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These Minutes were confirmed by City Council on September 28, 2004

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

**TUESDAY, JULY 20, 2004,
WEDNESDAY, JULY 21, 2004, AND
THURSDAY, JULY 22, 2004**

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

CALL TO ORDER

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

The meeting opened with O Canada.

10.2 **CONFIRMATION OF MINUTES**

Councillor Altobello, seconded by Councillor Watson, moved that the Minutes of the Council meeting held on the 22nd, 23rd and 24th days of June, 2004, be confirmed in the form supplied to the Members, which carried.

10.3 **PETITIONS**

- (a) Councillor Nunziata submitted a petition containing the signatures of approximately 4,308 individuals, in support of the renewal of the contract for the Chief of Police;

- (b) Councillor Saundercook submitted a petition containing the signatures of approximately 5,000 individuals, in support of the renewal of the contract for the Chief of Police;
- (c) Councillor Grimes submitted a petition containing the signatures of approximately 3,500 individuals, in support of the renewal of the contract for the Chief of Police;
- (d) Councillor Palacio submitted a petition containing the signatures of approximately 4,500 individuals, in support of the renewal of the contract for the Chief of Police;
- (e) Councillor Mammoliti submitted a petition containing the signatures of approximately 3,500 individuals, in support of the renewal of the contract for the Chief of Police;
- (f) Councillor Shiner submitted a petition containing the signatures of approximately 4,000 individuals, in support of the renewal of the contract for the Chief of Police;
- (g) Councillor Minnan-Wong submitted a petition containing the signatures of approximately 5,000 individuals, in support of the renewal of the contract for the Chief of Police;
- (h) Councillor Li Preti submitted a petition containing the signatures of approximately 1,500 individuals, in support of the renewal of the contract for the Chief of Police;
- (i) Councillor Kelly submitted a petition containing the signatures of approximately 3,100 individuals, in support of the renewal of the contract for the Chief of Police;
- (j) Councillor Del Grande submitted a petition containing the signatures of approximately 3,300 individuals, in support of the renewal of the contract for the Chief of Police;

Disposition:

The above petitions were filed with the City Clerk for consideration with Notice of Motion J(23), moved by Councillor Holyday, seconded by Councillor Thompson, respecting a request of the Toronto Police Services Board to rescind their decision respecting the Chief of Police. (See Minute No. 10.92, Page 120)

PRESENTATION OF REPORTS

July 20, 2004:

- 10.4 Councillor Holyday presented the following Reports for consideration by Council:

Deferred Clauses:

Toronto East Community Council Report 5, Clause 2a, and
Toronto North Community Council Report 5, Clause 10a.

New Reports:

Policy and Finance Committee Report 6,
Works Committee Report 6,
Works Committee Report 7,
Administration Committee Report 5,
Community Services Committee Report 5,
Economic Development and Parks Committee Report 5,
Planning and Transportation Committee Report 5,
Scarborough Community Council Report 6,
North York Community Council Report 6,
Toronto and East York Community Council Report 6,
Etobicoke York Community Council Report 6,
Audit Committee Report 4,
Board of Health Report 5, and
Striking Committee Report 6,

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

July 21, 2004:

- 10.5 Councillor Mihevc, with the permission of Council, presented the following Report for the consideration of Council:

Nominating Committee Report 3,

and moved, seconded by Councillor Moscoe, 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.

10.6 **DECLARATIONS OF INTEREST**

Councillor Bussin declared her interest in Policy and Finance Committee Report 6, Clause 15, headed "Development of Transitional Housing and Housing with Supports, Request for Proposal No. 9155-04-7016 (Wards 12, 20, 27 and 31)", in that her parents live in the vicinity of one of the

projects receiving funding support.

Councillor Cho declared his interest in Administration Committee Report 5, Clause 13, headed "Toronto Election Finance Review Task Force Recommendations", in that the Auditor of his election finances is the Chair of the Toronto Election Finance Review Task Force.

Councillor Mammoliti declared his interest in Administration Committee Report 5, Clause 13, headed "Toronto Election Finance Review Task Force Recommendations", in that the Auditor of his election finances is the Chair of the Toronto Election Finance Review Task Force.

Mayor Miller declared his interest in Administration Committee Report 5, Clause 18, headed "Land Transaction Respecting 20 Gothic Avenue (Ward 13 – Parkdale-High Park)", in that he owns property in the immediate area.

Councillor Moscoe declared his interest in Administration Committee Report 5, Clause 12, headed "Amendments to Article II, Concerning Election Signs, Toronto Municipal Code - Chapter 693, Signs", in that he manufactures and sells election signs.

Councillor Palacio declared his interest in Administration Committee Report 5, Clause 13, headed "Toronto Election Finance Review Task Force Recommendations", in that the Auditor of his election finances is the Chair of the Toronto Election Finance Review Task Force.

CONSIDERATION OF REPORTS CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION

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

Toronto East Community Council Report 5, Clause 2a.

Toronto North Community Council Report 5, Clause 10a.

Policy and Finance Committee Report 6, Clauses 1, 2, 3, 4, 7, 8, 11, 15, 16, 22, 25, 27, 30, 36 and 40.

Works Committee Report 6, Clauses 2, 4, 5, 6, 7 and 15.

Works Committee Report 7, Clause 1.

Administration Committee Report 5, Clauses 9, 13, 20 and 24.

Community Services Committee Report 5, Clauses 3, 7, 9 and 10.

Economic Development and Parks Committee Report 5, Clauses 2, 8 and 15.

Planning and Transportation Committee Report 5, Clauses 1, 3, 4, 5, 6, 8, 9, 10, 14 and 15.

Scarborough Community Council Report 6, Clauses 4, 16 and 26.

North York Community Council Report 6, Clauses 24, 31, 33, 34, 37, 38, 41 and 43.

Toronto and East York Community Council Report 6, Clauses 10, 11, 14, 16, 18, 24, 25, 31, 32, 33, 35, 38, 57, 58, 59, 60, 61 and 73.

Etobicoke York Community Council Report 6, Clauses 27 and 32.

Board of Health Report 5, Clause 1.

Striking Committee Report 6, Clauses 1 and 3.

Nominating Committee Report 3, Clauses 1 and 2.

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

Toronto East Community Council Report 5, Clause 2a.

Policy and Finance Committee Report 6, Clauses 3, 4, 8, 16, 22 and 30.

Administration Committee Report 5, Clause 24.

Community Services Committee Report 5, Clauses 3, 9 and 10.

Planning and Transportation Committee Report 5, Clauses 5, 10 and 15.

Scarborough Community Council Report 6, Clause 26.

North York Community Council Report 6, Clauses 24 and 33.

Toronto and East York Community Council Report 6, Clauses 25, 31 and 38.

Etobicoke York Community Council Report 6, Clause 32.

Striking Committee Report 6, Clause 3.

Nominating Committee Report 3, Clauses 1 and 2.

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

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

Policy and Finance Committee Report 6, Clause 41. (See Minute 10.58, Page 66).

Toronto and East York Community Council Report 6, Clause 68. (See Minute 10.36, Page 22).

Etobicoke York Community Council Report 6, Clause 17. (See Minute 10.46, Page 44).

Etobicoke York Community Council Report 6, Clause 33. (See Minute 10.43, Page 38).

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

- 10.8 **Policy and Finance Committee Report 6, Clause 11, headed “Toronto Community Housing Corporation – 2003 Annual Report to Shareholder, Audited Consolidated Financial Statements, By-law Amendments and Annual General Meeting”.**

July 20, 2004:

Motion:

Councillor Balkissoon moved that, in accordance with the recommendation of the Audit Committee contained in the communication dated July 15, 2004, from the Audit Committee, the Clause be referred to the Audit Committee for consideration.

Vote:

The motion by Councillor Balkissoon carried.

July 22, 2004:

Motion to Re-Open:

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

“That a copy of the Clause also be forwarded to the Audit Committee for information.”

Votes:

The motion by Councillor Balkissoon carried.

The Clause, as amended, carried.

Councillor Thompson in the Chair.

Mayor Miller in the Chair.

10.9 **Economic Development and Parks Committee Report 5, Clause 15, headed “Tourism Toronto Partnership Agreement 2004 to 2006 (All Wards)”.**

Motion:

Councillor Moscoe moved that consideration of this Clause be deferred to the next regular meeting of City Council on September 28, 2004.

Vote:

The motion by Councillor Moscoe carried.

10.10 **Scarborough Community Council Report 6, Clause 4, headed “Removal of Interlocking Block Retaining Wall and Fence - 629 Warden Avenue (Ward 35 - Scarborough Southwest)”.**

Motion:

Councillor Altobello moved that the Clause be referred back to the Scarborough Community Council for further consideration and the hearing of depositions.

Vote:

The motion by Councillor Altobello carried.

10.11 **Scarborough Community Council Report 6, Clause 16, headed “Final Report - OPA and Rezoning Application 03 035242 ESC 38 OZ, PIC Property Management Limited Architect: Paul S. Anderson, 555 Brimorton Drive, Woburn Community (Ward 38 - Scarborough Centre)”.**

Motion:

Councillor De Baeremaeker moved that the Clause be amended by adding the following:

“That the following recommendations of the Scarborough Community Council contained in the confidential communication dated July 8, 2004, from the Scarborough Community Council, be adopted:

‘The Scarborough Community Council recommends to City Council that:

- (1) the City Solicitor be directed to seek the largest fine possible in the Courts against the owner for the illegal construction of these units; and
- (2) the City of Toronto apply to the Court for injunctive relief to restrain on-going activity and for the removal of the illegally constructed units at 555 Brimorton Drive;

such instructions to be made public following Council’s consideration of this matter.’ ”

Votes:

The motion by Councillor De Baeremaeker carried.

The Clause, as amended, carried.

10.12 North York Community Council Report 6, Clause 43, headed “Request for Approval of a Variance from the former Borough of East York Sign By-law No. 64-87, as amended, to permit the erection of two land development signs at 1929 Bayview Avenue (Ward 26 - Don Valley West)”.

The Clause was submitted without recommendation.

Motion:

Councillor Pitfield moved that Council adopt the following:

“That Council grant the request for sign variance from the former Borough of East York Sign By-law No 64-87, as amended, to permit the erection of two land development signs at 1929 Bayview Avenue with the following dimensions:

- (1) Sign ‘A’ Advertising Signage:
 - Consists of three (3) panels.
 - The two (2) outside panels are 7.4 metres (~23.75 feet) high by 3.7 metres (12 feet) wide. Each outside panel has a sign area of 20 square metres (~215.3 square feet), for a total area of 40 square metres.

- The central panel is 7.4 metres (~23.75 feet) high by 6.1 metres (20 feet) wide. The total sign area of the central panel is 34 square metres (366 square feet).
 - The total sign area of the advertising signage is 74 square metres.
- (2) Sign 'B' Directional Signage:
- Consists of one (1) double sided sign.
 - Each panel is 7.4 metres (~23.75 feet) high by 3.7 metres (12 feet) wide. Each panel has a sign area of 20 square metres (~215.3 square feet), for a total sign area of 40 square metres."

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

10.13 North York Community Council Report 6, Clause 41, headed "Deterioration of North York Civic Centre (Ward 23 - Willowdale)".

Motion:

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

"That Councillors Carroll, Moscoe and Pitfield be appointed to the North York Civic Centre Ad Hoc Building Committee."

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

10.14 Toronto and East York Community Council Report 6, Clause 32, headed "Inclusion on City of Toronto Inventory of Heritage Properties - 16-18 Kimberley Avenue (Beaches-East York, Ward 32)".

Motion:

Councillor Pitfield moved that the Clause be amended as recommended by the Toronto Preservation Board in its communication dated July 15, 2004, by deleting Paragraph 1 of the Reasons for Listing as contained in the report dated June 2, 2004, from the Commissioner of Economic Development, Culture and Tourism, and inserting instead the following new Paragraph 1:

“The property at 16-18 Kimberley Avenue is recommended for inclusion on the City of Toronto Inventory of Heritage Properties for its cultural resource value or interest. Located on the west side of Kimberley Avenue between Lyall and Swanwick Avenues in the East Toronto neighbourhood, the house and adjoining coach house were completed in 1889 and acquired by William Brown, a Grand Trunk Railway employee, in 1896. The date of the adjoining outbuilding, later described as a ‘coach house’ has not been confirmed. Between 1924 and 1935, it was used as a commercial garage and as the location of a stone manufacturer. The William Brown House is architecturally significant as a good example of late 19th century residential design that contributes to the character of the area.”

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

10.15 Toronto and East York Community Council Report 6, Clause 57, headed “Installation of Speed Humps - Tiago Avenue, between Victoria Park Avenue and Westview Avenue (Beaches-East York, Ward 31)”.

Vote:

The Clause was adopted, without amendment.

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

10.16 Toronto and East York Community Council Report 6, Clause 58, headed “Installation of Speed Humps - Hannaford Street, between Gerrard Street East and Kingston Road (Beaches-East York, Ward 32)”.

Vote:

The Clause was adopted, without amendment.

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

10.17 Toronto and East York Community Council Report 6, Clause 59, headed “Installation of Speed Humps - Yardley Avenue, between Victoria Park Avenue and Westview Boulevard (Beaches-East York, Ward 31)”.

Vote:

The Clause was adopted, without amendment.

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

- 10.18 **Toronto and East York Community Council Report 6, Clause 60, headed “Installation of Speed Humps - Shallmar Boulevard/Mayfair Avenue, between Eglinton Avenue West and Bathurst Street (St. Paul’s, Ward 21)”**.

Vote:

The Clause was adopted, without amendment.

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

- 10.19 **Toronto and East York Community Council Report 6, Clause 61, headed “Installation of Speed Bumps - Milan Street, between Shuter Street and Coatsworth Street (Toronto Centre-Rosedale, Ward 28)”**.

Vote:

The Clause was adopted, without amendment.

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

- 10.20 **Etobicoke York Community Council Report 6, Clause 27, headed “Installation of Speed Humps on Osler Street between Dupont Street and Davenport Road (Ward 17 - Davenport)”**.

Vote:

The Clause was adopted, without amendment.

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

- 10.21 **Striking Committee Report 6, Clause 1, headed “Appointments of Members of Council to the Association of Municipalities of Ontario”**.

Motion:

Councillor Walker moved that the Clause be amended by deleting from Recommendation (1) of the Striking Committee, the name “M. Walker”, and inserting instead the name “O. Chow”, so that Recommendation (1) shall now read as follows:

- “(1) City Council appoint the following Members to the Association of Municipalities of Ontario (AMO) Board of Directors, for a term of office starting after the Annual Meeting in August 2004 and ending at the AMO Annual Meeting scheduled for August, 2005 and until successors are appointed:

B. Ashton
B. Balkissoon
S. Carroll
O. Chow
J. Davis
S. Hall
H. Moscoe; and”.

Votes:

The motion by Councillor Walker carried.

The Clause, as amended, carried.

10.22 Toronto North Community Council Report 5, Deferred Clause 10a, headed ‘Proposed Renaming of Forest Hill Memorial Arena to Larry Grossman Memorial Arena (Ward 16 - Eglinton-Lawrence)’.

Motion:

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

“That the Forest Hill Memorial Arena be renamed ‘The Larry Grossman Forest Hill Memorial Arena’.”

Votes:

The motion by Councillor Stintz carried.

The Clause, as amended, carried.

Deputy Mayor Pantalone in the Chair.

10.23 Policy and Finance Committee Report 6, Clause 2, headed “Water Meter Replacement and Meter Reading Technology Project”.**July 20, 2004:**

Vote:

The Clause was adopted, without amendment.

July 22, 2004:

Deputy Mayor Bussin in the Chair.

Motion to Re-Open:

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

Motion:

Councillor Pitfield moved that the Clause be amended by amending Recommendation (1) of the Policy and Finance Committee to now read as follows:

- “(1) that the RFP for meter replacement and a Fixed Area Network (FAN) provide for a ‘Pilot’/‘Proof of Capability’ phase, covering Flat Rate and High Volume Accounts located in close proximity to the flat rate accounts, whereby the Award of the Contract for full implementation of a FAN will be conditional on the evaluation of the System’s performance during the Pilot phase, with a report back to the Works Committee and Policy and Finance Committee with the results of the Pilot and approval by Council following the installation of approximately 25,000 accounts (combination of flat rate and high volume accounts in former Toronto) and a further report following the installation of the remaining flat rate and high volume accounts;”.

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

Deputy Mayor Pantalone in the Chair.

10.24 **Policy and Finance Committee Report 6, Clause 7, headed “Woodbine Racetrack Slots Revenue (Ward 2 – Etobicoke North)”.**

Motion:

Councillor Moscoe moved that the Clause be amended by deleting Part (ii) of Recommendation (1) of the Policy and Finance Committee and inserting instead the following:

- “(ii) to advise that the City of Toronto’s support for the full expansion of the Slots at Woodbine is conditional on the City negotiating a better financial arrangement; and”,

so that Recommendation (1) of the Policy and Finance Committee, as amended by Council, shall now read as follows:

- “(1) that the Mayor be requested to meet with the Minister of Consumer and Business Services:
 - (i) to discuss a possible larger share of incremental revenue that could accrue to the City as a result of casino expansion; and
 - (ii) to advise that the City of Toronto’s support for the full expansion of the slots at Woodbine is conditional on the City negotiating a better financial arrangement; and”.

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

10.25 **Policy and Finance Committee Report 6, Clause 25, headed “Proposed Renewal of the License Agreement Between the City of Toronto and the Community Association for Riding for the Disabled Situated in G. Ross Lord Park (Ward 10 – York Centre)”.**

Motion:

Councillor Feldman moved that the Clause be amended in accordance with the following motion:

- “**WHEREAS** additional assessment information, identified following the issuance of the 2004 Final Tax bills in early June, has altered the 2004 taxes for the Community Association for Riding for the Disabled, reported as \$275.58 in the staff report dated June 10, 2004, to \$2,631.31;

NOW THEREFORE BE IT RESOLVED THAT the amount of the grant identified in Recommendation (2) of the staff report dated June 10, 2004, be amended to \$39,706.00, to reflect outstanding taxes for the 2001 to 2004 taxation years.”

