioner of Urban Development Services.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

9.14 **Policy and Finance Committee Report 5, Clause 5, headed “Restructuring of the Provincial Loan, \$20 Million Payment Deferral for 2004”.**

The Clause was submitted without recommendation.

Motions:

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

“That the following staff recommendations contained in the Recommendations section of the supplementary report dated June 18, 2004, from the Chief Financial Officer and Treasurer, be adopted:

‘It is recommended that:

- (1) authority be granted for the Mayor and Chief Financial Officer and Treasurer to enter into an agreement (the “Agreement”), in accordance with section 102 of the *City of Toronto Act, 1997 (No. 2)* and the *Municipal Act, 2001*, with Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Municipal Affairs and Housing, for the issuance and sale of a debenture in a maximum aggregate principal amount of \$175,330,772.70, such agreement to be substantially in accordance with the draft agreement attached to this report and in form satisfactory to the City Solicitor, and the Chief Financial Officer and Treasurer be authorized to execute such agreement and to issue the new debenture on behalf of the City;
- (2) authority be granted for the introduction of the necessary Bills in Council to give effect thereto; and
- (3) the appropriate officials be authorized to take the necessary actions to give effect thereto.’ ”

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

“That, prior to entering into the ‘Agreement’, the Province be requested to grant the City of Toronto a right of set off similar to the one granted to the Province under Paragraph 7 of the Agreement.”

(c) Councillor Ashton moved that Council adopt the following:

“That the City of Toronto, in agreeing to the restructuring of the Provincial loan, reiterate its position as follows:

- (1) the loan should be forgiven, recognizing its inequitable cost allocation resulting from amalgamation as identified by the Provincial Auditor; and
- (2) offsetting provisions are arbitrary and in favour of the Province of Ontario and not in favour of the City of Toronto.”

Votes:

Motion (a) by Councillor Moscoe carried.

Adoption of motion (b) by Councillor Watson:

Yes - 23 Councillors: Altobello, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Feldman, Fletcher, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Moscoe, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Thompson, Walker, Watson
No - 3 Councillors: Ashton, Holyday, Ootes

Carried by a majority of 20.

Adoption of motion (c) by Councillor Ashton:

Yes - 24 Councillors: Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Fletcher, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Thompson, Walker, Watson
No - 2 Councillors: Feldman, Holyday

Carried by a majority of 22

The Clause, as amended, carried.

In summary, City Council adopted the following:

“That:

- (a) the following staff recommendations contained in the Recommendations section of the supplementary report dated June 18, 2004, from the Chief Financial Officer and Treasurer, be adopted:

‘It is recommended that:

- (1) authority be granted for the Mayor and Chief Financial Officer and Treasurer to enter into an agreement (the “Agreement”), in accordance with section 102 of the *City of Toronto Act, 1997 (No. 2)* and the *Municipal Act, 2001*, with Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Municipal Affairs and Housing, for the issuance and sale of a debenture in a maximum aggregate principal amount of \$175,330,772.70, such agreement to be substantially in accordance with the draft agreement attached to this report and in form satisfactory to the City Solicitor, and the Chief Financial Officer and Treasurer be authorized to execute such agreement and to issue the new debenture on behalf of the City;
 - (2) authority be granted for the introduction of the necessary Bills in Council to give effect thereto; and
 - (3) the appropriate officials be authorized to take the necessary actions to give effect thereto.’;
- (b) prior to entering into the ‘Agreement’, the Province be requested to grant the City of Toronto a right of set off similar to the one granted to the Province under Paragraph 7 of the Agreement; and
 - (c) the City of Toronto, in agreeing to the restructuring of the Provincial loan, reiterate its position as follows:
 - (i) the loan should be forgiven, recognizing its inequitable cost allocation

resulting from amalgamation as identified by the Provincial Auditor; and

- (ii) offsetting provisions are arbitrary and in favour of the Province of Ontario and not in favour of the City of Toronto.”

9.15 **Policy and Finance Committee Report 5, Clause 1, headed “Development Charge By-law”.**

Extension to Question:

Councillor Jenkins asked questions for a period of five minutes. Councillor Grimes, seconded by Councillor Ootes, 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 Jenkins 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 Moscoe moved that the Clause be amended:
 - (1) to provide that the quantum of the residential development charge reflect the maximum amounts calculated in the Background Development Charge Study dated April 21, 2004;
 - (2) by reducing the phase-in period to six months (i.e., implementing the increase in the charge on January 1, 2005); and
 - (3) by deleting any grandfathering provisions.
- (b) Councillor Jenkins moved that the Clause be amended to provide that on January 1, 2006, and on each succeeding January 1st, the Chief Financial Officer and Treasurer increase the Development Charge for each Unit Type by one-quarter of the difference between Option 1 and Option 3 in Table 2 - Options for Residential Development Charge Relief - in addition to indexation adjustments.

Mayor Miller in the Chair.

- (c) Councillor Holyday moved that the Clause be amended to provide that the increase in the Development Charge be half of that recommended by the Policy and Finance Committee.
- (d) Councillor Ashton moved that the Clause be amended by adding the following:

“That:

- (1) the Commissioner of Economic Development, Culture and Tourism and the Chief Financial Officer and Treasurer, in consultation with the General Manager of Water and Wastewater Services, be requested to undertake a business impact analysis of the impact of water rate increases on large industrial users, prior to the setting of the 2005 water rates; and

(2) the Commissioner of Economic Development, Culture and Tourism, in consultation with the Commissioner of Urban Development Services and the Chief Administrative Officer, be requested to review and report to the Policy and Finance Committee on the means and methods to achieve the City of Toronto’s strategic goals, as set out in the new Toronto Official Plan and the Economic Development Strategy, through policy changes, statutory authorities and new tools; and further, that the results inform the ongoing discussions with the Province of Ontario and the Federal Government with regard to the ‘New Deal’, the review and potential amendments of the *Development Charges Act*, and changes to the *Municipal Act* and the *City of Toronto Act*.”

(e) Councillor Walker moved that the Clause be amended to provide that development charges be increased by 20 percent the first year and be reviewed at the end of that year.

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

“That the Chief Financial Officer and Treasurer be requested to report to the Policy and Finance Committee, during the Capital Budget process, on priority projects, by Ward, which would be funded in whole or in part by development charges.”

(g) Councillor Hall moved that the Clause be amended by deleting Recommendation (1) of the Policy and Finance Committee and that Council adopt the following Option 2 in Table 2 in the report dated June 9, 2004, from the Chief Financial Officer and Treasurer, Commissioner of Urban Development Services and Commissioner of Economic Development, Culture and Tourism:

2	Eliminate water/ waste water DC components	33.5%	\$16 M	1.1%	Single/semi Apt. 2+ bdrm Apt. bach/1 bdrm Multiples	\$ 7,350 \$ 4,767 \$ 2,963 \$ 5,850
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(h) Councillor Augimeri moved that the Clause be amended by adding the following:

“That the supplementary report dated June 18, 2004, from the Chief Financial Officer and Treasurer, the Commissioner of Urban Development Services and the Commissioner of Economic Development, Culture and Tourism, entitled ‘Development Charges for “Big Box” and Other Retail Uses’, be referred to the Planning and Transportation Committee for consideration.”

Procedural Motion:

Councillor Soknacki moved that the votes on development charges be taken from the highest to the lowest amount, and that the amount recommended in the Clause be included in the order.

Deputy Mayor Pantalone in the Chair.

Permission to Withdraw Motion:

Councillor Moscoe, with the permission of Council, withdrew his motion (a).

Ruling by Deputy Mayor:

Deputy Mayor Pantalone ruled that the approval of the procedural motion by Councillor Soknacki would only require a simple majority vote by the Members of Council present and voting.

Councillor Mammoliti challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 21	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Balkissoon, Carroll, Davis, De Baeremaeker, Grimes, Hall, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 14	
Councillors:	Ashton, Del Grande, Di Giorgio, Feldman, Ford, Holyday, Jenkins, Mammoliti, Milczyn, Minnan-Wong, Ootes, Palacio, Rae, Shiner

Carried by a majority of 7.

Votes:

Adoption of procedural motion by Councillor Soknacki:

Yes - 22	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Carroll, Davis, De Baeremaeker, Fletcher, Grimes, Hall, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Saundercook, Soknacki, Stintz, Thompson, Watson
No - 14	
Councillors:	Balkissoon, Del Grande, Di Giorgio, Feldman, Ford, Holyday, Jenkins, Mammoliti, Minnan-Wong, Ootes, Palacio, Rae, Shiner, Walker

Carried by a majority of 8.

Adoption of motion (b) by Councillor Jenkins:

Yes - 14	
Councillors:	Augimeri, Balkissoon, Davis, De Baeremaeker, Del Grande, Fletcher, Jenkins, Lindsay Luby, Mihevc, Palacio, Pitfield, Saundercook, Stintz, Watson
No - 22	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Di Giorgio, Feldman, Ford, Grimes, Hall, Holyday, Mammoliti, McConnell, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Shiner, Soknacki, Thompson, Walker

Lost by a majority of 8.

Adoption of Recommendation (1) of the Policy and Finance Committee, without amendment:

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

Carried by a majority of 16.

Deputy Mayor Pantalone, due to the above decision of Council, declared motions (c), (e) and (g), by Councillors Holyday, Walker and Hall, respectively, redundant.

Motion (d) by Councillor Ashton carried.

Motion (f) by Councillor Mammoliti carried.

Motion (h) by Councillor Augimeri carried.

Adoption of Clause, as amended:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Carroll, Davis, De Baeremaeker, Del Grande, Feldman, Fletcher, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Watson
No - 8	
Councillors:	Di Giorgio, Ford, Holyday, Mammoliti, Minnan-Wong, Ootes, Shiner, Walker

Carried by a majority of 20.

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

“That:

- (1) the Commissioner of Economic Development, Culture and Tourism and the Chief Financial Officer and Treasurer, in consultation with the General Manager of Water and Wastewater Services, be requested to undertake a business impact analysis of the impact of water rate increases on large industrial users, prior to the setting of the 2005 water rates;
- (2) the Commissioner of Economic Development, Culture and Tourism, in consultation with the Commissioner of Urban Development Services and the Chief Administrative Officer, be requested to review and report to the Policy and Finance Committee on the means and methods to achieve the City of Toronto’s strategic goals, as set out in the new Toronto Official Plan and the Economic Development Strategy, through policy changes, statutory authorities and new tools; and further,

that the results inform the ongoing discussions with the Province of Ontario and the Federal Government with regard to the 'New Deal', the review and potential amendments of the *Development Charges Act*, and changes to the *Municipal Act* and the *City of Toronto Act*;

- (3) the Chief Financial Officer and Treasurer be requested to report to the Policy and Finance Committee, during the Capital Budget process, on priority projects, by Ward, which would be funded in whole or in part by development charges; and
- (4) the supplementary report dated June 18, 2004, from the Chief Financial Officer and Treasurer, the Commissioner of Urban Development Services and the Commissioner of Economic Development, Culture and Tourism, entitled 'Development Charges for "Big Box" and Other Retail Uses', be referred to the Planning and Transportation Committee for consideration."

Mayor Miller in the Chair.

9.16 **Toronto South Community Council Report 5, Clause 5, headed "Draft By-laws – Official Plan Amendment and Rezoning - 630 and 640 Mount Pleasant Road (St. Paul's, Ward 22)".**

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 in accordance with the following staff recommendations contained in the Recommendations section of the supplementary report dated June 22, 2004, from the Commissioner of Urban Development Services:

"It is recommended that City Council:

- (1) delete Recommendation (4) and replace it with the following:

'authorize the City Solicitor to prepare a Section 37 Agreement to direct the payment of the sum of \$200,000.00 by the applicant into a City General Reserve Fund which will be set up to hold the money to be used for the design and construction of a new splashpad or a retrofit conversion of the existing wading pool in Davisville/June Rowlands Park to a splashpad or to be used otherwise for general improvements in said park;';

- (2) delete Recommendation (7) and replace it with the following:

‘require the applicant to enter into a Site Plan Agreement under Section 41 of the *Planning Act* prior to the issuance of a building permit;’;

- (3) delete Recommendation (9) and replace it with the following:

‘require that the applicant submit to the Commissioner of Works and Emergency Services a strata Reference Plan of Survey, in metric units and referenced to the Ontario Co-ordinate System, delineating thereon by separate PARTS the lands to form part of the condominium corporation, the lands to be under the jurisdiction of the Toronto Parking Authority and any appurtenant rights-of-way and easements. Such plan should be submitted prior to the issuance of a building permit;’;

- (4) delete Recommendation (10) and replace it with the following:

‘require the applicant to submit documentation to the satisfaction of the Commissioner of Works and Emergency Services, prior to the issuance of a building permit, that the reciprocal right-of-way between premises No. 168 Manor Road East and the subject site has been extinguished;’;

- (5) delete Recommendation (11) and replace it with the following:

‘require that the applicant submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to the issuance of a building permit, a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate;’; and

- (6) delete Recommendation (12) and replace it with the following:

‘require the applicant to submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to the issuance of a building permit, a street lighting review to determine the adequacy of the existing street lighting and identify any improvements that may be required;’.

Votes:

The motion by Councillor Walker carried.

The Clause, as amended, carried.

9.17 **Toronto South Community Council Report 5, Clause 6, headed “Draft By-laws – Official Plan Amendment and Rezoning - 36 Whitewood Road (St. Paul's, Ward 22)”.**

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 in accordance with the following staff recommendations contained in the Recommendations section of the supplementary report dated June 18, 2004, from the Commissioner of Urban Development Services:

“It is recommended that City Council:

- (1) delete Recommendation (4) and replace it with the following:

‘require the applicant, prior to the issuance of a building permit, to enter into a Site Plan Agreement under Section 41 of the *Planning Act*;’;

- (2) delete Recommendation (6) and replace it with the following:

‘require that the applicant submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to the issuance of a building permit, a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate;’; and

- (3) delete Recommendation (7) and replace it with the following:

‘require that the applicant submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to the issuance of a building permit, a street lighting review to determine the adequacy of the existing street lighting and identify any improvements that may be required.’ ”

Votes:

The motion by Councillor Walker carried.

The Clause, as amended, carried.

9.18 **Works Committee Report 3, Deferred Clause 17a, headed “Alternate Side Parking - Changeover Times and Grace Periods - Follow-up Report”.**

Motion:

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

“That:

- (1) City Council adopt as City policy the excerpt from the Toronto Police Service Parking Enforcement Unit Policy and Procedure Manual, attached as Appendix ‘A’ to the report dated March 25, 2004, from the Commissioner of Works and Emergency Services (the ‘Policy’);
- (2) Parking Enforcement Officers, parking tags administrative staff and the City prosecutors be guided by this Policy when deciding whether to issue a ticket, file a ticket with the Court or proceed with the charges; and
- (3) the Commissioner of Works and Emergency Services be requested to attach copies of the Policy to parking renewal permits and to make photocopies of the Policy available for pick-up at the applicable City offices and counters.”

Votes:

The motion by Councillor Watson carried.

The Clause, as amended, carried.

9.19 **Toronto South Community Council Report 5, Clause 40, headed “Ontario Municipal Board Appeal – 453 Spadina Road (St. Paul’s, Ward 22)”.**

Motion:

Councillor Rae moved that the Clause be amended in accordance with the staff recommendation contained in the Recommendation section of the supplementary confidential report dated June 18, 2004, from the City Solicitor, entitled “453 Spadina Road (Municipal Car Park No. 164) (St. Paul’s - Ward 22) Appeal to the Ontario Municipal Board by First Spadina Place Inc. of an Application for a Zoning By-law Amendment and Site Plan Approval”. The following recommendation contained in this report is now public and the balance of this report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information which is subject to solicitor-client privilege:

“The City Solicitor be directed to advise the OMB that the applications to develop

453 Spadina Road should be approved in the form submitted to the City by First Spadina under cover of letter dated June 4, 2004, subject to such site plan modifications and conditions as the Commissioner of Urban Development Services considers appropriate.”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

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

9.20 **Policy and Finance Committee Report 5, Clause 19, headed “Human Rights 2003 Annual Report”.**

Motion:

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

“That:

- (1) a copy of this Clause be forwarded to the Roundtable on Access, Equity and Human Rights for information and appropriate follow up at its first meeting; and
- (2) the Executive Director of Human Resources be requested to report to the Policy and Finance Committee, by the end of 2004, on progress in implementing the recommendations in the Auditor General’s Access and Equity Audit.”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

Deputy Mayor Pantalone in the Chair.

9.21 **Policy and Finance Committee Report 5, Clause 8, headed “2003 Final Operating Variance Report”.**

Motions:

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

“That the Chief Financial Officer and Treasurer be requested to provide the most up-to-date financial package to each meeting of the Standing Committees.”

- (b) Councillor Soknacki moved that motion (a) by Councillor Del Grande be referred to the Chief Administrative Officer, with a request that she report, in consultation with the Chief Financial Officer and Treasurer, to the Policy and Finance Committee, as soon as possible, such report to include, but not be limited to, how the City can accomplish the direction of Council of receiving financial information in a timely manner.

Mayor Miller in the Chair.

Votes:

Motion (b) by Councillor Soknacki carried.

The Clause, as amended, carried.

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

“That the following motion be referred to the Chief Administrative Officer, with a request that she report, in consultation with the Chief Financial Officer and Treasurer, to the Policy and Finance Committee, as soon as possible, such report to include, but not be limited to, how the City can accomplish the direction of Council of receiving financial information in a timely manner:

Moved by Councillor Del Grande:

“That the Chief Financial Officer and Treasurer be requested to provide the most up-to-date financial package to each meeting of the Standing Committees.’ ”

9.22 Administration Committee Report 4, Clause 1, headed “2004 Access and Equity Grant Program - Allocations”.

Motions:

- (a) Councillor Mihevc, on behalf of Councillor Carroll, moved that the Clause be amended by:
- (1) deleting from Recommendation (1) of the Administration Committee all of the words after the word “adopted”, and amending the recommendations in the report dated May 21, 2004, from the Chief Administrative Officer accordingly, thereby approving the recommended grant of \$25,000.00 to Organization 71, Scadding Court Community Centre, so that Recommendation (1) of the Administration Committee shall now read as follows:

- “(1) the report (May 21, 2004) from the Chief Administrative Officer be adopted;” and
- (2) referring the funding for Organization 61, Newcomer Centre of North York, to the Chief Administrative Officer for consideration during the Phase Two allocations process.

Deputy Mayor Pantalone in the Chair.

- (b) Councillor Mammoliti moved that Part (2) of motion (a) by Councillor Mihevc be amended to provide that Organization 61, Newcomer Centre of North York, be allocated \$5,000.00 in Phase Two, and be exempt from the appeal process.
- (c) Councillor Ford moved that the Clause be received.
- (d) Councillor Del Grande moved that the Clause be amended by adding the following:

“That:

- (1) the Chief Administrative Officer be requested to report to the Administration Committee on the common principals (individuals), if any, involved in multiple grants; and
- (2) the Chief Administrative Officer be requested to report to the Administration Committee providing a spreadsheet that outlines exactly where the grants are allocated throughout the City and to which organizations the grants are assigned.”

Ruling by Deputy Mayor:

Deputy Mayor Pantalone ruled Part (1) of motion (d) by Councillor Del Grande out of order, as a similar motion had been ruled out of order during the debate on the 2004 Operating Budget and would, therefore, require a re-opening of the budget debate.

Votes:

Adoption of motion (c) by Councillor Ford:

Yes - 3	
Councillors:	Ford, Holyday, Palacio
No - 23	
Mayor:	Miller

Councillors:	Altobello, Ashton, Balkissoon, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Soknacki, Thompson, Walker, Watson
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Lost by a majority of 20.

Adoption of motion (b) by Councillor Mammoliti:

Yes - 10	Councillors: Altobello, Balkissoon, Del Grande, Hall, Lindsay Luby, Mammoliti, Palacio, Thompson, Walker, Watson
No - 16	Mayor: Miller Councillors: Ashton, Davis, De Baeremaeker, Di Giorgio, Fletcher, Ford, Holyday, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Soknacki

Lost by a majority of 6.

Adoption of motion (a) by Councillor Mihevc, on behalf of Councillor Carroll, without amendment:

Yes - 16	Mayor: Miller Councillors: Ashton, Davis, De Baeremaeker, Di Giorgio, Fletcher, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Rae, Soknacki, Thompson, Walker
No - 10	Councillors: Altobello, Balkissoon, Del Grande, Ford, Hall, Holyday, Mammoliti, Milczyn, Palacio, Watson

Carried by a majority of 6.

Adoption of Part (2) of motion (d) by Councillor Del Grande:

Yes - 20	Councillors: Altobello, Ashton, Balkissoon, Davis, Del Grande, Di Giorgio, Ford, Hall, Holyday, Jenkins, Lindsay Luby, Mammoliti, Milczyn, Moscoe, Palacio, Rae, Soknacki, Thompson, Walker, Watson
No - 6	Mayor: Miller

Councillors: De Baeremaeker, Fletcher, McConnell, Mihevc, Pantalone

Carried by a majority of 14.

Adoption of Clause, as amended:

Yes - 21	
Mayor:	Miller
Councillors:	Ashton, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Soknacki, Thompson, Walker
No - 5	
Councillors:	Altobello, Balkissoon, Ford, Holyday, Watson

Carried by a majority of 16.

In summary, City Council amended this Clause by:

- (1) deleting from Recommendation (1) of the Administration Committee all of the words after the word “adopted”, and amending the recommendations in the report dated May 21, 2004, from the Chief Administrative Officer accordingly, thereby approving the recommended grant of \$25,000.00 to Organization 71, Scadding Court Community Centre, so that Recommendation (1) of the Administration Committee shall now read as follows:

“(1) the report (May 21, 2004) from the Chief Administrative Officer be adopted;”;

- (2) referring the funding for Organization 61, Newcomer Centre of North York, to the Chief Administrative Officer for consideration during the Phase Two allocations process; and
- (3) adding the following:

“That the Chief Administrative Officer be requested to report to the Administration Committee providing a spreadsheet that outlines exactly where the grants are allocated throughout the City and to which organizations the grants are assigned.”

Mayor Miller in the Chair.

9.23 **Administration Committee Report 4, Clause 11, headed “Overpayment of Property Taxes”.**

Motion:

Councillor Moscoe moved that the Clause be amended by:

- (1) amending the report dated March 30, 2004, from the Chief Financial Officer and Treasurer, by:
 - (a) deleting from Recommendation (3), the words “between one hundred dollars (\$100) and one thousand dollars (\$1,000) inclusive”, and inserting instead the word and figure “over \$100”, so that such recommendation now reads:

“(3) for residential tax accounts with credit balances over \$100, credit amounts shall be credited or refunded to the current assessed owner of the property, upon receipt by the City of a written refund request signed by the current assessed owner, together with an Indemnification Agreement in a form satisfactory to the City Solicitor;” and
 - (b) amending Recommendation (5) to provide that the funds be held in trust for one year, prior to being transferred to Account No. 215161; and
- (2) adding the following:

“That:

 - (a) the software of the Finance Department be adjusted to accommodate these changes; and
 - (b) the Chief Financial Officer and Treasurer be requested to report to Council, through the Administration Committee, in three months, on recommendations for refinements in the system for refunding overpayment of taxes.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

9.24 **Community Services Committee Report 4, Clause 13, headed “Community Services Grants Program - 2004 Allocations and Appeals Report”.**

Motion:

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

“That the Commissioner of Community and Neighbourhood Services be requested to:

- (1) facilitate a discussion between the Lao Chinese Association of Ontario, the Lao Association of Ontario and the Chinese Senior Health and Recreation Association of Ontario regarding service needs and joint programming opportunities, and report to the Community Services Committee on the successes; and
- (2) work with the Alexandra Park Community Centre and Scadding Court Community Centre to explore opportunities for collaborative programming in the Alexandra Park Community Centre.”

Votes:

The motion by Councillor Mihevc carried.

Adoption of Clause, as amended:

Yes - 21	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Soknacki, Thompson, Watson
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 19.

9.25 **Community Services Committee Report 4, Clause 14, headed “Breaking the Cycle of Violence Grants Program - 2004 Allocations and Appeals”.**

Motions:

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

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

“That the Commissioner of Community and Neighbourhood Services be requested to report to the Community Services Committee providing a spreadsheet that outlines exactly where the grants are allocated throughout the City and to which organizations the grants are assigned.”

Votes:

Adoption of motion (a) by Councillor Ford:

Yes - 3	
Councillors:	Balkissoon, Ford, Holyday
No - 24	
Mayor:	Miller
Councillors:	Altobello, Ashton, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Rae, Soknacki, Thompson, Walker, Watson

Lost by a majority of 21.

The motion by Councillor Del Grande carried.

Adoption of Clause, as amended:

Yes - 25	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Rae, Soknacki, Thompson, Walker, Watson
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 23.

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

“That the Commissioner of Community and Neighbourhood Services be requested to report to the Community Services Committee providing a spreadsheet that outlines exactly where

the grants are allocated throughout the City and to which organizations the grants are assigned.”

9.26 Economic Development and Parks Committee Report 4, Clause 2, headed “2004 Grant Recommendations for the Economic Development Sector Initiatives Program (EDSIP) and the Economic Sponsorship Initiatives (ESI) (All Wards)”.

Motions:

- (a) Councillor Ootes moved that the Clause be amended by:
- (1) referring the EDSIP Applicant/Project 2, “CATA Alliance - TechAction Toronto: Translating Strategy into Action” grant, in the amount of \$40,000.00, back to the Economic Development and Parks Committee for further consideration at its next meeting on July 5, 2004; and
 - (2) adding the following:
“That the Commissioner of Economic Development, Culture and Tourism be requested to report further to the Economic Development and Parks Committee, for its meeting of July 5, 2004, on this grant application.”
- (b) Councillor Del Grande 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 providing a spreadsheet that outlines exactly where the grants are allocated throughout the City and to what organizations the grants are assigned.”

Permission to Withdraw Motion:

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

Votes:

Motion (a) by Councillor Ootes carried.

Adoption of Clause, as amended:

Yes - 22	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Hall, Holyday, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Rae, Soknacki, Thompson, Walker, Watson

No - 1 Councillor: Ford

Carried by a majority of 21.