Votes:

The motion by Councillor Feldman carried.

The Clause, as amended, carried.

10.26 Policy and Finance Committee Report 6, Clause 27, headed ‘Economic Development Sector Initiatives Program (EDSIP) Applicant/Project 2, ‘CATA Alliance – TechAction Toronto: Translating Strategy into Action’ ’.

Motion:

Councillor Ashton moved that the Clause be amended by deleting amended Recommendation (2) contained in the communication dated July 6, 2004, from the Economic Development and Parks Committee, and replacing it with the following Recommendation (2) contained in the report dated June 30, 2004, from the Commissioner of Economic Development, Culture and Tourism:

“(2) the Economic Development and Parks Committee appoint a Committee Member to act as co-chair of the Advisory Committee;”.

Votes:

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

10.27 Policy and Finance Committee Report 6, Clause 36, headed ‘Operating Variance Report for the Four Months Ended April 30, 2004’.

Motion:

Councillor Moscoe moved that the Clause be amended by:

- (1) further amending Recommendation (2) contained in the report dated July 5, 2004, from the Chief Financial Officer and Treasurer, as amended by the Policy and Finance Committee, by adding the words “with the exception of those programs that were pre-approved through the budget process”, so that Recommendation (2), as further amended, shall now read as follows:

“(2) that all Agencies, Boards, Commissions and Departments be reminded that Council approval is required prior to utilizing any surpluses and similar approval is required for expenditures above Council approved levels, with the exception of those programs that were pre-approved through the budget process;”; and

(2) adding the following:

“That the following staff recommendations contained in the Recommendations section of the supplementary report dated July 16, 2004, from the Chief Administrative Officer, be adopted:

‘It is recommended that:

- (1) the Chief Administrative Officer, the Chief Financial Officer and Treasurer, the Acting Commissioner of Works and Emergency Services and the EMS Chief/General Manager pursue discussions with the Province on restoration of adequate and reliable funding levels for EMS services in Toronto and that they report on their progress to the Budget Advisory Committee at its September 2004 meeting; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Permission to Withdraw Motion:

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

Votes:

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

The Clause, as amended, carried.

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

“That the following staff recommendations contained in the Recommendations section of the supplementary report dated July 16, 2004, from the Chief Administrative Officer, be adopted:

‘It is recommended that:

- (1) the Chief Administrative Officer, the Chief Financial Officer and Treasurer, the Acting Commissioner of Works and Emergency Services and the EMS Chief/General Manager pursue discussions with the Province on restoration of adequate and reliable funding levels for EMS services in Toronto and

that they report on their progress to the Budget Advisory Committee at its September 2004 meeting; and

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

10.28 Policy and Finance Committee Report 6, Clause 40, headed ‘2004 Community Action Policing Program’.

Motions:

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

- (1) deleting from the recommendation of the Budget Advisory Committee contained in the communication dated July 7, 2004, from the Committee, the words “and that the funding come from under-expenditures in the 2004 approved Operating Budget of the Toronto Police Service”, and inserting instead the words “and that funding come from the increased 2004 Provincial payment in lieu of taxes”, so that the recommendation of the Budget Advisory Committee, as amended by Council, shall now read as follows:

“That City Council request the Toronto Police Services Board to undertake a 36-day period (August 1 to September 5, 2004) 2004 Community Action Policing Program at a cost not to exceed \$545,000.00; and that funding come from the increased 2004 Provincial payment in lieu of taxes.”; and

- (2) adding the following:

“That the Chief Financial Officer and Treasurer be directed to report on updated 2004 budget variance issues to the Budget Advisory Committee in September 2004.”

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

“That the Toronto Police Services Board be requested to report to the Budget Advisory Committee on:

- (1) efforts made to incorporate Community Action Policing into the regular mandate and functions of the Toronto Police Service; and

- (2) an evaluation of how the Community Action Policing Program can be implemented without the use of overtime.”

Votes:

Motion (a) by Councillor Soknacki carried.

Motion (b) by Councillor Chow carried.

The Clause, as amended, carried.

10.29 Works Committee Report 6, Clause 2, headed “Deposit-Return System for LCBO Containers”.

Motion:

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

“That the Acting Commissioner of Works and Emergency Services be requested to:

- (1) review the on-site physical facilities that are provided in other Provinces and are required to accommodate a deposit return system in Liquor Stores; and
- (2) develop, in consultation with the Commissioner of Urban Development Services, mandated site plan standards to accommodate a deposit return system in Liquor Stores, such standards to be incorporated into the planning regime in the City of Toronto as a requirement for all such retail outlets.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

10.30 Works Committee Report 6, Clause 7, headed “Avenue Road/Queen’s Park Avenue and Bloor Street West - Request to Review Feasibility of Realigning the Northerly Road Leg (Ward 27 – Toronto Centre-Rosedale)”.

Motion:

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

“That the following staff recommendations contained in the Recommendations Section of the supplementary report dated July 20, 2004, from the Acting Commissioner of Works and Emergency Services, be adopted:

‘It is recommended that:

- (1) approval be given to alter sections of the roadway on the east side of Avenue Road by narrowing the pavement, north and south of the intersection of Davenport Road, for the purposes of widening the sidewalk, generally as shown on the attached print of Drawing No. 421F-7464, dated July, 2004;
- (2) the purchase order for Contract No. 04D1-07RD, Tender No. 159-2004 with Warren Bitulithic Limited for asphalt pavement resurfacing and partial sidewalk and curb reconstruction on Avenue Road, from Bloor Street West to Dupont Street, be amended to permit an increase in payment under the contract from \$1,183,934.49 to \$1,358,934.49, including all charges and applicable taxes, under the same terms and conditions;
- (3) should City Council adopt the recommendation of the Works Committee and Toronto South Community Council to narrow Avenue Road north of the Avenue Road/Bloor Street West intersection, resulting in the elimination of the existing curb lane, the northbound curb lane, south of the intersection, be designated for right turns only; and
- (4) the appropriate City officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required.’ ”

Votes:

Adoption of motion by Councillor Rae:

Yes - 18
Councillors: Balkissoon, Carroll, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Fletcher, Grimes, Hall, Li Preti, Lindsay Luby, Mihevc, Nunziata, Pantalone, Pitfield, Rae, Soknacki, Walker
No - 11
Councillors: Ashton, Del Grande, Feldman, Holyday, Jenkins, Kelly, Mammoliti, Milczyn, Ootes, Palacio, Stintz

Carried by a majority of 7.

The Clause, as amended, carried.

Mayor Miller in the Chair.

10.31 **Toronto and East York Community Council Report 6, Clause 24, headed “Listing on the City of Toronto Inventory of Heritage Properties - Coach House at 401 Huron Street (Rear) (Trinity Spadina, Ward 20)”.**

Motion:

Councillor Chow moved that the Clause be amended by deleting the recommendation of the Toronto and East York Community Council and inserting instead the following:

“That:

- (1) the property at 401 Huron Street, specifically the North Coach House, South Coach House and two adjoining Outbuildings associated with Coach House Press, be included on the City of Toronto Inventory of Heritage Properties; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

10.32 **Planning and Transportation Committee Report 5, Clause 9, headed “Selected Avenue Studies for 2004”.**

Motion:

Councillor Mihevc moved that the Clause be amended by deleting Recommendation (2)(ii) of the Planning and Transportation Committee and inserting instead the following:

- “(ii) for the 2005 budget process, the portion of St. Clair Avenue West, from Yonge Street to Scarlett Road, be included in the list of Avenue Studies for 2005.”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

10.33 Works Committee Report 6, Clause 5, headed “Red-Light Camera Operations”.*Motions:*

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

“That the Acting Commissioner of Works and Emergency Services be requested to make Red Light Camera locations more easily identifiable.”

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

“That the Acting Commissioner of Works and Emergency Services be requested to collect speed data for a period of six months, to determine the extent of excessive speeding on streets in the City of Toronto.”

Votes:

Motion (a) by Councillor Moscoe carried.

Motion (b) by Councillor Thompson carried.

The Clause, as amended, carried.

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

10.34 Toronto and East York Community Council Report 6, Clause 11, headed “Draft By-laws – Official Plan Amendment and Rezoning - 21 Carlton Street”.*Vote:*

The Clause was adopted, without amendment.

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

10.35 Toronto and East York Community Council Report 6, Clause 18, headed “Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code - 699 Yonge Street (Toronto Centre-Rosedale, Ward 27)”.*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.

10.36 **Toronto and East York Community Council Report 6, Clause 68, headed “Introduction of Parking Regulations and Intersection Controls on Ted Reeve Drive, Whistle Post Street, William Hancox Avenue and Crossovers Street (Beaches-East York, Ward 32)”.**

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

Deputy Mayor Bussin, 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 Bussin moved that the Clause be amended by amending staff Recommendation (1) contained in the Recommendations Section of the report dated June 15, 2004, from the Director, Transportation Services, South District, to now read as follows:

“(1) the parking regulations outlined in Appendix 1 of this report be implemented, subject to amending the parking regulations for William Hancox Avenue by amending Part (2)(b) by deleting the words “the south side”, and inserting instead the words “the west side”, so that Part (2)(b) shall now read as follows:

‘(2)(b) the west side, from a point 28.5 metres south of Crossovers Street to a point 37 metres north of Gerrard Street.’ ”

Votes:

The motion by Deputy Mayor Bussin carried.

The Clause, as amended, carried.

10.37 Works Committee Report 6, Clause 15, headed “Amendment to Open Contract No. 47007445 - Fiscal Year 2003 - Biosolids Hauling Services - Ashbridges Bay Treatment Plant (Ward 32 – Beaches-East York)”.

Motion:

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

“That the communication dated July 14, 2004, from Tony O’Donohue, P. Eng. - President, Environmental Probe, be referred to the Acting Commissioner of Works and Emergency Services for direct response to Mr. O’Donohue.”

Votes:

The motion by Councillor Walker carried.

The Clause, as amended, carried.

10.38 Toronto and East York Community Council Report 6, Clause 35, headed “Request for Authorization to Enter into Agreements - 26, 32 and 34 Isabella Street and 33 Charles Street (Toronto Centre-Rosedale, Ward 27)”.

Motion:

Councillor Rae moved that the Clause be amended by deleting the recommendation of the Toronto and East York Community Council and inserting instead the following:

“That the following staff recommendations contained in the Recommendations Section of the supplementary report dated July 15, 2004, from the Commissioner of Urban Development Services, be adopted:

‘It is recommended that:

- (1) the City Solicitor prepare and authority be granted to enter into a Limiting Distance Agreement and an Encroachment Agreement with respect to the adjacent George Hislop Park and the Isabella Street right-of-way;
- (2) a restoration plan be submitted to the satisfaction of the Commissioner of Economic Development, Culture and Tourism, prior to consideration of this matter by City Council;
- (3) the provisions of the recommended agreements be as outlined in this report;
and

- (4) the appropriate City officials execute such Agreements.’ ”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

10.39 Policy and Finance Committee Report 6, Clause 1, headed “Recycling/Litter Bins Program – Options for Acquiring 1,000 Additional Bins”.

Councillor Carroll in the Chair.

Mayor Miller in the Chair.

Councillor Carroll in the Chair.

Mayor Miller in the Chair.

Deputy Mayor Pantalone in the Chair.

Motions:

- (a) Councillor Mihevc moved that the Clause be amended by deleting the recommendations of the Policy and Finance Committee and inserting instead the following:

“That the following Recommendations (1) and (2) in the Recommendations Section of the report dated June 29, 2004, from the Commissioner of Works and Emergency Services, be adopted:

- (1) City Council continue with the existing agreement with Urban Equipment of Canada Inc. (‘Eucan’) and agree in principle to independently purchase 1,000 additional recycling/litter bins without advertising, through a tender process; and
- (2) the Acting Commissioner of Works and Emergency Services report through the Budget Advisory Committee to Council with a funding strategy for the acquisition of 1,000 additional litter/recycling bins without advertising including the associated operating costs.”

- (b) Councillor Milczyn moved that motion (a) by Councillor Mihevc be amended by adding the following words:

“and further, that the Acting Commissioner of Works and Emergency Services be requested to develop a uniform strategy for street furniture to include garbage bins, signage pylons, benches and other types of street furniture”.

- (c) Councillor Moscoe moved that the Clause be amended by:

- (1) amending Recommendations (1), 4(i), 4(ii), 4(iv), 4(vi), (5) and (8) of the Policy and Finance Committee to now read as follows:

“(1) that a pilot study be conducted using approximately 200 of the redesigned containers. Ward Councillors, the local BIA and residents be consulted with regard to placement. The pilot study be for a term of up to six months at which point a report will be submitted to the Works Committee which will include the evaluation of the program from each Ward Councillor, in addition to the third party advertising/financial analysis which includes a review of the need to extend the length of the existing contract, such report to include comparisons with other options and a further review of the advertising revenue. Eucan be requested to redesign their litter containers so that the recycling and litter components can all be reached from a stationary position and to reduce the size of the advertising component;”;

“(4) adoption of the Recommendations of the Works Committee contained in the communication (July 5, 2004) from the Committee, amended to read as follows:

- (i) the City of Toronto amend and extend the existing agreements with Urban Equipment of Canada Inc. (‘Eucan’) for the provision of 1,500 recycling/litter bins with advertising within the City of Toronto, and 1,500 recycling/litter containers without advertising, subject to a prior evaluation by an objective third party with knowledge of the advertising industry, as described in Recommendation (2), the pilot study evaluation, the submission of a report on such evaluation by the Acting Commissioner of Works and Emergency Services and final approval of the proposal by Council through the Works Committee;

- (ii) the Acting Commissioner of Works and Emergency Services, the Chair and Vice Chair of the Works Committee agree on the selection of an independent third party with knowledge of the advertising industry to conduct a business case analysis and financial analysis with the cost of the independent third party to be paid entirely by the City of Toronto; and that a report be brought by the Works Committee up to six months after the recycling/litter bins have been piloted;
 - (iv) the Acting Commissioner of Works and Emergency Services ensure that a workable separation program operates at each location and that regular audit reports on the success of the separation features are tabled at the Works Committee. The Acting Commissioner of Works and Emergency Services be authorized to seek adjustments in the design to improve separation by agreement with the company as the pilot unfolds;
 - (vi) the Acting Commissioner of Works and Emergency Services be requested to report back to the Works Committee, with the pilot study report, on the feasibility of ensuring that the bins include a location indicator (such as a 'You Are Here' map), street name and directorial indicator (such as a North-South-East-West compass) program;";
- “(5) that no new bins be placed within a BIA without the express approval of the respective BIA board;”; and
- “(8) that additional boxes can, during the pilot project, be installed in each Ward at the request of the Ward Councillor;”; and
- (2) by adding the following:
- “That, in the event the program is at some future date extended City-wide, the bins used in the pilot be continued as a pilot to monitor the revenues and condition of the bins on an ongoing basis, so that adjustments in the contract can be made on a go forward basis at the appropriate time.”
- (d) Councillor Cowbourne moved that the Clause be amended by adding the following:

“That all EcoMupis and Ecoboxes in the pilot project display contact details for registration of public opinions.”

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

“That:

- (1) in the event the pilot project is approved by Council, the Works Committee refer the results of the pilot project to the Community Councils for the hearing of deputations, and the Community Councils report back to the Works Committee with their recommendations; and
- (2) the financial review include consideration of the potential impact of the EcoMupi advertising on the current transit shelter advertising revenues.”

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

“That the Acting Commissioner of Works and Emergency Services be requested to consider, as an alternative, other opportunities to explore the feasibility of obtaining 1,000 non-advertising bins through other sources.”

- (g) Councillor Giambrone moved that the Clause be amended by:

- (1) deleting Recommendation (2)(c) of the Policy and Finance Committee and inserting instead the following new Recommendations (2)(c)(i) and (2)(c)(ii):

“(2)(c) (i) that all advertising space on the EUCAN EcoMupis with advertising during the test project be used by the City of Toronto to promote the test to the citizens of Toronto and to solicit their feedback; and

(ii) that an appropriate e-mail address and telephone number be established to collect these comments, and that they be provided in a report to the Works Committee and the Policy and Finance Committee, prior to the approval of any new contract or amended contract with EUCAN;”; and

- (2) adding the following:

“That the Acting Commissioner of Works and Emergency Services be requested to develop a consultation process which will contact and solicit feedback from the Business Improvement Areas in the City of Toronto, resident and ratepayers associations and other interested groups, and Members of Council be permitted to add groups in their Wards to the list for consultation.”

Mayor Miller in the Chair.

- (h) Councillor Ashton moved that the Clause be amended by deleting the following Recommendation (4)(x) of the Policy and Finance Committee:

“(x) the funding allocated in the 2004 Parks and Recreation budget for the purchase of bins be considered for another purpose other than bins (as these funds will no longer be needed with the City’s ownership of the 1,800 Silver Boxes) and be in consultation with the Commissioner of Economic Development, Culture and Tourism;”.

- (i) Deputy Mayor Bussin moved that motion (b) by Councillor Milczyn be referred to the Roundtable on a Beautiful City for consideration.

Councillor Moscoe in the Chair.

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

“That no EcoMupi bins be located in Ward 27.”

- (k) Councillor Holyday moved that the Clause be referred to the Works Committee to negotiate a proposal that would not extend the contract date, not provide for lit containers and not provide for containers that are seven (7) feet high.

Mayor Miller in the Chair.

Vote on Referral:

Adoption of motion (k) by Councillor Holyday:

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

Lost by a majority of 25.

Deputy Mayor Pantalone in the Chair.

Motions:

- (l) Councillor Nunziata moved that the Clause be amended by adding to Recommendation (4)(v) of the Policy and Finance Committee, the words “in consultation with the local Councillor”, so that such recommendation shall now read as follows:

“(v) Eucan and the Toronto Association of Business Improvement Areas and the local Business Improvement Areas be consulted on the development of a protocol for placement of bins at new locations, and that the final decision of placement be determined by the City of Toronto, in consultation with the local Councillor;”.