9.27 **Economic Development and Parks Committee Report 4, Clause 3, headed “2004 Commercial Research Grant Program Grant Recommendations (All Wards)”.**

Motions:

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

Councillor Ootes in the Chair.

Councillor Lindsay Luby in the Chair.

- (b) Councillor Del Grande 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 providing a spreadsheet that outlines exactly where the grants are allocated throughout the City and to what organizations the grants are assigned.”

Deputy Mayor Bussin in the Chair.

Votes:

Adoption of motion (a) by Councillor Ford:

Yes - 3 Councillors: Ford, Holyday, Stintz
No - 23 Councillors: Ashton, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fillion, Fletcher, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Ootes, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Walker, Watson

Lost by a majority of 20.

Adoption of motion (b) by Councillor Del Grande:

Yes - 12 Councillors: Del Grande, Di Giorgio, Ford, Hall, Holyday, Jenkins, Lindsay Luby, Pitfield, Shiner, Soknacki, Stintz, Watson
No - 14

Councillors:	Ashton, Bussin, Carroll, Davis, De Baeremaeker, Fillion, Fletcher, McConnell, Mihevc, Moscoe, Ootes, Pantalone, Saundercook, Walker
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Lost by a majority of 2.

Adoption of Clause, without amendment:

Yes - 23
Councillors: Ashton, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fillion, Fletcher, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Ootes, Pantalone, Pitfield, Saundercook, Shiner, Stintz, Walker, Watson
No - 2
Councillors: Ford, Holyday

Carried by a majority of 21.

Deputy Mayor Bussin in the Chair.

9.28 **Toronto East Community Council Report 5, Clause 16, headed “Sale of Surplus Portions of the Neilson Road and Staines Road Road Allowances (Ward 42 – Scarborough Rouge River)”.**

Motion:

Councillor Thompson moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations section of the report dated June 21, 2004, from the Commissioner of Corporate Services:

“It is recommended that:

- (1) Recommendation (1) of Clause 16 of Report 5 of the Toronto East Community Council be amended to provide that authority be granted for the City to accept the Offer to Purchase submitted by the Owners, provided that the Owners first execute an amendment to the Offer to Purchase, satisfactory to the City Solicitor, to delete all references to ‘Sketch No. PS-2004-077’ and to replace them with ‘Sketch No. PS-2004-098’;
- (2) Recommendations (3), (4) and (5) of Clause 16 of Report 5 of the Toronto East Community Council be amended by deleting all references to ‘Sketch No. PS-2004-077’ and replacing them with ‘Sketch No. PS-2004-098’; and
- (3) the appropriate City officials be authorized and directed to take the necessary action

to give effect thereto.”

Votes:

The motion by Councillor Thompson carried.

The Clause, as amended, carried.

9.29 **Toronto West Community Council Report 3, Deferred Clause 16b, 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)”.**

The Clause was submitted without recommendation.

Motions:

(a) Councillor Di Giorgio moved that Council adopt the following:

“That:

- (1) the City Solicitor identify the public benefit approved, in principle, by both Council and the Ontario Municipal Board in early 2001, and then determine whether the existing Section 37 agreement actually secures this same rental housing as a public benefit which is separate and distinct from affordable housing, and submit a report to Council prior to the approval of the Let’s Build Program application on this site; and
- (2) the staff recommendations contained in the Recommendations section of the report dated March 23, 2004, from the Director, Community Planning, West District, as contained in the Clause, be adopted, subject to the following conditions:
 - (a) that part (1) of the Conditions of Site Plan Approval be amended by adding after the words ‘Chief Building Official’, the words ‘and that it is the responsibility of the owner to ensure that the applicable zoning by-law does not, upon comprehensive review by the Chief Building Official or subsequent judicial reviews, ostensibly violate the site specific amendment to the Official Plan applicable to the site’;
 - (b) that the Commissioner of Urban Development Services be requested to conduct a safety audit, in conjunction with the Community Liaison Committee, to consider such issues as:

- (i) the interior layout of ground floor corridors, stairwells and entry points;
 - (ii) if increased lighting is required;
 - (iii) the need for security camera surveillance;
 - (iv) safety measures for underground parking and rooftop greenspace; and
 - (v) the use of non-scalable, non-penetrable fencing;
 - (c) that the applicant enter into a site plan agreement with the City to address the appropriate and necessary community benefits available under the North York Official Plan in return for a density bonus of 0.5 fsi designated for community improvement;
 - (d) that the cost of the community benefits to be fixed at \$500,000.00, provided the public benefit secured under the Section 37 agreement is affordable, rental housing as distinct from 'affordable rental housing' under the implementation framework for use of Section 37 agreements;
 - (e) that, in the event the public benefit secured under the Section 37 agreement is actually 'affordable rental housing', then the applicant's cost of \$500,000.00 be increased by an amount equal to the sum of the potential recovery of the City property tax exemptions and the City development charge exemptions under the Let's Build Program;
 - (f) that, in the alternative, the applicant's additional cost above \$500,000.00 be reduced by having the applicant explore, in consultation with the Commissioner of Economic Development, Culture and Tourism, the direct delivery of equivalent amenities on City-owned property in the immediate area; and
 - (g) that this agreement be registered on title."
- (b) Councillor Moscoe moved that:
- (1) motion (a) by Councillor DiGiorgio be amended by:
 - (a) amending Part (2)(a) to read as follows:

“(2)(a) that Part (1) of the Conditions of Site Plan Approval be amended by inserting, after the words ‘Chief Building Official’, the words ‘and that it is the responsibility of the owner to ensure that the applicable zoning by-law does not, upon comprehensive review by

the Chief Building Official, violate the site specific amendment to the zoning by-law’;”; and

- (b) referring Parts (2)(c) to (2)(g) to the Commissioner of Urban Development Services for report directly to City Council for its meeting of July 20, 2004; and

- (2) Council adopt the following:

“That:

- (a) in the event that the applicant does not agree to re-open the Section 37 agreement or that the applicant does not agree to the requested \$500,000.00 cost of community benefits to be secured in an amended Section 37 agreement, that the applicant agree by written undertaking to provide the City with a \$100,000.00 contribution for the improvement of community services and/or facilities in Ward 12 and that the undertaking and contribution be provided prior to issuance of any building permit for the development; and
- (b) the staff recommendations contained in the Recommendations section of the report dated March 23, 2004, from the Director, Community Planning, West District, as contained in the Clause, be adopted.”

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

“That, as the applicant has already appealed the Site Plan Application to the Ontario Municipal Board, Council refuse the Site Plan Application.”

- (d) Councillor Walker moved that Council adopt the following:

“That:

- (1) the application be refused; and
- (2) Council request an outside legal opinion concerning the jurisdiction of the Committee of Adjustment in applications that request an amendment to the Zoning By-law that simultaneously amend the Official Plan on the site under consideration.”

Deputy Mayor Pantalone in the Chair.

- (e) Councillor Holyday moved that Part (2)(a) of motion (b) by Councillor Moscoe be amended by deleting the figure “\$100,000.00” and inserting instead the figure “\$50,000.00”.

Permission to Withdraw Motion:

Councillor Walker, with the permission of Council, withdrew Part (1) of his motion (d).

Vote:

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

Yes - 13	
Mayor:	Miller
Councillors:	Augimeri, Carroll, Fletcher, Hall, Holyday, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Rae, Soknacki
No - 21	
Councillors:	Altobello, Ashton, Balkissoon, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Filion, Ford, Grimes, Jenkins, Li Preti, Lindsay Luby, Minnan-Wong, Ootes, Palacio, Pitfield, Stintz, Thompson, Walker, Watson

Lost by a majority of 8.

Permission to Withdraw Motion:

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

Deputy Mayor Pantalone, as Council had granted permission for Councillor Di Giorgio to withdraw his motion (a), declared the decision by Council on Part (1) of motion (b) by Councillor Moscoe, redundant.

Votes:

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

Yes - 10	
Mayor:	Miller
Councillors:	Filion, Fletcher, Hall, Holyday, Mammoliti, McConnell, Mihevc, Moscoe, Rae
No - 24	

Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Carroll, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Ford, Grimes, Jenkins, Li Preti, Lindsay Luby, Minnan-Wong, Ootes, Palacio, Pantalone, Pitfield, Soknacki, Stintz, Thompson, Walker, Watson
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Lost by a majority of 14.

Adoption of motion (c) by Councillor Li Preti:

Yes - 25 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Carroll, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Filion, Ford, Grimes, Jenkins, Li Preti, Lindsay Luby, Minnan-Wong, Ootes, Palacio, Pantalone, Pitfield, Soknacki, Stintz, Thompson, Walker, Watson
No - 9 Mayor: Councillors:	Miller Fletcher, Hall, Holyday, Mammoliti, McConnell, Mihevc, Moscoe, Rae

Carried by a majority of 16.

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

Yes - 32 Mayor: Councillors:	Miller Altobello, Ashton, Augimeri, Balkissoon, Carroll, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Soknacki, Stintz, Thompson, Walker, Watson
No - 2 Councillors:	Holyday, Rae

Carried by a majority of 30.

Deputy Mayor Pantalone, due to the above decisions of Council, declared Part (2)(a) of motion (b) by Councillor Moscoe, and motion (e) by Councillor Holyday, redundant.

Adoption of Clause, as amended:

Yes - 25 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Carroll, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Filion, Ford, Grimes, Jenkins, Li Preti, Lindsay Luby, Minnan-Wong, Ootes, Palacio, Pantalone, Pitfield, Soknacki, Stintz, Thompson, Walker, Watson
No - 9 Mayor:	Miller

Councillors:	Fletcher, Hall, Holyday, Mammoliti, McConnell, Mihevc, Moscoe, Rae
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Carried by a majority of 16.

In summary, City Council adopted the following:

“That:

- (1) as the applicant has already appealed the Site Plan Application to the Ontario Municipal Board, Council refuse the Site Plan Application; and
- (2) Council request an outside legal opinion concerning the jurisdiction of the Committee of Adjustment in applications that request an amendment to the Zoning By-law that simultaneously amend the Official Plan on the site under consideration.”

9.30 Policy and Finance Committee Report 5, Clause 10, headed “Service Agreement Contracts Awarded and Executed by the Medical Officer of Health”.

Motion to Re-Open:

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

“That the Medical Officer of Health be authorized to release \$10,000.00, being one-time seed funding which is 100 percent funded by the Ministry of Health and Long-Term Care, to the Sex Information and Education Council of Canada, to develop a web-based resource.”

Votes:

The motion by Councillor Filion carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

9.31 **Toronto North Community Council Report 5, Clause 10, headed “Proposed Renaming of Forest Hill Memorial Arena to Larry Grossman Memorial Arena (Ward 16 - Eglinton-Lawrence)”.**

Motion:

Councillor Stintz moved that consideration of the Clause be deferred to the next regular meeting of City Council on July 20, 2004.

Vote:

The motion by Councillor Stintz carried.

Deputy Mayor Bussin in the Chair.

9.32 **Toronto South Community Council Report 5, Clause 36, headed “Alterations to Designated Property and Authority to Enter into Heritage Easement Agreement - 438 Church Street (Maple Leaf Gardens) (Toronto Centre-Rosedale, Ward 27)”.**

Motions:

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

“That Loblaws and Maple Leaf Gardens Inc. be requested to consider maintaining an ice rink within the premises.”

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

“That the Site Plan for Maple Leaf Gardens be bumped up.”

Votes:

Adoption of motions (a) and (b), by Councillors Rae and Moscoe, respectively:

Yes - 23	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Ford, Grimes, Hall, Holyday, Li Preti, Lindsay Luby, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Rae, Soknacki, Walker
No - 1	

Councillor: Mihevc

Carried by a majority of 22

Adoption of Clause, as amended:

Yes - 25 Mayor: Miller Councillors: Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Ford, Grimes, Hall, Holyday, Li Preti, Lindsay Luby, McConnell, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Rae, Soknacki, Thompson, Walker
No - 1 Councillor: Mihevc

Carried by a majority of 24.

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

“That:

- (1) the Site Plan for Maple Leaf Gardens be bumped up; and
- (2) Loblaws and Maple Leaf Gardens Inc. be requested to consider maintaining an ice rink within the premises.”

9.33 Works Committee Report 5, Clause 1, headed “Development and Operation of a Small-Scale Research Facility for Processing Residual Municipal Solid Waste - Request for Qualifications No. 9155-04-7021”.

Motions:

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

“That:

- (1) the Minister of the Environment be requested to expedite the establishment of the proposed Environmental Assessment Advisory Panel and the Panel be directed to report to the Minister, within a defined period, with recommendations to streamline and accelerate the Environmental Assessment process for full-scale and research-scale projects; and

- (2) the City of Toronto waste diversion strategy and Environmental Assessment of an integrated residual solid waste management system be considered as a 'flagship' for an expedited, revamped Environmental Assessment process for waste that can be a model for other municipalities in Ontario."
- (b) Councillor Balkissoon moved that the Clause be amended by adding the following:
"That the Commissioner of Works and Emergency Services be requested to investigate and report to the Works Committee on the feasibility of conducting a research program utilizing City of Toronto residual waste at the Enerkem facility located in Sherbrooke, Quebec, and/or any other similar research facility that may be identified."
- (c) Councillor Fletcher moved that motion (b) by Councillor Balkissoon be referred to the Commissioner of Works and Emergency Services for consideration within the City's Environmental Assessment for the disposal of residual waste.

Votes:

Motion (a) by Councillor Pitfield carried.

Adoption of motion (c) by Councillor Fletcher:

Yes - 21	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Grimes, Jenkins, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Walker, Watson
No - 11	
Councillors:	Augimeri, Balkissoon, Del Grande, Di Giorgio, Ford, Hall, Holyday, Lindsay Luby, Minnan-Wong, Ootes, Stintz

Carried by a majority of 10.

Adoption of Clause, as amended:

Yes - 28	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Grimes, Hall, Holyday, Jenkins, McConnell, Mihevc, Minnan-Wong, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Walker, Watson

No - 4 Councillors: Ford, Lindsay Luby, Ootes, Stintz
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Carried by a majority of 24.

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

“That:

- (1) the Minister of the Environment be requested to expedite the establishment of the proposed Environmental Assessment Advisory Panel and the Panel be directed to report to the Minister, within a defined period, with recommendations to streamline and accelerate the Environmental Assessment process for full-scale and research-scale projects;
- (2) the City of Toronto waste diversion strategy and Environmental Assessment of an integrated residual solid waste management system be considered as a ‘flagship’ for an expedited, revamped Environmental Assessment process for waste that can be a model for other municipalities in Ontario; and
- (3) the following motion be referred to the Commissioner of Works and Emergency Services for consideration within the City’s Environmental Assessment for the disposal of residual waste:

Moved by Councillor Balkissoon:

‘That the Commissioner of Works and Emergency Services be requested to investigate and report to the Works Committee on the feasibility of conducting a research program utilizing City of Toronto residual waste at the Enerkem facility located in Sherbrooke, Quebec, and/or any other similar research facility that may be identified.’ ”

9.34 Policy and Finance Committee Report 5, Clause 23, headed “Status of Service Improvement Initiatives”.

Motions:

- (a) Councillor Soknacki moved that the Clause be amended by deleting from staff Recommendation (1) contained in the Recommendations section of the report dated June

1, 2004, from the Chief Administrative Officer, as contained in the Clause, the words “in-house”, so that such recommendation shall now read as follows:

“(1) the work on the twenty-three (23) Council approved Service Improvement Initiatives continue with a priority on joint management/union initiatives that focus on improving service delivery and reducing costs;”.

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

“That the Chief Administrative Officer be requested to report to the meeting of the Policy and Finance Committee on September 15, 2004, on performance benchmarks, including those from the outside, such report to also address performance as measured against benchmarks.”

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

“That the Chief Administrative Officer be requested to report to the next meeting of the Employee and Labour Relations Committee on the Employee Suggestion Program used in Phoenix, Arizona, and how it can be adapted to the City of Toronto.”

Votes:

Adoption of motion (a) by Councillor Soknacki:

Yes - 10	
Councillors:	Balkissoon, Del Grande, Ford, Hall, Holyday, Ootes, Pitfield, Shiner, Soknacki, Stintz
No - 20	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Grimes, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Saundercook, Walker, Watson

Lost by a majority of 10.

Motions (b) and (c) by Councillors Ootes and Pitfield, respectively, carried.

The Clause, as amended, carried.

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

“That the Chief Administrative Officer be requested to:

- (1) report to the next meeting of the Employee and Labour Relations Committee on the Employee Suggestion Program used in Phoenix, Arizona, and how it can be adapted to the City of Toronto; and
- (2) report to the meeting of the Policy and Finance Committee on September 15, 2004, on performance benchmarks, including those from the outside, such report to also address performance as measured against benchmarks.”

9.35 Economic Development and Parks Committee Report 4, Clause 5, headed “2004 Cultural Grants Recommendations - Major Cultural Organizations (All Wards)”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

Yes - 1 Councillor:	Ford
No - 22 Councillors:	Altobello, Ashton, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Milczyn, Moscoe, Pantalone, Rae, Saundercook, Shiner, Stintz, Walker, Watson

Lost by a majority of 21.

Adoption of Clause, without amendment:

Yes - 22 Councillors:	Altobello, Ashton, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Milczyn, Moscoe, Pantalone, Rae, Saundercook, Shiner, Stintz, Walker, Watson
No - 1	

Councillors: Ford

Carried by a majority of 21.

9.36 **Economic Development and Parks Committee Report 4, Clause 6, headed “2004 Arts and Culture Grants Recommendations - Local Arts Service Organizations (All Wards)”.**

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

Yes - 1 Councillor: Ford
No - 22 Councillors: Altobello, Ashton, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Milczyn, Moscoe, Pantalone, Rae, Saundercook, Shiner, Stintz, Walker, Watson

Lost by a majority of 21.

Adoption of Clause, without amendment:

Yes - 22 Councillors: Altobello, Ashton, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Milczyn, Moscoe, Pantalone, Rae, Saundercook, Shiner, Stintz, Walker, Watson
No - 1 Councillor: Ford

Carried by a majority of 21.

Deputy Mayor Pantalone in the Chair.

9.37 **Toronto South Community Council Report 5, Clause 19, headed “Further Amendments to the Subdivision Agreement King-Liberty (Inglis) Lands (Trinity-Spadina, Ward 19)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Rae, on behalf of Deputy Mayor Pantalone, moved that Council adopt the following:

“That the staff recommendations contained in the Recommendations section of the supplementary report dated June 21, 2004, from the Commissioner of Urban Development Services, be adopted, subject to adding additional Recommendations (3) and (4), so that

the staff recommendations, as amended, shall now read as follows:

‘It is recommended that City Council:

- (1) authorize the City Solicitor to amend the subdivision agreement in respect to Registered Plan 66M-2394 of the former City of Toronto, to grant the request of the owner to retain the ownership of the northern portion of the linear park and to install and operate a groundwater collection system in the linear park together with certain access and maintenance easements, in accordance with the body of this report;
- (2) authorize the City Solicitor and other affected City officials as appropriate to do all things necessary to execute and amend the subdivision agreement between the owner and the City to give effect to the requested revisions;
- (3) authorize the City Solicitor to amend the subdivision agreement to require adequate plantings in order to ensure vegetative covering of the north side of the acoustic fence and gabion wall, in a manner satisfactory to the Commissioner of Economic Development, Culture and Tourism in consultation with the local Councillor; and
- (4) request the City Solicitor to ensure that all maintenance and access easements over the linear park minimize vehicular access and disruption to the linear park to the extent reasonably possible.’ ”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

9.38 **Toronto South Community Council Report 5, Clause 43, headed “Variance from Chapter 297, Signs, of the Former City of Toronto Municipal Code - 1000 Gerrard Street East (Toronto-Danforth, Ward 30)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Fletcher moved that City Council adopt the staff recommendations contained in the Recommendations section of the report dated May 7, 2004, from the Director, Community Planning, South District, as contained in the Clause.

Votes:

The motion by Councillor Fletcher carried.

The Clause, as amended, carried.

- 9.39 **Community Services Committee Report 4, Clause 5, headed “Electronic Data Collection System for Toronto Emergency Medical Services - Request for Proposal No. 3405-03-3315”.**

Motion:

Councillor Moscoe moved that the Clause be amended to provide that the contract with Medtronic of Canada Ltd./Medusa Medical Technologies contain a proviso that all data transmitted to hospitals is provided for confidential medical reasons only and subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act, 2004*.

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

- 9.40 **Council considered the following Clauses concurrently:**

- (1) **Policy and Finance Committee Report 5, Clause 2, headed “Report on the Wood Green Ravine Working Group Process (Ward 44 - Scarborough East)”.**
- (2) **Policy and Finance Committee Report 5, Clause 3, headed “Towards an Affordable Home Ownership Policy for Families and Feasibility Assessment of a Proposed Project at Manse Road and Lawrence Avenue East (Ward 44 - Scarborough East)”.**
- (3) **Policy and Finance Committee Report 5, Clause 4, headed “Declaration of Surplus - Parcel of Vacant Land East of Manse Road, South of Lawrence Avenue East (Ward 44 - Scarborough East)”.**

Motions:

- (a) Councillor Cowbourne moved that:

- (1) Policy and Finance Committee Report 5, Clauses 2, 3 and 4, be received; and

- (2) the land known as Part 2, Woodgreen Ravine, East of Manse Road, South of Lawrence Avenue East, be retained under City ownership for future incorporation into the City parks system.

- (b) Councillor Mihevc moved that Policy and Finance Committee Report 5, Clause 4, be amended by inserting the following new Recommendation (3) in the staff recommendations contained in the Recommendations section of the report dated May 31, 2004, from the Commissioner of Corporate Services, as contained in the Clause, and renumbering the remaining recommendations accordingly:

“(3) Council, as the approving authority, waive the City’s obligation as set out in the *Expropriations Act*, to offer the owner(s) from whom the property was expropriated, if any, the first chance to repurchase the lands on the terms of the best offer received by the City;”.

Deputy Mayor Bussin in the Chair.

- (c) Councillor Hall moved that Policy and Finance Committee Report 5, Clause 2, be amended:
- (1) to provide that any site plan design for this area include the preservation of as many trees as possible; and
- (2) by adding the following:

“That the Commissioner of Economic Development, Culture and Tourism be requested to implement a process for the replacement of trees on this site.”

Votes:

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

Yes - 5	
Councillors:	Altobello, Cowbourne, Ford, Holyday, Jenkins
No - 26	
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Thompson, Walker, Watson

Lost by a majority of 21.

Deputy Mayor Bussin, due to the above decision of Council, declared Part (2) of motion (a) by Councillor Cowbourne, redundant.

Adoption of motion (c) by Councillor Hall:

Yes - 30 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Thompson, Walker, Watson
No - 0

Carried, without dissent.

Adoption of motion (b) by Councillor Mihevc:

Yes - 26 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fillion, Fletcher, Giambrone, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Ootes, Pantalone, Rae, Saundercook, Thompson, Walker, Watson
No - 5 Councillors: Cowbourne, Ford, Hall, Holyday, Palacio

Carried by a majority of 21.

Adoption of Policy and Finance Committee Report 5, Clauses 2 and 4, as amended, and Clause 3, without amendment:

Yes - 26 Councillors: Ashton, Augimeri, Balkissoon, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fillion, Fletcher, Giambrone, Hall, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Thompson, Walker, Watson
No - 5 Councillors: Altobello, Cowbourne, Ford, Holyday, Jenkins

Carried by a majority of 21.

In summary, Council:

- (1) amended Policy and Finance Committee Report 5, Clause 2:
 - (a) to provide that any site plan design for this area include the preservation of as many trees as possible; and
 - (b) by adding the following:

“That the Commissioner of Economic Development, Culture and Tourism be requested to implement a process for the replacement of trees on this site.”;
- (2) adopted Policy and Finance Committee Report 5, Clause 3, without amendment; and
- (3) amended Policy and Finance Committee Report 5, Clause 4, by inserting the following new Recommendation (3) in the staff recommendations contained in the Recommendations section of the report dated May 31, 2004, from the Commissioner of Corporate Services, as contained in the Clause, and renumbering the remaining recommendations accordingly:
 - “(3) Council, as the approving authority, waive the City’s obligation as set out in the *Expropriations Act*, to offer the owner(s) from whom the property was expropriated, if any, the first chance to repurchase the lands on the terms of the best offer received by the City;”;

so that the staff recommendations shall now read as follows:

“It is recommended that:

- (1) subject to City Council approving the feasibility of the proposed affordable housing project, the Property be declared surplus to the City’s requirements, with the intended method of disposal to be by way of a sale, to facilitate the affordable housing project, to WRP Neighbourhood Housing, its successors or another entity associated with or controlled by it and acceptable to the Commissioner of Community and Neighbourhood Services, on the terms outlined in the body of this report and subject to the retention of a permanent sewer easement over Part 4 on Sketch No. PMC-99-005e and an access easement over Parts 6 and 9 on said Sketch;
- (2) all steps necessary to comply with Chapter 213 of the City of Toronto Municipal Code be taken;

- (3) Council, as the approving authority, waive the City's obligation as set out in the *Expropriations Act*, to offer the owner(s) from whom the property was expropriated, if any, the first chance to repurchase the lands on the terms of the best offer received by the City;
- (4) authority be granted for the negotiation of an agreement of purchase and sale and any other agreements, deemed appropriate, all on such terms and conditions as are satisfactory to the Commissioner of Corporate Services and the Commissioner of Community and Neighbourhood Services, in consultation with the Commissioner of Economic Development, Culture and Tourism, and all in a form acceptable to the City Solicitor, and to report back on the results of such negotiations; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

9.41 **Policy and Finance Committee Report 5, Clause 11, headed "Review of Business Licensing Fees/Establishment of Traditional Medicine Establishment and Practitioner Licences".**

Motions:

- (a) Councillor Altobello moved that the Clause be amended by:
 - (1) rescinding the following Part (1) of the Action of the Policy and Finance Committee:

"Action taken by the Committee:

The Policy and Finance Committee:

 - (1) referred the portions of the report (June 1, 2004) from the Commissioner of Urban Development Services pertaining to the licence fees for Holistic establishments back to the Commissioner of Urban Development Services for further consideration and report thereon to the Planning and Transportation Committee;"
 - (2) adding the following requirements to the existing standards for Holistic Establishment licences:
 - (a) as a condition of receiving a Holistic Establishment licence:
 - (i) the applicant must provide a letter, in a form approved by the Executive Director of Licensing and Standards, signed by the

- owner of the building from which the Holistic Establishment will operate, acknowledging their understanding that the lessee will be operating a Holistic Establishment and the hours of operation set out within the by-law; and
- (ii) owners of Holistic Establishments must hold a valid Holistic Practitioner's licence;
- (b) as a condition of operating a Holistic Establishment:
- (i) hours of operation will be adjusted such that all Holistic Establishments must close by not later than 8:00 p.m. on any day;
 - (ii) Holistic Establishments must keep a patient record of all patrons, in a form approved by the Executive Director of Licensing and Standards, setting out the malady or condition that is the subject of the Holistic treatment, the nature of treatment provided, and identifying all visits of the patient and the treatment administered at each attendance;
 - (iii) patrons being treated in Holistic Establishments must remain clothed and/or draped during the provision of treatment;
 - (iv) Holistic Practitioners are prohibited from any genital contact with patrons; and
 - (v) Holistic Practitioners and all other staff employed at or providing services of any kind in Holistic Establishments must be properly attired and fully clothed for the administration of treatment, including wearing a smock or other similar attire normally worn by health care providers;
- (3) amending the existing standard for Holistic Practitioner and Holistic Establishment licensees by adding a requirement that the applicant provide identification, acceptable to the Executive Director of Municipal Licensing and Standards, to demonstrate that they meet the current requirement of being at least 18 years of age;

(4) adopting the existing Holistic Establishment licence classification, with the amendments set out in Recommendation (2) above, and with a fee to be established at a rate of \$232.00 for a new application and \$115.00 for renewal applications, effective January 1, 2005; and

(5) adding the following:

“That:

(a) the reports requested by the Planning and Transportation Committee and the Policy and Finance Committee be deferred for one year, and the Commissioner of Urban Development Services be requested to consult with Holistic associations and accredited training facilities and report to the Planning and Transportation and Policy and Finance Committees on:

- (i) the results of the consultation with respect to any amendments to existing or new regulations to this business class;
- (ii) the effectiveness of the newly introduced standards at controlling illegal bodyrub activity in Holistic Establishments; and
- (iii) any further adjustment to the licence fees for Holistic Establishments, and to specifically report with regard to any proposed increase in this fee to be effective January 1, 2006; and

(b) the Commissioner of Urban Development Services be requested to:

- (i) report to the Planning and Transportation Committee, in October 2004, on the establishment of testing panels, such panels to be composed of licensed Holistic Practitioners, to assess whether applicants for Holistic Establishment licences are appropriately qualified to receive a licence, including but not limited to, a review of the training and accreditation they have received as Holistic Practitioners; and
- (ii) review and report further to the Planning and Transportation and Policy and Finance Committees, in one year’s time, on other means of recovering the costs associated with illegal business activities being conducted under the guise of licensed, legitimate businesses, within the context of the provisions and limitations of the *Municipal Act*.”

Deputy Mayor Pantalone in the Chair.

(b) Councillor Moscoe moved that:

(1) motion (a) by Councillor Altobello be amended by adding to Part (5) the following new subparagraph (c), notwithstanding Part (5)(a) of such motion:

“(c) once the system for sorting out the holistic establishments based on the matters set out in this report is operational, the fees for the residual holistics revert to those recommended by staff in the report dated May 7, 2004, from the Commissioner of Urban Development Services.”; and

(2) the Clause be amended by adding the following:

“That the supplementary report dated June 22, 2004, from the Commissioner of Urban Development Services, be referred to the Planning and Transportation Committee for consideration.”

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

“That the Commissioner of Urban Development Services be requested to report to the Planning and Transportation Committee on how other cities around the world have dealt with sex trade issues in the context of licensing legitimate holistic practitioners.”

Note:

Deputy Mayor Pantalone, when Council reconvened at 2:12 p.m. on June 24, 2004, declared an interest in this Clause, in that a person from whom he is legally separated is a registered massage therapist, and subsequently refrained from participating in the balance of the debate on this matter.

Deputy Mayor Bussin in the Chair.

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

“That the federal government be requested to tighten immigration policies to no longer grant work visas to exotic dancers and take steps to restrict the flow of sex trade workers into the country.”

- (e) Councillor Li Preti moved that Part (5)(a) of motion (a) by Councillor Altobello be amended by inserting, after the words “accredited training facilities”, the following words:

“and that a Task Force be established to develop standards, criteria and licensing regulations, etc., such task force to be comprised of the following:

- (i) two members of the Toronto Police Service (Morality Squad);
- (ii) two representatives of Municipal Licensing and Standards;
- (iii) two representatives of the Adult Entertainment Industry;
- (iv) two members of the Holistic Industry;
- (v) two Members of Council; and
- (vi) the City Solicitor.”

- (f) Councillor Hall moved that motion (c) by Councillor Mammoliti be amended by inserting, after the words “Commissioner of Urban Development Services”, the words “Commissioner of Community and Neighbourhood Services and the Acting Medical Officer of Health”.

- (g) Councillor Cowbourne moved that motion (c) by Councillor Mammoliti be amended by deleting the words “in the context of” and inserting instead the words “separate from”.

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

“That the Commissioner of Urban Development Services be requested to:

- (a) develop a protocol with other agencies, including Revenue Canada, Immigration Canada, utility companies, and/or the Toronto Police Service, to co-ordinate follow-up requirements of statutory duties of all parties; and
- (b) notify the Office of the Attorney General and the Minister of Community Safety and Correctional Services of the importance of legislative amendments to allow inspection entry of By-law Enforcement Officers to enforce licensing standards where nuisance and/or community safety issues have been identified.”

- (i) Councillor Carroll moved that motion (e) by Councillor Li Preti be referred to the next meeting of the Planning and Transportation Committee for further consideration.

- (j) Councillor Davis moved that motion (a) by Councillor Altobello be amended by:

- (1) deleting from Part (2)(b)(i) the time “8:00 p.m.”, and inserting instead the time “9:00 p.m.”; and
- (2) adding the following new subparagraph (iv) to Part (5)(a):

“(iv) a review of the hours of operation over the next year, as part of the consultation process;”.

- (k) Councillor Jenkins moved that Part (1) of motion (j) by Councillor Davis be amended by deleting the time “9:00 p.m.”, and inserting instead the time “10:00 p.m.”.

Permission to Withdraw Motions:

Councillor Moscoe, with the permission of Council, withdrew Part (1) of his motion (b).

Councillor Milczyn, with the permission of Council, withdrew his motion (d).

Councillor Li Preti, with the permission of Council, withdrew his motion (e).

Councillor Cowbourne, with the permission of Council, withdrew her motion (g).

Votes:

Adoption of motion (k) by Councillor Jenkins:

Yes - 13	Councillors: Augimeri, Bussin, Carroll, Davis, De Baeremaeker, Di Giorgio, Ford, Holyday, Jenkins, Lindsay Luby, Mihevc, Rae, Shiner
No - 12	Councillors: Altobello, Ashton, Cowbourne, Del Grande, Grimes, Hall, Li Preti, Milczyn, Moscoe, Palacio, Saundercook, Walker

Carried by a majority of 1.

Adoption of motion (j) by Councillor Davis, as amended:

Yes - 16	Councillors: Ashton, Bussin, Davis, De Baeremaeker, Di Giorgio, Fillion, Ford, Grimes, Holyday, Jenkins, Lindsay Luby, Mihevc, Moscoe, Palacio, Rae, Shiner
No - 10	Councillors: Altobello, Augimeri, Carroll, Cowbourne, Del Grande, Hall, Li Preti, Milczyn, Saundercook, Walker

Carried by a majority of 6.

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

Yes - 26 Councillors: Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Ford, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Rae, Saundercook, Shiner, Walker
No - 0

Carried, without dissent.

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

Yes - 25 Councillors: Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Ford, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Saundercook, Shiner, Walker
No - 1 Councillor: Rae

Carried by a majority of 24

Adoption of motion (f) by Councillor Hall:

Yes - 26 Councillors: Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Ford, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Rae, Saundercook, Shiner, Walker
No - 0

Carried, without dissent.

Adoption of motion (c) by Councillor Mammoliti, moved by Councillor Hall in the absence of Councillor Mammoliti, as amended:

Yes - 20	
Councillors:	Altobello, Augimeri, Carroll, Cowbourne, De Baeremaeker, Di Giorgio, Ford, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Milczyn, Moscoe, Ootes, Palacio, Rae, Saundercook, Shiner
No - 7	
Councillors:	Ashton, Bussin, Davis, Del Grande, Filion, Mihevc, Walker

Carried by a majority of 13.

Adoption of motion (h) by Councillor Del Grande:

Yes - 27	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Ford, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Rae, Saundercook, Shiner, Walker
No - 0	

Carried, without dissent.

Adoption of Clause, as amended:

Yes - 27	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Ford, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Rae, Saundercook, Shiner, Walker
No - 0	

Carried, without dissent.

In summary, City Council amended this Clause by:

- (1) rescinding the following Part (1) of the Action of the Policy and Finance Committee:

“Action taken by the Committee:

The Policy and Finance Committee:

- (1) referred the portions of the report (June 1, 2004) from the Commissioner of Urban Development Services pertaining to the licence fees for Holistic establishments back to the Commissioner of Urban Development Services for further consideration and report thereon to the Planning and Transportation Committee;”;
- (2) adding the following requirements to the existing standards for Holistic Establishment licences:
- (a) as a condition of receiving a Holistic Establishment licence:
- (i) the applicant must provide a letter, in a form approved by the Executive Director of Licensing and Standards, signed by the owner of the building from which the Holistic Establishment will operate, acknowledging their understanding that the lessee will be operating a Holistic Establishment and the hours of operation set out within the by-law; and
- (ii) owners of Holistic Establishments must hold a valid Holistic Practitioner’s licence;
- (b) as a condition of operating a Holistic Establishment:
- (i) hours of operation will be adjusted such that all Holistic Establishments must close by not later than 10:00 p.m. on any day;
- (ii) Holistic Establishments must keep a patient record of all patrons, in a form approved by the Executive Director of Licensing and Standards, setting out the malady or condition that is the subject of the Holistic treatment, the nature of treatment provided, and identifying all visits of the patient and the treatment administered at each attendance;
- (iii) patrons being treated in Holistic Establishments must remain clothed and/or draped during the provision of treatment;

- (iv) Holistic Practitioners are prohibited from any genital contact with patrons; and
 - (v) Holistic Practitioners and all other staff employed at or providing services of any kind in Holistic Establishments must be properly attired and fully clothed for the administration of treatment, including wearing a smock or other similar attire normally worn by health care providers;
- (3) amending the existing standard for Holistic Practitioner and Holistic Establishment licensees by adding a requirement that the applicant provide identification, acceptable to the Executive Director of Municipal Licensing and Standards, to demonstrate that they meet the current requirement of being at least 18 years of age;
- (4) adopting the existing Holistic Establishment licence classification, with the amendments set out in Recommendation (2) above, and with a fee to be established at a rate of \$232.00 for a new application and \$115.00 for renewal applications, effective January 1, 2005; and
- (5) adding the following:
- “That:
- (a) the reports requested by the Planning and Transportation Committee and the Policy and Finance Committee be deferred for one year, and the Commissioner of Urban Development Services be requested to consult with Holistic associations and accredited training facilities and report to the Planning and Transportation and Policy and Finance Committees on:
 - (i) the results of the consultation with respect to any amendments to existing or new regulations to this business class;
 - (ii) the effectiveness of the newly introduced standards at controlling illegal bodyrub activity in Holistic Establishments;
 - (iii) any further adjustment to the licence fees for Holistic Establishments, and to specifically report with regard to any proposed increase in this fee to be effective January 1, 2006; and
 - (iv) a review of the hours of operation over the next year, as part of the consultation process; and

- (b) the Commissioner of Urban Development Services be requested to:
 - (i) notify the Office of the Attorney General and the Minister of Community Safety and Correctional Services of the importance of legislative amendments to allow inspection entry of By-law Enforcement Officers to enforce licensing standards where nuisance and/or community safety issues have been identified;
 - (ii) develop a protocol with other agencies, including Revenue Canada, Immigration Canada, utility companies, and/or the Toronto Police Service, to co-ordinate follow-up requirements of statutory duties of all parties; and
 - (iii) report to the Planning and Transportation Committee, in October 2004, on the establishment of testing panels, such panels to be composed of licensed Holistic Practitioners, to assess whether applicants for Holistic Establishment licences are appropriately qualified to receive a licence, including but not limited to, a review of the training and accreditation they have received as Holistic Practitioners; and
 - (iv) review and report further to the Planning and Transportation and Policy and Finance Committees, in one year's time, on other means of recovering the costs associated with illegal business activities being conducted under the guise of licensed, legitimate businesses, within the context of the provisions and limitations of the *Municipal Act*;
- (c) the Commissioner of Urban Development Services, the Commissioner of Community and Neighbourhood Services and the Acting Medical Officer of Health, be requested to report to the Planning and Transportation Committee on how other cities around the world have dealt with sex trade issues in the context of licensing legitimate holistic practitioners; and
- (d) the supplementary report dated June 22, 2004, from the Commissioner of Urban Development Services, be referred to the Planning and Transportation Committee for consideration.”

Mayor Miller in the Chair.

9.42 Policy and Finance Committee Report 5, Clause 24, headed “Pilot Project for 25 Information Pillars, Request for Proposal No. 3012-03-7369”.

Motion:

Councillor Mammoliti moved that the Clause be amended by deleting staff Recommendation (4) contained in the Recommendations section of the report dated May 13, 2004, from the Commissioner of Economic Development, Culture and Tourism and the Chief Financial Officer and Treasurer, and inserting instead the following:

- “(4) provided that there is a favourable review in accordance with Recommendation (3) and Council decides not to pursue a revised comprehensive street furniture program in 2009, and Council authorizes the continuation or expansion of the project, then Council consider at that time whether to provide Astral Media Outdoor L.P. with the option of first right of refusal to extend the agreement for a further five years, excluding portions of land on the public rights-of-way, in accordance with the terms and conditions set out in the RFP;”.

Votes:

The motion by Councillor Mammoliti carried.

The Clause, as amended, carried.

9.43 Toronto North Community Council Report 5, Clause 41, headed “Temporary Construction Fencing Road Allowance Flankage of 94 Glenvale Road (Ward 26 - Don Valley West)”.

The Clause was submitted without recommendation.

Motion:

Councillor Pitfield moved that Council adopt the following:

“That the following staff recommendations contained in the Recommendations section of the supplementary report dated June 23, 2004, from the Commissioner of Works and Emergency Services, be adopted:

‘It is recommended that:

- (1) City Council approve the proposed 2.44 metre high fence and the ongoing maintenance of a 1.90 metre high fence, respectively, on the Rumsey Road flank of 94 Glenvale Boulevard, subject to the property owner entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:

- (a) indemnify the City from and against all actions, suits, claims or demands and from all loss, costs, damages and expenses that may result from such permission granted;
 - (b) maintain the fence at the owner's expense in good repair and a condition satisfactory to the Commissioner of Works and Emergency Services and will not make any additions or modifications to the encroachment beyond what is allowed under terms of the Agreement;
 - (c) remove the fence upon receiving 90 days written notice to do so; and
 - (d) accept such additional conditions as the City Solicitor or the Commissioner of Works and Emergency Services may deem necessary in the interest of the City; and
- (2) in the event of sale or transfer of the property abutting the encroachment, Legal Services and/or the Commissioner of Works and Emergency Services be authorized to extend the Encroachment Agreement to the new owner, subject to the approval of the Commissioner of Works and Emergency Services.' ”

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

9.44 **Works Committee Report 4, Clause 13, headed “Other Items Considered by the Committee”.**

Motions:

- (a) Councillor Moscoe moved that Council:
 - (1) waive the necessary provisions of Chapter 27 of the City of Toronto Municipal Code, in order to consider Item (j), entitled “Establishment of a Beauty School”; and

- (2) refer Item (j), entitled “Establishment of a Beauty School”, to the Planning and Transportation Committee for further consideration.
- (b) Councillor Stintz moved that Council refer Items (d) and (e), entitled “Review of Front Yard Parking Policy” and “Review of Driveway Widening Policy”, respectively, back to the Works Committee for further consideration.

Votes:

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

Part (2) of motion (a) by Councillor Moscoe carried.

Motion (b) by Councillor Stintz carried.

The balance of the Clause was received as information.

9.45 **Board of Health Report 4, Clause 2, headed “2004 Drug Prevention Grants”.**

Vote:

The Clause was adopted, without amendment.

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

9.46 **Board of Health Report 4, Clause 3, headed “2004 AIDS Prevention Grants”.**

Vote:

The Clause was adopted, without amendment.

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

9.47 **Toronto South Community Council Report 5, Clause 25, headed “Removal of Privately Owned Tree - 49 Ridge Hill Drive (St. Paul’s, Ward 21)”.**

Vote:

The Clause was adopted, without amendment.

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

- 9.48 **Economic Development and Parks Committee Report 4, Clause 4, headed “2004 Community Festivals and Special Events Grants Program – Recommendations (All Wards)”.**

Vote:

The Clause was adopted, without amendment.

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

- 9.49 **Toronto South Community Council Report 5, Clause 67, headed “Request for Speed Humps – Pauline Avenue from Bloor Street West to Wallace Avenue (Davenport, Ward 18)”.**

Vote:

Adoption of Clause, without amendment:

Yes - 25	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Saundercook, Stintz, Walker
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 23.

- 9.50 **Community Services Committee Report 4, Clause 1, headed “Response to the Ontario Government’s Consultation Paper on Residential Tenancy Reform”.**

The Clause was submitted without recommendation.

Motions:

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

“That the staff recommendations contained in the Recommendations section of the report dated May 28, 2004, from the Commissioner of Community and Neighbourhood Services, as contained in the Clause, be adopted.”

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

“That a copy of this Clause be forwarded to:

- (a) all known Tenants’ Associations in Toronto;
- (b) all MPPs; and
- (c) all Community Legal Clinics and Legal Aid Agencies.”

Votes:

Adoption of motion (a) by Councillor Mihevc:

Yes - 23 Councillors: Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Grimes, Hall, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Saundercook, Walker
No - 3 Councillors: Ford, Holyday, Ootes

Carried by a majority of 20.

Adoption of motion (b) by Councillor Moscoe:

Yes - 22 Councillors: Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Grimes, Hall, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Saundercook, Walker
No - 3 Councillors: Del Grande, Ford, Holyday

Carried by a majority of 19.

Adoption of Clause, as amended:

Yes - 23

Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fillion, Grimes, Hall, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Saundercook, Walker
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 21.

In summary, City Council adopted the following:

“That:

- (1) the staff recommendations contained in the Recommendations section of the report dated May 28, 2004, from the Commissioner of Community and Neighbourhood Services, as contained in the Clause, be adopted; and
- (2) a copy of this Clause be forwarded to:
 - (a) all known Tenants’ Associations in Toronto;
 - (b) all MPPs; and
 - (c) all Community Legal Clinics and Legal Aid Agencies.”

9.51 Toronto South Community Council Report 4, Deferred Clause 19a, headed “Installation of Speed Humps - Glenside Avenue, between Walpole Avenue and Gerrard Street East (Toronto-Danforth, Ward 30)”.

Vote:

The Clause was adopted, without amendment.

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

9.52 Toronto North Community Council Report 5, Clause 32, 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 Full-Colour Programmable Display at 5000 Yonge Street (Ward 23 – Willowdale)”.

Motion:

Councillor Shiner moved that the Clause be referred back to the North York Community Council for further consideration at its next meeting on July 6, 2004, and report to City Council on July 20, 2004, and the City Solicitor be requested to report to the North York Community Council on any liability to the City of Toronto which may arise from the approval of this sign variance.

Vote:

The motion by Councillor Shiner carried.

9.53 **Economic Development and Parks Committee Report 4, Clause 1, headed “2004 Recreation Grants Program Recommendations (All Wards)”.**

Motion:

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

“That the Corporate Grants Team be directed to review and report to the Policy and Finance Committee on the existing grant outreach and application process, with the objective of achieving greater equity in the grants process while responding to emerging priorities such as the Mayor’s Community Safety Initiative.”

Votes:

The motion by Councillor Del Grande and the Clause, as amended, carried.

9.54 **Planning and Transportation Committee Report 4, Clause 5, headed “Amendments to Municipal Code Chapter 629, Property Standards”.**

Motion:

Councillor Rae moved that the Clause be received.

Votes:

Adoption of motion by Councillor Rae:

Yes - 5 Councillors:	Del Grande, McConnell, Ootes, Palacio, Rae
No - 18 Mayor: Councillors:	Miller Altobello, Ashton, Augimeri, Bussin, Carroll, Davis, Di Giorgio, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, Mihevc, Moscoe, Pantalone, Saundercook, Walker

Lost by a majority of 13.

The Clause was adopted, without amendment.

9.55 Community Services Committee Report 4, Clause 6, headed “Ambulance Station 21 - Sunnybrook Hospital Lands - 2075 Bayview Avenue - Ward 25 - Don Valley West”.

Motion:

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

“That:

- (1) the Chief Administrative Officer be requested to inform Council and the Facilities and Real Estate Division of the Corporate Services Department, through the Community Services Committee, of any outstanding and future requests for City services, including all Committee of Adjustment and planning matters from all departments, received from the University of Toronto, and a copy of this Clause be forwarded to all departments to advise of Council’s Resolution in this regard; and
- (2) Members of Council representing Wards in which University of Toronto facilities are located be briefed by the Facilities and Real Estate Division of the Corporate Services Department.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

9.56 Toronto West Community Council Report 5, Clause 1, headed “Traffic Calming Study - Fernalroy Boulevard (Ward 5 - Etobicoke-Lakeshore)”.

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 staff recommendation contained in the Recommendation section of the report dated May 10, 2004, 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, Ford, Holyday
No - 22 Mayor: Miller Councillors: Altobello, Ashton, Augimeri, Bussin, Carroll, Davis, Di Giorgio, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Walker

Lost by a majority of 19.

The Clause was adopted, without amendment.

9.57 Toronto South Community Council Report 5, Clause 20, headed “Driveway Widening - 17 Lynwood Avenue (St. Paul’s, Ward 22)”.

Motion:

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 staff recommendation contained in the Recommendation section of the report dated June 3, 2004, from the Manager, Right of Way Management, Transportation Services, South District, as contained in the Clause, be adopted.”

Votes:

Adoption of motion by Councillor Holyday:

Yes - 4 Councillors: Augimeri, Del Grande, Ford, Holyday
No - 21 Mayor: Miller Councillors: Altobello, Ashton, Bussin, Carroll, Cowbourne, Davis, Di Giorgio, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Walker

Lost by a majority of 17.

The Clause was adopted, without amendment.

9.58 **Toronto South Community Council Report 5, Clause 21, headed “Driveway Widening - 391 Manor Road East (St. Paul’s, Ward 22)”.**

Motion:

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 staff recommendation contained in the Recommendation section of the report dated May 18, 2004, from the Manager, Right of Way Management, Transportation Services, South District, as contained in the Clause, be adopted.”

Votes:

Adoption of motion by Councillor Holyday:

Yes - 3	
Councillors:	Del Grande, Ford, Holyday
No - 22	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, Di Giorgio, Filion, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook

Lost by a majority of 19.

The Clause was adopted, without amendment.

9.59 **Toronto East Community Council Report 5, Clause 2, headed “Application for Variances to the Former City of Scarborough Sign By-law No. 22980, as amended, for Two Ground signs at 3401 Sheppard Avenue East for Shell Canada Products (Ward 40 – Scarborough Agincourt)”.**

Motion:

Deputy Mayor Pantalone moved that consideration of the Clause be deferred to the next regular meeting of City Council on July 20, 2004.

Vote:

The motion by Deputy Mayor Pantalone carried.

9.60 IN-CAMERA MEETING SESSION OF THE COMMITTEE OF THE WHOLE

June 24, 2004:

Procedural Motion:

Mayor Miller, at 2:45 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matters on the Order Paper for this meeting of Council, in accordance with the provisions of the *Municipal Act*:

- (a) Policy and Finance Committee Report 5, Clause 21, headed “Renewal of Senior Staff Contracts”, as it contains information about identifiable individuals; and
- (b) Administration Committee Report 4, Clause 18, headed “Requests by the Toronto District School Board for Release of City Interest in: St. Conrad Separate School (Ward 9 - York Centre); Yvonne Public School (Ward 7 – York West); and Melody Public School (Ward 7 – York West)”, as it contains information pertaining to the acquisition of land for municipal purposes.

Vote:

The motion by Mayor Miller carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 2:50 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 5:45 p.m., and met in public session in the Council Chamber.

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

9.61 Policy and Finance Committee Report 5, Clause 21, headed “Renewal of Senior Staff Contracts”.

Report of the Committee of the Whole:

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

Moved by Mayor Miller:

“That the Clause be amended by deleting the recommendation of the Policy and Finance Committee and inserting instead the following:

‘That Council adopt the recommendation of the Employee and Labour Relations Committee, as contained in the Clause.’ ”

Votes:

The motion by Mayor Miller carried.

The Clause, as amended, carried.

Further Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the *Municipal Act*, further reported that City Council, at the in-camera portion of its meeting, had also issued confidential instructions to staff, which are to remain confidential in their entirety, in accordance with the provisions of the *Municipal Act*, as they contain information about identifiable individuals.

- 9.62 **Administration Committee Report 4, Clause 18, headed “Requests by the Toronto District School Board for Release of City Interest in: St. Conrad Separate School (Ward 9 - York Centre); Yvonne Public School (Ward 7 – York West); and Melody Public School (Ward 7 – York West)”.**

The Clause was submitted without recommendation.