- (m) Councillor Chow moved that the Clause be amended by adding the following:

“That no EcoMupi bins be located in Wards 20 and 21.”

- (n) Mayor Miller moved that the Clause be amended by deleting the word “pilot” wherever it appears in the Clause, and inserting instead the word “test”.

Votes:

Adoption of motion (i) by Deputy Mayor Bussin:

Yes - 23	
Mayor:	Miller
Councillors:	Balkissoon, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Soknacki, Watson
No - 18	
Councillors:	Altobello, Ashton, Chow, Davis, Feldman, Filion, Grimes, Holyday, Jenkins, Mihevc, Milczyn, Minnan-Wong, Ootes, Rae, Shiner, Stintz, Thompson, Walker

Carried by a majority of 5.

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

Yes - 16 Councillors:	Altobello, Ashton, Chow, Cowbourne, Davis, Feldman, Filion, Fletcher, Giambrone, Lindsay Luby, Mihevc, Milczyn, Moscoe, Rae, Shiner, Walker
No - 25 Mayor: Councillors:	Miller Balkissoon, Bussin, Carroll, Cho, De Baeremaeker, Del Grande, Di Giorgio, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Soknacki, Stintz, Thompson, Watson

Lost by a majority of 9.

Adoption of motion (n) by Mayor Miller:

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

Carried by a majority of 29.

Permission to Withdraw Motion:

Councillor Moscoe, with the permission of Council, withdrew Part (2) of his motion (c).

Votes:

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

Yes - 10	
Mayor:	Miller
Councillors:	Chow, Cowbourne, Filion, Fletcher, Giambrone, Lindsay Luby, Mihevc, Moscoe, Rae
No - 31	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 21.

Adoption of motion (l) by Councillor Nunziata:

Yes - 40	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson, Watson, Walker
No - 1	
Councillor:	Filion

Carried by a majority of 39.

Adoption of motion (h) by Councillor Ashton:

Yes - 25 Mayor: Miller Councillors: Altobello, Ashton, Balkissoon, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Holyday, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Pantalone, Rae, Shiner, Stintz, Thompson, Walker
No - 16 Councillors: Bussin, Cho, Chow, Di Giorgio, Giambrone, Grimes, Hall, Jenkins, Li Preti, Mammoliti, Nunziata, Ootes, Palacio, Pitfield, Soknacki, Watson

Carried by a majority of 9.

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

Motion (d) by Councillor Cowbourne carried.

Motion (e) by Councillor Cho carried.

Adoption of motion (f) by Councillor Del Grande:

Yes - 29 Mayor: Miller Councillors: Altobello, Ashton, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Rae, Shiner, Soknacki, Stintz, Walker
No - 12 Councillors: Balkissoon, Bussin, Carroll, Di Giorgio, Grimes, Jenkins, Li Preti, Minnan-Wong, Moscoe, Pitfield, Thompson, Watson

Carried by a majority of 17.

Part (2) of motion (g) by Councillor Giambrone carried.

Permission to Withdraw Motions:

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

Councillor Chow, with the permission of Council, withdrew her motion (m).

Vote:

Adoption of Clause, as amended:

Yes - 24	
Mayor:	Miller
Councillors:	Balkissoon, Bussin, Carroll, Cho, De Baeremaeker, Del Grande, Di Giorgio, Grimes, Hall, Jenkins, Kelly, Li Preti, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Soknacki, Stintz, Thompson, Watson
No - 17	
Councillors:	Altobello, Ashton, Chow, Cowbourne, Davis, Feldman, Fillion, Fletcher, Giambrone, Holyday, Lindsay Luby, Mihevc, Milczyn, Moscoe, Rae, Shiner, Walker

Carried by a majority of 7.

In summary, Council amended this Clause by:

- (1) deleting the word “pilot” wherever it appears in the Clause, and inserting instead the word “test”;
- (2) deleting Recommendation (2)(c) of the Policy and Finance Committee and inserting instead the following new Recommendations (2)(c)(i) and (2)(c)(ii):
 - “(2)(c) (i) that all advertising space on the EUCAN EcoMupis with advertising during the test project be used by the City of Toronto to promote the test to the citizens of Toronto and to solicit their feedback; and
 - (ii) that an appropriate e-mail address and telephone number be established to collect these comments, and that they be provided in a report to the Works Committee and the Policy and Finance Committee, prior to the approval of any new contract or amended contract with EUCAN;”;
- (3) adding to Recommendation (4)(v) of the Policy and Finance Committee, the words “in consultation with the local Councillor”, so that such recommendation shall now read as follows:
 - “(v) Eucan and the Toronto Association of Business Improvement Areas and the local Business Improvement Areas be consulted on the development of a protocol for placement of bins at new locations, and that the final decision

of placement be determined by the City of Toronto, in consultation with the local Councillor;”;

- (4) deleting the following Recommendation (4)(x) of the Policy and Finance Committee:

“(x) the funding allocated in the 2004 Parks and Recreation budget for the purchase of bins be considered for another purpose other than bins (as these funds will no longer be needed with the City’s ownership of the 1800 Silver Boxes) and be in consultation with the Commissioner of Economic Development, Culture and Tourism;”;

- (5) adding the following:

“That:

- (a) all EcoMupis and Ecoboxes in the test project display contact details for registration of public opinions;
- (b) the financial review include consideration of the potential impact of the EcoMupi advertising on the current transit shelter advertising revenues;
- (c) the Works Committee refer the results of the test project to the Community Councils for the hearing of deputations, and the Community Councils report back to the Works Committee with their recommendations;
- (d) the Acting Commissioner of Works and Emergency Services be requested to:
 - (i) develop a consultation process which will contact and solicit feedback from the Business Improvement Areas in the City of Toronto, resident and ratepayers associations and other interested groups, and Members of Council be permitted to add groups in their Wards to the list for consultation; and
 - (ii) consider, as an alternative, other opportunities to explore the feasibility of obtaining 1,000 non-advertising bins through other sources; and
- (e) the following motion be referred to the Roundtable on a Beautiful City for consideration:

Moved by Councillor Milczyn:

‘That the Acting Commissioner of Works and Emergency Services be requested to develop a uniform strategy for street furniture to include garbage bins, signage pylons, benches and other types of street furniture.’ ”

10.40 Administration Committee Report 5, Clause 9, headed “Authority to Renew Option Years for RFP 9138-01-7489 for the Use of Collection Agency Services to Collect Outstanding Parking Tags (Contract No. 47008940)”.

Motion:

Councillor Ootes moved that the Clause be amended by:

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

“That the following Recommendation (1) of the staff recommendations contained in the Recommendations Section of the report dated June 15, 2004, from the Chief Financial Officer and Treasurer, be adopted:

- ‘(1) the City exercise the option to renew the contract with Canadian Bonded Credits Ltd. for an additional one-year period under the same terms and conditions, to provide collection services for outstanding parking fines, with overall costs not to exceed \$250,000.00, including applicable taxes for the period ending February 8, 2005;’ ”; and

- (2) adding the following:

“That the Chief Financial Officer and Treasurer be requested to report to the Administration Committee on the feasibility or desirability of increasing the percentage remuneration to Canadian Bonded Credits Ltd. and on options for selling the \$54 million of receivables to Canadian Bonded Credits Ltd.”

Votes:

The motion by Councillor Ootes carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

10.41 Economic Development and Parks Committee Report 5, Clause 2, headed “Toronto Parks and Recreation Strategic Plan Our Common Grounds (All Wards)”.

Motions:

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

“That the Commissioner of Economic Development, Culture and Tourism be requested to consult with Ward Councillors and report to the Economic Development and Parks Committee on:

- (1) existing garbage collection in parks; and
- (2) options for ensuring the provision of a higher quality service.”

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

- (1) adding to Recommendation (28)(c) contained in Attachment 1, entitled “Our Common Grounds: Toronto Parks and Recreation Strategic Plan”, the words, “and access to ice time in Toronto rinks”, so that Recommendation (28)(c) shall now read as follows:

“(c) more female programming, to level the gender playing field in sport and recreation, including dance, female-only sports and workshops, and access to ice time in Toronto rinks;”; and

- (2) adding the following:

“That the Commissioner of Economic Development, Culture and Tourism, in consultation with the Acting Medical Officer of Health, be requested to report to the Economic Development and Parks Committee, in September 2004, on the feasibility of creating a reasonably-priced, fixed-cost, ‘healthy recovery’ monthly program pass for survivors of serious illnesses, such as cancer, heart disease, stroke and HIV.”

Votes:

Motion (a) by Councillor Mihevc carried.

Motion (b) by Councillor Davis carried.

The Clause, as amended, carried.

In summary, Council amended this Clause by:

- (1) adding to Recommendation (28)(c) contained in Attachment 1, entitled “Our Common

Grounds: Toronto Parks and Recreation Strategic Plan”, the words, “and access to ice time in Toronto rinks”, so that Recommendation (28)(c) shall now read as follows:

- “(c) more female programming, to level the gender playing field in sport and recreation, including dance, female-only sports and workshops, and access to ice time in Toronto rinks;”;

- (2) adding the following:

“That:

- (a) the Commissioner of Economic Development, Culture and Tourism be requested to consult with Ward Councillors and report to the Economic Development and Parks Committee on:
 - (i) existing garbage collection in parks; and
 - (ii) options for ensuring the provision of a higher quality service; and
- (b) the Commissioner of Economic Development, Culture and Tourism, in consultation with the Acting Medical Officer of Health, be requested to report to the Economic Development and Parks Committee, in September 2004, on the feasibility of creating a reasonably-priced, fixed-cost, ‘healthy recovery’ monthly program pass for survivors of serious illnesses, such as cancer, heart disease, stroke and HIV.”

10.42 Toronto and East York Community Council Report 6, Clause 73, headed “Requests for Endorsement of Events for Liquor Licensing Purposes”.

Motion:

Councillor Rae moved that the Clause be amended:

- (1) to provide that the Alcohol and Gaming Commission be advised that Council objects to the request for an extension of the patio licence of Murphy’s Law Irish Pub at 1702 Queen Street East for a “Neighbourhood Summer Patio Party”, to be held from Thursday, July 22, 2004, to Saturday, July 24, 2004, inclusive, and that City Council did not endorse the action contained in Recommendation (3)(b) of the Toronto and East York Community Council pertaining to Murphy’s Law Irish Pub; and
- (2) by adding the following new Recommendations (5), (6) and (7) to the recommendations of the Toronto and East York Community Council:

- “(5) declare the following to be events of municipal and/or community significance and advise the Alcohol and Gaming Commission of Ontario that it has no objection to their taking place:
- (a) Taste of South Asian Culture and Cuisine to be held by the Gerrard India Bazaar to be held on Saturday, August 28, 2004, from 12:00 noon to 2:00 a.m., and on Sunday, August 29, 2004, from 12:00 noon to 8:00 p.m.;
 - (b) Feast of St. Lawrence to be held from Friday, August 13, 2004, to Sunday, August 15, 2004, inclusive, in the Market Lane Park and the North Market Building of the St. Lawrence Market Complex; and
 - (c) Little Italy’s Fiera Event to be held on September 25, 2004, nor to the extension of patio licences set out in the communication (July 14, 2004) from Grace Russo, Little Italy Business Improvement Association, to permit the sale and service of alcohol from 12:00 noon to 11:00 p.m. on September 25, 2004, in conjunction with the event;
- (6) advise the Alcohol and Gaming Commission that it is aware of the change of dates of the Greektown Olympic Opening and Closing Ceremony Celebration to August 13, 2004, and August 29, 2004, from 1:00 p.m. to 11:00 p.m., and has no objection to the revised dates; and
- (7) declare the 29th Toronto International Film Festival taking place at various locations from September 9, 2003, to September 18, 2004, inclusive, to be an event of international, national and municipal significance and indicate that it has no objection to its taking place; nor to the granting of an extension of operating hours until 4:00 a.m. of Bistro 990, 990 Bay Street, the Rosewater Supper Club, 19 Toronto Street, The Drake Hotel, 1150 Queen Street West, Flow Restaurant and Lounge, 133 Yorkville Avenue and The Courthouse, 57 Adelaide Street East (the film festival host restaurants) for the duration of the festival.”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

10.43 **Etobicoke York Community Council Report 6, Clause 33, headed “Notice of Intention to Designate 89 Kingsway Crescent under the *Ontario Heritage Act* (Ward 5 – Etobicoke Lakeshore)”.**

July 20, 2004:

Vote:

The Clause was adopted, without amendment.

July 21, 2004:

Motion to Re-Open:

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

Deputy Mayor Feldman in the Chair.

Vote:

The Clause was adopted, without amendment.

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

July 22, 2004:

Deputy Mayor Bussin in the Chair.

Motion to Re-Open:

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

Motion:

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

“That the following staff recommendations contained in the Recommendations section of the supplementary report dated July 7, 2004, from the Commissioner of Economic Development, Culture and Tourism, be adopted:

‘It is recommended that:

- (1) Council state its intention to designate the property at 89 Kingsway Crescent (Isaac Scott House) under Part IV of the *Ontario Heritage Act*;
- (2) if there are any objections in accordance with Section 29(7) of the *Ontario Heritage Act*, the Clerk be directed to refer the proposed designation to the Conservation Review Board; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

10.44 **Planning and Transportation Committee Report 5, Clause 4, headed “IBMS Status and Enhancement Projects”.**

Motion:

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

“That the Commissioner of Urban Development Services be requested to brief the e-City Committee with respect to the Department’s efforts on the IBMS System.”

Votes:

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

10.45 **Administration Committee Report 5, Clause 13, headed “Toronto Election Finance Review Task Force Recommendations”.**

July 20, 2004:

Deputy Mayor Pantalone in the Chair.

Ruling by Deputy Mayor:

Councillor Moscoe requested Deputy Mayor Pantalone to rule on whether this Clause was properly before Council, as there were financial implications related to this issue and the matter had not been considered by the Policy and Finance Committee, prior to its submission to Council.

Deputy Mayor Pantalone ruled that the Clause was properly before Council as election matters had previously been considered by the Administration Committee and forwarded directly to Council.

Councillor Moscoe challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 22	
Mayor:	Miller
Councillors:	Ashton, Bussin, Chow, De Baeremaeker, Del Grande, Feldman, Filion, Ford, Giambrone, Holyday, Jenkins, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Soknacki, Stintz, Walker
No - 14	
Councillors:	Balkissoon, Carroll, Cowbourne, Davis, Di Giorgio, Fletcher, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Moscoe, Rae, Shiner

Carried by a majority of 8.

July 21, 2004:

Councillor Kelly in the Chair.

Deputy Mayor Feldman in the Chair.

Mayor Miller in the Chair.

Deputy Mayor Feldman in the Chair.

Motions:

(a) Councillor Moscoe moved that:

(1) the Clause be referred to the Policy and Finance Committee for further consideration; or

(2) if Part (1) fails, the Clause be amended by:

(a) deleting Recommendations (1)(1) of the Administration Committee;

(b) amending Recommendation (1)(a) of the Task Force to read as follows:

“(a) The Task Force recommends that the City of Toronto request an amendment to the *Ontario Municipal Elections Act (Act)* to limit contributions to all candidates for councillor by an individual, corporation or trade union to \$5,000, with a maximum of \$750 to any one candidate, and to \$4,000 for all candidates for the office of head of a municipality, with a maximum of \$2,000 to any one candidate;”;

(c) deleting Recommendation (5) of the Administration Committee;

(d) amending Recommendation (1)(e) of the Task Force by:

(i) deleting “25%” and inserting instead “40%”; and

(ii) adding the words “Should the costs of court cases and recounts extend beyond the dates for filing returns, candidates be granted access to campaign surpluses to cover these costs.”,

so that Recommendation (1)(e) shall now read as follows:

“(e) the Task Force recommends that the City of Toronto request an amendment to the *Ontario Municipal Elections Act* to include the cost of holding fund-raising functions and the cost of holding parties and making other expressions of appreciation after the close of voting as campaign expenses and thus subject to the maximum

expenditure limit and that the General Regulation under the Act be amended to provide that the limits on expenses be calculated on the same basis as that used in the Provincial Election immediately prior to the municipal election plus 40%. The Task Force also recommends that the costs of court cases and recounts not be included as campaign expenses. Should the costs of court cases and recounts extend beyond the dates for filing returns, candidates be granted access to campaign surpluses to cover these costs.”;

(e) deleting Recommendation (1)(k) of the Task Force; and

(f) adding the following:

“That the proposed amendments to the *Municipal Elections Act* not be applied retroactively but come into effect at the start of the next Council term and apply to the 2009 Municipal Election.”

(b) Mayor Miller moved that Part (1) of motion (a) by Councillor Moscoe be amended to provide that the Clause be referred to the City Clerk for report, through the Policy and Finance Committee on September 15, 2004, to City Council on September 28, 2004.

Votes on Referral:

Adoption of motion (b) by Mayor Miller:

Yes - 36	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

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

Yes - 19

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

Carried by a majority of 2.

In summary, City Council referred this Clause to the City Clerk for report, through the Policy and Finance Committee on September 15, 2004, to City Council on September 28, 2004.

Due to the above decision of Council, Part (2) of motion (a) by Councillor Moscoe, was not put to a vote.

Mayor Miller in the Chair.

10.46 Etobicoke York Community Council Report 6, Clause 17, headed “Exemption from Part Lot Control - Fieldgate Two-Twenty Apts. Ltd. 2 Triburnham Place (Ward 3 - Etobicoke Centre)”.

July 20, 2004:

Vote:

The Clause was adopted, without amendment.

July 21, 2004:

Motion to Re-Open:

Councillor Holyday, 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 Holyday moved that the Clause be amended by deleting Recommendation (1) contained in the report dated June 15, 2004, from the Director, Community Planning, West District, and inserting instead the following new Recommendation (1):

- “(1) a part-lot exemption by-law with respect to Block A on Registered Plan M-1150 be prepared to the satisfaction of the City Solicitor and that such by-law shall expire one year after it has been enacted;”.

Votes:

The motion by Councillor Holyday carried.

The Clause, as amended, carried.

10.47 **Toronto and East York Community Council Report 6, Clause 14, headed “Draft By-laws - Official Plan Amendment and Rezoning – 40-42 Westmoreland Avenue (Davenport, Ward 18)”.**

The Clause was submitted without recommendation.

July 21, 2004:

Motion:

Councillor Giambrone moved that Council adopt the following:

“That the staff recommendations contained in the Recommendations Section of the report dated June 15, 2004, from the Director, Community Planning, South District, be adopted, subject to amending such recommendations in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report dated July 20, 2004, from the Acting Commissioner of Works and Emergency Services:

‘It is recommended that:

- (1) should Council wish to accommodate an enhanced level of winter service over and above the approved standard for public lanes provided under City operations, on the section of the public laneway first west of Westmoreland Avenue, from the lane first north of Bloor Street West, excluding the portion abutting the Toronto Parking Authority parking lot, to the north limit of Premises No. 42 Westmoreland Avenue, at no cost to the City:
 - (a) the owner be required to secure, in the Section 37 Agreement, registration of a covenant against the title making all future condominium owners jointly responsible for the snow clearing of the public laneway at the rear of the site satisfactory to the City Solicitor, in consultation with the Commissioner of Works and Emergency Services, which will include these minimum standards:
 - (i) the laneway be maintained such that the pavement after any snowfall of accumulation less than 8 cm is in a safe and passable condition;
 - (ii) at snow accumulation of 8 cm or greater, the Owner is responsible for the removal, haulage and relocation of snow and debris to a private snow dump, satisfactory to the Commissioner of Works and Emergency Services, to

- be identified prior to the start of the winter season; and
- (iii) the Owner is responsible for the restoration of any damage caused by the snow removal to the pavement, street furniture, traffic calming devices, signs or abutting property; and
- (b) in the event that the owner fails to fulfil its obligation under Recommendation (1)(a) above, the City may recover the total cost of all labour and materials in carrying out and completing the snow removal from the laneway, plus a management fee equal to 15 percent of the cost as outlined above, and such costs may be added to the tax collector's roll against 42 Westmoreland and may be recovered in like manner as municipal taxes pursuant to Section 427 of the *Municipal Act S.O. 2001*, Chapter 25;
- (2) the owner be required to provide and maintain a minimum of 24 parking spaces, of which six spaces are designated for small cars only, and including two residential visitor spaces on the site to serve this project; and
 - (3) the appropriate City officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required.' "

Votes:

The motion by Councillor Giambrone carried.

The Clause, as amended, carried.

July 21, 2004:

Motion to Re-Open:

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

Motion:

Councillor Giambrone moved that the staff recommendations contained in the Recommendations Section of the report dated June 15, 2004, from the Director, Community Planning, South District, be adopted, subject to further amending such recommendations in accordance with the following staff recommendation contained in the Recommendations Section of the supplementary report dated July 22, 2004, from the Commissioner of Urban Development Services:

“It is recommended that Council delete Recommendation (4) and replace it with the following recommendation:

- ‘(4) require the owner to enter into a Section 37 agreement with the City before introducing the necessary Bills to City Council for enactment, to secure the following:
 - (a) the design of decks, terraces and windows on the south, west and north facades to reduce impacts on privacy to the satisfaction of Urban Development Services and Heritage Preservation Services;
 - (b) registration of a heritage easement agreement on title, to the satisfaction of the Commissioner of Urban Development Services, in consultation with the Commissioner of Economic Development, Culture and Tourism (Heritage Preservation Services), prior to site plan approval;
 - (c) snow removal in a portion of the lane at the rear of the site to minimum standards to the satisfaction of the Commissioner of Works and Emergency Services, as outlined in a supplementary report to City Council;
 - (d) a community benefit contribution in the amount of \$100,000.00, to be indexed to the Construction Price Index from the date the zoning by-law comes into full force and effect and to be paid prior to issuance of the first building permit, for the improvement of:
 - (i) open spaces, parks and community facilities in the local area, which may include, but not be limited to, the Salem Parkette, the Westmoreland Parkette, the Symington Avenue Playground, the Dovercourt Boys and Girls Club or other appointee; and/or
 - (ii) researching and identifying other heritage resources in Ward 18 for eventual listing in the City’s Inventory of Heritage Properties and/or designation under the *Heritage*

Act.’ ”

Votes:

The motion by Councillor Giambrone carried.

The Clause, as further amended, carried.

10.48 **Administration Committee Report 5, Clause 20, headed ‘Potential Exchange of Lands with Village Securities Limited (Ward 42 – Scarborough-Rouge River)’.**

Deputy Mayor Pantalone in the Chair.

Motions:

- (a) Deputy Mayor Feldman moved that the Clause be amended by adding the following new Recommendation (4) to the recommendations of the Administration Committee:

“(4) at this point in time, the City of Toronto neither contemplate nor commit to a contribution of either land or City funds in connection with this exchange of land.”

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

“That the Commissioner of Economic Development, Culture and Tourism be requested to develop a policy on acquiring natural and cultural heritage sites and report on this policy to the Economic Development and Parks Committee in October 2004.”

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

“That the Commissioner of Corporate Services be requested to report to the Administration Committee on other possible alternatives that would bring Village Securities Ltd. under public ownership.”

- (d) Councillor Chow moved that the Clause be amended by adding the following words to Recommendation (1) of the Administration Committee:

“subject to a substantial portion of the McCowan Site being designated for affordable housing”.

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

“That:

- (1) should the land swap be successful, the Heritage Division of the City of Toronto be requested to establish a working relationship with the Aboriginal Bands/Nations that have a connection with the Village Securities site, in order to develop a plan to protect and enhance the site, including the possibility of partial archaeological excavation, such plan to be submitted to the Economic Development and Parks Committee; and
- (2) City Council recognize the importance of the site for the aboriginal and historical heritage of the Toronto area, and the need to protect our heritage resources.”

Votes:

Adoption of motion (d) by Councillor Chow:

Yes - 23 Councillors:	Altobello, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Jenkins, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Stintz, Watson
No - 4 Councillors:	Ashton, Holyday, Kelly, Walker

Carried by a majority of 19.

Adoption of motion (a) by Deputy Mayor Feldman:

Yes - 25 Councillors:	Altobello, Ashton, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Stintz, Walker
No - 2 Councillors:	Bussin, Watson

Carried by a majority of 23.

Adoption of motion (b) by Councillor De Baeremaeker:

Yes - 27	
Councillors:	Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Stintz, Walker, Watson
No - 1	
Councillor:	Holyday

Carried by a majority of 26.

Adoption of motion (c) by Councillor Mihevc:

Yes - 26	
Councillors:	Altobello, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Stintz, Walker, Watson
No - 3	
Councillors:	Ashton, Holyday, Kelly

Carried by a majority of 23.

Adoption of motion (e) by Councillor Giambrone:

Yes - 28	
Councillors:	Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Stintz, Walker, Watson
No - 1	
Councillor:	Holyday

Carried by a majority of 27.

Adoption of Clause, as amended:

Yes - 26 Councillors: Altobello, Ashton, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Stintz, Walker, Watson
No - 1 Councillor: Holyday

Carried by a majority of 25.

In summary, Council amended this Clause by:

- (1) amending the recommendations of the Administration Committee by:
 - (a) adding to Recommendation (1), the words “subject to a substantial portion of the McCowan Site being designated for affordable housing”; and
 - (b) adding the following new Recommendation (4):

“(4) at this point in time, the City of Toronto neither contemplate nor commit to a contribution of either land or City funds in connection with this exchange of land.”,

so that the recommendations of the Administration Committee, as amended by Council, shall now read as follows:

“That:

- (1) City Council express, without any liability or cost on its part, its willingness to enter into discussions with Village Securities Ltd. and other stakeholders with respect to a potential land swap after the City has determined the nature of its interests, including finalization of the land use designation of the McCowan site pursuant to the Secondary Plan review, subject to a substantial portion of the McCowan Site being designated for affordable housing;
- (2) should Village Securities Ltd. proceed to develop the site known as 311 Staines Road, that City Council encourage Village Securities Ltd. to

erect an appropriate marker at their expense acknowledging the Iroquoian Village archaeological site;

- (3) City Council encourage and support Village Securities Ltd. should it apply to the Government of Canada for ecological tax credit if it decides to donate this site to the City of Toronto at fair market value; and
- (4) at this point in time, the City of Toronto neither contemplate nor commit to a contribution of either land or City funds in connection with this exchange of land.”; and

- (2) adding the following:

“That:

- (a) should the land swap be successful, the Heritage Division of the City of Toronto be requested to establish a working relationship with the Aboriginal Bands/Nations that have a connection with the Village Securities site, in order to develop a plan to protect and enhance the site, including the possibility of partial archaeological excavation, such plan to be submitted to the Economic Development and Parks Committee;
- (b) City Council recognize the importance of the site for the aboriginal and historical heritage of the Toronto area, and the need to protect our heritage resources;
- (c) the Commissioner of Corporate Services be requested to report to the Administration Committee on other possible alternatives that would bring Village Securities Ltd. under public ownership; and
- (d) the Commissioner of Economic Development, Culture and Tourism be requested to develop a policy on acquiring natural and cultural heritage sites and report on this policy to the Economic Development and Parks Committee in October 2004.”

Deputy Mayor Feldman in the Chair.

10.49 Planning and Transportation Committee Report 5, Clause 1, headed “Status Report on Negotiations of Ratepayer Appeals on the New Official Plan”.

Motion:

Councillor Jenkins moved that the Clause be amended by deleting Recommendations (1), (2) and (3) of the Planning and Transportation Committee and inserting instead the following

recommendations:

“(1) that the following statement be incorporated into the new Official Plan:

‘Wherever warranted, intensification of land along major roadways will be done through Secondary Plans, Avenue Studies and area specific policies, as determined by Council, created in consultation with local communities and designed to carefully control development so that adjacent neighbourhoods are protected from significant negative impact.’;

(2) that Policy 5 in Section 5.6 of the new Official Plan be revised to read as follows:

‘Boundaries of land use designations on Maps 13-18 inclusive are general except where delimited by a defined Secondary Plan or area specific policy, or where they coincide with fixed distinguishable features such as roads, public laneways, utility corridors, railroads, watercourses or other clearly defined physical features. In all other instances, regard will be had for existing zoning and land use patterns in locating the boundaries of land use designations. Where the intent of the Plan is maintained, minor adjustments to boundaries will not require amendment to this Plan. In those situations where Council determines that greater certainty is desirable, area specific mapping will be adopted through an amendment to this Plan.’; and

(3) that Council direct staff of Urban Development Services to:

- (a) meet with the Councillor of each Ward to identify areas of sensitivity regarding land use boundaries with respect to the Official Plan and to report to the next meeting of the Planning and Transportation Committee with recommendations on addressing such boundary concerns by means of area specific policies, area specific mapping, or other like modifications, through modifications to the Plan; and
- (b) prepare an amendment re-designating the northern part of the 4570 Yonge Street mausoleum property to the same designation as the southern part, in keeping with its cemetery use, for consideration at a statutory public meeting to be held in September.”

Votes:

Adoption of motion by Councillor Jenkins:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Hall, Holyday, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Walker, Watson
No - 5	
Councillors:	Chow, Feldman, Ford, Kelly, Rae

Carried by a majority of 23.

Adoption of Clause, as amended:

Yes - 30	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Fletcher, Hall, Holyday, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Walker, Watson
No - 2	
Councillors:	Ford, Rae

Carried by a majority of 28.

10.50 Toronto and East York Community Council Report 6, Clause 10, headed “Draft Zoning By-law – Consolidation of Concrete Works - 595 Commissioners Street”.*Motion:*

Deputy Mayor Pantalone moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report dated July 19, 2004, from the Commissioner of Urban Development Services:

“It is recommended that City Council:

- (1) amend the recommendations of the June 19, 2004 staff report by deleting

Recommendations (3)(k), (l), (m) and (o) and replacing them with the following recommendations:

- '(3)(k) submit, prior to the issuance of a below grade permit, all environmental site assessment reports describing the current site conditions, the proposed remedial action plans indicating that a Site Specific Risk Assessment (SSRA) would be used along with any Health and Safety plans to protect the workers and the public to the satisfaction of the Commissioner of Works and Emergency Services;
 - (l) submit, prior to the issuance of an above-grade building permit, a copy of the completed SSRA that had been peer reviewed with confirmation that it has been submitted to the Ministry of the Environment (MOE) for review. Also, submit an agreement acceptable to the Commissioner of Works and Emergency Services that states the applicant will assume any inherent risk if the MOE requests modifications to the SSRA which results in changes to the building program;
 - (m) submit, prior to the issuance of an above grade building permit, a Statement from a Professional Engineer (sealed and dated) that:
 - (i) any land conveyed to the City is suitable for its intended use and meets the current MOE guidelines, objectives or regulations; and
 - (ii) it is unlikely that there is any off site contamination, resulting from the past land uses on the site, that has migrated from the site to the adjacent rights of way, that would exceed applicable MOE Guidelines, objectives or regulations;
 - (o) submit a copy of the record of site condition acknowledged by the Ministry of the Environment along with a copy of the concurrence letter for the risk assessment signed by the Ministry of the Environment to the satisfaction of the Commissioner of Works and Emergency Services;'; and
- (2) authorize the City Solicitor to amend the draft Zoning By-law amendment to include the provision that employee parking and any vehicles associated with the concrete works operations are contained on site."

Votes:

Adoption of motion by Deputy Mayor Pantalone and Clause as amended:

Yes - 27	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Cowbourne, Di Giorgio, Feldman, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Watson
No - 1	
Councillor:	Fletcher

Carried by a majority of 26.

10.51 Works Committee Report 6, Clause 4, headed “New Municipal Code Chapters Related to Traffic and Parking Matters - Consolidation of Existing Related Codes/By-laws”.

Motion:

Councillor Moscoe moved that the Clause be amended by:

- (1) including a provision in the consolidated by-law which would prohibit the display or erection of any signage on private property that is false or misleading as it pertains to this Code or any portion thereof; and
- (2) adding the following:

“That the Acting Commissioner of Works and Emergency Services be requested to:

- (a) undertake a review of signage and ensure that all signage related to the Code is eventually standardized across the City of Toronto, such review to include:
 - (i) a determination of the advisability of either including or not including the by-law number in disabled parking signs and private parking signs, and
 - (ii) the possibility of some incentive for private property owners to keep signs up to date; and
- (b) ensure that any signage replacement program associated with the consolidation include a removal program to eliminate inaccurate or misleading signage, including

that related to enforcement on private property.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

10.52 Economic Development and Parks Committee Report 5, Clause 8, headed “Toronto 2015 World Expo Bid (All Wards)”.

Motion:

Councillor Moscoe moved that the Clause be received.

Votes:

Adoption of motion by Councillor Moscoe:

Yes - 10 Councillors:	Bussin, Carroll, Davis, Filion, Giambrone, Jenkins, Kelly, Moscoe, Soknacki, Watson
No - 18 Mayor: Councillors:	Miller Altobello, Ashton, De Baeremaeker, Feldman, Fletcher, Hall, Holyday, Lindsay Luby, Mihevc, Nunziata, Ootes, Palacio, Rae, Saundercook, Stintz, Thompson, Walker

Lost by a majority of 8.

Adoption of Clause, without amendment:

Yes - 21 Mayor: Councillors:	Miller Altobello, Ashton, Bussin, Carroll, De Baeremaeker, Feldman, Filion, Fletcher, Hall, Holyday, Lindsay Luby, Mihevc, Nunziata, Ootes, Palacio, Rae, Saundercook, Stintz, Thompson, Walker
No - 7 Councillors:	Davis, Giambrone, Jenkins, Kelly, Moscoe, Soknacki, Watson

Carried by a majority of 14.

10.53 Planning and Transportation Committee Report 5, Clause 3, headed “Public Disclosure of Violations in Multi-Unit Residential Properties in Toronto (All Wards)”.

Councillor Kelly in the Chair.

Deputy Mayor Feldman in the Chair.

Vote:

Adoption of Clause, without amendment:

Yes - 25	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Davis, De Baeremaeker, Feldman, Fletcher, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Thompson, Walker, Watson
No - 3	
Councillors:	Holyday, Ootes, Soknacki

Carried by a majority of 22.

10.54 Works Committee Report 7, Clause 1, headed “Portlands Energy Centre”.

Motion:

Councillor Fletcher moved that the Clause be amended by:

- (1) deleting the following Recommendation (1) of the Works Committee:

“(1) the City of Toronto request an individual environmental assessment for the Portlands Energy Centre;” and

- (2) adding the following:

“That:

- (a) on behalf of the City of Toronto, Mayor David Miller communicate to the Minister of the Environment, as part of the 15-day appeal process, that the City requests that

an individual environmental assessment (EA) for the Portlands Energy Centre be ordered;

- (b) the Mayor communicate the City of Toronto's concerns about the health and environmental impacts, land use issues (particularly in view of the City's commitment to waterfront revitalization), and energy policy concerns; and
- (c) the City of Toronto request that, failing the Minister's agreement to order an Environmental Assessment, the Minister make the granting of an environmental Certificate of Approval subject to the conditions outlined in its decision dated July 16, 2004, and additionally, that:
 - (i) the Portlands Energy Centre (PEC) will only be permitted to open if it is operating full capacity as a co-generation facility, providing thermal (steam) energy through a thermal energy distribution company such as Enwave; and
 - (ii) the operation of the PEC be conditional on there being a net reduction of emissions in the Greater Toronto Area (GTA) through the closure of the 1100 megawatt Lakeview coal-fired electricity generating station (i.e., the PEC cannot come on-line if Lakeview is still operating)."