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 Watson moved that Council adopt the following:

“That:

- (1) the request of the Toronto District School Board to delete the City's interest from title to the St. Conrad Separate School site be granted; and
 - (2) Council advise the Toronto District School Board that it will not release its rights of first refusal with respect to the Yvonne Public School and Melody Public School sites, and the appropriate City staff be authorized to take the necessary action to give effect thereto."
- (b) Councillor Moscoe moved that motion (a) by Councillor Watson be amended by adding the following new Part (3):
- "(3) the local Councillor be notified when the City enters into discussions with respect to any school properties."

Votes:

Motion (b) by Councillor Moscoe carried.

Part (1) of motion (a) by Councillor Watson carried.

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

Yes - 34	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 2	
Councillors:	Del Grande, Mammoliti

Carried by a majority of 32.

The Clause, as amended, carried.

In summary, Council adopted the following:

"That:

- (1) the request of the Toronto District School Board to delete the City's interest from title to the St. Conrad Separate School site be granted;
- (2) Council advise the Toronto District School Board that it will not release its rights of first refusal with respect to the Yvonne Public School and Melody Public School sites, and the appropriate City staff be authorized to take the necessary action to give effect thereto; and
- (3) the local Councillor be notified when the City enters into discussions with respect to any school properties."

9.63 **ADDITIONAL MATTER**

Deputy Mayor Pantalone in the Chair.

Expression of Thanks for Quick Action on a Park Incident

Motions:

- (a) Deputy Mayor Bussin moved that Council adopt the following:

"That City Council extend its sincere appreciation to Constable Fraser Douglas of 55 Division of the Toronto Police Service for his quick actions in bringing to an end what could have been a fatal incident."
- (b) Councillor Thompson moved that Council adopt the following:

"That City Council also extend its appreciation to the dog who befriended the troubled individual and caused him to rethink his intentions to cause harm to the residents in the area."

Vote:

Motions (a) and (b) by Deputy Mayor Bussin and Councillor Thompson, respectively, carried unanimously.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

9.64 **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**

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

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.”

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 Administration 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 Administration Committee was taken as follows:

Vote:

Yes - 9	
Councillors:	De Baeremaeker, Del Grande, Grimes, Holyday, Lindsay Luby, Ootes, Pitfield, Saundercook, Stintz
No - 22	
Mayor:	Miller
Councillors:	Altobello, Balkissoon, Bussin, Carroll, Cowbourne, Davis, Di Giorgio, Filion, Jenkins, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Palacio, Pantalone, Rae, Soknacki, Thompson, Watson

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

Disposition:

Motion I(1) was referred to the Administration Committee.

9.65 **61 Pitt Avenue – Ontario Municipal Board Appeal**

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

Moved by: Councillor Altobello

Seconded by: Councillor Walker

“**WHEREAS** Minor Variance Application A262/03SC was considered by the Committee of Adjustment, East District, to permit a total of 3 dwelling units within a single family dwelling and a street yard parking space; and

WHEREAS the Zoning By-law permits single family dwellings only and permits vehicle parking in the street yard on the portion of the driveway leading to the required parking space only; and

WHEREAS the Acting Director, Community Planning, East District, prepared a report dated March 24, 2004, addressed to the Committee of Adjustment, Scarborough Panel, recommending refusal of the above variances; and

WHEREAS it was the decision of the Committee of Adjustment on March 31, 2004, to refuse the variances (copy attached); and

WHEREAS Application A262/03SC has been appealed to the Ontario Municipal Board and said appeal will be heard on a date to be announced by the Board;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council instruct the City Solicitor to attend the Ontario Municipal Board Hearing in support of the Committee of Adjustment’s decision.”

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 Scarborough 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(1), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 176)

Procedural Vote:

The vote to waive referral of Motion J(1) to the Scarborough 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(1), the following, which are on file in the City Clerk's Office:

- (1) Notice of Decision dated March 31, 2004, from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Scarborough Panel; and
- (2) report dated March 24, 2004, from the Acting Director, Community Planning, East District, addressed to the Chairman and Members of the Committee of Adjustment, Scarborough Panel.

Vote:

Motion J(1) was adopted, without amendment.

9.66 **28 Rees Street (Ward 20 – Trinity - Spadina)**

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

Moved by: Councillor Walker

Seconded by: Councillor Watson

“WHEREAS at its meeting held on May 18, 19 and 20, 2004, Council adopted, without amendment, the confidential recommendations contained in Clause 10 of Report 4 of the Toronto South Community Council (the ‘TSCC Report’);

WHEREAS one of the confidential recommendations (the ‘Recommendation’) of the TSCC Report pertained to a lease granted by the City of Toronto, as landlord, over the property municipally known as 28 Rees Street (the ‘Property’); and

WHEREAS the City Solicitor has provided a confidential report to City Council dated June 8, 2004 in respect of the legal and financial implications relating to the Recommendation;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with § 27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto South Community Council

Report 4, Clause 10, headed 'Ontario Municipal Board Decision – 28 Rees Street (Ward 20- Trinity-Spadina)', be re-opened for further consideration as it pertains to the Recommendation on the lease granted by the City of Toronto over the Property;

AND BE IT FURTHER RESOLVED THAT City Council consider the attached report dated June 8, 2004 from the City Solicitor, and that this report be considered in camera as it relates to matters of solicitor-client privilege;

AND BE IT FURTHER RESOLVED THAT City Council defer consideration of the Recommendation on the lease granted by the City of Toronto over the Property, until such time as City staff report to the Toronto South Community Council on options for the future use of the Property, as previously directed, in the autumn of 2004.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(2), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Council also had before it during consideration of Motion J(2), a confidential report dated June 8, 2004, from the City Solicitor. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act*, as it contains information which is subject to solicitor/client privilege.

Votes:

The first Operative Paragraph in Motion J(2) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(2) was adopted, without amendment.

9.67 **Implementation of the *Social Housing Reform Act, 2000***

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

Moved by: Councillor Moscoe

Seconded by: Councillor Ootes

“**WHEREAS** the *Social Housing Reform Act, 2000* was proclaimed by the Province of Ontario; and

WHEREAS the implementation of the rules in the *Social Housing Reform Act, 2000* changed the way rent-geared-to-income assistance is administered; and

WHEREAS the new rules have created significant negative impacts on tenants receiving rent-geared-to-income assistance including the loss of rent-geared-to-income assistance for issues as minor as reporting income changes later than required; and

WHEREAS the loss of rent-geared-to-income assistance is likely to result in economic eviction and an increase in the number of Torontonians without adequate housing; and

WHEREAS the change in the rules has resulted in the denial of eligibility for rent-geared-to-income assistance for immigrants who are awaiting permanent status in Canada; and

WHEREAS the *Social Housing Reform Act, 2000* has created additional administrative burdens for social housing providers including the requirements for multiple notices; and

WHEREAS municipal service managers, including the City of Toronto, have limited authority to establish policy with respect to the rent-geared-to-income rules set out in the *Social Housing Reform Act, 2000*;

NOW THEREFORE BE IT RESOLVED THAT the Chief Administrative Officer of the City of Toronto communicate with the Minister of Municipal Affairs and Housing outlining the problems created by the *Social Housing Reform Act, 2000* for rent-geared-to-income tenants and social housing providers, and recommend appropriate changes in the legislation;

AND BE IT FURTHER RESOLVED THAT the Minister of Municipal Affairs and Housing be requested to fully consult with tenants, social housing providers, and municipal service managers on changes to the legislation;

AND BE IT FURTHER RESOLVED THAT the City of Toronto demand the Province of Ontario make the necessary regulatory changes in the *Social Housing Reform Act, 2000* as soon as possible.”

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 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(3), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 176)

Procedural Vote:

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

Vote:

Motion J(3) was adopted, without amendment.

9.68 Special Event to Assist the Dominican Republic

Councillor Li Preti 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 Li Preti

Seconded by: Councillor Palacio

“WHEREAS a request has been received from the Consul General of the Dominican Republic for support in assisting that country as a result of severe damage inflicted by the recent hurricane; and

WHEREAS Councillor Li Preti has agreed to hold a Special Event in order to raise funds for this cause, and has arranged for this cultural event to be held in the park adjacent to John Booth Arena on Sunday, July 18, 2004; and

WHEREAS this event is considered to be an event of municipal and/or community significance; and

WHEREAS this event will include a Special Occasion Beer Garden (from 4:00 p.m. to 11:00 p.m.); and

WHEREAS this group requires support and authorization to sell Hispanic food and beer on that day; and

WHEREAS the Alcohol and Gaming Commission of Ontario requires that for events of this nature, approval be granted by City Council; and

WHEREAS the time sensitive nature of this request requires the endorsement of Toronto City Council at the Council meeting which will be held on June 22, 23 and 24, 2004;

NOW THEREFORE BE IT RESOLVED THAT the Toronto City Council, for liquor licencing purposes, declare this to be an event of municipal and/or community significance, and advise the Alcohol and Gaming Commission that it has no objection to the event taking place.”

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 North York 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 176)

Procedural Vote:

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

Vote:

Motion J(4) was adopted, without amendment.

Motion to Re-Open:

Councillor Palacio, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(4) be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Palacio moved that Motion J(4) be adopted, subject to adding to the end of the first

Operative Paragraph, the words “; and that the user fees be exempted”, so that such Operative Paragraph now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT the Toronto City Council, for liquor licencing purposes, declare this to be an event of municipal and/or community significance, and advise the Alcohol and Gaming Commission that it has no objection to the event taking place; and that the user fees be exempted.”

Votes:

The motion by Councillor Palacio carried.

Motion J(4) as amended, carried.

9.69 **Reduction of Speed Limit – Rushton Road, between Vaughan Road and Arlington Avenue (St. Paul’s, Ward 21)**

Councillor Mihevc 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(5), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Mihevc

Seconded by: Councillor Rae

“WHEREAS City Council at its meeting on May 18, 19 and 20, 2004 adopted Toronto South Community Council Report 4, Clause 42, headed ‘Reduction of Speed Limit – Rushton Road, between Vaughan Road and Arlington Avenue (St. Paul’s, Ward 21)’; and

WHEREAS the Ward Councillor wishes to consult further with the community with respect to the reduction of the speed limit and other traffic calming measures;

NOW THEREFORE BE IT RESOLVED THAT in accordance with § 27-49 of the Chapter 27 of the City of Toronto Municipal Code, Toronto South Community Council Report 4, Clause 42, headed, ‘Reduction of Speed Limit – Rushton Road, between Vaughan Road and Arlington Avenue (St. Paul’s, Ward 21)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT City Council refer this Clause back to the Toronto and East York Community Council for further consideration.”

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 176)

Votes:

The first Operative Paragraph in Motion J(5) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(5) was adopted, without amendment.

Summary:

In adopting Motion J(5), without amendment, Council referred Toronto South Community Council Report 4, Clause 42, back to the Toronto and East York Community Council, for further consideration.

9.70 Request for the Ontario Ministry of the Attorney General to Review the Early Intervention (EI) program within the Specialized Domestic Violence (DV) Courts

Councillor Stintz 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 Stintz

Seconded by: Councillor Carroll

“WHEREAS the Domestic Violence (DV) courts were established in 1996 to hear cases specifically dealing with domestic violence charges; and

WHEREAS the incidences of domestic violence are growing along with the charges and subsequent hearings in the DV court system; and

WHEREAS the Early Intervention (EI) Courts were developed within the specialized DV courts in order to deal specifically with first time offenders with the intention of reducing the backlog of cases as well as reducing the recidivism rate for offenders with no prior convictions; and

WHEREAS there have been ongoing discussions with various stakeholders, including the Woman Abuse Council, about the current challenges with the EI Courts, in particular the changes in the type of offenders who are being screened into these courts; and

WHEREAS the Woman Abuse Council is the coordinating body for the City of Toronto with respect to DV courts and has expressed a number of concerns about the EI Courts, particularly with the criteria used to admit offenders to the court and the safety of PAR providers;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto request the Ministry of the Attorney General to engage in a systemic review of the EI Courts focusing on the criteria used to screen offenders;

AND BE IT FURTHER RESOLVED THAT the Woman Abuse Council be consulted on any potential changes to the EI program as a result of the systemic review.”

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 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(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 176)

Procedural Vote:

The vote to waive referral of Motion J(6) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(6) was adopted, without amendment.

9.71 To Appoint an Acting Commissioner of Works and Emergency Services

Mayor Miller, with the permission of Council, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(7), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Mayor Miller

Seconded by: Councillor Pitfield

“**WHEREAS** City Council has learned of the retirement of Mr. Barry Gutteridge, Commissioner of Works and Emergency Services, effective June 29, 2004; and

WHEREAS the Chief Administrative Officer has appointed Dave Kaufman to the office of Acting Commissioner of Works and Emergency Services, commencing June 30, 2004, and until the recruitment process can be completed for the appointment of Commissioner; and

WHEREAS Mr. Kaufman shall have all the powers and duties imposed upon the Commissioner of Works and Emergency Services by Article IX of Chapter 169, City Officials, of the City of Toronto Municipal Code;

NOW THEREFORE BE IT RESOLVED THAT City Council enact the necessary by-law to appoint Mr. Dave Kaufman to the position of Acting Commissioner.”

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(7) 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(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 176)

Procedural Vote:

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

Vote:

Adoption of Motion J(7), without amendment:

Yes - 34
Mayor: Miller
Councillors: Altobello, Balkissoon, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Grimes, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 0

Carried, without dissent.

9.72 **44 Old Forest Hill Road – Ontario Municipal Board Appeal**

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

Moved by: Councillor Walker

Seconded by: Councillor Jenkins

“WHEREAS on March 11, 2004 the Midtown Committee of Adjustment refused an application for minor variances at 44 Old Forest Hill Road; and

WHEREAS the applicant has appealed the decision of the Committee of Adjustment to the Ontario Municipal Board and a Hearing date will be set; and

WHEREAS the applicant proposes to add a one-storey addition to the front of the garage; and

WHEREAS the Zoning By-law requires a minimum setback of 4.77 metres and the proposed front yard setback is 0.025 metres; and

WHEREAS the permitted gross floor area in Forest Hill is 0.35 and the proposed gross

floor area of the proposal is 0.85; and

WHEREAS this proposal is out-of-keeping with the character of Forest Hill and would introduce a suburban-style built form with a very prominent garage at the front of the property; and

WHEREAS this development was opposed by Urban Development Services, by the North Hill District Homeowners Association and the immediate neighbours and City Planning staff feel it is important to defend the Committee of Adjustment's decision; and

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor in consultation with the Commissioner of Urban Development Services be directed to seek status and to attend all Ontario Municipal Board hearings with respect to 44 Old Forest Hill Road to oppose the appeal.”

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 Toronto and East York 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(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 176)

Procedural Vote:

The vote to waive referral of Motion J(8) to the Toronto and East York 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(8), the following, which are on file in the City Clerk's Office:

- (1) Notice of Decision dated March 19, 2004, from the Committee of Adjustment, Midtown Panel; and
- (2) report dated March 9, 2004, from the Director, Community Planning, South District, addressed to the Chairman and Members of the Committee of Adjustment, Midtown Panel.

Vote:

Motion J(8) was adopted, without amendment.

9.73 **Amendment to Toronto North Community Council Resolution Regarding the Final Report – OPA and Rezoning Application, Beaverbrook Homes Inc. - 2772-2778 Keele Street**

Councillor Augimeri 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(9), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Augimeri

Seconded by: Councillor Moscoe

“WHEREAS Vincent Baffa, Beaverbrook Homes Inc. (the ‘Applicant’) has made an application to amend the former City of North York Official Plan and Zoning By-law 7625 on the lands known municipally as 2772-2778 Keele Street in order to permit an 8 to 10 storey, 140 unit residential apartment building; and

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

WHEREAS Toronto North Community Council at its meeting held on May 4, 2004, recommended that the application be approved, subject to conditions contained in a Resolution submitted by Councillor Moscoe (the ‘Resolution’); and

WHEREAS the fourth Operative Paragraph of the Resolution amended Recommendation (4) of the report (February 24, 2004) from the Acting Director of Community Planning, North District, by deleting the amount of ‘\$52,000.00’, and replacing it with ‘\$200,000.00, such amount to be paid upon coming into force of the by-law’; and

WHEREAS the third Operative Paragraph of the Resolution amended the Draft By-law appended to the above-noted report by deleting the word ‘midpoint’ contained in Section 2(l) and replacing it with the words ‘south-west corner’; and

WHEREAS City Council at its meeting held on May 18, 19, and 20, 2004 adopted, without amendment, Toronto North Community Council Report 4, Clause 21; and

WHEREAS as a result of minor modifications to the application that will be before the Ontario Municipal Board, and insufficient time for City staff evaluation of these modifications, Section 2(l) of the Draft By-law, as amended by the Resolution, may require a further amendment prior to the Appeal; and

WHEREAS the Applicant has agreed with all other provisions included within the Draft By-

law, and there is a reasonable expectation that the Applicant and the City will agree upon appropriate wording for Section 2(1) of the Draft By-law prior to the Appeal;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto North Community Council Report No. 4, Clause No. 21, headed ‘Final Report - OPA and Rezoning Application 01 036296 NNY 09 OZ - Vincent Baffa, Beaverbrook Homes Inc. - 2772-2778 Keele Street (Ward 9 - York Centre)’, be re-opened for further consideration, and the following recommendations be adopted:

(1) that Council amend Recommendation (4) of the report (February 24, 2004) from the Acting Director of Community Planning, North District, as amended by Council, so that Recommendation (4)(a) now reads:

‘(4) Before introducing the necessary Bills to amend the North York Official Plan and Zoning By-law to Council for enactment, the following conditions shall be fulfilled to the satisfaction of the City Solicitor:

(a) The owner shall enter into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, in a form satisfactory to the City Solicitor to secure the following:

(i) a contribution of \$200,000.00, with \$60,000.00 of such amount to be paid upon coming into force of the by-law, and \$140,000.00 of such amount to be paid prior to the issuance of a building permit, for the following improvements:

- landscaping on the Downsview Library property; and
- streetscape improvements on Keele Street north of the intersection of Keele Street and Wilson Avenue.’;

(2) that Council amend the third Operative Paragraph of the Resolution by deleting the words ‘the word “midpoint” contained in Section 2(l) and substituting the words “south-west corner” ’ and replacing them with the words ‘Section 2(l) and renumbering Sections 2(m) and 2(n) accordingly’, so that the third Operative Paragraph now reads:

‘FURTHER BE IT RESOLVED THAT the Draft By-law appended to the report of the Acting Director of Community Planning, North District be amended by deleting Section 2(l) and renumbering Sections 2(m) and 2(n) accordingly; and’; and

- (3) that the City Solicitor, in consultation with the Commissioner of Urban Development Services and the Ward Councillor, be authorized to negotiate with the Applicant to achieve a suitable substitution for the wording of Section 2(l) of the Draft By-law, and in the event that a suitable solution cannot be achieved, that the wording referencing the ‘south-west corner’ contained in the Draft By-law as amended, shall stand.”

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 176)

Votes:

The first Operative Paragraph in Motion J(9) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(9) was adopted, without amendment.

9.74 Food Services at Yonge and Dundas Square

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

Moved by: Councillor Rae

Seconded by: Councillor McConnell

“**WHEREAS** the Yonge Dundas Square Board of Management has the authority to issue Requests for Proposals for revenue generating opportunities for Yonge Dundas Square; and

WHEREAS the Board of Management is required to advise City Council on the results of such requests and report its recommendations to City Council; and

WHEREAS the Board of Management has completed a Request for Proposal process for Food Vendors at Yonge Dundas Square; and

WHEREAS the Board of Management has selected two proponents and in order to maximize revenues during the peak tourist season, the Board is interested in executing agreements with the selected proponents immediately; and

WHEREAS the Board of Management has been given the responsibility by City Council to manage Yonge Dundas Square and in order to effectively fulfil this role, the Board requires the ability to conduct such business transactions in an expeditious manner; and

WHEREAS there is a lack of clarity in the City of Toronto By-law No. 889-2002 (Chapter 636, Public Squares, of the City of Toronto Municipal Code) concerning the Board's authority to enter into such agreements without Council authority; and

WHEREAS the Board requires such authority to efficiently manage Yonge Dundas Square;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the recommendations in the attached report dated June 18, 2004, from the Commissioner of Economic Development, Culture and Tourism, and the Chief Financial Officer and Treasurer;

AND BE IT FURTHER RESOLVED THAT Council delegate authority to the Yonge Dundas Square Board of Management to enter into vending, sponsorship and advertising agreements for a maximum term of three years, and that the Board be asked to report annually on these activities, and authority be granted for the introduction of the necessary bill in Council.”

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(10) 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(10), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 176)

Procedural Vote:

The vote to waive referral of Motion J(10) to the Economic Development and Parks Committee

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

Council also had before it, during consideration of Motion J(10), a report dated June 18, 2004, from the Commissioner of Economic Development, Culture and Tourism, and the Chief Financial Officer and Treasurer, entitled "Food Services at Yonge and Dundas Square, RFP No. 0613-04-7070, Ward 27 - Toronto Centre-Rosedale". (See Attachment 1, Page 158.)

Vote:

Motion J(10) was adopted, without amendment.

Summary:

In adopting Motion J(10), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations section of the report dated June 18, 2004, from the Commissioner of Economic Development, Culture and Tourism and the Chief Financial Officer and Treasurer, entitled "Food Services at Yonge Dundas Square RFP No. 0613-04-7070 (Ward 27 - Toronto Centre Rosedale)":

"It is recommended that:

- (1) authority be given to the Yonge Dundas Square Board of Management to enter into an agreement with 505707 Ontario Limited - 'The Grenadier Group' and Tiny Tom Donuts Limited to provide food services on the terms outlined in this report and in a form and content satisfactory to the Commissioner of Economic Development, Culture and Tourism and the City Solicitor; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

9.75 **Toronto Police Service – 2004 Community Action Policing Program**

Councillor Ootes 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(11), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Ootes**

Seconded by: **Councillor Filion**

"**WHEREAS** Toronto City Council, at its meeting on April 19 to 28, 2004, considered the 2004 Operating Budget for the Toronto Police Service and requested that the Mayor's

Office, the Chair of the Toronto Police Services Board, the Chief of Police, the Chief Administrative Officer, the Chief Financial Officer and Treasurer and the Chair of the Budget Advisory Committee report to Council on the implementation of a community action policing program that would operate between June 14, 2004 and September 5, 2004, and would be funded within the existing 2004 Toronto Police Service operating budget; and

WHEREAS the Toronto Police Services Board, at its meeting held on June 21, 2004, gave consideration to a report dated May 18, 2004, from the Chief of Police in this regard; and

WHEREAS the Chair, Toronto Police Services Board, has submitted the attached report dated June 22, 2004;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 3, Clause 2, headed 'City of Toronto 2004 Budget Advisory Committee Recommended Operating Budget', be re-opened for further consideration, only insofar as it pertains to the Toronto Police Service Budget;

AND BE IT FURTHER RESOLVED THAT City Council give consideration to the report dated June 22, 2004, from the Chair, Toronto Police Services Board, and that the recommendation in such report be adopted.”

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 a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 1, Page 179)

Council also had before it, during consideration of Motion J(11), a report dated June 22, 2004, from the Chair, Toronto Police Services Board, entitled “Request for Funds for the Toronto Police Service – 2004 Community Action Policing Program”. (See Attachment 2, Page 162).

Motion:

Councillor Soknacki moved that Motion J(11) be referred to the Budget Advisory Committee to identify a source of funding for the 2004 Community Action Policing Program and report to Council for its meeting on July 20, 2004, through the Policy and Finance Committee. Council also requested the Chief Financial Officer and Treasurer to provide to the Budget Advisory Committee the historical data related to this program.

Vote on Referral:

The motion by Councillor Soknacki carried.

9.76 **Contribution Agreements for Various Toronto Waterfront Revitalization Initiatives**

Councillor Cowbourne 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 Cowbourne

Seconded by: Councillor Grimes

“**WHEREAS** Council on May 30, 31 and June 1, 2001, authorized the Mayor, as the designated representative for the Waterfront Revitalization Initiative, to execute the Contribution Agreement with the Federal and Provincial Governments and the Toronto Waterfront Revitalization Initiative (TWRC) for the Four Priority Projects; and

WHEREAS the Contribution Agreement for the Four Priority Projects was executed by all parties on June 16, 2004, thereby permitting additional funds to flow from the three government partners to the TWRC for these items; and

WHEREAS Council on April 19 to 28, 2004, approved funding for the Port Union and Mimico Strategic Parks Projects, the Harbourfront Water’s Edge Promenade Project, and certain precinct planning exercises in the 2004 – 2008 Capital Works Program for the Waterfront Revitalization Project; and

WHEREAS negotiation of a Contribution Agreement by all four parties for these items is nearing completion; and

WHEREAS additional Contribution Agreements will be negotiated for other items approved by Council in the 2004 – 2008 and future Capital Works Programs for the Waterfront Revitalization Initiative; and

WHEREAS the flow of funds to the TWRC from the three government partners must be conducted in a timely and expeditious manner to ensure success of the Initiative;

NOW THEREFORE BE IT RESOLVED THAT Council consider the report dated June 18, 2004 from the Commissioner, Urban Development Services, entitled ‘Authority to Enter into Contribution Agreements for Various Toronto Waterfront Revitalization Initiatives’, and that the recommendations in 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(12) 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(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 176)

Procedural Vote:

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

Council also had before it, during consideration of Motion J(12), a report dated June 18, 2004, from the Commissioner, Urban Development Services, entitled "Authority to Enter into Contribution Agreements for Various Toronto Waterfront Revitalization Initiatives". (See Attachment 3, Page 168.)

Vote:

Motion J(12) was adopted, without amendment.