Votes:

The motion by Councillor Fletcher carried.

The Clause, as amended, carried.

10.55 Planning and Transportation Committee Report 5, Clause 14, headed "Provincial Planning Reform Initiatives: Consultation Papers on OMB Reform, *Planning Act* Reform and Implementation Tools and Provincial Policy Statement Draft Policies".

Motion:

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

"That:

- (1) the Mayor be requested to enter into discussions with the Province of Ontario to advise that the City's initial position with respect to these reforms, is for the City of Toronto to be exempted from the jurisdiction of the Ontario Municipal Board; and
- (2) the Mayor, the City Solicitor and the Commissioner of Urban Development Services be requested to meet with the Minister of Municipal Affairs and Housing to request special legislation for the City of Toronto to create a new, open and transparent

system of Land Use Planning and Development Approval to include very limited rights of appeal.”

Votes:

Adoption of motion by Councillor Walker:

Yes - 7	
Councillors:	Carroll, Jenkins, Nunziata, Palacio, Pitfield, Saundercook, Walker
No - 23	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Davis, De Baeremaeker, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, Mihevc, Moscoe, Ootes, Pantalone, Rae, Soknacki, Stintz, Thompson, Watson

Lost by a majority of 16.

Adoption of Clause, without amendment:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Davis, De Baeremaeker, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Moscoe, Ootes, Pantalone, Rae, Saundercook, Soknacki, Stintz, Thompson, Watson
No - 4	
Councillors:	Nunziata, Palacio, Pitfield, Walker

Carried by a majority of 22.

10.56 Toronto and East York Community Council Report 6, Clause 33, headed “Installation of Building Access Ramp - Fronting 14 Elm Street (Toronto Centre-Rosedale, Ward 27)”.

Motion:

Councillor Rae moved that the Clause be amended by deleting from the recommendation of the Toronto and East York Community Council, the words “subject to the approval of the Toronto Preservation Board”.

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

10.57 Policy and Finance Committee Report 6, Clause 15, headed “Development of Transitional Housing and Housing with Supports, Request for Proposal No. 9155-04-7016 (Wards 12, 20, 27 and 31)”.

Motions:

- (a) Councillor Di Giorgio moved that the Clause be amended to provide that all planning development approvals be a pre-requisite for the funding approval of the proposed development at 2600 Eglinton Avenue West.
- (b) Deputy Mayor Feldman moved that the Clause be amended by adding the following:

“That:
 - (1) the staff recommendations contained in the Recommendations section of the supplementary report dated July 16, 2004, from the Commissioner of Community Services, be adopted; and
 - (2) the staff recommendations contained in the Recommendations section of the supplementary report dated July 19, 2004, from the Commissioner of Community Services, be adopted.”
- (c) Councillor Moscoe moved that Part (2) of motion (b) by Deputy Mayor Feldman be amended to provide that Council support the conversion to residential of approximately two-thirds of the space in the Mahogany/Regeneration project at 2600 Eglinton Avenue West, and the staff recommendations contained in the Recommendations Section of the supplementary report dated July 19, 2004, from the Commissioner of Community and Neighbourhood Services be amended, as necessary, to accommodate this adjustment.
- (d) Councillor Mihevc moved that Part (2) of motion (b) by Deputy Mayor Feldman be amended to provide that the project proponent be encouraged to undertake best efforts to retain a mixed use on the ground floor, by retaining the existing pharmacy and as many doctors offices as possible, without jeopardizing the project’s viability.

Deputy Mayor Feldman in the Chair.

Votes:

Adoption of motion (a) by Councillor Di Giorgio:

Yes - 7	
Councillors:	Cho, Di Giorgio, Filion, Ford, Holyday, Jenkins, Li Preti
No - 27	
Mayor:	Miller
Councillors:	Ashton, Balkissoon, Carroll, Chow, Cowbourne, Davis, Del Grande, Feldman, Fletcher, Giambrone, Kelly, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Rae, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 20.

Adoption of motion (c) by Councillor Moscoe:

Yes - 24	
Mayor:	Miller
Councillors:	Ashton, Balkissoon, Carroll, Cho, Del Grande, Feldman, Filion, Fletcher, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Soknacki, Thompson
No - 12	
Councillors:	Chow, Cowbourne, Davis, Di Giorgio, Ford, Hall, Mihevc, Rae, Shiner, Stintz, Walker, Watson

Carried by a majority of 12.

Motion (d) by Councillor Mihevc carried.

Adoption of motion (b) by Deputy Mayor Feldman, as amended:

Yes - 31	
Mayor:	Miller
Councillors:	Ashton, Balkissoon, Carroll, Chow, Cowbourne, Davis, Del Grande, Feldman, Filion, Fletcher, Giambrone, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Rae, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 5	

Councillors: Cho, Di Giorgio, Ford, Holyday, Jenkins
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Carried by a majority of 26.

Adoption of Clause, as amended:

Yes - 32
Mayor: Miller
Councillors: Ashton, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, Del Grande, Feldman, Fillion, Fletcher, Giambrone, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Rae, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 4
Councillors: Di Giorgio, Ford, Holyday, Jenkins

Carried by a majority of 28.

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

“That:

- (a) the following staff recommendations contained in the Recommendations section of the supplementary report dated July 16, 2004, from the Commissioner of Community and Neighbourhood Services, be adopted:

‘It is recommended that:

- (1) for the purposes of securing approximately 58 one-bedroom units of affordable rental housing at 111 Kendleton Drive (Ward 1):
 - (a) Council approve the affordable housing project at 111 Kendleton Drive, substantially on the terms and conditions as set out in Appendix 1 of this report;
 - (b) at the discretion of the Commissioner of Community and Neighbourhood Services, up to 12 units in the building be allocated to house seniors from the City’s shelter system who meet all the eligibility requirements of the City and the Province for the supportive housing program at the building;

- (c) the Commissioner of Community and Neighbourhood Services be authorized to negotiate a Municipal Housing Project Facility Agreement and any other agreements deemed appropriate with The Toronto Community Housing Corporation (TCHC) or another entity associated and controlled by the Toronto Community Housing Corporation, on terms and conditions acceptable to the Commissioner of Community and Neighbourhood Services and in a form acceptable to the City Solicitor, for affordable housing at this site and to report back to Council on the results of the negotiations;
 - (d) these agreements substantially implement the funding recommendations summarized in Appendix 1 which include \$115,000.00 from the Mayor's Homeless Initiative Reserve Fund, municipal development charge exemptions (estimated at \$120,000.00), exemption for 20 years from taxation for municipal and school purposes (estimated at a cost of \$29,650.00 per year to the City of Toronto and \$14,871.00 to the Province of Ontario), a PST rebate of \$2,000.00 per designated affordable unit or an estimated \$116,000.00 for the project and a federal grant to an estimated maximum of \$1,035,000.00;
 - (e) Council designate the project proposed by the Toronto Community Housing Corporation for this site as a Pilot Project under the Community Rental Housing Program and authorize up to \$1,035,000.00 of Federal and Provincial funding for this initiative; and
 - (f) the Commissioner of Community and Neighbourhood Services be authorized to submit any required documentation to the Province of Ontario for this project, pursuant to the agreement between the City and the Province for the administration of the Community Rental Housing Program – Pilot Project Component; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing, including the introduction in Council of any Bills necessary to give effect thereto.'; and

- (b) the following staff recommendations contained in the Recommendations section of the supplementary report dated July 19, 2004, from the Commissioner of Community and Neighbourhood Services, be adopted:

‘It is recommended that:

- (1) Council approve the transitional housing project at 2600 Eglinton Avenue West (Ward 12) substantially on the terms and conditions set out in Appendix 1 of this report, including up to \$778,500.00 in Federal Supporting Communities Partnership Initiative 2003-2006 (SCPI) funding and up to \$86,500.00 in Mayor’s Homeless Initiative Reserve Fund monies, subject to the project receiving all necessary planning and development approvals;
- (2) the Commissioner of Community and Neighbourhood Services be delegated authority to negotiate a SCPI Funding Agreement for the provision of SCPI and Mayor’s Fund monies to the project, together with any other agreements deemed appropriate by the Commissioner with 873715 Ontario Ltd. or another entity associated or controlled by 873715 Ontario Ltd., on terms and conditions acceptable to the Commissioner of Community and Neighbourhood Services and in a form acceptable to the City Solicitor for transitional housing at this site and further, the Commissioner to report back to Council on the results of the negotiations;
- (3) the SCPI Funding Agreement in Recommendation (2) be consistent with the designation of the project as a Municipal Housing Facility pursuant to By-law No. 282-2002 and Section 110 of the *Municipal Act* to allow for appropriate municipal development charge exemption and exemption from taxation for municipal and school purposes for 25 years; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing, including the introduction in Council of any Bills necessary to give effect thereto.’

subject to the following amendments by City Council:

- (i) that Council support the conversion to residential of approximately two-thirds of the space in the Mahogany/Regeneration project at 2600 Eglinton Avenue West, and the staff recommendations contained in the Recommendations Section of the supplementary report dated July 19, 2004, from the Commissioner of Community and Neighbourhood Services be amended, as necessary, to accommodate this adjustment; and
- (ii) that the project proponent be encouraged to undertake best efforts to retain a mixed use on the ground floor, by retaining the existing pharmacy and as many doctors offices as possible, without jeopardizing the project's viability."

10.58 Policy and Finance Committee Report 6, Clause 41, headed "Offer to Settle Claim Arising from Construction of the Ledbury Community Centre (Ward 16 – Eglinton Lawrence)".

July 20, 2004:

Vote:

The Clause was adopted, without amendment.

July 22, 2004:

Motion to Re-Open:

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

Vote:

The motion by Councillor Stintz carried.

Deputy Mayor Bussin in the Chair.

10.59 Toronto and East York Community Council Report 6, Clause 16, headed “Request for Direction - 511 Bremner Boulevard and 2 and 20 Housey Street – Ontario Municipal Board Hearing (Trinity-Spadina, Ward 20)”.

The Clause was submitted without recommendation.

Motion:

Councillor Chow moved that Council adopt the following:

“That the following staff recommendations contained in the Recommendations Section of the supplementary report dated July 19, 2004, from the Commissioner of Urban Development Services, be adopted:

‘It is recommended that Council:

- (1) direct the City Solicitor and other City staff, as may be necessary, to attend at the Ontario Municipal Board hearing scheduled to continue on October 12, 2004, in support of the settlement package of facilities, services and matters to be secured through an agreement under Section 37 of the *Planning Act*, as detailed in this report;
- (2) confirm the application of development charges to Block 37 and the additional units on Block 33, in accordance with the City’s development charges by-law;
- (3) confirm that, in accordance with Section 5.2 of the Railway Lands West Part II Plan, Council intends to ensure that certain community services and facilities are secured through appropriate mechanisms, which may include the allocation of development charge funding for the library and community centre in the Railway Lands West;
- (4) forward a copy of this report to the Budget Advisory Committee to ensure that the provision of community services and facilities identified in Section 5.2 of the Railway Lands West Part II Plan be reviewed as part of the City’s capital budget process; and
- (5) authorize and direct the appropriate City officials to take the necessary action to give effect thereto.’ ”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

10.60 **Planning and Transportation Committee Report 5, Clause 8, headed “Motion to Amend Municipal Code Chapter 545, Licensing, Concerning Private Parking Enforcement Agencies”.**

Mayor Miller in the Chair.

Deputy Mayor Bussin in the Chair.

Motions:

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

“That City Council adopt the staff recommendations contained in the Recommendations Sections of:

- (1) the report dated May 26, 2004, from the Commissioner of Urban Development Services; and
- (2) the report dated March 15, 2004, from the City Solicitor.”

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

“That:

- (1) the City of Toronto request the Province of Ontario to follow the lead of the Province of Alberta and revoke the contract that improperly gives Imperial Parking access to the Province’s motor vehicle registry; and
- (2) the Mayor or his designate be requested to meet with the Minister of Transportation to discuss this issue.”

- (c) Councillor Ashton moved that Part (1) of motion (a) by Councillor Milczyn be amended by adding the following:

“Subject to:

- (1) adding to Recommendation (1)(C)(4), the words ‘and that staff be directed to develop a dispute resolution system and its use to be mandated as an administrative requirement of the licensing by-law, as a condition of obtaining a public parking lot licence’; and

- (2) adding to Recommendation (1)(C)(6), the words “and further, that the administrative fee that can be added to any parking demand notice be capped at the maximum of 50 percent’.”

Votes:

Adoption of Part (1) of motion (c) by Councillor Ashton:

Yes - 22	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Chow, Del Grande, Di Giorgio, Feldman, Ford, Holyday, Jenkins, Kelly, Li Preti, Mammoliti, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Stintz
No - 16	
Councillors:	Altobello, Cho, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, Hall, Lindsay Luby, Mihevc, Moscoe, Pantalone, Thompson, Walker, Watson

Carried by a majority of 6.

Adoption of Part (2) of motion (c) by Councillor Ashton:

Yes - 16	
Councillors:	Ashton, Bussin, Carroll, Feldman, Ford, Jenkins, Kelly, Li Preti, Mammoliti, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook
No - 22	
Mayor:	Miller
Councillors:	Altobello, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Holyday, Lindsay Luby, Mihevc, Moscoe, Pantalone, Stintz, Thompson, Walker, Watson

Lost by a majority of 6.

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

Yes - 16	
Councillors:	Ashton, Di Giorgio, Feldman, Ford, Holyday, Jenkins, Li Preti, Mammoliti, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Stintz
No - 22	
Mayor:	Miller

Councillors:	Altobello, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Giambrone, Hall, Kelly, Lindsay Luby, Mihevc, Moscoe, Pantalone, Thompson, Walker, Watson
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Lost by a majority of 6.

Adoption of motion (b) by Councillor Moscoe:

Yes - 25	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Pantalone, Thompson, Walker, Watson
No - 13	
Councillors:	Di Giorgio, Feldman, Ford, Holyday, Li Preti, Mammoliti, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Stintz

Carried by a majority of 12.

Adoption of Clause, as amended:

Yes - 24	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Giambrone, Hall, Kelly, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Pantalone, Pitfield, Thompson, Walker, Watson
No - 14	
Councillors:	Ashton, Di Giorgio, Feldman, Ford, Holyday, Jenkins, Li Preti, Milczyn, Nunziata, Ootes, Palacio, Rae, Saundercook, Stintz

Carried by a majority of 30.

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

“That:

- (1) the City of Toronto request the Province of Ontario to follow the lead of the Province of Alberta and revoke the contract that improperly gives Imperial Parking

access to the Province's motor vehicle registry; and

- (2) the Mayor or his designate be requested to meet with the Minister of Transportation to discuss this issue."

10.61 Planning and Transportation Committee Report 5, Clause 6, headed “Ravine Protection By-law - Revisions City-wide”.*Motion:*

Councillor Filion moved that the Clause be amended to provide that Council’s approval of the Ravine By-law not apply to the property known as 1 Botham; that this particular property be referred to the Planning and Transportation Committee for consideration, such matter to be listed as a timed item; and, as requested by the Committee, the Commissioner of Urban Development Services report on the results of the consultation with the applicant regarding this property.”

Votes:

The motion by Councillor Filion carried.

The Clause, as amended, carried.

10.62 North York Community Council Report 6, Clause 31, headed “Final Report - OPA & Rezoning Application 04 107621 NNY 23 OZ - B’Nai Brith Hillel of Toronto Inc. - Benjamin Schultz - 1 Kenton Drive (Ward 23 - Willowdale)”.*Motion:*

Councillor Filion moved that the Clause be amended in accordance with the following motion:

“**WHEREAS** Clause 31 of Report 6 of The North York Community Council, headed ‘Final Report - OPA & Rezoning Application 04 107621 NNY 23 OZ - B’Nai Brith Hillel of Toronto Inc. - Benjamin Schultz - 1 Kenton Drive (Ward 23 - Willowdale)’, recommends adoption of the report dated June 23, 2004, from the Director, Community Planning, North District, Urban Development Services, as amended; and

WHEREAS Recommendation (4)(a) of the report dated June 23, 2004, from the Director, Community Planning, North District, Urban Development Services, recommends the conveyance of a 6.1 metre corner rounding at the corner of Bathurst Street and Kenton Drive, and the depositing of the deeds for the corner rounding with the City Solicitor and the registration of these deeds by the City, before introducing the necessary Bills to City Council for enactment; and

WHEREAS the owner has requested that the deeds necessary for the corner rounding be deposited with the City Solicitor and registered by the City, prior to the issuance of an excavation and shoring permit for the development, rather than prior to the introduction of the Bills to City Council for enactment, and the Works and Emergency Services Department is in agreement;

NOW THEREFORE BE IT RESOLVED THAT the recommendations of the North York Community Council contained in Clause 31 of Report 6 be adopted, subject to:

- (1) the following amendments to the report dated June 23, 2004, from the Director, Community Planning, North District, Urban Development Services:
 - (a) the deletion of Recommendation (4)(a) and the renumbering of Recommendation (4)(b) to (4)(a); and
 - (b) the insertion of the following new Recommendation (5):
 - '(5) require the owner to convey or cause to be conveyed to the City for dedication as public highway for a nominal sum, free of all encumbrances, a 6.1 metre corner rounding at the corner of Bathurst Street and Kenton Drive, and deposit with the City Solicitor deeds for these lands in a form satisfactory to the City Solicitor in consultation with the Commissioner of Works and Emergency Services, and have these deeds registered by the City prior to the issuance of an excavation and shoring permit for the development.'; and
- (2) amending Recommendation (2) of the North York Community Council to provide that the condition that the applicant be required to obtain an additional 6 parking spaces from Hydro be amended so that the applicant is required to make best efforts to obtain these parking spaces."

Votes:

The motion by Councillor Filion carried.

The Clause, as amended, carried.

10.63 North York Community Council Report 6, Clause 37, 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 Filion moved that consideration of this Clause be deferred to the next regular meeting of City Council on September 28, 2004.

Vote:

The motion by Councillor Filion carried.

10.64 **Works Committee Report 6, Clause 6, headed “Traffic Calming – Criteria for Determining Public Support for Installation of Speed Humps”.**

Motions:

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

“That:

- (1) the report dated May 13, 2004, from the Commissioner of Works and Emergency Services, as contained in the Clause, be received for information; and
- (2) the notice to residents advising of the proposed installation of speed humps, include specific details with respect to difficulties encountered by emergency vehicles.”
- (b) Councillor Moscoe moved that consideration of this Clause be deferred to the next regular meeting of City Council on September 28, 2004.

Vote on Deferral:

Adoption of motion (b) by Councillor Moscoe:

Yes - 24	
Councillors:	Altobello, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Giambrone, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Thompson, Watson
No - 5	
Councillors:	Ashton, Fletcher, Ford, Holyday, Ootes

Carried by a majority of 19.

Due to the above decision of Council, motion (a) by Councillor Holyday was not put to a vote.

In summary, City Council deferred consideration of this Clause to its next regular meeting on September 28, 2004.

10.65 Community Services Committee Report 5, Clause 7, headed “Update on the Implementation of the Review Recommendations for University Settlement and University Settlement Recreation Centre”.

Motion:

Councillor Kelly moved that consideration of this Clause be deferred to the next regular meeting of City Council on September 28, 2004.

Vote:

The motion by Councillor Kelly carried.

10.66 North York Community Council Report 6, Clause 38, headed “Parking Prohibitions - ‘122 Graydon Hall’ Transit Route (Ward 34 - Don Valley East)”.

Motions:

- (a) Councillor Moscoe moved that the Clause be amended by deleting the recommendation of the North York Community Council and inserting instead the following:

“That the staff recommendations contained in the Recommendations Section of the report dated June 25, 2004, from the Director, Transportation Services, North District, Works and Emergency Services, be adopted.”

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

“That the Chair of the Toronto Transit Commission be requested to:

- (a) convey to the Commission, on behalf of Council, its desire to improve the community consultation process; and
- (b) request the staff of the Commission to develop a community consultation process.”
- (c) Councillor Carroll moved that motion (a) by Councillor Moscoe be amended by adding the words “and further, that in the event the six month trial run of the extension of the ‘122 Graydon Hall’ transit route is unsuccessful, all parking prohibitions be immediately rescinded”.

Votes:

Motion (c) by Councillor Carroll carried.

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

Yes - 16	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Fletcher, Giambrone, Hall, Kelly, Lindsay Luby, Moscoe, Watson
No - 14	
Councillors:	Altobello, Feldman, Holyday, Jenkins, Li Preti, Milczyn, Minnan-Wong, Ootes, Palacio, Pitfield, Rae, Saundercook, Stintz, Thompson

Carried by a majority of 2.

Motion (b) by Councillor Giambrone carried.

Adoption of Clause, as amended:

Yes - 17	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Fletcher, Giambrone, Hall, Kelly, Lindsay Luby, Moscoe, Rae, Watson
No - 13	
Councillors:	Altobello, Feldman, Holyday, Jenkins, Li Preti, Milczyn, Minnan-Wong, Ootes, Palacio, Pitfield, Saundercook, Stintz, Thompson

Carried by a majority of 4.

In summary, Council amended this Clause by:

- (1) deleting the recommendation of the North York Community Council and inserting instead the following:

“That the staff recommendations contained in the Recommendations Section of the report dated June 25, 2004, from the Director, Transportation Services, North District, Works and Emergency Services, be adopted, and further, that in the event the six month trial run of the extension of the ‘122 Graydon Hall’ transit route is unsuccessful, all parking prohibitions be immediately rescinded.”; and

- (2) adding the following:

“That the Chair of the Toronto Transit Commission be requested to:

- (a) convey to the Commission, on behalf of Council, its desire to improve the community consultation process; and
- (b) request the staff of the Commission to develop a community consultation process.”

10.67 Board of Health Report 5, Clause 1, headed “Air Pollution Burden of Illness in Toronto: 2004 Summary Agenda for Action on Air and Health”.

Motions:

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

“That:

- (1) Council endorse Car Free Day for September 22, 2005;
- (2) Toronto Public Health, as lead, working with the City’s Works and Emergency Services Department, Toronto Public Health, the TTC, the Toronto Cycling Committee, the Toronto Pedestrian Committee, Special Events and the Roundtable on the Environment, in concert with relevant stakeholders, such as the Sierra Club of Canada, establish a Working Group and take ownership of the event and build the event into each applicable department’s annual work plan;
- (3) the Working Group report to Council, in November 2004, through the Policy and Finance Committee, on the potential impacts of Car Free Day 2005 on air pollution, TTC ridership and public awareness of sustainable transportation; and
- (4) staff of the Works and Emergency Services Department and Public Health be directed to allocate funding within their budget for Car Free Day 2005.”

- (b) Councillor Fletcher moved that the Clause be amended by deleting Recommendation (3) of the Board of Health and inserting instead the following:

“(3) request the Premier of Ontario to:

- (a) develop a strategy to phase out Ontario’s coal-fired power plants by a combination of measures, in the following order of priority: energy conservation and efficiency, ecologically sustainable renewable electricity supply sources and small scale high-efficiency natural gas-fired co-generation power plants that replace existing

- mono-generators and provide electricity and heat to local district heating grids, rather than by nuclear energy;
- (b) ensure that where any new gas-fired co-generators are considered, then the plants should be subject to continuous emissions monitoring, have their emissions conform to all existing or new emissions standards, such co-generation plants to supply funding to the Toronto Atmospheric Fund or other such local initiatives and must support establishment of effective local community liaison programs; and
- (c) ensure that no new source of emissions are considered unless there is a net gain in reduction of emissions through shut down of current sources of emissions;”.
- (c) Councillor Ootes moved that Part (1) of motion (a) by Councillor Mihevc be amended by inserting, prior to the words “Car Free Day”, the words “a voluntary”, so that such Part shall now read as follows:
- “(1) Council endorse a voluntary Car Free Day for September 22, 2005;”.
- (d) Councillor Hall moved that the Clause be amended by adding the following:
- “That, in future reports relating to air pollution, the Medical Officer of Health be requested to recognize the benefits of an all inclusive tree canopy.”

Votes:

Motion (b) by Councillor Fletcher carried.

Motion (c) by Councillor Ootes carried.

Councillor Kelly requested that his opposition to motion (b) by Councillor Ootes be noted in the minutes of this meeting.

Adoption of motion (a) by Councillor Mihevc, moved by Councillor Chow, in the absence of Councillor Mihevc, as amended:

Yes - 22	
Mayor:	Miller
Councillors:	Altobello, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Fletcher, Giambrone, Hall, Jenkins, Lindsay Luby, Milczyn, Moscoe, Ootes, Palacio, Pitfield, Rae, Saundercook, Thompson, Watson
No - 3	
Councillors:	Ford, Holyday, Kelly

Carried by a majority of 19.

Motion (d) by Councillor Hall carried.

Adoption of Clause, as amended:

Yes - 24	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Fletcher, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, Milczyn, Moscoe, Ootes, Palacio, Pitfield, Rae, Saundercook, Thompson, Watson
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 22.

In summary, City Council amended this Clause by:

(1) deleting Recommendation (3) of the Board of Health and inserting instead the following:

“(3) request the Premier of Ontario to:

- (a) develop a strategy to phase-out Ontario’s coal-fired power plants by a combination of measures, in the following order of priority: energy conservation and efficiency, ecologically sustainable renewable electricity supply sources and small scale high-efficiency natural gas-fired co-generation power plants that replace existing mono-generators and provide electricity and heat to local district heating grids, rather than by nuclear energy;
- (b) ensure that where any new gas-fired co-generators are considered, then the plants should be subject to continuous emissions monitoring, have their emissions conform to all existing or new emissions standards, such co-generation plants to supply funding to the Toronto Atmospheric Fund or other such local initiatives and must support establishment of effective local community liaison programs; and
- (c) ensure that no new source of emissions are considered unless there

is a net gain in reduction of emissions through shut down of current sources of emissions;” and

(2) adding the following:

“That:

- (a) Council endorse a voluntary Car Free Day for September 22, 2005;
- (b) Toronto Public Health, as lead, working with the City’s Works and Emergency Services Department, Toronto Public Health, the TTC, the Toronto Cycling Committee, the Toronto Pedestrian Committee, Special Events and the Roundtable on the Environment, in concert with relevant stakeholders, such as the Sierra Club of Canada, establish a Working Group and take ownership of the event and build the event into each applicable department’s annual work plan;
- (c) the Working Group report to Council, in November 2004, through the Policy and Finance Committee, on the potential impacts of Car Free Day 2005 on air pollution, TTC ridership and public awareness of sustainable transportation;
- (d) staff of the Works and Emergency Services Department and Public Health be directed to allocate funding within their budget for Car Free Day 2005; and
- (e) in future reports relating to air pollution, the Medical Officer of Health be requested to recognize the benefits of an all inclusive tree canopy.”

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

July 21, 2004:

Deputy Mayor Feldman in the Chair.

Procedural Motion:

Councillor Holyday, at 5:35 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider North York Community Council Report 6, Clause 34, headed “OMB Settlement Report – Application to Amend the Official Plan and Zoning By-law – TB CMB 2002 0007 - Monarch Construction Limited (Hillier and Graziani and Corazza Architects Inc.) - 2025 – 2045 Sheppard Avenue East (Ward 33 - Don Valley East)”, in accordance with the provisions of the *Municipal Act*, as it contains information which is subject to solicitor/client privilege.

Vote:

The motion by Councillor Holyday carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 5:40 p.m. to meet privately in the Council Chamber to consider the above matter, in accordance with the provisions of the *Municipal Act*.

Committee of the Whole rose, reconvened as Council at 6:06 p.m., and met in public session in the Council Chamber.

Deputy Mayor Feldman took the Chair and called the Members to order.

10.69 North York Community Council Report 6, Clause 34, headed “OMB Settlement Report – Application to Amend the Official Plan and Zoning By-law – TB CMB 2002 0007 - Monarch Construction Limited (Hillier and Graziani and Corazza Architects Inc.) - 2025 – 2045 Sheppard Avenue East (Ward 33 - Don Valley East)”.

Report of the Committee of the Whole:

Deputy Mayor Feldman, 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 Moscoe moved that the Clause be amended by deleting the recommendations of the North York Community Council and inserting instead the following:

“That the recommendation contained in the Recommendation Section of the confidential report dated July 19, 2004, from the City Solicitor, be adopted, subject to amending Part (5)(f) of Schedule ‘A’ by deleting the amount ‘\$150,000.00’, and inserting instead the amount ‘0.5 percent’.”

- (b) Councillor Carroll moved that motion (a) by Councillor Moscoe be amended by adding the words “and further amending Part (5)(e) of Schedule ‘A’ to provide that the shuttle bus service operate for a period of ten years commencing upon occupancy of the first residential building”.

Votes:

Adoption of motion (b) by Councillor Carroll:

Yes - 27	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Cowbourne, Davis, Di Giorgio, Feldman, Fletcher, Hall, Jenkins, Kelly, Lindsay Luby, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Watson
No - 1	
Councillor:	Holyday

Carried by a majority of 26.

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

Yes - 25	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Cowbourne, Davis, Di Giorgio, Feldman, Fletcher, Hall, Kelly, Lindsay Luby, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Watson
No - 3	
Councillors:	Carroll, Holyday, Jenkins

Carried by a majority of 22.

Adoption of Clause, as amended:

Yes - 27	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Cowbourne, Davis, Di Giorgio, Feldman, Fletcher, Giambone, Hall, Holyday, Kelly, Lindsay Luby, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Watson
No - 2	

Councillors: Carroll, Jenkins

Carried by a majority of 25.

In summary, City Council amended this Clause by deleting the recommendations of the North York Community Council and inserting instead the following:

“That the following recommendation contained in the Recommendation Section of the confidential report dated July 19, 2004, from the City Solicitor, be adopted, such recommendation and Schedule ‘A’, as amended by Council, now public, the balance of such report to remain confidential, in accordance with the provisions of the *Municipal Act*, as it contains information which is subject to solicitor/client privilege:

‘It is recommended that City Council endorse the settlement of the OMB appeals with respect to 2025-2045 Sheppard Avenue East on the basis set out in Schedule “A” to this report.’,

subject to amending Schedule ‘A’ by:

- (1) amending Part (5)(e) to provide that the shuttle bus service operate for a period of 10 years commencing upon occupancy of the first residential building, so that Part (5)(e) shall now read as follows:

‘(e) The owner has entered into an Agreement under section 37 of the *Planning Act* agreeing to provide a private shuttle bus serving the development to the Don Mills subway station with approximately 25 seats, operating 6 hours daily Monday to Friday (morning and afternoon peak periods), assuming headways of approximately 15 minutes, such service to be for a period of 10 years commencing upon occupancy of the first residential building, and further that the owner will agree to meet with the TTC to explore the potential for such shuttle service to be operated by the TTC as a community bus, with operating losses to be covered by the applicant, on a mutually satisfactory terms.’; and

- (2) deleting from Part (5)(f), the amount “\$150,000.00”, and inserting instead the amount “0.5 percent”, so that Part (5)(f) shall now read as follows:

‘(f) The owner has entered into an Agreement under Section 37 of the *Planning Act* agreeing to pay 0.5 percent for public art, such public art to be located at the applicant’s discretion on the subject

site in a publicly visible location.’’

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION**10.70 Request for Approval of a Special Occasion Permit – Community Festival Event, Parroquia San Lorenzo and the San Lorenzo Latin American Community Centre, ‘Abya Yala’ Festival – Saturday, August 7, 2004 and Sunday, August 8, 2004**

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

Moved by: Councillor Moscoe

Seconded by: Councillor Filion

“**WHEREAS** the San Lorenzo Latin American Community Centre is requesting approval of a Special Occasion Permit for the ‘Abya Yala’ Festival to be held on Saturday, August 7, 2004, from 1:00 p.m. to 11:00 p.m., and on Sunday, August 8, 2004, from 1:00 p.m. to 10:00 p.m., at the Parroquia San Lorenzo and the San Lorenzo Latin American Community Centre church parking lot located at 2981 Dufferin Street; 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 1:00 p.m. to 11:00 p.m. on Saturday, August 7, 2004, and from 1:00 p.m. to 10:00 p.m. on Sunday, August 8, 2004); 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 July 20, 21 and 22, 2004;

NOW THEREFORE BE IT RESOLVED THAT the Toronto City Council, for liquor licensing purposes, declare this to be an event of municipal and/or community significance, and advise the Alcohol and Gaming Commission of Ontario that it has no objection to 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(1) 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(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 233)

Procedural Vote:

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

Vote:

Motion J(1) was adopted, without amendment.

10.71 Encroachment Agreement on City's Spadina Storm Trunk Sewer Easement at 70 Poplar Plains Crescent (Ward 22 – St. Paul's)

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

Moved by: Councillor Walker

Seconded by: Councillor Pitfield

“WHEREAS by the adoption of Clause No. 8 of Report No. 9 of the Works Committee, at its meeting held on May 10, 1989, the Council of the former Municipality of Metropolitan Toronto authorized various encroachments into the Metro Sewer Easement area located over the privately-owned property municipally known as 70 Poplar Plains Crescent (the ‘Property’), including a brick garage and driveway (the ‘Encroachments’); and

WHEREAS the owner of the Property proposes to add a second story to the garage, thereby altering the Encroachments previously specifically approved; and

WHEREAS the encroachment agreement requires amendment; and

WHEREAS the Works and Emergency Services Department has no objection to the proposed addition; and

WHEREAS the Property owners are anxious to proceed and have requested that approval of the necessary Council authority be expedited;

NOW THEREFORE BE IT RESOLVED THAT City Council consider and adopt the staff recommendations contained in the Recommendations Section of the report dated July 12, 2004, from the Acting Commissioner of Works and Emergency Services.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(2) to the 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(2), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 233)

Procedural Vote:

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

Council also had before it, during consideration of Motion J(2), a report dated July 12, 2004, from the Acting Commissioner of Works and Emergency Services, entitled “Encroachment Agreement on City’s Spadina Storm Trunk Sewer Easement at 70 Poplar Plains Crescent (the ‘Property’) Ward 22 - St. Paul’s”. (See Attachment 1, Page 208.)

Vote:

Motion J(2) was adopted, without amendment.