Summary:

In adopting Motion J(12), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations section of the report dated June 18, 2004, from the Commissioner of Urban Development Services, entitled "Authority to enter into Contribution Agreements for various Toronto Waterfront Revitalization Initiatives":

"It is recommended that:

- (1) Council authorize the City to enter into Contribution Agreements with the Federal and Provincial governments and the Toronto Waterfront Revitalization Corporation for waterfront projects, provided that the City's share of funding for those projects has been included in current or future Capital Budgets for the Waterfront Revitalization Initiative as approved by Council;

- (2) Council authorize the Mayor, as the City's designated representative for the Waterfront Revitalization Initiative, to execute these Contribution Agreements on behalf of the City; and
- (3) appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

9.77 **2525 Bloor Street West – Ontario Municipal Board Appeal**

Councillor Saundercook 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(13), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Saundercook

Seconded by: Councillor Jenkins

“WHEREAS the Committee of Adjustment refused the application for 2525 Bloor Street West to permit the increase in the number of dwelling units from 4 to 5, by adding one additional unit in the basement, on March 29, 2004; and

WHEREAS the Committee of Adjustment refused the application on the basis that the general intent of the Official Plan and Zoning By-law was not maintained, the variance(s) was not considered desirable for the appropriate development of the land, and in the opinion of the Committee, the variance(s) was not minor; and

WHEREAS the community has voiced strong concerns over density, traffic, intensity of use, property maintenance, parking and safety issues surrounding an additional fifth unit on the site; and

WHEREAS the applicant has appealed the Committee of Adjustment's decision to the Ontario Municipal Board and will be heard on August 5, 2004;

NOW THEREFORE BE IT RESOLVED THAT the City send a City Solicitor and Planner to the Ontario Municipal Board to defend the Committee of Adjustment's decision to refuse the application.”

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 Etobicoke York 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(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 176)

Procedural Vote:

The vote to waive referral of Motion J(13) to the Etobicoke York 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(13), a Notice of Decision dated March 29, 2004, from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Humber York Panel, which is on file in the City Clerk's Office.

Vote:

Motion J(13) was adopted, without amendment.

9.78 Proposal to Waive Various Fees – Russo Family Renovations

Councillor Mammoliti 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(14), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Mammoliti

Seconded by: Councillor Li Preti

“WHEREAS on April 21, 2004, Louise Russo was left paralyzed by a stray bullet becoming a tragic victim of crime; and

WHEREAS the Russo family home will need dramatic renovations to allow Mrs. Russo and her family to live comfortably; and

WHEREAS many individuals and companies around the GTA have donated their time and specified skill in an attempt to aid the Russo family; and

WHEREAS the City of Toronto should do its part to aid the Russo family;

NOW THEREFORE BE IT RESOLVED THAT this Council waive any and all building

and permitting fees and any other related City application fees including the Committee of Adjustment with respect to the Russo family renovation plans.”

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 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(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 180)

Procedural Vote:

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

Vote:

Motion J(14) carried unanimously, without amendment.

9.79 City Staff Attendance at Community Meetings

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

Moved by: Councillor Mammoliti

Seconded by: Councillor Del Grande

“**WHEREAS** Councillors are the elected representatives in each of their respective wards and are ultimately responsible for ensuring that each of their own constituent’s concerns are individually addressed; and

WHEREAS Councillors should be present to hear their own constituents concerns at any meeting or forums where issues pertinent to their respective wards are discussed; and

WHEREAS City staff are supposed to be responsible for aiding the Councillors in attending

to concerns in the Councillor's respective ward; and

WHEREAS City Planning staff attended a meeting in York West, Ward 7 that was politically driven before the scheduled public meeting called for July 12, 2004; and

WHEREAS the City's Planning staff was advised of the date of the scheduled public meeting and that the local Councillor was not invited;

NOW THEREFORE BE IT RESOLVED THAT City staff not arbitrarily decide which meetings they choose to attend with or without the local Councillor responsible for that area present;

AND BE IT FURTHER RESOLVED THAT City staff not be in attendance at any community meetings and/or planning meetings where the local Councillor or his/her staff is not in attendance.”

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 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(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 176)

Procedural Vote:

The vote to waive referral of Motion J(15) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Bussin in the Chair.

Motion:

Mayor Miller moved Motion J(15) be amended by deleting the first two Operative Paragraphs and inserting instead the following:

“NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Development Services be requested to implement a protocol for community planning

meetings whereby staff will only attend where invitations are extended to the local Councillor or his/her staff and City Planning staff.”

Votes:

The motion by Mayor Miller carried.

Motion J(15) as amended, carried.

Mayor Miller in the Chair.

9.80 Potential Redevelopment of 3 Parcels of Land in North York

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(16), moved by Councillor Mammoliti, seconded by Councillor Saundercook, and in the absence of Councillors Mammoliti and Saundercook, moved by Councillor Moscoe, seconded by Councillor Walker, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Moscoe

Seconded by: Councillor Walker

“**WHEREAS** the Toronto Catholic District School Board has declared the vacant lands adjacent to St. Basil The Great College School as surplus lands; and

WHEREAS the Commissioner of Urban Development Services has received an inquiry regarding the potential for the redevelopment of the lands, which have been declared surplus by the Toronto Catholic District School Board; and

WHEREAS the Commissioner of Urban Development Services has also had an inquiry regarding the property to the north, 3025 Weston Road, the King Koil mattress factory, which is directly north of the Toronto Catholic District School Board lands; and

WHEREAS the Commissioner of Urban Development Services is also processing Applications for an Official Plan and Zoning By-law Amendment and Subdivision Approval for 2277 Sheppard Avenue West, which is directly north of the King Koil mattress factory;

NOW THEREFORE BE IT RESOLVED THAT staff be instructed, that when reviewing any applications for redevelopment of these three properties, such applications be considered in a comprehensive manner;

AND BE IT FURTHER RESOLVED THAT staff be instructed to consider in their review of any development applications of these properties, the need for public roads and connections between properties.”

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 North York 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(16), 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 176)

Procedural Vote:

The vote to waive referral of Motion J(16) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(16) was adopted, without amendment.

9.81 128R Sheridan Avenue - Ontario Municipal Board Appeal

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(17), moved by Councillor Giambrone, seconded by Councillor Fletcher, and in the absence of Councillor Giambrone, moved by Councillor Walker, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Walker

Seconded by: Councillor Fletcher

“**WHEREAS** the Committee of Adjustment refused an application made by Milenov Associates for variances to the Zoning By-law to permit a two storey addition to an existing industrial building and to convert that building to an apartment building containing 4 dwelling units at 128R Sheridan Avenue; and

WHEREAS the decision of the Committee of Adjustment to refuse the application has been appealed to the Ontario Municipal Board by Milenov Associates; and

WHEREAS Community Planning had written to the Committee of Adjustment advising that the application should be refused because the development should be reviewed as a rezoning; and

WHEREAS the building proposed for conversion is located behind an existing apartment building at 128 Sheridan Avenue; the only pedestrian and vehicular access is through a public lane that becomes private once it extends past the rear of the property at 128 Sheridan Avenue; the development requires additional review regarding site servicing, fire access and protection, solid waste collection and other 'house behind a house' issues such as privacy and overlook, adequate landscaping and parking; and

WHEREAS Works and Emergency Services has advised the Committee of Adjustment that to fully assess the implications of the development, it should be the subject of a rezoning application;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto instruct the City Solicitor and City staff to attend the Ontario Municipal Board hearing to support the decision of the Committee of Adjustment.”

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 Toronto and East York 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(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 176)

Procedural Vote:

The vote to waive referral of Motion J(17) to the Toronto and East York 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(17), the following, which are on file in the City Clerk's Office:

- (1) Notice of Decision dated March 29, 2004, from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Humber York Panel;
- (2) communication dated March 15, 2004, from the Manager, Development Engineering, District 1, Works and Emergency Services, addressed to the Manager, Committee of Adjustment, Humber York Panel; and
- (3) report dated March 17, 2004, from the Director, Community Planning, South District, Urban Development Services, addressed to the Chairman and Members of the Committee of Adjustment, Humber York Panel.

Vote:

Motion J(17) was adopted, without amendment.

9.82 Consideration of Reserving the Name “Thomas Bata” for Future Use on a Street, Trail or Greenspace in the City of Toronto

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: Mayor Miller

“WHEREAS the children of Thomas J. Bata (Thomas G. Bata, Christine Schmidt, Monica Pignal and Rosemarie Bata) have come forward to request that the City of Toronto name a street, trail or greenspace after their father; and

WHEREAS, at the close of World War II, Thomas Bata immigrated to Ontario from the Czech city of Zlin and founded the Bata shoe-making enterprise in Canada; and

WHEREAS Thomas Bata used his entrepreneurial skills and business acumen to transform this shoe-making enterprise into one of the world’s largest shoe manufacturers and private companies, with its head office located in Toronto; and

WHEREAS Thomas J. Bata has devoted his talents and resources to the support of many Toronto charities, hospitals and cultural institutions, including the Canadian Opera Company, Junior Achievement Toronto and York Region, the National Ballet School, North York General Hospital and the Toronto Children’s Chorus; and

WHEREAS Thomas J. Bata has received the companion of the Order of Canada and many other honours to numerous to mention; and

WHEREAS Thomas J. Bata will be celebrating his 90th birthday on September 17, 2004 and it would be appropriate to recognize his contributions to the City of Toronto; and

WHEREAS it is most fitting to honour our noteworthy citizens for their work and contributions to City of Toronto;

NOW THEREFORE BE IT RESOLVED THAT the name ‘Thomas Bata’ be reserved for future use on a street, trail or greenspace in the City of Toronto and that, in the interim, a street name sign be presented to him on the occasion of his 90th birthday;

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(18) 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(18), 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 176)

Procedural Vote:

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

Motion:

Councillor Moscoe moved that Motion J(18) be amended by deleting from the first Operative Paragraph, the words “street, trail or greenspace”, and inserting instead the words “street or trail”, so that such Operative Paragraph now reads as follows:

“**NOW THEREFORE BE IT RESOLVED THAT** the name ‘Thomas Bata’ be reserved for future use on a street or trail in the City of Toronto and that, in the interim, a street sign be presented to him on the occasion of his 90th birthday;”.

Votes:

The motion by Councillor Moscoe carried.

Motion J(18) as amended, carried.

9.83 **Statutory Offer of Compensation for the Expropriation of 121 and 123 Industry Street**

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

Moved by: Councillor Walker

Seconded by: Councillor Di Giorgio

“**WHEREAS** City Council on January 27, 28 and 29, 2004, by approval of Administration Committee Report 1, Clause 15, authorized staff to complete the expropriation process to acquire all right, title and interest in the lands municipally known as 121 and 123 Industry Street for a future TTC bus garage in the western part of the City; and

WHEREAS Expropriation Plan AT458151 was registered April 16, 2004; and

WHEREAS the deadline imposed by the *Expropriations Act* for the City to make an offer of full compensation to the property owner and tenant is July 16, 2004 and City Council will not meet again until July 20, 2004; and

WHEREAS the Commissioner of Corporate Services has prepared a confidential report dated June 22, 2004 seeking Council direction on this matter;

NOW THEREFORE BE IT RESOLVED THAT City Council consider, in camera, the confidential report dated June 22, 2004, from the Commissioner of Corporate Services, and that the recommendations in 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(19) 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(19), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

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

Council also had before it, during consideration of Motion J(19), a confidential report dated June 22, 2004, from the Commissioner of Corporate Services.

Vote:

Motion J(19) was adopted, without amendment.

In adopting Motion J(19), without amendment, Council adopted, without amendment, the staff recommendations contained in the confidential report dated June 22, 2004, from the Commissioner of Corporate Services, such report to remain confidential in its entirety, in accordance with the provisions of the *Municipal Act*, as it contains information pertaining to litigation or potential litigation.

9.84 **Instructions for Ontario Municipal Board Hearings - CN Railway/GO Transit Potential Overpass at the Intersection of Canadian National and Canadian Pacific Rail Lines in the Vicinity of Lansdowne Avenue and Dupont Street**

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

Moved by: Councillor Palacio

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** the City Solicitor has prepared a confidential report seeking instructions respecting warning clause language and Official Plan policies sought by CN Railway and GO Transit in relation to a potential overpass at the intersection of Canadian National and Canadian Pacific rail lines in the vicinity of Lansdowne Avenue and Dupont Street ; and

WHEREAS consideration of this matter by Council is required on an urgent basis to establish a City position in relation to the Municipal Board hearing respecting 940-1100 Lansdowne Avenue scheduled for June 28, 29 and 30, 2004 and in relation to the continuation of the hearing respecting 800 Lansdowne Avenue;

NOW THEREFORE BE IT RESOLVED THAT Council consider the confidential report from the City Solicitor dated June 21, 2004, and that the recommendations in 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(20) to the Etobicoke York 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(20), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

The vote to waive referral of Motion J(20) to the Etobicoke York 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(20), a confidential report dated June 21, 2004, from the City Solicitor, which is now public in its entirety. (See Attachment 4, Page 182).

Vote:

Motion J(20) was adopted, without amendment.

In adopting Motion J(20), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations section of the confidential report dated June 21, 2004, from the City Solicitor, entitled “City Position Respecting a Potential North-South Rail Overpass in Relation to Appeals of Official Plan and Zoning By-law Amendment Application No. TC CMB 2002 0019 by Olympia Elevator Service Limited, 1100 Lansdowne Avenue, Part of the former General Electric site, 940, 980 and 1100 Lansdowne Avenue, Davenport, Ward 17”, such report now public in its entirety:

“It is recommended that City Council:

- (1) authorize the City Solicitor to oppose the insertion by CN Railway and GO Transit, at the Municipal Board settlement hearing relating to this application and at Municipal Board hearings generally;
 - (i) of warning clauses supporting or providing special recognition for a north-south rail overpass at the intersection of the Canadian National and Canadian Pacific rail lines in the vicinity of Lansdowne Avenue and Dupont Street; and
 - (ii) of Official Plan policies referencing a potential north-south rail overpass at the intersection of the Canadian National and Canadian Pacific rail lines in the vicinity of Lansdowne Avenue and Dupont Street,until such time as the option has been formally advanced by the proponent and made subject to an environmental assessment, giving Council an opportunity to form an opinion on the proposal; and
- (2) authorize the City Solicitor to include in the section 37 agreement standard warning clauses relating to rail lines, including the insertion of language referencing the potential for a range of alternative future rail infrastructure options to be considered at the time an environmental assessment may be initiated.”

9.85 **Request to the Province to Change the Legislation Regarding Assessment Data Bases**

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

Moved by: **Councillor Moscoe**

Seconded by: **Councillor Mihevc**

“**WHEREAS** City Councillors are required as part of their duties and responsibilities to communicate with their constituents for a variety of reasons; and

WHEREAS the Superior Court recently confirmed in a decision dated June 7, 2004, that Councillors’ communications with their constituents are an integral part of their jobs; and

WHEREAS in order to communicate effectively with their constituents, it is necessary for Councillors to have access to names, addresses and property data within their respective wards which are contained in the assessment data bases provided by MPAC; and

WHEREAS despite the City's repeated requests, MPAC has refused to amend its agreement with the City to authorize staff to provide Councillors with personal information about constituents within a Councillor's respective ward; and

WHEREAS there are compelling public policy considerations that warrant the disclosure of constituent personal information to their Councillors; and

WHEREAS a recent Divisional Court decision dated May 21, 2004, upholds MPAC's refusal to provide personal information to a commercial collection agency because any such disclosure would contravene the provisions of the *Assessment Act*;

NOW THEREFORE BE IT RESOLVED THAT Council request the Province of Ontario to amend the relevant legislation to allow Councillors access to names and addresses of their constituents to fulfill their responsibilities;

AND BE IT FURTHER RESOLVED THAT Council authorize Councillor Moscoe with the assistance of the City Clerk and City Solicitor, to file a Freedom of Information request to MPAC on behalf of all members of Council to obtain names and addresses of property owners within their respective wards;

AND BE IT FURTHER RESOLVED THAT in the event that the access request is denied, authorization be provided to Councillor Moscoe with the assistance of the City Clerk and City Solicitor, to appeal any refusal to the Information and Privacy Commissioner and the Courts on behalf of the members of Council."

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 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(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 176)

Procedural Vote:

The vote to waive referral of Motion J(21) to the Administration Committee, was taken as follows:

Yes - 32	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Grimes, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 3	
Councillors:	Ford, Holyday, Ootes

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

Vote:

Adoption of Motion J(21), without amendment:

Yes - 24	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Filion, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Saundercook, Walker
No - 3	
Councillors:	Ford, Holyday, Ootes

Carried by a majority of 21.

Deputy Mayor Pantalone in the Chair.

9.86 **Request for Authority to Enter into a Municipal Housing Project Facility Agreement with St. Jude Community Homes at 275 and 267R Ontario Street Establishing the Facility as a Municipal Capital Facility and Exempting the Facility from Taxation for Municipal and School Purposes**

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

Moved by: Councillor McConnell

Seconded by: Councillor Soknacki

“WHEREAS City Council, at its meeting of February 13, 14 and 15, 2002, declared the city-owned site at 275 and 267R Ontario Street (the ‘Site’) surplus to municipal needs and authorized the negotiation of a long-term lease with St. Jude Community Homes; and

WHEREAS St. Jude Community Homes is being funded by the Ministry of Health and has proceeded to develop the Site and has executed a lease with the City for 50 years less a day; and

WHEREAS St. Jude Community Homes is receiving no capital or operating funds from the City to develop and operate 30 units of affordable housing on the Site; and

WHEREAS St. Jude Community Homes had expected, when preparing the capital and operating budgets for the project, that it would receive a property tax exemption through the Municipal Property Assessment Corporation (MPAC) as it qualifies as an alternative housing provider; and

WHEREAS it has been advised MPAC will no longer grant exemptions to organizations that lease the property from which they operate; and

WHEREAS St. Jude Community Homes requires a property tax exemption to make the project viable;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) authority be granted for the City to enter into a Municipal Housing Project Facility Agreement with St. Jude Community Homes, pursuant to By-law No. 282-2002, establishing the corporation as a municipal capital facility;

- (2) authority be granted for exempting the property municipally known as 275 and 267R Ontario Street from taxation for municipal and school purposes; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect to the recommendations, including the introduction in Council of any necessary bills.”

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(22) 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(22), 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 3, Page 181)

Procedural Vote:

The vote to waive referral of Motion J(22) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(22) was adopted, without amendment.

9.87 One on One Mentoring – Reserve Account

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

Moved by: Councillor McConnell

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** the One on One Mentoring Program has been successfully providing a valuable school-based service to children and youth that partners them with adult mentors who volunteer one hour each week, providing each child with a strong supportive role model in a positive trusting relationship; and

WHEREAS many corporate donors have been seeking to make cash donations to the One on One Mentoring Program, but lack a direct financial mechanism to do so; and

WHEREAS cash donations would go towards sponsoring the program, including events such as the year-end picnic, and certificates and games for the participating children;

NOW THEREFORE BE IT RESOLVED THAT the Chief Financial Officer and Treasurer be directed to establish a One on One Mentoring Reserve Account and report back to Council, through the Policy and Finance Committee, if necessary, on any additional Council approvals required.”

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(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 176)

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.

Vote:

Motion J(23) was adopted, without amendment.

9.88 **Appointments to Food and Hunger Action Committee**

Councillor Carroll 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(24), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Carroll**

Seconded by: **Councillor Rae**

“**WHEREAS** Council, by adopting Striking Committee Report 3, Clause 1, Item 15, appointed three interested Members of Council to the Food and Hunger Action Committee; and

WHEREAS the Food and Hunger Action Committee’s composition includes five Members of Council; and

WHEREAS the Committee’s importance subsequently became clear through the budget process, so that additional Members would like to serve on the Committee; and

WHEREAS the requirement under Municipal Code Chapter 27, Council Procedures, that all Member be canvassed for their interest in this appointment was already satisfied and two positions remain available;

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Striking Committee Report 3, Clause 1, be re-opened for further consideration, only as it concerns appointments to the Food and Hunger Action Committee;

AND BE IT FURTHER RESOLVED THAT the following Member of Council be appointed to one of the two vacant positions on the committee for a term of office expiring May 31, 2005 and until her successor is appointed:

S. Carroll.”

Votes:

The first Operative Paragraph in Motion J(24) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(24) was adopted, without amendment.

9.89 **Resolution to Oppose Missile Defence**

Councillor Mihevc, with the permission of Council, withdrew the following Notice of Motion J(25):

Moved by: **Councillor Mihevc**

Seconded by: **Councillor Fletcher**

“**WHEREAS** the Government of Canada is considering its role in US plans for Missile Defence (MD); and

WHEREAS Missile Defence would put weapons in space and incite a new arms race, including new conventional and nuclear weapons; and

WHEREAS an arms race and weapons in space would threaten the security of all human beings, including the citizens of Toronto; and

WHEREAS the City of Toronto Council is responsible for ensuring the general safety of its community, including public security; and

WHEREAS the City of Toronto has adopted a Resolution declaring itself to be a nuclear weapons free zone, thereby recognizing disarmament and peace as public security issues;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto Council urge the Government of Canada to oppose US plans for Missile Defence and to not participate in them;

AND BE IT FURTHER RESOLVED THAT the City of Toronto Council forward this Resolution to the Federation of Canadian Municipalities and urge all municipalities to adopt similar Resolutions;

AND BE IT FURTHER RESOLVED THAT the City of Toronto Council send a letter to this effect and a copy of this Resolution to the Prime Minister of Canada, the Minister of Foreign Affairs and the Minister of National Defence.”

9.90 **Strategy to Ensure Affordable Housing**

Councillor Mammoliti moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(26), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Mammoliti**

Seconded by: **Councillor Mihevc**

“BE IT RESOLVED THAT the Chief Administrative Officer, in consultation with appropriate staff, prepare a report to Council, through the Community Services Committee, on a strategy which ensures that affordable housing units are scheduled to be built in each ward of the City in the future.”

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(26) 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(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 176)

Procedural Vote:

The vote to waive referral of Motion J(26) to the Community Services Committee lost, less than two-thirds of Members present having voted in the affirmative.

Disposition:

Motion J(26) was referred to the Community Services Committee.

9.91 **5255 Yonge Street – Ontario Municipal Board Appeal**

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(27), moved by Councillor Filion, seconded by Councillor Moscoe, and in the absence of Councillor Filion, moved by Councillor Moscoe, seconded by Councillor Rae, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Moscoe

Seconded by: Councillor Rae

“WHEREAS the Committee of Adjustment for the City of Toronto (North District) refused an application by GWL Realty Advisors Inc., the owners of 5255 Yonge Street, to permit a professional medical office to be located on the ground floor; and

WHEREAS the variance requested was for a professional medical office (dental office) to be located on the ground floor; and

WHEREAS Planning staff reported to the Committee of Adjustment and recommended that the application be refused; and

WHEREAS the applicant has appealed the decision of the Committee of Adjustment for the minor variance application to the Ontario Municipal Board; and

WHEREAS July 30, 2004, has been set for the hearing of the appeal;

NOW THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor and City Planning staff to attend the Ontario Municipal Board hearing to uphold the City's By-law and the Committee of Adjustment's decisions."

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(27) to the North York 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(27), 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 176)

Procedural Vote:

The vote to waive referral of Motion J(27) to the North York 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(27), a Notice of Decision dated January 29, 2004, from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, North Panel, which is file in the City Clerk's Office.

Vote:

Motion J(27) was adopted, without amendment.

9.92 3144 Bayview Avenue – Ontario Municipal Board Appeal

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(28), moved by Councillor Filion, seconded by Councillor Moscoe, and in the absence of Councillor Filion, moved by Councillor Moscoe, seconded by Councillor Rae, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Moscoe

Seconded by: Councillor Rae

“**WHEREAS** the Committee of Adjustment for the City of Toronto (North York Panel) refused a severance application by the owner of 3144 Bayview Avenue, for consent to sever a residential property fronting onto the west side of Bayview Avenue into two residential properties fronting onto Holmes Avenue, having frontages of 16.6m each; and

WHEREAS the Committee of Adjustment for the City of Toronto (North York Panel) refused the two associated variance applications requesting variances for lot area, front yards setbacks, east and west side yard setbacks, rear yard setbacks, lot coverage and a below grade garage; and

WHEREAS Planning staff did not comment on the applications; and

WHEREAS the applicant has appealed the decisions of the Committee of Adjustment for the severance and minor variance applications to the Ontario Municipal Board; and

WHEREAS the Ontario Municipal Board has set August 3, 2004, as the hearing date for the applications;

NOW THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor to retain outside Planning Support and to attend the Ontario Municipal Board hearing to uphold the City’s By-law and the Committee of Adjustment’s decisions.”

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(28) to the North York 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 a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 4, Page 182)

Procedural Vote:

The vote to waive referral of Motion J(28) to the North York 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(28), three Notices of Decisions dated March 12, 2004, from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, North York Panel, respecting 3144 Bayview Avenue (File Numbers A260/03NY, A261/03NY, B037/03NY), which are on file in the City Clerk's Office.

Vote:

Motion J(28) was adopted, without amendment.

9.93 Request for Report on Establishment of a Grants Task Force

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

Moved by: Councillor Thompson

Seconded by: Councillor Balkissoon

“BE IT RESOLVED THAT the Chief Administrative Officer be directed to report to the Policy and Finance Committee, as soon as possible, on a Task Force to be chaired by Councillor Ford and composed of volunteer members of the community, to look at ways and means of engaging the private sector in funding City of Toronto organizations, groups and agencies, thereby reducing the need or pressure for City grants.”

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(29) 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(29), 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 176)

Procedural Vote:

The vote to waive referral of Motion J(29) to the Administration Committee was taken as follows:

Yes - 16	
Councillors:	Altobello, Augimeri, Balkissoon, Carroll, De Baeremaeker, Del Grande, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, Mammoliti, Thompson, Watson
No - 11	
Councillors:	Ashton, Bussin, Cowbourne, Davis, Di Giorgio, Fletcher, Mihevc, Moscoe, Pantalone, Rae, Saundercook

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

Disposition:

Motion J(29) was referred to the Policy and Finance Committee.

9.94 **44 and 46 Bernard Avenue - Ontario Municipal Board Appeal**

Councillor Moscoe 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(30), moved by Councillor Chow, seconded by Deputy Mayor Pantalone, and in the absence of Councillor Chow, moved by Councillor Moscoe, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Moscoe

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** the Committee of Adjustment refused an application by the owner of 44 and 46 Bernard Avenue, to sever the site into two parcels so the existing building on the front portion of the site and the existing coach house at the rear portion of the site would be located on their own lots; and

WHEREAS City planning staff submitted a report to the Committee recommending refusal of the application advising that insufficient information was provided with respect to servicing the coach house including water, sewer, garbage collection, snow clearing and fire and emergency access; and

WHEREAS staff recommended that a rezoning would be the appropriate approvals process to follow to ensure that all these issues are properly addressed; and

WHEREAS the applicant appealed the decision of the Committee to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto give authority for the City Solicitor and Planning staff to attend the Ontario Municipal Board hearing in support of the refusal of the application.”

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(30) to the Toronto and East York 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(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 176)

Procedural Vote:

The vote to waive referral of Motion J(30) to the Toronto and East York 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(30), two Notices of Decisions dated March 26, 2004, and one Notice of Decision dated March 25, 2004, from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto East York Panel, respecting 44 and 46 Bernard Avenue (File Numbers A0065/04TEY, A0066/04TEY and B0011/04TEY), which are on file in the City Clerk's Office.

Vote:

Motion J(30) was adopted, without amendment.

9.95 **All Way Stop Control – Lumley Avenue and Moore Avenue (Ward 26 – Don Valley West)**

Councillor Rae 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(31), moved by Councillor Pitfield, seconded by Councillor Balkissoon, and in the absence of Councillors Pitfield and Balkissoon, moved by Councillor Rae, seconded by Councillor Soknacki, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Rae

Seconded by: Councillor Soknacki

“**WHEREAS** local residents of Ward 26 – Don Valley West expressed concern with safety and access to Moore Avenue at Lumley Avenue; and

WHEREAS Toronto City Council, at its meeting of March 1, 2 and 3, 2004, adopted a recommendation from Toronto North Community Council to install an all-way stop control at the intersection of Moore Avenue and Lumley Avenue; and

WHEREAS staff of the North District, Transportation Services Division, installed an all-way stop control at the intersection of Moore Avenue and Lumley Avenue on May 21, 2004; and

WHEREAS traffic on Moore Avenue at Lumley Avenue is experiencing significant delays as a result of the installation of the all-way stop control at Lumley Avenue; and

WHEREAS the installation of the all-way stop control did not prove to be an appropriate solution;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with § 27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto North Community Council Report 2, Clause 30, headed ‘All Way Stop Control – Lumley Avenue and Moore Avenue (Ward 26 – Don Valley West)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the all-way stop control at the Moore Avenue/Lumley Avenue intersection be removed;

AND BE IT FURTHER RESOLVED THAT further study and public consultation be conducted;

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

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 176)

Votes:

The first Operative Paragraph in Motion J(31) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(31) was adopted, without amendment.

9.96 **Request by the Women Members of Council to Confirm the Results of the Selection Process for the Constance E. Hamilton Award**

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 Hall

On behalf of the Women Members of City Council

“**WHEREAS** Toronto City Council established the Constance E. Hamilton Award in 1979 to celebrate the 50th anniversary of the Person’s Case, which recognized that women were ‘persons’ and could be appointed to the Senate of Canada; and

WHEREAS in 1920, Constance E. Hamilton was the first woman elected to a municipal council in Toronto; and

WHEREAS the Constance E. Hamilton Award recognizes person(s) who have made a significant contribution to improving the social, economic, cultural and political status of women in Toronto; and

WHEREAS the 75th anniversary of the Person’s Case will be celebrated in October,

2004;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council confirm the selections made by the Constance E. Hamilton Award Selection Committee, comprised of the Women Members of Council, that Zanana Akande, Nora Currie and Loly Rico be the recipients of the 2004 Constance E. Hamilton Award;

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 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(32) to the Administration Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(32) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(32) was adopted, without amendment.

Mayor Miller in the Chair.

9.97 **Reimbursement of Conference Expenses – Councillor Rae**

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(33), moved by Councillor Rae, seconded by Councillor Pitfield, and in the absence of Councillor Pitfield, seconded by Councillor Moscoe, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Rae

Seconded by: Councillor Moscoe

“**WHEREAS** City Council, on June 3, 4 and 5, 1998, adopted Corporate Services Committee Report 7, Clause 13, headed ‘Office Administration and Expenses for Members of Council’, which recommended, among other things, that for ‘Conference/Seminar and

Business Travel Approvals: Councillors shall notify the Mayor in advance of plans to attend an event and shall seek Council approval for conference/seminar events exceeding \$3500.00 (Canadian funds), inclusive of registration, travel accommodation, and all related expenses, and that travel be paid from the Member's Office Budget'; and

WHEREAS Councillor Kyle Rae attended the 'Building Cities for Community and Identity' in London, UK from June 11, 2004 – June 18, 2004; and

WHEREAS the expenses incurred by Councillor Rae including accommodation, ground transportation, air travel, conference registration and sundry expenses amounted to a total in excess of \$3500.00;

NOW THEREFORE BE IT RESOLVED THAT City Council direct staff to authorize payment for the expenses incurred at this conference from the Member's Office budget."

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

Procedural Vote:

The vote to waive referral of Motion J(33) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(33) was adopted, without amendment.

9.98 **Liquor Licence Matters – 11 Polson Avenue**

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

Moved by: **Councillor McConnell**

Seconded by: **Councillor Fletcher**

"WHEREAS the occupants of 11 Polson Street currently operate a licensed establishment which holds a licence to serve and sell alcohol both inside and outside the premises, under

the name of Docks by Cherry; and

WHEREAS the holders of the liquor licence have applied to the Alcohol and Gaming Commission of Ontario (AGCO) for the renewal of their current liquor licence and a further application for the expansion of the licensed facilities both indoors and outdoors; and

WHEREAS City Councillors have received complaints from residents regarding the poor operation of the licensed establishment and misconduct of its patrons; and

WHEREAS City Councillors have been advised by Municipal Licensing and Standards of certain violations of the Municipal Code and applicable Zoning By-laws;

NOW THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor to advise the Alcohol and Gaming Commission of Ontario (AGCO) that it opposes any renewal and/or expansion of the liquor licence of these premises, because the past and present conduct of the persons involved in the operations affords reasonable grounds for belief that the corporate licensee will not carry on business in accordance with the law and integrity and honesty, and the continued operation and any expansion of the licensed establishment thereof is not in the public interest;

AND BE IT FURTHER RESOLVED THAT the AGCO be requested to provide the City with an opportunity to participate in any proceedings involving these and any adjacent premises to oppose the liquor licence operations, and the City Solicitor be authorized to participate in any proceedings involving 11 Polson Street and any adjacent, related premises to oppose any application for a liquor licence or expansion thereof.”

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 and East York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(34) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(34) was adopted, without amendment.

BILLS AND BY-LAWS

9.99 On June 22, 2004, at 11:30 a.m., Councillor Soknacki, seconded by Deputy Mayor Feldman, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws, which carried:

Bill 503	By-law 461-2004	To authorize an agreement with Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Municipal Affairs and Housing respecting the issue and sale of Debentures.
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Bill 504	By-law 462-2004	To authorize the issue of 2.761 percent debentures in the amount of \$175,330,772.70 for a purpose of the City of Toronto.
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9.100 On June 22, 2004, at 7:10 p.m., Councillor Lindsay Luby, seconded by Councillor De Baeremaeker, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law, which carried:

Bill 557	By-law 463-2004	To confirm the proceedings of the Council at its meeting held on the 22nd day of June, 2004.
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9.101 On June 22, 2004, at 7:25 p.m., Councillor Thompson, seconded by Councillor Del Grande, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill 558	By-law 464-2004	To confirm the proceedings of the Council at its meeting held on the 22nd day of June, 2004,
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the vote upon which was taken as follows:

Yes - 22	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Hall, Holyday, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Rae, Soknacki, Thompson, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 21.

- 9.102 On June 23, 2004, at 6:20 p.m., Councillor Moscoe, seconded by Councillor Holyday, 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 559 By-law 465-2004 To confirm the proceedings of the Council at its meeting held on the 22nd and 23rd days of June, 2004,

the vote upon which was taken as follows:

Yes - 24	
Councillors:	Altobello, Ashton, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Shiner, Stintz, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 23.

- 9.103 On June 23, 2004, at 7:23 p.m., Councillor Hall, seconded by Councillor Lindsay Luby, 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 560 By-law 466-2004 To confirm the proceedings of the Council at its meeting held on the 22nd and 23rd days of June, 2004,

the vote upon which was taken as follows:

Yes - 22	
Councillors:	Altobello, Ashton, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Milczyn, Moscoe, Pantalone, Rae, Saundercook, Shiner, Stintz, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 21.

9.104 On June 24, 2004, at 6:48 p.m., Councillor Augimeri, seconded by Councillor Giambrone, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law, which carried, more than two-thirds of Members present having voted in the affirmative:

Bill 466	By-law 467-2004	To amend further By-law 15-92 of the former Municipality of Metropolitan Toronto respecting pensions and other benefits.
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9.105 On June 24, 2004, at 6:49 p.m., Councillor Augimeri, seconded by Councillor Giambrone, 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 460	By-law 468-2004	To amend the General Zoning By-law 438-86 of the former City of Toronto with respect to lands known municipally as 146 and 160 Wellesley Street East.
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Bill 461	By-law 469-2004	To amend City of Toronto Municipal Code Chapter 27, Council Procedures, to change the names of Community Councils.
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Bill 463	By-law 470-2004	To designate the Richview Cemetery property as being of cultural heritage value or interest.
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Bill 464	By-law 471-2004	To amend former City of York By-law 1-83 with respect to lands known municipally as 116 Eileen Avenue.
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Bill 465	By-law 472-2004	To amend further By-law 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
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Bill 467	By-law 473-2004	To amend By-law 31878, as amended, of the former City of North York, regarding Hillhurst Boulevard and William Cragg Drive.
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Bill 468	By-law 474-2004	To amend By-law 31001 of the former City of North York, as amended, regarding Bond Avenue and Scarsdale Road, Haven Road and Glen Long Avenue, Bogert Avenue and Pewter Road.
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Bill 469	By-law 475-2004	To amend By-law 31001 of the former City of North York, as amended, regarding Bond Avenue, Haven Road and Pewter Road.
Bill 470	By-law 476-2004	To amend By-law 31001 of the former City of North York, as amended, regarding Brookbanks Drive, Brucewood Crescent, Covington Road and Talbot Road.
Bill 471	By-law 477-2004	To amend By-law 31001 of the former City of North York, as amended, regarding Brookbanks Drive and Delhi Avenue.
Bill 472	By-law 478-2004	To amend By-law 31001 of the former City of North York, as amended, regarding Brookbanks Drive and Delhi Avenue.
Bill 473	By-law 479-2004	To amend By-law 196-84 of the former City of York, being a By-law "To regulate traffic on City of York Roads, regarding Hopewell Avenue."
Bill 474	By-law 480-2004	To amend By-law 2958-94 of the former City of York, being a By-law "To regulate traffic on City of York Roads, regarding Hopewell Avenue".
Bill 475	By-law 481-2004	To amend Chapter 215 of the former City of Etobicoke Municipal Code, as amended, and to amend former City of Etobicoke By-law 1991-94, as amended, to dissolve the Sign Variance Advisory Committee.
Bill 477	By-law 482-2004	To exempt certain lands on Beachell Street and Conn Smythe Drive from Part Lot Control.
Bill 478	By-law 483-2004	To amend City of Toronto Municipal Code Chapter 545, Licensing, to make certain technical amendments respecting the application of thresholds for the issuance, renewal, suspension or revocation of business licenses.
Bill 479	By-law 484-2004	To amend the General Zoning By-law 438-86 of the former City of Toronto with respect to lands known municipally as 22 Thorburn Avenue.

Bill 480	By-law 485-2004	To amend the General Zoning By-law 438-86 of the former City of Toronto with respect to lands known municipally as 24 Thorburn Avenue.
Bill 481	By-law 486-2004	To amend the General Zoning By-law 438-86 of the former City of Toronto with respect to lands known municipally as 120 Spencer Avenue.
Bill 482	By-law 487-2004	To amend the General Zoning By-law 438-86 of the former City of Toronto with respect to lands known municipally as 122 Spencer Avenue.
Bill 483	By-law 488-2004	To adopt Amendment 234 to the Official Plan of the former City of Toronto with respect to lands known municipally as 100 Cowan Avenue.
Bill 484	By-law 489-2004	To amend the General Zoning By-law 438-86 of the former City of Toronto with respect to lands known municipally as 100 Cowan Avenue.
Bill 485	By-law 490-2004	To amend the General Zoning By-law 438-86 for the former City of Toronto with respect to lands known municipally as 1435 and 1471 Queen Street East.
Bill 486	By-law 491-2004	To establish an obligatory reserve fund called the "Winchester Square Capital Facilities Recreation Reserve Fund" and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill 487	By-law 492-2004	To designate certain lands along Kingston Road from just west of Danforth Avenue to Midland Avenue as a Community Improvement Project Area.
Bill 488	By-law 493-2004	To amend the Ionview Community Zoning By-law 9089, as amended, of the former City of Scarborough, with respect to lands known municipally as 733 Birchmount Road.
Bill 489	By-law 494-2004	To amend Scarborough Zoning By-law 10827, as amended, with respect to the Highland Creek

		Community.
Bill 490	By-law 495-2004	To amend Scarborough Zoning By-law 10827, as amended, with respect to the Highland Creek Community.
Bill 492	By-law 496-2004	To amend further By-law 1994-0716 of the former Corporation of the City of Toronto respecting the provision of assistance to certain firefighters' surviving spouses and children.
Bill 493	By-law 497-2004	To amend further Metropolitan By-law 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding The Queensway.
Bill 494	By-law 498-2004	To amend further Metropolitan By-law 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding St. Clair Avenue West.
Bill 495	By-law 499-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Day Avenue.
Bill 496	By-law 500-2004	To amend By-law 1129-87 of the former City of York, being a By-law "To prescribe a speed limit of 40 kilometres per hour", on Riverside Drive.
Bill 497	By-law 501-2004	To permanently close a portion of the public lane extending southerly from Lombard Street, then westerly, in the block west of Church Street, between Lombard Street and Adelaide Street East.
Bill 498	By-law 502-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Cavell Avenue, Craven Road, Marion Street, Rathnelly Avenue, Wheeler Avenue and Wolfrey Avenue.
Bill 499	By-law 503-2004	To amend further Metropolitan By-law 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Eglinton Avenue West.

Bill 500	By-law 504-2004	To amend further Metropolitan By-law 107-86, respecting parking meters on former Metropolitan Roads, regarding Eglinton Avenue West.
Bill 501	By-law 505-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Roselawn Avenue.
Bill 502	By-law 506-2004	To amend further Metropolitan By-law 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Don Mills Road and Laird Drive.
Bill 505	By-law 507-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Deforest Road.
Bill 506	By-law 508-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Ossington Avenue.
Bill 507	By-law 509-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Dovercourt Road, Jenet Avenue, Prince Arthur Avenue, Queen Street East and Villiers Street.
Bill 508	By-law 510-2004	To amend further Metropolitan By-law 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding The Queensway.
Bill 509	By-law 511-2004	To layout and dedicate certain land on the north side of Sheppard Avenue East, west of Dudley Avenue, for public highway purposes to form part of the public highway Sheppard Avenue East.
Bill 510	By-law 512-2004	To layout and dedicate certain land for public highway purposes to form part of the public highway Eglinton Avenue West at Almeda Avenue.
Bill 511	By-law 513-2004	To layout and dedicate certain land for public lane purposes to form part of the public lane south of Dundas Street East extending easterly from Logan

		Avenue.
Bill 512	By-law 514-2004	To layout and dedicate certain land for public lane purposes to form part of the public lane north of King Street East extending easterly from Sumach Street.
Bill 513	By-law 515-2004	To rename the Public Highway Roots Circle as "Raponi Circle".
Bill 514	By-law 516-2004	To amend former City of North York By-law 7625 with respect to lands at the southeast corner of Steeles Avenue West and Alness Street.
Bill 515	By-law 517-2004	To amend Scarborough Employment Districts Zoning By-law 24982 (Progress), as amended, with respect to lands at the north-west corner of Progress Avenue and the Highway 401/Brimley Road exit ramp extension.
Bill 516	By-law 518-2004	To amend Scarborough Employment Districts Zoning By-law 24982 (Progress), as amended, with respect to lands at the north-east corner of Brimley Road and Progress Avenue.
Bill 518	By-law 519-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Gerrard Street East.
Bill 519	By-law 520-2004	To appoint David C. Kaufman as Acting Commissioner of Works and Emergency Services and to repeal section 1 of By-law 34-1998 to rescind the appointment of Barry Gutteridge as Commissioner of Works and Emergency Services.
Bill 520	By-law 521-2004	To layout and dedicate certain land for public highway purposes to form part of the public highway Woodcroft Crescent.
Bill 521	By-law 522-2004	To layout and dedicate certain land on the west side of Carlaw Avenue, south of Lake Shore Boulevard East, for public highway purposes to form part of the public highway Carlaw Avenue.

Bill 522	By-law 523-2004	To layout and dedicate certain land for public lane purposes to form part of the public lane south of Danforth Avenue extending between Amroth Avenue and Cedarvale Avenue.
Bill 523	By-law 524-2004	To layout and dedicate certain land on the south side of Finch Avenue West, west of Lorraine Drive, for public highway purposes to form part of the public highway Finch Avenue West.
Bill 524	By-law 525-2004	To layout and dedicate certain land on the south side of Finch Avenue West, east of Muirkirk Road for public highway purposes to form part of the public highway Finch Avenue West.
Bill 525	By-law 526-2004	To layout and dedicate certain land for public lane purposes to form part of the public lane south of Harbord Street extending between Robert Street and Major Street.
Bill 526	By-law 527-2004	To layout and dedicate certain land for public lane purposes to form part of the public lane west of Parliament Street and south of Gerrard Street East.
Bill 527	By-law 528-2004	To layout and dedicate certain land on the north side of The Queensway, west of Atomic Avenue, for public highway purposes to form part of the public highway The Queensway.
Bill 528	By-law 529-2004	To layout and dedicate certain land on the east side of Almont Road between Allingham Gardens and DeQuincy Boulevard for public highway purposes to form part of the public highway Almont Road.
Bill 529	By-law 530-2004	To amend former City of North York By-law 7625 with respect to lands known municipally as 55 and 61 Drewry Avenue.
Bill 530	By-law 531-2004	To amend Municipal Code Chapter 363, Building Construction and Demolition, Article I, Building Permits, to establish a fee for demolition permit applications requiring an environmental review.

Bill 531	By-law 532-2004	To amend Municipal Code Chapter 636, Public Squares.
Bill 532	By-law 533-2004	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Gerrard Street East.
Bill 533	By-law 534-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Victoria Street.
Bill 534	By-law 535-2004	To City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines Victoria Street.
Bill 535	By-law 536-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Berryman Street, Davenport Road, Macdonell Avenue and Wabash Avenue.
Bill 536	By-law 537-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting George Anderson Drive, Gracefield Avenue, Mangrove Road, Maple Leaf Drive, Raven Road and Rustic Road.
Bill 537	By-law 538-2004	To amend further By-law 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 Woodville Avenue.
Bill 538	By-law 539-2004	To amend By-law 250-2002 to include the lands on the north side of Queen Street West between Shaw Street and Dovercourt Road to the Garrison Common North Community Improvement Project Area.
Bill 539	By-law 540-2004	To adopt a Community Improvement Plan for the Garrison Common North Community Improvement Project Area.
Bill 540	By-law 541-2004	To expand the area of the Fort York Heritage Conservation District.

Bill 541	By-law 542-2004	To adopt Amendment 299 to the Official Plan for the former City of Toronto with respect to lands known municipally in the year 2004 as 630 and 650 Mount Pleasant Road.
Bill 542	By-law 543-2004	To amend the General Zoning By-law 438-86 of the former City of Toronto, with respect to lands known municipally in the year 2004 as 630 and 650 Mount Pleasant Road.
Bill 543	By-law 544-2004	To adopt Amendment 300 to the Official Plan for the former City of Toronto with respect to lands known municipally in the year 2004 as 36 Whitewood Road.
Bill 544	By-law 545-2004	To amend the General Zoning By-law 438-86 of the former City of Toronto, with respect to lands known municipally in the year 2004 as 36 Whitewood Road.
Bill 545	By-law 546-2004	To define the Balmy Beach Area as an area of the City of Toronto to be examined for future designation as a heritage conservation district.
Bill 546	By-law 547-2004	To amend Municipal Code Chapter 415, Development of Land, by re-enacting Article I, Development Charges.
Bill 547	By-law 548-2004	To define the North Rosedale Area as an area of the City of Toronto to be examined for future designation as a heritage conservation district.
Bill 548	By-law 549-2004	To define the Weston Area as an area of the City of Toronto to be examined for future designation as a heritage conservation district.
Bill 549	By-law 550-2004	To adopt Amendment 301 to the Official Plan for the former City of Toronto with respect to lands known as 1 Benvenuto Place.
Bill 550	By-law 551-2004	To adopt Amendment 28 to the Official Plan of the City of Toronto with respect to lands known municipally as 1 Benvenuto Place.

Bill 551	By-law 552-2004	To amend By-law 29704, a by-law respecting fire routes in the geographic area of North York, a by-law of the former City of North York.
Bill 552	By-law 553-2004	To authorize the entering into of an agreement for the provision of Municipal Capital Facilities, namely a Municipal Housing Project Facility at 275 and 267R Ontario Street.
Bill 553	By-law 554-2004	To authorize the exemption from taxation for municipal and school purposes of the municipal capital facility for affordable housing known municipally as 275 and 267R Ontario Street.
Bill 554	By-law 555-2004	To repeal By-law 455-2004, a by-law to amend further Metropolitan By-law 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Brimley Road
Bill 555	By-law 556-2004	To amend Municipal Code Chapter 441, Fees, to establish charges for the application of a permit to construct a swimming pool enclosure and for an exemption from the provisions of Municipal Code Chapter 447, Fences.
Bill 556	By-law 557-2004	To amend City of Toronto Municipal Code Chapter 447, Fences, to amend certain definitions and make various other amendments,

the vote upon which was taken as follows:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Ford, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Stintz, Walker
No - 1	
Councillor:	Del Grande

Carried by a majority of 27.

- 9.106 On June 24, 2004, at 9:06 p.m., Councillor Milczyn, seconded by Councillor Ashton, 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 462	By-law 558-2004	To authorize the alteration of Glenside Avenue, between Walpole Avenue and Gerrard Street East, by the installation of speed humps.
Bill 517	By-law 559-2004	To amend Municipal Code Chapter 629, Property Standards, to revise front yard landscaping requirements and make amendments identified by enforcement experience, and to repeal former City of Toronto Municipal Code Chapter 151, Buildings, Vacant,

the vote upon which was taken as follows:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Filion, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Walker
No - 1	
Councillor:	Ford

Carried by a majority of 25.

- 9.107 On June 24, 2004, at 9:08 p.m., Councillor Saundercook, seconded by Councillor Grimes, 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 561	By-law 560-2004	To confirm the proceedings of the Council at its meeting held on the 22nd, 23rd and 24th days of June, 2004,
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the vote upon which was taken as follows:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Fillion, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Walker
No - 1	
Councillor:	Ford

Carried by a majority of 25.

The following Bills were withdrawn:

- Bill 476 To amend Section 15 of By-law 438-86 of the former City of Toronto respecting the Index of Exceptions.
- Bill 491 To define the Lower Brunswick Avenue Area as an area of the City of Toronto to be examined for future designation as a heritage conservation district.

OFFICIAL RECOGNITIONS:

9.108 Condolence Motions

June 22, 2004:

Councillor Jenkins, seconded by Councillor Walker, moved that:

“WHEREAS Members of Council are saddened to learn of the death of Bob Gosschalk on May 21, 2004; and

WHEREAS Bob immigrated to Canada as a young, adventurous Dutch boy, looking for independence and a fresh start; and

WHEREAS after a number of years in Hamilton, Burlington, North Bay and Oshawa, he and his family settled in Toronto in 1965 as a tenant in Ward 25 in the St. Andrew Towers Apartments; and

WHEREAS in the early 80’s Bob joined the St. Andrew Towers Tenants Association and

in 1984 became President; and

WHEREAS he and his wife, Louise, were diligent in their quest for tenants' rights and were tireless in distributing newsletters, organizing tenant meetings and representing the 1,500 tenants in the six buildings in the north end of Ward 25 at the municipal and provincial level; and

WHEREAS in 1991 Bob became President of the Federation of North York Tenants Associations, and after amalgamation until he became ill, Bob attended the City's Tenant Committee meetings; and

WHEREAS Bob was a champion of his cause and will be missed;

NOW THEREFORE BE IT RESOLVED THAT Council recognize Bob's tremendous commitment to tenants in the City of Toronto;

AND BE IT FURTHER RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to his wife Louise, his family and friends."

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 Mr. Bob Gosschalk.

June 23, 2004:

Deputy Mayor Bussin in the Chair.

Deputy Mayor Bussin, seconded by Deputy Mayor Pantalone, moved that:

"WHEREAS the Mayor and Members of Toronto City Council are deeply saddened to learn of the sudden passing of Mr. Art Feldman, beloved brother of Deputy Mayor Michael Feldman, on June 23, 2004;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to Deputy Mayor Feldman 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 Mr. Art Feldman.

June 24, 2004:

Deputy Mayor Pantalone in the Chair.

Mayor Miller, seconded by Councillor Jenkins, moved that:

“**WHEREAS** Members of Council are saddened to learn of the passing of Malachy Grant on Saturday, June 19, 2004; and

WHEREAS Mr. Grant, as Design and Construction Director, along with Eldon Dolphin as General Manager, made engineering history by designing and building the CN Tower; and

WHEREAS the CN Tower is recognized by the Guinness Book of World Records as the World’s Tallest Building, and is classified as one of the Seven Wonders of the Modern World by the American Society of Civil Engineers; and

WHEREAS the CN Tower transformed the Toronto skyline and boosted tourism; and

WHEREAS Mr. Grant was a very humble and proud person who praised others on their accomplishments; and

WHEREAS on June 26, 2004, the CN tower will celebrate its 28th anniversary;

NOW THEREFORE BE IT RESOLVED THAT Council applaud the engineering achievements of Mr. Grant;

AND BE IT FURTHER RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to his caregiver/daughter Imelda, family and friends.”

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 Mr. Malachy Grant.

9.109 Presentations/Introductions/Announcements:**June 22, 2004:**

Deputy Mayor Pantalone, during the morning session of the meeting, introduced the students from the Centre for Information and Community Services, present at the meeting.