Summary:

In adopting Motion J(2), without amendment, Council adopted, without amendment, the following staff recommendation contained in the Recommendation Section of the report dated July 12, 2004, from the Acting Commissioner of Works and Emergency Services, entitled “Encroachment

Agreement on City's Spadina Storm Trunk Sewer Easement at 70 Poplar Plains Crescent (the 'Property') Ward 22 - St. Paul's":

‘It is recommended that appropriate City staff be authorized and directed to amend the existing encroachment agreement with the property owners, permitting them to construct a second floor addition on the existing dwelling within the City’s Spadina storm trunk sewer easement area at the property, on such terms and conditions as may be required by the Acting Commissioner of Works and Emergency Services and the City Solicitor.’ ”

10.72 Amendment of Existing Licences and Easement for Underground Vehicular Passage at the Toronto Eaton Centre to Facilitate Construction of a New Commercial Development at the South West Corner of Bay Street and Dundas Street West

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

Moved by: Councillor Rae

Seconded by: Councillor Chow

“**WHEREAS** the owners of the lands at the south-east corner of Bay Street and Dundas Street West wish to construct a new commercial building thereon which will include the Ryerson Business School and an expansion of the Toronto Eaton Centre retail uses; and

WHEREAS the construction of this new facility will terminate the use of the northern truck entrance to the Toronto Eaton Centre from Bay Street (over the former closed Terauley Street) and force all truck traffic through the south truck entrance underneath Louisa Street (also running beneath the Bell Trinity Square Building); and

WHEREAS the City granted to the former owners of the Toronto Eaton Centre, rights to interconnect, via tunnel, certain subsisting below-grade ramp and truck receiving facilities in two locations upon the Toronto Eaton Centre lands, by way of a series of agreements being a May 28, 1973 Licence Agreement, a November 12, 1984 Agreement and a November 12, 1984 Easement; and

WHEREAS the owners of the Toronto Eaton Centre wish to facilitate deliveries to the new commercial development at the south-east corner of Bay Street and Dundas Street West and elsewhere at the Toronto Eaton Centre, and have accordingly requested that the 1973 Licence Agreement, the 1984 Agreement and the 1984 Easement, be amended to provide that Ontrea/TEC Holdings Inc., Ontrea/TEC Acquisition Limited, Ontrea/250 Yonge Acquisition Limited, CF/TEC Holdings Inc., CF/TEC Acquisition Limited, CF/250 Yonge Acquisition Limited, T.E.C. Leaseholds Limited and T.E.C. 250 Leaseholds Limited, being the current owners of the Toronto Eaton Centre, Sears Canada Inc., being the largest subtenant in the Toronto Eaton Centre, The Incorporated Synod of the Diocese of Toronto, being the owner of the lands upon which the Marriott Hotel is located, and HMC Toronto EC Company, being the ground tenant of the Marriott Hotel, may all enjoy the benefit of such licences and easement;

NOW THEREFORE BE IT RESOLVED THAT authority be granted to amend each of the 1973 Licence Agreement, the 1984 Agreement and the 1984 Easement, to give effect to the request as delineated in the immediately foregoing Recital paragraph, all documentation to be in a form satisfactory to the City Solicitor.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(3) 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(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 233)

Procedural Vote:

The vote to waive referral of Motion J(3) to the Toronto and East York Community Council, was taken as follows:

Yes - 38	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Giambone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 4	
Councillors:	Ashton, Moscoe, Ootes, Saundercook

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

Vote:

Motion J(3) was adopted, without amendment.

10.73 **Moon Light Movie Night Series in High Park**

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

Moved by: **Councillor Saundercook**

Seconded by: **Councillor Grimes**

“**WHEREAS** the 1st Annual Moon Light Movie Night is planned for the next seven Monday evenings beginning July 26th, 2004; and

WHEREAS the Ward Councillor and the High Park Advisory Council would like to see better use of High Park by the public; and

WHEREAS any donations will go to the High Park Initiative which is responsible for improvements to High Park; and

WHEREAS Universal will provide seven evenings of free movies under the stars at the first ever Moon Light Movie Night series in High Park;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto support these initiatives by authorizing the Acting Commissioner of Works and Emergency Services to issue the necessary permits, subject to the appropriate liability protection for the City, for the placement of banners on the Sunnyside Bridge at Roncesvalles, Queen and King Streets, overlooking the Gardner Expressway to advertise this great event, and that these signs stay in place until the C.N.E. signs are erected over the Gardner Expressway.”

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 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(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 233)

Procedural Vote:

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

Motion:

Councillor Saundercook moved that Motion J(4) be adopted subject to deleting from the first Operative Paragraph, all of the words after the word “initiatives”, so that the Operative Paragraph now reads:

“**NOW THEREFORE BE IT RESOLVED THAT** the Council of the City of Toronto supports these initiatives.”

Votes:

The motion by Councillor Saundercook carried.

Motion J(4) as amended, carried.

10.74 Reallocation of Funds within the Waterfront Capital Account

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

Moved by: Deputy Mayor Pantalone

Seconded by: Mayor Miller

“WHEREAS Council on April 19 to 23 and 26 to 28, 2004 approved a capital allocation of \$26.159 million (net) for the Waterfront Revitalization Initiative; and

WHEREAS of this amount, \$25.955 million represented the City’s contribution to the Toronto Waterfront Revitalization Corporation (TWRC) for the year; and

WHEREAS the TWRC’s projects within this allocation were developed during the summer of 2003, when the TWRC was still in the process of retaining staff to bring appropriate expertise in-house, and refining its work plan for its 2004/05 fiscal year which began on April 1, 2004; and

WHEREAS transitions at the federal level in 2003 and 2004 resulted in funding delays to the TWRC and the inability to finalize Contribution Agreements among the four parties; and

WHEREAS these issues have been successfully resolved, but necessitated the temporary slowdown of selected TWRC’s projects until June of 2004, and the repriorization of 2004/05 activities; and

WHEREAS a reallocation of \$2.175 million within the approved capital contribution to the TWRC of \$25.955 million is required to more accurately and effectively reflect the TWRC’s revised work plan and organizational capacity for the year, with no net impact on the overall contribution total for the year;

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached report dated July 5, 2004 from the Commissioner, Urban Development Services, entitled ‘Reallocation of Funds within the Waterfront Capital Account’ and that such report be received for information.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(5) to the 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(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 233)

Procedural Vote:

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

Council also had before it, during consideration of Motion J(5), a report dated July 5, 2004, from the Commissioner of Urban Development Services, entitled "Reallocation of Funds within the Waterfront Capital Account". (See Attachment 2, Page 210.)

Vote:

Motion J(5) was adopted, without amendment.

Summary:

In adopting Motion J(5), without amendment, Council received, for information, the report dated July 5, 2004, from the Commissioner of Urban Development Services, entitled "Reallocation of Funds within the Waterfront Capital Account".

10.75 Technical Amendment with respect to the Installation of Speed Humps on Pauline Avenue, from Bloor Street West to Wallace Avenue (Davenport, Ward 18)

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

Moved by: Councillor Giambrone

Seconded by: Councillor Davis

“**WHEREAS** City Council, at its meeting held on June 22, 23 and 24, 2004, adopted without amendment, 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)’; and

WHEREAS Recommendation (2)(i) of the Toronto South Community Council contained in the above-mentioned Clause recommended that a by-law be prepared for traffic calming purposes for:

‘The construction of two asphalt speed humps on Pauline Avenue, from Bloor Street West to Wallace Avenue, generally as shown on the attached print of Drawing No. 421F-7020, dated June 2003’; and

WHEREAS Drawing No. 421F-7020, dated June 2003, indicates that five speed humps are to be constructed on Pauline Avenue, from Bloor Street West to Wallace Avenue, rather than the two speed humps noted in the aforementioned 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 5, Clause 67, headed ‘Request for Speed Humps – Pauline Avenue from Bloor Street West to Wallace Avenue (Davenport, Ward 18)’ be re-opened for further consideration, only insofar as it pertains to Recommendation (2)(i) of the Toronto South Community Council, and that such recommendation be amended by deleting the word ‘two’ and replacing it with the word ‘five’.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(6), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 1, Page 237)

Votes:

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

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

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

10.76 Prohibition of Day Time Parking on the East Side of Goddard Street, between Sheppard Avenue West and Cocksfield Avenue

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

Moved by: Deputy Mayor Feldman

Seconded by: Councillor Minnan-Wong

“**WHEREAS** a new development which includes a commercial component has been constructed on the north-west corner of Sheppard Avenue West and Goddard Street; and

WHEREAS employees and patrons of the commercial property are parking on both sides of Goddard Street, north of Sheppard Avenue West; and

WHEREAS three-hour on-street parking is currently permitted on both sides of Goddard Street, between Sheppard Avenue West and Cocksfield Avenue; and

WHEREAS two-way traffic cannot be safely maintained with parking on both sides of Goddard Street; and

WHEREAS local residents are concerned with motorist and pedestrian safety with vehicles parked on both sides of Goddard Street; and

WHEREAS local residents identified their support in a petition to prohibit daytime parking on the east side of Goddard Street between Sheppard Avenue West and Cocksfield Avenue;

NOW THEREFORE BE IT RESOLVED THAT Schedule VIII of By-law No. 31001, of the former City of North York be amended to prohibit parking on the east side of Goddard Street from 8:00 a.m. to 6:00 p.m., Monday to Friday, between Sheppard Avenue West and Cocksfield Avenue;

AND BE IT FURTHER RESOLVED THAT City staff take the necessary action to bring effect thereto, including the introduction of any necessary bills.”

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 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(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 233)

Procedural Vote:

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

Vote:

Motion J(7) was adopted, without amendment.

10.77 Watermain Easements from Province (Ontario Realty Corporation) in Hydro Corridor

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

Moved by: Councillor Watson

Seconded by: Councillor Shiner

“WHEREAS in order to complete a proposed water main in the Finch (hydro) corridor, an easement from the Province of Ontario is required; and

WHEREAS City Council, at its meeting held on May 18, 19, and 20, 2004, requested the Province of Ontario, through the Chair of Management Board, to expeditiously provide an easement for the water main in the Finch (hydro) corridor with terms and conditions that do not pose unacceptable potential risk and open-ended cost to the City of Toronto and directed staff to report back to the Administration Committee; and

WHEREAS the Province has now agreed to sell to the City permanent easements in the Finch (hydro) corridor on revised terms and conditions more acceptable than those previously stipulated; and

WHEREAS Works and Emergency Services has indicated that as a result of the time it has taken to obtain these more reasonable easement terms from the Province (represented by the Ontario Realty Corporation) its water main project has been significantly delayed;

NOW THEREFORE BE IT RESOLVED THAT City Council consider and adopt the staff recommendations contained in the Recommendations Section of the confidential joint report dated July 19, 2004, from the Commissioner of Corporate Services and the Acting Commissioner of Works and Emergency Services;

AND BE IT FURTHER RESOLVED THAT in the event of a relocation of the water main, York Region be required to pay the share of costs consistent with the cost sharing arrangement for this Project;

AND BE IT FURTHER RESOLVED THAT the City make a request of the Province of Ontario to consider permitting a pedestrian walkway over the water main as part of the restoration of the hydro lands without increasing the capital cost of the Project and in the event of a negative response by the Province of Ontario, staff be requested to report back to the Administration Committee on the issue of the walkway.”

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 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(8), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

The vote to waive referral of Motion J(8) 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(8), a confidential report dated July 19, 2004, from the Commissioner of Corporate Services and the Acting Commissioner of Works and Emergency Services.

Vote:

Motion J(8) was adopted, without amendment.

Summary:

In adopting Motion J(8), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated July 19, 2004, from the Commissioner of Corporate Services and the Acting Commissioner of Works and Emergency Services. The following recommendations contained in the report are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information regarding the proposed acquisition of land for municipal purposes:

“It is recommended that:

- (1) authority be granted for the execution of an Offer to Purchase the water main easements from the Crown, at a purchase price of \$660,000.00 (plus GST), incorporating the terms outlined in the attached Schedule ‘A’ and on such other terms satisfactory to the Commissioner of Corporate Services and the Commissioner of Works and Emergency Services, and in a form satisfactory to the City Solicitor;
- (2) authority be granted for the execution of a crossing agreement with CN, at a cost to the City of up to \$40,000.00 (plus GST), on terms satisfactory to the Commissioner of Corporate Services and the Commissioner of Works and Emergency Services, and in a form acceptable to the City Solicitor;
- (3) the City Solicitor be authorized to complete the transactions for the water main easements agreement and the crossing agreement on behalf of the City, including the payment of fees and setting of dates; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

10.78 280 Coxwell Avenue - “Adam’s Sports Bar” Application for Proposed Liquor Licence Application (Toronto- Danforth, Ward 30)

Councillor Fletcher moved that, in accordance with the provisions of the Chapter 27, Council Procedures, of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion J(9), which carried:

Moved by: Councillor Fletcher

Seconded by: Deputy Mayor Bussin

“**WHEREAS** a hearing has been scheduled by the Alcohol and Gaming Commission for August 18, 2004, at 6:00 p.m. pursuant to the Commission’s Notice of Proposal dated May 28, 2004, to refuse to remove conditions from the liquor licence of the above named restaurant; and

WHEREAS Councillors Fletcher and Bussin held a community meeting on July 8, 2004, with the applicant, area residents and business owners, City staff and the Police to discuss the liquor licence application; and

WHEREAS the applicant has indicated a willingness to work with the community and City staff to resolve concerns pertaining to the liquor licence application; and

WHEREAS City Council at its meeting on April 15 and 16, 2004, adopted a motion that authorized staff to ‘take any necessary steps and contact any relevant parties to prepare for the community consultation meeting and any AGCO hearing’;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be authorized to participate in any proceedings involving 280 Coxwell Avenue and to represent the City on this matter at the AGCO hearing to ensure that any impact of noise from the establishment on the community is minimized.”

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 233)

Vote:

Motion J(9) was adopted, without amendment.

10.79 2004 Levy on Institutions under Section 323 of the *Municipal Act*

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

Moved by: **Councillor Soknacki**

Seconded by: **Councillor Pitfield**

“**WHEREAS** Section 323 of the *Municipal Act, 2001* provides for municipalities to pass by-laws to levy an annual tax on certain Universities and Colleges, Public Hospitals and Provincial Mental Health Facilities and Correctional Facilities (Institutions) in an amount not to exceed the prescribed amount; and

WHEREAS Ontario Regulation 384/98, as amended, has prescribed the applicable rate to levy on Institutions; and

WHEREAS the Province has recently provided the municipality with the list of designated institutions and the applicable capacity figures (i.e., number of full-time students, provincially-rated beds and resident places) for the 2004 taxation year; and

WHEREAS the required information from the Province was not available at the time of the July 2004 meeting of Policy and Finance Committee; and

WHEREAS the information required to calculate the levy is now available; and

WHEREAS delaying the adoption of the necessary by-laws to the Fall session of Committee and Council will delay the billing of \$12,590,250 in taxation levies; and

WHEREAS enacting the necessary by-laws at this July 2004 Council will facilitate an earlier billing of \$12,590,250 in taxation levies thus improving cash flow to the City;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the attached report dated July 16, 2004, from the Chief Financial Officer and Treasurer, entitled ‘2004 Levy on Institutions under Section 323 of the *Municipal Act*’, and that the staff recommendations contained in Recommendations Section of such report be adopted;

AND BE IT FURTHER RESOLVED THAT leave be granted for the introduction of the necessary Bills to give effect thereto;

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(10) 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(10), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 2, Page 238)

Procedural Vote:

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

Council also had before it, during consideration with Motion J(10), a report dated July 16, 2004, from the Chief Financial Officer and Treasurer, entitled "2004 Levy on Institutions under Section 323 of the *Municipal Act*". (See Attachment 3, Page 213.)

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 July 16, 2004, from the Chief Financial Officer and Treasurer, entitled "2004 Levy on Institutions under Section 323 of the *Municipal Act*, 2001":

"It is recommended that:

- (1) Council authorize the levy of taxes for the 2004 taxation year on hospitals, colleges and universities and correctional facilities as authorized by Section 323 of the *Municipal Act*, 2001;
- (2) the maximum prescribed amount of \$75.00 be applied per provincially rated hospital bed, full time student, or resident place; and

- (3) authority be granted for the introduction of the necessary bills in Council to levy taxes for the year 2004 on hospitals, colleges and universities and correctional facilities in the form or substantially in the form of the draft by-laws attached hereto.”

10.80 2004 Levy of Railway Roadways and Rights of Way and on Power Utility Transmission and Distribution Corridors

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

Moved by: Councillor Soknacki

Seconded by: Councillor Pitfield

“**WHEREAS** Subsection 315 (1) of the *Municipal Act, 2001* requires municipalities, in accordance with the regulations, to levy an annual tax for municipal purposes on railway roadways and rights of ways and on transmission and distribution corridors owned by certain power utilities; and, Subsection 257.7(1) of the *Education Act* requires municipalities to levy and collect taxes based on the rates prescribed for school purposes on the railway and power utility lands described in subsection 315 (1) of the *Municipal Act, 2001*; and

WHEREAS Ontario Regulations 387/98 and 392/98, as amended, prescribe the applicable rates for railway and power utility rights of way acreage levies for 1998 to 2005; and

WHEREAS tax rates are prescribed every year as amendments to Ontario Regulations 387/98 and 392/98; and

WHEREAS the regulation prescribing the 2004 rates was filed on June 30, 2004 as Ontario Regulation 200/04; and

WHEREAS the City of Toronto has the information required to calculate the levy on railway roadways and rights of ways on transmission and distribution corridors owned by certain power utilities; and

WHEREAS delaying the adoption of the necessary by-laws to the Fall session of Committee and Council will delay the billing of \$8.8 million (\$7.2 million for City purposes and \$1.6 million for education) in taxation levies; and

WHEREAS enacting the necessary by-laws at this July 2004 Council will facilitate an earlier billing of \$8.8 million in taxation levies thus improving cash flow to the City;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the attached report dated July 16, 2004, from the Chief Financial Officer and Treasurer, entitled '2004 Levy of Railways and Rights of Way and on Power Utility Transmission and Distribution Corridors', and that the staff recommendations contained in the Recommendations Section of such report be adopted;

AND BE IT FURTHER RESOLVED THAT leave be granted for the introduction of the necessary Bills to give effect thereto;

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(11) 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(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 3, Page 239)

Procedural Vote:

The vote to waive referral of Motion J(11) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(11), a report dated July 16, 2004, from the Chief Financial Officer and Treasurer, entitled "2004 Levy of Railway Roadways and Rights of Way and on Power Utility Transmission and Distribution Corridors". (See Attachment 4, Page 216.)

Motion:

Councillor Moscoe moved that Motion J(11) be adopted, subject to adding the following additional Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Province again be requested to amend the assessment of railway rights-of-way to exclude any and all of the portion of these lands to be utilized for telecommunications infrastructure to a width of one metre on either side of a fibre optic cable installation.”

Votes:

The motion by Councillor Moscoe carried.

Motion J(11) as amended, carried.