Deputy Mayor Pantalone, during the morning session of the meeting, advised the Council that the Toronto Professional Fire Fighters Association was hosting a luncheon in the Members' Lounge at 12:30 p.m., and invited Members of Council to attend.

Mayor Miller, during the afternoon session of the meeting, introduced the Honourable Guy Boutillier, Minister of Municipal Affairs, Province of Alberta, present at the meeting.

June 23, 2004:

Deputy Mayor Bussin, during the morning session of the meeting, introduced a group of ESL students from the Humber Sheppard Community Centre, present at the meeting. Deputy Mayor Bussin advised that these students were part of a program originally founded in 2000 by Councillor Giorgio Mammoliti.

June 24, 2004:

Retirement of Commissioner of Works and Emergency Services:

Mayor Miller, during the afternoon session of the meeting, addressed Council with respect to the upcoming retirement of Mr. Barry Gutteridge, Commissioner of Works and Emergency Services.

Mayor Miller highlighted the accomplishments of the Works and Emergency Services Department while under the direction of Commissioner Gutteridge, and commended him on his strong leadership and devotion to the citizens of Toronto. On behalf of City Council, Mayor Miller thanked him for his tremendous contributions.

The Chief Administrative Officer also addressed Council, and on behalf of the more than 9000 staff members of the Works and Emergency Services Department, as well as the entire public service, expressed appreciation to Commissioner Gutteridge and wished him well in his retirement.

Commissioner Gutteridge addressed Council, and thanked the Members for allowing him the honour of serving as the first Commissioner of Works and Emergency Services for the amalgamated City of Toronto, and the opportunity to serve its residents. He expressed his appreciation to his senior management team, the two Mayors and CAOs under whom he served, the past and present Chairs of the Works Committee, his colleague Commissioners and the dedicated staff of his Department, noting the tremendous support he received during the past 6 1/2 years.

Councillor Jane Pitfield, Chair of the Works Committee, presented Commissioner Gutteridge with a memento to mark this occasion.

9.110 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE

Vary the order of proceedings of Council:

June 22, 2004:

Mayor Miller in the Chair.

Councillor Fletcher, at 9:55 a.m., moved that Council vary the order of its proceedings to consider Works Committee Report 5, Clause 1, headed "Development and Operation of a Small-Scale Research Facility for Processing Residual Municipal Solid Waste - Request for Qualifications No. 9155-04-7021", on Wednesday, June 23, 2004, at 9:30 a.m., after quick items, which carried.

Councillor Cowbourne, at 9:56 a.m., moved that Council vary the order of its proceedings to consider the following Clauses concurrently, on Thursday, June 24, 2004, at 10:00 a.m., after quick items, which carried:

- (1) Policy and Finance Committee Report 5, Clause 2, headed "Report on the Wood Green Ravine Working Group Process (Ward 44 - Scarborough East)";
- (2) Policy and Finance Committee Report 5, Clause 3, headed "Towards an Affordable Home Ownership Policy for Families and Feasibility Assessment of a Proposed Project at Manse Road and Lawrence Avenue East (Ward 44 - Scarborough East)"; and
- (3) Policy and Finance Committee Report 5, Clause 4, headed "Declaration of Surplus - Parcel of Vacant Land East of Manse Road, South of Lawrence Avenue East (Ward 44 - Scarborough East)".

Councillor Rae, at 9:57 a.m., moved that Council vary the order of its proceedings to consider Toronto South Community Council Report 5, Clause 36, headed "Alterations to Designated Property and Authority to Enter into Heritage Easement Agreement - 438 Church Street (Maple Leaf Gardens) (Toronto Centre-Rosedale, Ward 27)", on Wednesday, June 23, 2004, after Notices of Motions, which carried.

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

June 22, 2004:

Councillor Lindsay Luby in the Chair.

Councillor Watson, at 7:24 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 consideration of Economic Development and Parks

Committee Report 4, Clause 3, headed “2004 Commercial Research Grant Program Grant Recommendations (All Wards)”, the vote upon which was taken as follows:

Yes - 15	
Mayor:	Miller
Councillors:	Ashton, De Baeremaeker, Del Grande, Hall, Holyday, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Rae, Soknacki, Thompson, Watson
No - 8	
Councillors:	Altobello, Balkissoon, Di Giorgio, Feldman, Ford, Ootes, Pantalone, Walker

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

June 23, 2004:

Mayor Miller in the Chair.

Councillor Carroll, 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, in order to permit Councillor Ashton to conclude his remarks on Works Committee Report 5, Clause 1, headed “Development and Operation of a Small-Scale Research Facility for Processing Residual Municipal Solid Waste - Request for Qualifications No. 9155-04-7021”, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Mihevc, at 6:23 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, and that Council now recess and reconvene at 9:30 a.m., on Thursday, June 24, 2004, the vote upon which was taken as follows:

Yes - 8	
Councillors:	Carroll, Filion, Fletcher, Jenkins, McConnell, Moscoe, Saundercook, Stintz
No - 16	
Councillors:	Altobello, Ashton, Bussin, Davis, De Baeremaeker, Del Grande, Di Giorgio, Ford, Hall, Holyday, Lindsay Luby, Pantalone, Rae, Shiner, Walker, Watson

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

Councillor Shiner, at 6:31 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, and that Council now recess and reconvene at 9:31 a.m., on Thursday, June 24, 2004, the vote upon which was taken as follows:

Yes - 9 Councillors:	Bussin, Carroll, Hall, Jenkins, Milczyn, Moscoe, Saundercook, Shiner, Stintz
No - 14 Councillors:	Altobello, Ashton, Davis, De Baeremaeker, Del Grande, Di Giorgio, Ford, Holyday, Lindsay Luby, McConnell, Pantalone, Rae, Walker, Watson

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

June 24, 2004:

Deputy Mayor Pantalone in the Chair.

Councillor Grimes, 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, in order to permit Councillor Mammoliti to conclude his remarks on Policy and Finance Committee Report 5, Clause 11, headed “Review of Business Licensing Fees/Establishment of Traditional Medicine Establishment and Practitioner Licences”, which carried, more than two-thirds of Members present having voted in the affirmative.

Mayor Miller in the Chair.

Councillor Holyday, at 5:55 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 all matters remaining on the Order Paper for this meeting of Council, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Di Giorgio, at 6:00 p.m., due to a disruption in the proceedings of Council, moved that Council now recess and reconvene in approximately 10 minutes, the vote upon which was taken as follows:

Yes - 23 Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, Di Giorgio, Fillion, Fletcher, Hall, Holyday, Jenkins, Li Preti, McConnell, Mihevc, Moscoe, Palacio, Pantalone, Rae, Saundercook, Walker
No - 8	

Councillors: Del Grande, Grimes, Lindsay Luby, Milczyn, Minnan-Wong,
Ootes, Shiner, Stintz

Carried by a majority of 15.

Deputy Mayor Bussin in the Chair.

Councillor Moscoe, at 8:05 p.m., moved that Council now recess for dinner and reconvene in approximately 20 minutes, which carried. Council reconvened at 8:30 p.m.

9.111 ATTENDANCE:

Councillor Carroll, seconded by Councillor Walker, moved that the absence of Councillors Cho, Kelly and Nunziata from this meeting of Council, be excused, which carried.

June 22, 2004	9:40 a.m. to 12:30 p.m.*	Roll Call 10:29 a.m.	Roll Call 10:39 a.m.	2:11 p.m. to 7:30 p.m.*	Roll Call 4:24 p.m.
Miller	x	-	x	x	-
Altobello	x	x	x	x	-
Ashton	x	x	x	x	x
Augimeri	x	-	-	x	x
Balkissoon	x	-	x	x	x
Bussin	x	x	x	-	-
Carroll	x	-	x	x	-
Cho	-	-	-	-	-
Chow	x	-	-	-	-
Cowbourne	x	x	x	x	-
Davis	x	-	x	x	x
De Baeremaeker	x	x	x	x	x
Del Grande	x	x	-	x	-
Di Giorgio	x	-	x	x	x
Feldman	x	x	-	x	x
Filion	x	-	-	-	-
Fletcher	x	x	-	x	x
Ford	x	x	-	x	x
Giambrone	-	-	-	x	-

Minutes of the Council of the City of Toronto
June 22, 23 and 24, 2004

June 22, 2004	9:40 a.m. to 12:30 p.m.*	Roll Call 10:29 a.m.	Roll Call 10:39 a.m.	2:11 p.m. to 7:30 p.m.*	Roll Call 4:24 p.m.
Grimes	x	x	x	x	x
Hall	x	x	x	x	x
Holyday	x	x	x	x	x
Jenkins	x	x	x	x	x
Kelly	-	-	-	-	-
Li Preti	x	x	x	-	-
Lindsay Luby	x	x	x	x	x
Mammoliti	x	-	-	x	-
McConnell	x	x	x	x	x
Mihevc	x	-	x	x	x
Milczyn	x	-	-	x	-
Minnan-Wong	x	x	-	x	-
Moscoe	x	x	x	x	x
Nunziata	-	-	-	-	-
Ootes	x	-	-	x	x
Palacio	x	x	x	x	-
Pantalone	x	x	x	x	x
Pitfield	x	-	-	x	x
Rae	x	-	-	x	-
Saundercook	x	x	x	x	x
Shiner	x	-	-	x	-
Soknacki	x	x	-	x	x
Stintz	x	-	-	x	-
Thompson	x	x	x	x	-
Walker	x	x	x	x	x
Watson	x	x	x	x	-
Total	41	25	25	38	23

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

June 23, 2004	Roll Call 9:40 a.m.	9:43 a.m. to 12:32 p.m.*	2:10 p.m. to 7:30 p.m.*	Roll Call 6:14 p.m.	Roll Call 6:33 p.m.	Roll Call 6:35 p.m.
Miller	-	x	x	-	-	-

Minutes of the Council of the City of Toronto
June 22, 23 and 24, 2004

June 23, 2004	Roll Call 9:40 a.m.	9:43 a.m. to 12:32 p.m.*	2:10 p.m. to 7:30 p.m.*	Roll Call 6:14 p.m.	Roll Call 6:33 p.m.	Roll Call 6:35 p.m.
Altobello	x	x	x	x	x	x
Ashton	-	x	x	x	x	x
Augimeri	-	x	x	-	-	-
Balkissoon	x	x	x	-	-	-
Bussin	x	x	x	x	x	x
Carroll	x	x	x	x	x	x
Cho	-	-	-	-	-	-
Chow	x	x	-	-	-	-
Cowbourne	x	x	x	-	-	-
Davis	x	x	x	x	x	x
De Baeremaeker	x	x	x	x	x	x
Del Grande	x	x	x	x	x	x
Di Giorgio	-	x	x	x	x	x
Feldman	-	-	-	-	-	-
Filion	-	x	x	x	-	-
Fletcher	x	x	x	x	-	-
Ford	-	x	x	x	x	x
Giambrone	-	-	-	-	-	-
Grimes	x	x	x	-	-	-
Hall	x	x	x	x	x	x
Holyday	x	x	x	x	x	x
Jenkins	x	x	x	x	x	x
Kelly	-	-	-	-	-	-
Li Preti	x	x	x	-	-	-
Lindsay Luby	x	x	x	x	x	x
Mammoliti	-	x	x	-	-	-
McConnell	-	x	x	x	x	x
Mihevc	x	x	x	x	-	-
Milczyn	-	x	x	x	x	x
Minnan-Wong	-	x	x	-	-	-

Minutes of the Council of the City of Toronto
June 22, 23 and 24, 2004

June 23, 2004	Roll Call 9:40 a.m.	9:43 a.m. to 12:32 p.m.*	2:10 p.m. to 7:30 p.m.*	Roll Call 6:14 p.m.	Roll Call 6:33 p.m.	Roll Call 6:35 p.m.
Moscoe	x	x	x	x	x	x
Nunziata	-	-	-	-	-	-
Ootes	x	x	x	-	-	-
Palacio	x	x	x	-	-	-
Pantalone	x	x	x	x	x	x
Pitfield	x	x	x	-	-	-
Rae	x	x	x	x	x	x
Saundercook	-	x	x	x	x	x
Shiner	-	x	x	x	x	x
Soknacki	x	x	x	-	-	-
Stintz	-	x	x	x	x	x
Thompson	x	x	x	-	-	-
Walker	x	x	x	x	x	x
Watson	x	x	x	x	x	x
Total	26	40	39	26	23	23

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

June 24, 2004	9:41 a.m. to 12:35 p.m.*	Roll Call 9:53 a.m.	Roll Call 12:01 p.m.	Roll Call 2:12 p.m.	2:12 p.m. to 2:45 p.m.*	Ctte. of the Whole in-Camera 2:50 p.m.
Miller	-	-	-	x	x	x
Altobello	x	-	-	x	x	x
Ashton	x	x	-	x	x	x
Augimeri	x	x	x	-	x	x
Balkissoon	x	x	x	x	x	x
Bussin	x	x	-	-	x	x
Carroll	x	x	x	x	x	x
Cho	-	-	-	-	-	-
Chow	-	-	-	-	-	-
Cowbourne	x	x	x	x	x	x
Davis	x	x	-	x	x	x
De Baeremaeker	x	x	-	x	x	x
Del Grande	x	x	x	x	x	x

Minutes of the Council of the City of Toronto
June 22, 23 and 24, 2004

June 24, 2004	9:41 a.m. to 12:35 p.m.*	Roll Call 9:53 a.m.	Roll Call 12:01 p.m.	Roll Call 2:12 p.m.	2:12 p.m. to 2:45 p.m.*	Ctte. of the Whole in-Camera 2:50 p.m.
Di Giorgio	x	x	x	x	x	x
Feldman	-	-	-	-	-	-
Filion	x	-	-	-	-	x
Fletcher	x	-	x	-	x	x
Ford	x	x	-	x	x	x
Giambrone	x	x	-	-	-	-
Grimes	x	x	x	-	-	x
Hall	x	x	x	x	x	x
Holyday	x	x	x	x	x	x
Jenkins	x	x	x	x	x	x
Kelly	-	-	-	-	-	-
Li Preti	x	-	x	x	x	x
Lindsay Luby	x	x	x	x	x	x
Mammoliti	x	x	x	x	x	x
McConnell	x	-	-	-	-	-
Mihevc	x	-	x	-	x	x
Milczyn	x	-	x	x	x	x
Minnan-Wong	-	-	-	x	x	x
Moscoe	x	x	x	x	x	x
Nunziata	-	-	-	-	-	-
Ootes	x	x	x	x	x	x
Palacio	x	x	x	x	x	x
Pantalone	x	x	x	x	x	x
Pitfield	x	-	-	x	x	x
Rae	x	x	-	x	x	x
Saundercook	x	x	x	x	x	x
Shiner	-	-	-	x	x	x
Soknacki	x	x	-	-	x	x
Stintz	-	-	-	-	x	x
Thompson	x	x	x	-	x	x
Walker	x	x	-	x	x	x
Watson	x	x	x	x	x	x

Minutes of the Council of the City of Toronto
June 22, 23 and 24, 2004

June 24, 2004	9:41 a.m. to 12:35 p.m.*	Roll Call 9:53 a.m.	Roll Call 12:01 p.m.	Roll Call 2:12 p.m.	2:12 p.m. to 2:45 p.m.*	Ctte. of the Whole in-Camera 2:50 p.m.
Total	36	28	23	29	36	38

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

June 24, 2004	5:45 p.m. to 6:00 p.m.	6:20 p.m. to 8:05 p.m.	Roll Call 7:14 p.m.	8:30 p.m. to 9:14 p.m.*
Miller	x	x	-	x
Altobello	x	x	x	x
Ashton	x	x	x	x
Augimeri	x	x	x	x
Balkissoon	-	-	-	-
Bussin	x	x	x	x
Carroll	x	x	x	x
Cho	-	-	-	-
Chow	-	-	-	-
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	-	-	-	-
Filion	x	x	-	x
Fletcher	x	x	-	-
Ford	x	x	x	x
Giambrone	-	x	-	-
Grimes	x	x	x	x
Hall	x	x	x	x
Holyday	x	x	x	x
Jenkins	x	x	x	x
Kelly	-	-	-	-
Li Preti	x	x	x	-
Lindsay Luby	x	x	x	x
Mammoliti	x	x	-	-

Minutes of the Council of the City of Toronto
June 22, 23 and 24, 2004

June 24, 2004	5:45 p.m. to 6:00 p.m.	6:20 p.m. to 8:05 p.m.	Roll Call 7:14 p.m.	8:30 p.m. to 9:14 p.m.*
McConnell	x	x	-	x
Mihevc	x	x	-	x
Milczyn	x	x	-	x
Minnan-Wong	x	x	-	-
Moscoe	x	x	x	x
Nunziata	-	-	-	-
Ootes	x	x	-	x
Palacio	x	x	x	x
Pantalone	x	x	-	x
Pitfield	-	-	-	-
Rae	x	x	x	x
Saundercook	x	x	x	x
Shiner	x	x	x	-
Soknacki	x	x	-	-
Stintz	x	x	-	-
Thompson	-	-	-	-
Walker	x	x	x	x
Watson	x	x	-	-
Total	36	37	23	28

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

Council adjourned on June 24, 2004 at 9:14 p.m.

**DAVID R. MILLER,
Mayor**

**ULLI S. WATKISS,
City Clerk**

ATTACHMENT 1 [Notice of Motion J(10)]

Report dated June 18, 2004 from the Commissioner of Economic Development, Culture and Tourism, and the Chief Financial Officer and Treasurer, entitled "Food Services at Yonge Dundas Square RFP No. 0613-04-7070, Ward 27 - Toronto Centre-Rosedale". (See Minute 9.74, Page

94):

Purpose:

To report on the results of the Request for Proposals (RFP) No. 0613-04-7070 for the provision of Food Services at Yonge Dundas Square and to obtain authorization to enter into an agreement with the recommended proponents, 505707 Ontario Limited - "The Grenadier Group" and Tiny Tom Donuts Limited. The term of the agreement will run from August 1, 2004 to October 1, 2006 with an option to renew for an additional one year period.

Financial Implications and Impact Statement:

The Board of Management of Yonge Dundas Square has selected two proponents to provide food services on the site. In 2004, the Food Services Agreement with the Grenadier Group will run from August 1 to September 30 and will generate a minimum payment to the Board in the amount of \$6,666.00. In 2005, the agreement for the full summer season (May to October) will generate a minimum annual payment of \$20,000.00. In 2006, the minimum payment to the Board will increase by the Consumer Price Index (CPI).

In 2004, the Food Services Agreement with Tiny Tom Donuts Limited will generate a minimum of \$24,000.00 for a temporary operation until September 30. There is a potential for additional off-season revenues of \$300.00 per day for operations from October to December. The number of days for off-season operations is still to be negotiated. In 2005, the agreement for the full summer season will generate a minimum of \$61,200.00. Additional off-season revenues will be a minimum of \$300.00 per day. In 2006, the minimum payment to the Board for the full summer season will be \$68,850.00 and additional off-season revenues will increase to a minimum of \$350.00 per day.

All costs associated with the construction, installation, utilities, taxes, maintenance and staffing of food service kiosks are the responsibility of the successful proponents.

The 2004 approved budget for Yonge Dundas Square projected \$10,000.00 in revenues from food services. Once the agreements are executed, staff will report on any year-end variances through the quarterly variance report.

Recommendations:

It is recommended that:

- (1) authority be given to the Yonge Dundas Square Board of Management to enter into an agreement with 505707 Ontario Limited – "The Grenadier Group" and Tiny Tom Donuts Limited to provide food services on the terms outlined in this report and in a form and content satisfactory to the Commissioner of Economic Development, Culture and Tourism

and the City Solicitor; and

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

Background:

At its meeting held on October 29, 30 and 31, 2002, City Council adopted, without amendment, Clause 10 of the Economic Development and Parks Committee Report No. 9, authorizing the Yonge Dundas Square Board of Management to undertake requests for proposals or solicit expressions of interest for revenue development sources for the Yonge Dundas Square (the Square) including, but not limited to, third party outdoor advertising, provided that, through the Commissioner of Economic Development, Culture and Tourism, the Board advises City Council on the results of such requests and reports its recommendations back to Council.

In 2003, the Board of Management of Yonge Dundas Square initiated a Vendor Market pilot project. As part of the pilot project, several vendors, including food service operators, set up temporary kiosks to serve the public visiting the Square. As a result of the pilot project, it was determined that the public was most interested in having food services available on the site.

At its meeting held on November 27, 2003, the Yonge Dundas Square Board of Management voted to issue a Request for Proposals (RFP) for food services on the Square. The Board also approved the engagement of Cameron Hawkins and Associates, a specialist in food services, to assist with the preparation and evaluation of the RFP.

The RFP was issued through the City of Toronto Purchasing and Materials Management Division on March 5, 2004 and closed on March 26, 2004.

Comments:

The Request for Proposals (RFP) for food services at Yonge Dundas Square invited proponents to submit proposals for seasonal and/or year round operations. The RFP indicated that the Board would consider more than one operator on the site and that proponents would be responsible for all costs associated with the design, construction, installation, maintenance, utilities, and staffing of the food kiosks.

Sixty-six (66) firms were invited to submit proposals for this requirement and this RFP was advertised on the City of Toronto's Internet Website. A bidders' briefing and site meeting was held on March 15, 2004. Sixteen companies attended the briefing. Submissions were received and opened on March 26, 2004 from the following ten (10) firms:

- 1 505707 Ontario Ltd.
- 2 1455900 Ontario Inc. O/A Gourmet Cuisine
- 3 Markham Concession Inc.
- 4 On Traks Inc. (Ganesh Nankoosingh)
- 5 Pronto Food Service Ltd.
- 6 Sarkis Raffoul
- 7 Senator Restaurant Limited
- 8 Tiny Tom Donuts Limited
- 9 Trio's Café & Caterer's
- 10 Vital Link Ice Cream and Event Marketing Inc.

A Selection Committee, comprised of two board members, staff and the food services consultant, evaluated the submissions in two sequential stages.

The first stage of the evaluation process involved a detailed evaluation of proposals based on overall quality and scope of offered services, approach and methodology, relevant experience, qualifications, performance capabilities, demonstrated resources, and cost. The four highest scoring proponents were invited to an interview. They were 1455900 Ontario Inc. O/A Gourmet Cuisine, 505707 Ontario Ltd (The Grenadier Group), Tiny Tom Donuts Limited and Senator Restaurant Limited. Their scores ranged from 47.50 to 68.75 out of a possible 100.

Upon conclusion of the interviews, the Selection Committee recommended that the Board enter into negotiations with the two highest scoring proponents, The Grenadier Group Limited and Tiny Tom Donuts Limited. The Grenadier Group will serve food and non-alcoholic beverages from a kiosk at a site (approximately 600 square feet) located in the northeast portion of the Square, adjacent to the existing T.O.Tix Booth. Similar to its operation at the Canadian National Exhibition, Tiny Tom Donuts would make and sell their miniature donuts at a site (approximately 300 square feet) located at the northwest corner of Yonge Dundas Square. Tiny Tom Donuts Limited is offering greater revenues to the Board for this more prominent location on the Square.

At its meeting held on April 29, 2004, the Yonge Dundas Square Board considered the recommendations of the Selection Committee and adopted a motion to enter into an agreement with both proponents. The proponents will be required to comply with all relevant regulations, and by-laws for the City of Toronto and obtain all necessary licenses and permits required for the operation of food service facilities. The City's Legal Services Division has reviewed the agreements.

In order to expedite the availability of food services on the Square during the busy summer months,

both proponents will be offered temporary permits while final negotiations are completed and the contract is executed.

Conclusions:

Yonge Dundas Square is in its second full year of operation and the Board continues to seek ways to enhance the multi-use nature of the Square, improve the amenities available to the public, and to create additional revenue generating opportunities to support entertainment and event programming.

Providing limited food services will help to further animate the Square, attract more people, and improve the public's enjoyment of the space.

Contact:

Karen Thorne-Stone
Executive Director
Economic Development Culture and Tourism
Tel: (416) 395-6152
Fax: (416) 397-5314
Email: kthorne@toronto.ca

Lou Pagano, P.Eng.
Director
Purchasing and Materials Management
Tel. (416) 392-7312
Fax (416) 392-0801
Email: lpagano@toronto.ca

ATTACHMENT 2 [Notice of Motion J(11)]

Report dated June 22, 2004 from the Chair, Toronto Police Services Board, entitled "Request for Funds for the Toronto Police Service – 2004 Community Action Policing Program". (See Minute 9.75, Page 96):

Purpose:

The purpose of this report is to provide a response to the Toronto City Council request for information on the implementation of a community action policing program that would operate between June 14, 2004 and September 05, 2004, and would be funded within the existing 2004 Toronto Police Service operating budget.

Financial Implications and Impact Statement:

The implementation of the recommendation contained in this report would result in an expenditure by the City of Toronto in the amount of \$1,272,000. The funds would be transferred to the Toronto Police Service to support the cost of operating the 2004 Community Action Policing Program.

Recommendation:

It is recommended that Toronto City Council provide the Toronto Police Service with funds in the amount of \$1,272,000 for the implementation of the 2004 Community Action Policing Program.

Background:

At its meeting held on June 21, 2004, the Toronto Police Services Board was in receipt of a report, dated May 18, 2004, from Chief of Police Julian Fantino containing a response to a request by Toronto City Council for information on the implementation of a community action policing program that would operate between June 14, 2004 and September 5, 2004, and would be funded within the existing 2004 Toronto Police Service operating budget.

Comments:

The report from Chief Fantino indicated that a Community Action Policing Program could be implemented in 2004, however, there were no surplus funds in the Toronto Police Service's 2004 operating budget that could be redirected for this initiative.

Mr. Frank Chen, Chief Administrative Officer, and Deputy Chief Steven Reesor, Policing Operations Command, were in attendance and responded to questions by the Board about this report. The Board was advised that all the divisions are currently experiencing a shortage of staff resources and that a number of officers from non-front-line units have been redeployed to assist the front-line units across the Service.

Chief Fantino suggested that a “workload analysis” may be necessary to better understand the impact that “downloading” of responsibilities has had upon the Service’s ability to adequately meet the daily demand for calls for service. He further advised that each unit commander has flexibility in deploying staff resources to areas where a greater emphasis of policing is required to deal with local issues.

The Board approved Chief Fantino’s report and requested that a report requesting the appropriate funds to support the proposed 2004 Community Action Policing Program be forwarded directly to Toronto City Council for consideration at its meeting on June 22, 23 and 24, 2004.

Conclusions:

A copy of Board Minute No. P181/04, in the form attached as Appendix “A” to this report, regarding this matter is provided for information.

Contact:

Chief of Police Julian Fantino
Toronto Police Service
Telephone No. 416-808-8000
Fax. No. 416-808-8002

List of Attachments:

Appendix A - Board Minute No. P181/04

APPENDIX "A"

THIS IS AN EXTRACT OF THE MINUTES OF THE MEETING
OF THE TORONTO POLICE SERVICES BOARD HELD ON JUNE 21, 2004

#P181. RESPONSE TO CITY OF TORONTO RECOMMENDATION TO IMPLEMENT
A COMMUNITY ACTION POLICING PROGRAM IN 2004

The Board was in receipt of the following report May 18, 2004 from Julian Fantino, Chief of Police:

Subject: RESPONSE TO COUNCIL RECOMMENDATION TO IMPLEMENT A
COMMUNITY ACTION POLICING PROGRAM IN 2004

Recommendation:

It is recommended that:

- (1) the Board approve the implementation of a 2004 Community Action Policing Program, subject to Council providing funding;
- (2) the Board request City Council to fund the Community Action Policing Program in the amount of \$1,272,000; and
- (3) the Board forward this report to the City's Chief Financial Officer and Treasurer, and the City's Chief Administrative Officer.

Background:

City Council deliberated on the Toronto Police Service's budget during the week of April 19, 2004. One of the motions passed at Council requested that:

"the Mayor's Office, the Chair of the Toronto Police Services Board, the Chief of Police, the Chief Administrative Officer, the Chief Financial Officer and Treasurer and the Chair of the Budget Advisory Committee be requested to report to Council on the implementation of a community action policing program that would run between June 14 and September 5, 2004, and would be funded within the existing 2004 Toronto Police Service Operating budget."

The following report summarizes how a Community Action Policing (CAP) Program could be implemented in 2004. However, there are no surplus funds in the Service's Operating Budget that could be redirected for this project.

CAP Program Overview

The CAP program is a high-visibility, target policing initiative that provides immediate relief to the community by assigning uniformed officers to focused activities in neighbourhoods identified as having crime, disorder and public safety issues. Activity includes enforcement, safety walks and audits with the community, crime prevention, intelligence gathering, parks patrol and spot-checks.

Overtime funds are used to call back officers from assigned days off, to work shorter, more targeted shifts in specific neighbourhoods. This short-term, tactical approach provides a highly-visible concentration of officers in problem areas. Utilizing officers on callback provides the flexibility to:

- deploy resources as crime patterns and trends shift;
- direct officers to target areas during problem hours;
- select highly-motivated officers familiar with local crime problems;
- focus on target areas without being encumbered by regular policing demands; and
- have a commitment of resources.

CAP has been implemented in 1999 and in 2000. In 2000, the City provided TPS with funding to implement CAP for thirteen weeks, from June 12 to September 10. \$1.4M in CAP funding enabled 30,264 personnel hours to be committed to the program. The program resulted in 600 arrests and the issuance of over 10,000 Provincial Offences Tickets.

CAP generated a tremendous amount of support from the community. The community in general reported an increase in police presence, and expressed a desire to see the program run year-round. Service statistics indicated a decrease in crime and disorder. Unfortunately, the program relies on funding for overtime hours, and budget constraints each year have precluded the continued application of this highly-successful program.

Proposal for a 2004 CAP Program

During the past several months, Toronto has experienced a disturbing increase in gun violence and gang activity. The Chief's Town Hall meetings, the Summit on gun violence, and the Service's annual community survey of perceptions of safety all confirm that citizens do not feel safe in certain parts of the city. CAP funding would allow the Service to provide an increased and sustained uniform presence in target areas, and continue to meet daily demands for service.

The CAP structure for 2004 would be based upon earlier CAP programs:

- CAP would run for a twelve-week period from June 14, 2004 to September 5, 2004;
- Unit Commanders would identify, prioritize and develop CAP strategies in collaboration with community partners and other key stakeholders;
- CAP funding would be allocated to divisions based on total divisional staffing, with consideration given to additional funding for policing in the Entertainment District;
- Callbacks would be a maximum 5 hours in duration (no lunch).

The program structure assumes one CAP team per division, with an additional team for each larger division (14, 41, 42 and 52 Divisions), and additional funding for the Entertainment District. The original proposal for the 2004 program included contingency funding to deal with extraordinary issues arising during the program. In light of ongoing funding pressures, this contingency funding has been removed from the proposal. It should also be noted that the CAP program is a scalable one – i.e., if more funding could be made available in any given year, deployment of each team could be increased to additional nights or for additional weeks. Similarly, if less funding is available, fewer nights or weeks could be targeted.

Assuming each CAP team is comprised of 1 Sergeant and 5 constables, deployed three times per week, for a 12 week period, each CAP team would cost \$53,600. The full cost of the program is summarized as follows:

1 CAP team for each of 16 Divisions, plus 4 additional CAP teams for larger divisions	\$1,072,000.00
Entertainment District funding	200,000.00
TOTAL:	\$1,272,000.00

The number of personnel, times and duration of target initiatives would be tailored to the specific crime and disorder problems in target areas.

Funding for a 2004 CAP Program

The Council motion requested that a report be made to Council regarding the implementation of CAP funded within the existing 2004 Toronto Police Service Operating Budget. The Service cannot fund \$1.3M for a 2004 CAP program from the existing budget. As you know, the Service's 2004 original budget request, which represented the funding required to maintain services at a 2003 level, was reduced by \$8.8M (not including any new initiative requests, which were not approved). The Service has reprioritized and deferred expenditures drastically to be able to meet the currently-approved budget of \$679.2M. During budget deliberations, it was very clear that any further reductions would affect staffing levels.

It is already a challenge to work within the approved budget: The Service committed to absorbing the additional cost of leap year with no funding source identified, and is now faced with implementing Judge Ferguson's recommendations using existing financial resources. These are only 2 examples of financial pressures already faced by the Service this year.

Funds for the CAP program could only be found through the reduction of new uniform hires. This would be in contravention of the Board's and Council's direction to maintain a uniform strength of 5,260, and would reduce policing provided to the community – completely derailing any benefits that would be gleaned from CAP.

I would like to stress, however, that the CAP initiative is a very worthwhile one. I recommend that the Board approve the implementation of a CAP program in 2004, subject to Council funding this initiative, and that the Board request the City to provide funding in the amount of \$1,272,000.

Deputy Chief Steve Reesor, Policing Operations Command, and Mr. Frank Chen, Chief Administrative Officer, will be in attendance to address any concerns that Board members may have.

Mr. Frank Chen, Chief Administrative Officer, and Deputy Chief Steven Reesor, Policing Operations Command, were in attendance and responded to questions by the Board about this report. The Board was advised that all the divisions are currently experiencing a shortage of staff resources and that a number of officers from non-front-line units have been redeployed to assist the front-line units across the Service.

Chief Fantino suggested that a "workload analysis" may be necessary to better understand the impact that "downloading" of responsibilities has had upon the Service's ability to adequately meet the daily demand for calls for service. He further advised that each unit commander has flexibility in deploying staff resources to areas where a greater emphasis of policing is required to deal with local issues.

The Board approved the foregoing and requested that a report requesting the appropriate funds to support the proposed 2004 Community Action Policing Program be forwarded directly to Toronto City Council for consideration at its meeting on June 22, 23 and 24, 2004.

ATTACHMENT 3 [Notice of Motion J(12)]

Report dated June 18, 2004 from the Commissioner, Urban Development Services, entitled "Authority to Enter into Contribution Agreements for Various Toronto Waterfront Revitalization Initiatives". (See Minute 9.76, Page 97):

Purpose:

To request Council approval for the City to enter into Contribution Agreements with the Federal and Provincial governments and the Toronto Waterfront Revitalization Corporation (TWRC) for Waterfront projects provided that the City's share of funding for those projects has been included in current or future Capital Budgets for the Waterfront Revitalization Initiative as approved by Council.

To authorize the Mayor, as the City's designated representative for the Waterfront Revitalization Initiative, to execute these Contribution Agreements on behalf of the City.

Financial Implications and Impact Statement:

City funding of \$26.325 million (\$78.236 million from the three governments) is included in the 2004 Capital Budget for the Waterfront Revitalization Initiative. This funding flows to the TWRC to cover its costs and through it to provide for the continuation of the four Priority Waterfront Projects and a variety of other initiatives, including the development of parks and public space, precinct planning and transit planning.

Approval of recommendations contained in this report will allow the City to enter into the Contribution Agreements necessary to expedite the joint funding of Waterfront Initiatives included in the Council-approved 2004 Capital Budget.

The Chief Financial Officer and Treasurer has reviewed this report and concurs with the Financial Impact Statement.

Recommendations:

It is recommended that:

- (1) Council authorize the City to enter into Contribution Agreements with the Federal and Provincial governments and the TWRC for Waterfront projects, provided that the City's share of funding for those projects has been included in current or future Capital Budgets for the Waterfront Revitalization Initiative as approved by Council;
- (2) Council authorize the Mayor, as the City's designated representative for the Waterfront

Revitalization Initiative, to execute these Contribution Agreements on behalf of the City; and

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

Background:

On October 20, 2000, the Federal Government, Province of Ontario, and the City of Toronto announced their joint commitment to invest \$1.5 billion for the revitalization of the Toronto waterfront. The governments subsequently announced their support of four priority capital projects and seed funding for the creation of the TWRC totalling \$300 million, or \$100 million per government partner. The four projects are the Union Station second subway platform, Lower Don River environmental assessment, Portlands preparation, and Front Street extension.

At its meeting of May 30, 31 and June 1, 2001, Council authorized the Mayor to execute a Contribution Agreement on behalf of the City related to the four Priority Projects. On July 18, 2001, the City of Toronto, Government of Canada and Province of Ontario entered into that Contribution Agreement. The Agreement outlined the roles, responsibilities and financial obligations of each of the government partners related to the implementation of the four priority projects, creation of a TWRC business strategy and development plan, and the set-up of the corporation. That Contribution Agreement was interim in nature, expiring on March 31, 2003.

In May 2002, the *Toronto Waterfront Revitalization Corporation Act, 2002* was enacted, which transformed the interim TWRC to a permanent corporation. Following this transformation, staff of the three governments and TWRC began negotiating a permanent Contribution Agreement for the four priority projects, as well as similar agreements for new Waterfront initiatives approved by the three governments. Negotiations were suspended for several months as a result of various transitions at the federal level.

In April, 2004, Council approved the 2004 Capital Budget for Waterfront Revitalization, with the stipulation that the 2004 expenditure of \$20.3 million (excluding the 2003 carry-forward of \$6.0 million) for the City's share of the tripartite agreement be conditional on the other levels of government maintaining good standing on their funding. Council referred this matter to the Mayor's office for consideration and dialogue with the Provincial and Federal governments. Approval of recommendations contained in this report will allow the City to enter into the Contribution Agreements necessary to expedite the joint funding of Waterfront Initiatives included in the Council-approved 2004 Capital Budget.

To-date, the Corporation has received a total of \$52.0 million from the three governments, allocated \$16.7 million from the City, \$19.0 million from the Province, and \$16.3 million from the Federal level.

Comments:

The Contribution Agreement for the Priority Projects was executed by all parties on June 16, 2004, thus making it possible for additional funds to flow to the TWRC from the Federal Government. The new Agreement is based on the Interim Agreement, which Council approved in 2001 for the priority projects. It addresses roles, responsibilities, financial commitments and project requirements and will form the template for all future Agreements, thus streamlining the preparation process.

A second Contribution Agreement is expected to be ready for execution in late June/early July and will address the following initiatives:

- the Port Union and Mimico Strategic Parks Projects,
- the Harbourfront Water's Edge Promenade project, and
- precinct planning exercises (West Don Lands, East Bayfront, Port Lands, and Lower Yonge).

A third agreement is anticipated in July covering those remaining initiatives included in Council's 2004 capital budget. These include parks and public space development in the Port Lands and East Bayfront, TWRC core administrative costs, and environmental assessments for transit and other initiatives.

To expedite implementation of these initiatives and the transition from planning to implementing revitalization, it is recommended that Council authorize the City to enter into Contributions Agreements with the Federal and Provincial governments and the TWRC for projects included in its approved Capital Budget for the Waterfront. It is further recommended that Council authorize the Mayor, as the City's designated representative for the Waterfront Revitalization Initiative, to execute these Contribution Agreements on behalf of the City.

Conclusions:

To ensure timely execution of future Contribution Agreements with the Federal and Provincial governments and the TWRC, Council is requested, firstly, to authorize the City to enter into Contributions Agreements with the Federal and Provincial governments and the TWRC for projects included in its approved Capital Budget for the Waterfront, and, secondly, to authorize the Mayor, as the City's designated representative for the Waterfront Revitalization Initiative, to execute these Contribution Agreements on behalf of the City.

Contact:

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Concurrence with Financial Impact Statement Provided by:

Josie LaVita
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ATTACHMENT 4 [Notice of Motion J(20)]

Report dated June 21, 2004 from the City Solicitor, entitled "City Position Respecting a Potential North-South Rail Overpass in Relation to Appeals of Official Plan and Zoning By-law Amendment Application No. TC CMB 2002 0019 by Olympia Elevator Service Limited, 1100 Lansdowne Avenue, Part of the former General Electric site, 940, 980 and 1100 Lansdowne Avenue Davenport, Ward 17", now public in its entirety. (See Minute 9.84, Page 110):

Purpose:

To authorize the City Solicitor to oppose the insertion by CN Railway and GO Transit, at the Municipal Board settlement hearing relating to this application and at Municipal Board hearings generally, of warning clauses supporting or providing special recognition for a north-south rail overpass (an elevated train) or of Official Plan policies referencing such a proposed overpass at the intersection of the Canadian National and Canadian Pacific rail lines in the vicinity of Lansdowne Avenue and Dupont Street until such time as the option has been formally advanced by the proponent and made subject to an environmental assessment, giving Council an opportunity to form an opinion on the proposal.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) authorize the City Solicitor to oppose the insertion by CN Railway and GO Transit, at the Municipal Board settlement hearing relating to this application and at Municipal Board hearings generally;
 - (i) of warning clauses supporting or providing special recognition for a north-south rail overpass at the intersection of the Canadian National and Canadian Pacific rail lines in the vicinity of Lansdowne Avenue and Dupont Street; and
 - (ii) of Official Plan policies referencing a potential north-south rail overpass at the intersection of the Canadian National and Canadian Pacific rail lines in the vicinity of Lansdowne Avenue and Dupont Street,

until such time as the option has been formally advanced by the proponent and made subject to an environmental assessment, giving Council an opportunity to form an opinion on the proposal; and

- (2) authorize the City Solicitor to include in the section 37 agreement standard warning clauses relating to rail lines, including the insertion of language referencing the potential for a range of alternative future rail infrastructure options to be considered at the time an environmental assessment may be initiated.

Background:

Olympia Elevator Services Ltd. has appealed its development proposal to the Ontario Municipal Board. The proposal involves construction of 212 stacked townhouses and reuse of an existing building for office uses on a 4.9 acre (Phase 1) portion of the 19 acre former General Electric site near Lansdowne Avenue and Davenport Road.

City Council, on January 30, 2004, adopted a settlement report, as amended. On February 13, 2004, the Municipal Board's approved the settlement in principle, subject to a number of conditions. However, CN Railway and GO Transit, which also uses the north-south CN Rail line, are parties to the hearing. They have specified the form of municipal warning clause they want registered on title in connection with the section 37 agreement. That language specifically recognizes a potential overpass. CN Railway and GO Transit are resisting staff suggestions that the overpass be referenced in the context of other alternatives an environmental assessment might generate. CN Railway and GO Transit seek to highlight only the potential overpass.

Staff understand CN Railway and GO Transit wish to insert similar language in the Phase 1 Official Plan amendment. They have advised that they will seek similar policies in the Secondary Plan Application for the entire 19-acre site, which is currently being reviewed by staff.

In addition, CN Railway and GO Transit are parties to the ongoing settlement hearing respecting 800 Lansdowne Avenue (the former American Standard site). They seek similar warning clause language in that appeal.

Elevated Rail Overpass

In November 2001, during the course of a meeting with consultants for GO Transit, City Transportation Planning staff learned of the potential overpass being studied by the rail line. Staff wrote GO Transit's consultants in January 2002. Staff expressed concerns about the magnitude of the potential impact on the local community, including the required closure of Wallace Avenue and requested involvement in any future discussion of the potential proposal.

GO Transit's Final Report of March 1992 was entitled the "Bradford Corridor Planning Study". That report's objectives involved determining the infrastructure required for full train service between Toronto and Bradford. The Final Report assumed this would be required by the year 2031. "Full" service would involve 6 peak period trains with hourly off-peak service and the construction of a grade separation. The Final Report identified that installing a second north-south rail line, with an overpass consisting of 2 new tracks above and west of the existing main line for exclusive passenger use was the recommended concept.

The recommended concept was never formally submitted to the City for further review and comment. An environmental assessment has not been initiated. However, in October 2003, correspondence from CN Railway and GO Transit, who are parties to the Municipal Board hearing for the 800 Lansdowne Avenue (American Standard) application, described the concept as a "planned grade separation".

Comments:

There is no formal proposal for the overpass before Council. CN Railway and GO Transit have not undertaken an environmental assessment in relation to the concept. The details for the potential design have not been prepared such that its impact can be fully assessed.

Because the City has no corporate position, it is difficult to respond to the CN Railway and GO Transit position before the Municipal Board. Accordingly, this Report seeks an interim position, pending submission by CN Railway and GO Transit of environmental assessment materials and the opportunity for the City to fully assess the potential impact of an overpass versus other options.

What is known, in general terms, is that the overpass concept relates to a proposed additional north-south rail line. The proposed grade separation would consist of 2 elevated rail lines. Installing 2 lines on the overpass at this time would facilitate still more north-south service at some time in the future. The existing north-south at-grade rail line would carry freight service, while the new rail line and the overpass would carry passengers, possibly 6 cars each way during peak hours, plus hourly off-peak service. The overpass would originate approximately 500 metres north of Dupont Street. The elevated track could reach a height of approximately 12 metres relative to adjacent properties.

The overpass would end approximately 500 metres south of Bloor Street. The total length of the overpass would be approximately 2 kilometres. That portion of the overpass exceeding 6 metres above existing grade would be approximately 1 kilometre. The overpass may require the closure of Wallace Avenue, south of Dupont Street. Wallace Avenue is a collector road and provides the only rail crossing and connection for the community between Bloor Street West and Dupont Street.

Staff have not had an opportunity to assess the land use planning impacts of the overpass concept or any other options. To the knowledge of staff, there has been no opportunity for community reaction or input. Staff raise preliminary concerns respecting aesthetics, noise and vibration and the potential that the proposed intensification of this rail corridor would divide and disrupt the Wallace-Emerson Community.

Staff raise concerns that municipally imposed warning clauses and Official Plan language that highlights the potential overpass will constrain municipal discretion in future. It may be difficult to ensure an unbiased, objective review of all options later if municipal warning clauses, Official Plan policies and Municipal Board decisions appear to favour the overpass concept and fail to alert those affected to the potential for a range of alternatives.

With respect to Phase 1 of the General Electric application, CN Railway and GO Transit have reviewed the proposal's setback from the rail corridor as well as noise and vibration mitigation measures. The applicant has addressed specific concerns raised. Accordingly, the focus of this report is on direction respecting the implications of warning clause and Official Plan language that highlights the potential for an overpass in advance of consideration of alternatives.

Conclusion:

The City has a standard warning clause that deals with the requirement for noise and vibration studies. That clause could be modified to reference the potential for a range of future rail infrastructure options to be generated by an environmental assessment. However, with regard to Official Plan policies, referencing a potential overpass is premature in advance of the public consultation process generated by an environmental assessment.

If Council does not adopt Recommendations 1 and 2 of this report, the alternative is to advise the Municipal Board that the City has no objections to the CN Rail/GO Transit requests.

This report was prepared in consultation with City Planning staff and they are in agreement with the recommendations embodied in the report.

Contact:

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FISCAL IMPACT STATEMENT SUMMARY
Notices of Motion
Submitted by the Chief Financial Officer and Treasurer
Council Meeting – June 22, 23 and 24, 2004

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(1)	61 Pitt Avenue – Ontario Municipal Board Appeal	\$0	\$0	Consider.
J(2)	28 Rees Street (Ward 20 – Trinity – Spadina)			<i>Confidential. See FIS.</i>
J(3)	Implementation of the <i>Social Housing Reform Act, 2000</i>	\$0	\$0	Consider.
J(4)	Special Event to Assist the Dominican Republic	\$0	\$0	Consider.
J(5)	Reduction of Speed Limit – Rushton Road, between Vaughan Road and Arlington Avenue (St. Paul's, Ward 21)	\$0	\$0	Consider.
J(6)	Request for the Ontario Ministry of the Attorney General to Review the Early Intervention (EI) program within the Specialized Domestic Violence (DV) Courts	\$0	\$0	Consider.
J(7)	To Appoint an Acting Commissioner of Works and Emergency Services	\$0	\$0	Consider.
J(8)	44 Old Forest Hill Road – Ontario Municipal Board Appeal	\$0	\$0	Consider.
J(9)	Amendment to Toronto North Community Council Resolution Regarding the Final Report – OPA and Rezoning Application, Beaverbrook Homes Inc. - 2772-2778 Keele Street	\$0	\$0	Consider.
J(10)	Food Services at Yonge and Dundas Square	\$0	\$0	Consider.
J(11)	Toronto Police Service – 2004 Community Action Policing Program	\$1,272,000	\$0	See FIS.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(12)	Contribution Agreements for Various Toronto Waterfront Revitalization Initiatives	\$0	\$0	Consider.
J(13)	2525 Bloor Street West – Ontario Municipal Board Appeal	\$0	\$0	Consider.
J(14)	Proposal to Wave Various Fees – Russo Family Renovations	\$1,300 +	\$0	See FIS. Consider.
J(15)	City Staff Attendance at Community Meetings	\$0	\$0	Consider.
J(16)	Potential Redevelopment of 3 Parcels of Land in North York	\$0	\$0	Consider.
J(17)	128R Sheridan Avenue – Ontario Municipal Board Appeal	\$0	\$0	Consider.
J(18)	Consideration of Reserving the Name “Thomas Bata” for Future Use on a Street, Trail or Greenspace in the City of Toronto	\$0	\$0	Consider.
J(19)	Statutory Offer of Compensation for the Expropriation of 121 and 123 Industry Street			<i>Confidential. See FIS.</i>
J(20)	Instructions for Ontario Municipal Board Hearings - CN Railway/GO Transit Potential Overpass at the Intersection of Canadian National and Canadian Pacific Rail Lines in the Vicinity of Lansdowne Avenue and Dupont Street			<i>Confidential. See FIS.</i>
J(21)	Request to the Province to Change the Legislation Regarding Assessment Data Bases	\$0	\$0	Consider.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(22)	Request for Authority to Enter into a Municipal Housing Project Facility Agreement with St. Jude Community Homes at 275 and 267R Ontario Street Establishing the Facility as a Municipal Capital Facility and Exempting the Facility from Taxation for Municipal and School Purposes	\$0	\$0	See FIS. Consider.
J(23)	One on One Mentoring – Reserve Account	\$0	\$0	Consider.
J(24)	Appointments to Food and Hunger Action Committee	\$0	\$0	Consider.
J(25)	Resolution to Oppose Missile Defence	\$0	\$0	Consider.
J(26)	Strategy to Ensure Affordable Housing	\$0	\$0	Consider.
J(27)	5255 Yonge Street – Ontario Municipal Board Appeal	\$0	\$0	Consider.
J(28)	3144 Bayview Avenue – Ontario Municipal Board Appeal	Minimal	\$0	See FIS.
J(29)	Request for Report on Establishment of a Grants Task Force	\$0	\$0	Consider.
J(30)	44 and 46 Bernard Avenue – Ontario Municipal Board Appeal	\$0	\$0	Consider.

FISCAL IMPACT STATEMENT 1 [NOTICE OF MOTION J(11)]
(See Minute 9.75, Page 96)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$1,272,000.00 (net)	<input type="checkbox"/> Future year impacts: \$_____ (net)
No alternative funding sources available.	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input checked="" 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 checked="" type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$_____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

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

Impacts/Other Comments:

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

Notice of Motion – J(11) – No alternative City funding source available for Community Action Policing Program costs. Note that the financial impact reflects full year costs.

- Consider
- Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: June 23, 2004

FISCAL IMPACT STATEMENT 2 [NOTICE OF MOTION J(14)]
(See Minute 9.78, Page 101)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$1,300+ (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):

Notice of Motion – J(14) – Urban Development Services will incur non-recovered costs of approximately \$1,300 due to waiving all building and permitting fees and any other related City application fees.

- Consider
- Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: June 23, 2004

FISCAL IMPACT STATEMENT 3 [NOTICE OF MOTION J(22)]

(See Minute 9.86, Page 115)

Financial Implications:

<input checked="" type="checkbox"/> Operating
<input checked="" type="checkbox"/> Current year impacts: \$ <u>0</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"/> New revenues
<input type="checkbox"/> Reserve/Reserve Fund contributions
<input type="checkbox"/> Third party funding
<input type="checkbox"/> Tax rate impact
<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"/> New revenues
<input type="checkbox"/> Reserve/Reserve Fund contributions
<input type="checkbox"/> Third party funding
<input type="checkbox"/> Debt
<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)
<input type="checkbox"/> Operating Impact:
<input type="checkbox"/> Program costs: \$ _____ (net)
<input type="checkbox"/> Debt service costs: \$ _____ (net)

Impacts/Other Comments:

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

Notice of Motion – J(22) – \$300.1 thousand is the foregone property tax revenue (NPV over 50 years)

- Consider
- Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: September 21, 2004