Summary:

In adopting Motion J(11), as amended, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated July 16, 2004, from the Chief Financial Officer and Treasurer, entitled “2004 Levy of Railway Roadways and Rights of Way and on Power Utility Transmission and Distribution Corridors”:

“It is recommended that:

- (1) Council authorize the levy and collection of taxes for the 2004 taxation year on roadways and rights of way of railways and on transmission and distribution corridors owned by power utilities, in accordance with subsection 315 (1) of the *Municipal Act, 2001* and subsection 257.7(1) of the *Education Act*;
- (2) authority be granted for the introduction of the necessary bill in Council to levy taxes for the year 2004 on such roadways and rights of way and transmission and distribution corridors; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

10.81 Final Application for Part Lot Control Exemption 203a, 205b and 207a Raglan Avenue

Councillor Mihevc 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 Mihevc

Seconded by: Councillor Walker

“WHEREAS an application has been filed on July 9, 2004, to renew part-lot control exemption as it applies to lands municipally known as 203-207 Raglan Avenue to permit three remaining lots constructed with a semi-detached dwelling to be conveyed as freehold lots; and

WHEREAS the lands have been previously exempt from part-lot control under By-law No. 516-2003; and

WHEREAS By-law No. 516-2003 expired on June 25, 2004; and

WHEREAS the application to renew part lot control exemption is required to permit the remaining lots to be conveyed prior to City Council’s meeting at the end of September 2004; and

WHEREAS a planning report dated July 12, 2004, has been prepared recommending approval of the part lot control exemption application and authorization to introduce the necessary Bills in Council to give effect to the approval recommendation;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the attached report dated July 12, 2004, from the Commissioner of Urban Development Services, and that the staff recommendations contained in the Recommendations Section of 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 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(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 233)

Procedural Vote:

The vote to waive referral of Motion J(12) 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(12), a report dated July 12, 2004, from the Commissioner of Urban Development Services, entitled "Final Report, Application for Part Lot Control Exemption 203a, 205b and 207a Raglan Avenue, Atlas Life Style Development Inc. File No. 04155456 STE PL, St. Paul's (Ward 21)". (See Attachment 5, Page 221.)

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 July 12, 2004, from the Commissioner of Urban Development Services, entitled "Final Report, Application for Part Lot Control Exemption 203a, 205b and 207a Raglan Avenue, Atlas Life Style Development Inc., File No. 04155456 STE PL, St. Paul's (Ward 21)":

"It is recommended that:

- (1) the application be approved;
- (2) the City Solicitor be authorized to introduce the necessary Bill in Council to give effect to Recommendation 1;
- (3) the by-law respecting the exemption shall expire three months from the date of enactment;
- (4) staff obtain proof of payment of all current property taxes for the subject site from the owner prior to the enactment of the Part Lot Control Exemption By-law; and
- (5) the appropriate City officials be authorized and directed to register the By-law on title."

10.82 Regent Park – Deferral of Planning Application Fees for Toronto Community Housing Corporation

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

Moved by: Councillor Rae

Seconded by: Councillor Chow

“**WHEREAS** the Toronto Community Housing Corporation (TCHC) has made an application to amend the Official Plan and will be filing an application to amend the zoning by-law in the near future, both relating to the redevelopment of Regent Park as a mixed use market housing and non-profit housing neighbourhood; and

WHEREAS the City has exempted non-profit housing corporations from paying Planning Application Fees, Building Permit Fees and Parkland Dedication Requirements, in addition to the development charges imposed by the City under the *Development Charges Act, 1997, S.O. 1997, c.27*; and

WHEREAS it is not known at this time what percentage of the neighbourhood will be developed by non-profit housing corporations and what percentage will be market units, so the fees to be charged cannot be quantified at this time;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Development Services be authorized and directed to defer payment of all planning application fees, in addition to development charges imposed by the City under the *Development Charges Act, 1997, S.O. 1997, c.27* until such time as the percentage of the neighbourhood to be comprised of non-profit housing is known and the fees for the market housing can be calculated;

AND BE IT FURTHER RESOLVED THAT authority be granted to enter into an agreement with TCHC setting out the terms and conditions of the deferment, acceptable to the Commissioner of Urban Development Services and in a form acceptable to the City Solicitor.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(13) 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(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 233)

Procedural Vote:

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

Vote:

Motion J(13) was adopted, without amendment.

10.83 Noise By-law Exemption for Pan Alive

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

Moved by: **Councillor Mihevc**

Seconded by: **Deputy Mayor Pantalone**

“**WHEREAS** Pan Alive, an annual Caribana-associated event showcasing the talents of participating Steel Bands, is a crowd favourite of Caribana-goers; and

WHEREAS the Pan Alive event is being held on Friday, July 30th, 2004; and

WHEREAS the Ontario Steelpan Association (OSA) requires an exemption to the noise by-law to allow them to continue Pan Alive, being hosted at Fort York, until 12 midnight on Saturday, August 1st, 2004;

NOW THEREFORE BE IT RESOLVED THAT City Council grant the Ontario Steelpan Association (OSA) an exemption from the noise by-law to permit the Pan Alive event to proceed until 12 midnight on Saturday, August 1st, 2004.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(14) 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(14), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the

adoption of this Motion. (See Fiscal Impact Statement Summary, Page 233)

Procedural Vote:

The vote to waive referral of Motion J(14) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(14) was adopted, without amendment.

10.84 **1st Annual Lakeshore Mardi Gras Festival - August 21 and 22, 2004**

Councillor Grimes 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 Grimes**

Seconded by: **Councillor Saundercook**

“**WHEREAS** the 1st Annual Lakeshore Mardi Gras Festival is an important festival activity within the City of Toronto and will be held on Saturday, August 21, 2004, from 11:00 a.m. to 11:00 p.m. and Sunday, August 22, 2004, from 12:00 noon to 9:00 p.m. in Colonel Samuel Smith Park; and

WHEREAS the 1st Annual Lakeshore Mardi Gras Festival is an enriching event, providing the community with many opportunities for sharing and is organized in co-operation with the Grenadier Group; and

WHEREAS the 1st Annual Lakeshore Mardi Gras Festival is seeking, on behalf of its participants, a special occasion permit under the Community Festival section of the *Ontario Liquor Licence Act*;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto, for liquor licensing purposes, declare the 1st Annual Lakeshore Mardi Gras Festival to be an event of municipal and/or community significance, and advise that the Alcohol and Gaming Commission of Ontario that it has no objection to its 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(15) 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(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 233)

Procedural Vote:

The vote to waive referral of Motion J(15) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(15) was adopted, without amendment.

10.85 Committee of Adjustment Appeal - 1104-1106 Dovercourt Road

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

Moved by: Councillor Palacio

Seconded by: Councillor Nunziata

“WHEREAS the Committee of Adjustment on May 18, 2004, authorized variance application A140/04HY to legalize and maintain an altered building at 1104 - 1106 Dovercourt Road to permit six dwelling units and tandem parking spaces within the building; and

WHEREAS an appeal of the Committee of Adjustment decision to the Ontario Municipal Board has been filed by an abutting resident but the Ontario Municipal Board has not yet scheduled a hearing on the application; and

WHEREAS City Planning staff recommended that the application be deferred for up to three months to permit the applicant to consult with Planning staff to address parking, landscaped open space and rear yard setback issues; and

WHEREAS in the event a deferral was not agreed to, City Planning staff recommended

refusal of the application; and

WHEREAS having met with the appellant and City Planning staff, I believe there is merit in investigating the opportunity to arrive at a settlement of the issues of concern to the satisfaction of all participants;

NOW THEREFORE BE IT RESOLVED THAT City Legal and Planning staff, in collaboration with the appellant, be requested to investigate the opportunity to reach a settlement with the applicant in respect of the issues that Planning staff and the appellant have with the application;

AND BE IT FURTHER RESOLVED THAT if a settlement opportunity exists and a settlement is reached satisfactory to all involved participants, the settlement be presented to the Ontario Municipal Board;

AND BE IT FURTHER RESOLVED THAT if no opportunity for settlement exists or no settlement is reached, City Legal staff and Planning staff appear at the Ontario Municipal Board in opposition to 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(16) 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(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 233)

Procedural Vote:

The vote to waive referral of Motion J(16) 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(16), the following documents, which are on file in the City Clerk's Office:

- (1) Notice of Decision (May 27, 2004) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Humber York Panel; and

- (2) communication (May 17, 2004) from the Director, Community Planning, West District, addressed to the Chairman and Members, Committee of Adjustment, Humber York Panel.

Vote:

Motion J(16) was adopted, without amendment.

10.86 **Hospitality Workers Resource Centre**

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

Moved by: Councillor Carroll

Seconded by: Councillor Ashton

“WHEREAS the Hospitality Workers Resource Centre is a unique labour management initiative created in August 2003 to assist Toronto hospitality and tourism workers who experienced reduced hours of work, job loss, or other hardship resulting from the initial impact of SARS; and

WHEREAS the Hospitality Workers Resource Centre has helped several thousand hospitality and tourism workers during the past 10 months by providing support in diverse areas such as employment counselling, general educational, vocational and industry training programs, job placement, and intensive advocacy and assistance with financial and personal hardship; and

WHEREAS the Hospitality Workers of Toronto Resource Centre is currently facing a financial crisis due to the imminent premature cessation of funding by Human Resources Development Canada and the Ministry of Training, Colleges and Universities; and

WHEREAS the Hospitality Workers Resource Centre has proven to be an exemplary model for providing access to a wide range of employment, skills upgrading, and social service programs and services to Toronto hotel and restaurant workers; and

WHEREAS labour force development in this key sector is a priority for the City of Toronto;

NOW THEREFORE BE IT RESOLVED THAT the Mayor and Toronto City Council support the Hospitality Workers Resource Centre in its request to the federal and provincial governments to continue to operate the Centre until the current funding lapses;

AND BE IT FURTHER RESOLVED THAT City Council set up a task force:

- (1) mandated to devise a long term plan for the Centre as part of a broader labour force development strategy in this key sector of the Toronto economy;
- (2) composed of the Commissioner of Economic Development, Culture and Tourism, Councillors S. Carroll, P. Fletcher and J. Mihevc, other interested Councillors who may add their names when this motion is debated, and appropriate staff;
- (3) having a sunset date of December 31, 2004; and
- (4) supported by Economic Development Culture and Tourism staff and reporting to the Economic Development and Parks Committee.”

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 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(17), 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 240)

Procedural Vote:

The vote to waive referral of Motion J(17) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(17) was adopted, without amendment.

10.87 Appointment of a City Integrity Commissioner

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

Moved by: **Mayor Miller**

Seconded by: **Councillor Soknacki**

“WHEREAS the Policy and Finance Committee established a sub-committee to recommend a preferred candidate as a City Integrity Commissioner selected from a list of candidates recruited by an independent search firm; and

WHEREAS Council approved sufficient funds for the 2004 operating budget to establish the part-time City Integrity Commissioner function inclusive of the recruitment process; and

WHEREAS the Selection Panel members Deputy Mayor Sandra Bussin, Deputy Mayor Joe Pantalone, and Councillor David Soknacki, have undertaken a rigorous review, short-listing and interview process of candidates, assisted by the Chief Administrative Officer; and

WHEREAS the Selection Panel process was completed subsequent to the final meeting of the Policy and Finance Committee before the summer recess; and

WHEREAS it is desirous for the City Integrity Commissioner to assume his or her duties at the earliest possible opportunity;

NOW THEREFORE BE IT RESOLVED THAT Council consider and approve the recommendations contained in the Recommendations Section of the attached confidential report dated July 13, 2004, from the Integrity Commissioner Selection Panel, with respect to the personnel matter of appointing a City Integrity 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(18) 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(18), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

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

Council also had before it, during consideration of Motion J(18), a confidential report dated July 13, 2004, from the Integrity Commissioner Selection Panel.

Vote:

Motion J(18) was adopted, without amendment.

Summary:

In adopting Motion J(18), without amendment, Council adopted, without amendment, the recommendations contained in the Recommendations Section of the confidential report dated July 13, 2004, from the Integrity Commissioner Selection Panel. The following recommendations contained in the report are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains personal information about an identifiable individual:

“It is recommended that:

- (1) Mr. David J. Mullan be appointed to the position of City Integrity Commissioner, effective September 1, 2004, subject to the execution of an employment contract prior to that date;
- (2) the Chief Administrative Officer be authorized to negotiate the terms and conditions of employment with the recommended candidate based on mutually satisfactory terms reflective of the part-time responsibilities of the City Integrity Commissioner, and to execute any documents necessary to do so; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

10.88 **Intention to Designate the Property at 40 Kingswood Road under Part IV of the *Ontario Heritage Act***

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

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Pitfield

“**WHEREAS** the property at 40 Kingswood Road is located in the Balmy Beach Heritage Conservation District Study Area; and

WHEREAS the property contains a house dating to 1920 that has architectural and historical value as a good example of Period Revival design whose occupants included the notable stained glass artisan F. S. Hollister; and

WHEREAS the property owner submitted an application to the Committee of Adjustment to replace the heritage building with a new house; and

WHEREAS the owner can appeal the results of the Committee of Adjustment, which deferred the application *sine die*, to the Ontario Municipal Board, and can also apply to demolish the heritage building; and

WHEREAS, at its meeting of July 15, 2004, the Toronto Preservation Board endorsed a motion that Council state its intention to designate the property under Part IV of the *Ontario Heritage Act*;

NOW THEREFORE BE IT RESOLVED THAT Council of the City of Toronto give notice of its intention to designate the property at 40 Kingswood Road under Part IV of the *Ontario Heritage Act* for its cultural resource value or interest;

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(19) 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(19), 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 233)

Procedural Vote:

The vote to waive referral of Motion J(19) 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(19), the following communications:

- (1) (July 15, 2004) from the Toronto Preservation Board, entitled “40 Kingswood Road (George Davis House) – Intention to Designate the Property under Part IV of the *Ontario Heritage Act*” (See Attachment 6, Page 224);
- (2) (undated) from Dona Noga, which is on file in the City Clerk’s Office;
- (3) (July 19, 2004) from Ronald M. Kanter, McDonald & Hayden, Barristers and Solicitors, on behalf of Maurice Bard, which is on file in the City Clerk’s Office; and
- (4) (undated) Briefing Note prepared by the City Solicitor and submitted by Deputy Mayor Bussin, headed “Notes, Notice of Motion to Designate 40 Kingswood Road under the *Ontario Heritage Act*”, which is on file in the City Clerk’s Office.

Vote:

Motion J(19) was adopted, without amendment.

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

10.89 **Ontario Needs a Raise**

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

Moved by: **Councillor Mihevc**

Seconded by: **Councillor Fletcher**

“**WHEREAS** the minimum wage is only being increased to 30 cents per year until 2007, despite larger increases in the cost of living; and

WHEREAS a full-time worker earning the current minimum wage in a large city is approximately \$5,000.00 below the poverty line, and to reach the poverty line would need an hourly wage of at least \$10.00; and

WHEREAS social assistance rates were slashed by 21.6 percent in 1995, and with increases to the cost of living, today that cut is worth about 34.4 percent; and

WHEREAS social assistance recipients are not able to adequately feed and shelter themselves, resulting in parents often having to choose between paying the rent or feeding

the kids; and

WHEREAS the Jury at the Inquest into the death of Kimberly Rogers recommended that social assistance rates be reviewed to ensure they reflect actual costs of living; and

WHEREAS the minimum wage and social assistance should provide people with an adequate standard of living; and

WHEREAS the National Child Benefit Supplement is currently being clawed-back from families on social assistance, OW, and ODSP, which greatly decreases their ability to provide an adequate standard of living;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto request that the Ontario Government immediately increase the shelter portion of Ontario Works and Ontario Disability Support Program benefits to the average Canada Mortgage and Housing Corporation rent, and index Ontario Works and Ontario Disability Support Program to the cost of living;

AND BE IT FURTHER RESOLVED THAT the Council of the City of Toronto refuse to administer the National Child Benefit supplement claw back;

AND BE IT FURTHER RESOLVED THAT the Council of the City of Toronto request that the Ontario Government immediately increase the minimum wage to \$10.00 an hour and index it to the cost of living.”

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(20), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 233)

Procedural Vote:

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

Motion:

Councillor Soknacki moved that Motion J(20) be adopted, subject to deleting the three Operative Paragraphs and inserting instead the following:

“NOW THEREFORE BE IT RESOLVED THAT Council recommend that the Mayor, in his discussions with the Province on the ‘New Deal’, consider advocating that the Ontario Government:

- (1) immediately increase the shelter portion of Ontario Works and Ontario Disability Support Program benefits to the average Canada Mortgage and Housing Corporation rent, and index Ontario Works and Ontario Disability Support Program to the cost of living; and
- (2) immediately increase the minimum wage to \$10.00 an hour and index it to the cost of living.”

Votes:

The motion by Councillor Soknacki carried.

Motion J(20) as amended, carried.

10.90 **Appeal to Ontario Municipal Board – Committee of Adjustment Decision 47 Mayfield Avenue**

Councillor Saundercook moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(21), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Saundercook

Seconded by: Councillor Grimes

“WHEREAS the Committee of Adjustment refused the application for 47 Mayfield Avenue to maintain the existing two-storey detached dwelling, to construct a new two-storey detached dwelling with an integral below grade garage, and to obtain consent to sever the land into two undersized residential lots and to create a right-of-way, 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, intensity of use, parking and safety issues; and

WHEREAS the applicant has appealed the Committee of Adjustment's decision to the Ontario Municipal Board and will be heard on August 24, 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(21) 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(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 233)

Procedural Vote:

The vote to waive referral of Motion J(21) 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(21), three Notices of Decisions dated March 30, 2004, from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Humber York Panel, respecting 47 Mayfield Avenue (File Numbers A194/03HY, A195/03HY and B54/03HY), which are on file in the City Clerk's Office.

Motion:

Councillor Saundercook moved that Motion J(21) be adopted, subject to amending the Operative Paragraph by inserting the word "outside", before the word "Planner", so that the Operative Paragraph now reads:

"NOW THEREFORE BE IT RESOLVED THAT the City send a City Solicitor and

outside Planner to the Ontario Municipal Board to defend the Committee of Adjustment's decision to refuse the application;”.

Votes:

The motion by Councillor Saundercook carried.

Motion J(21) as amended, carried.

10.91 Official Plan and Zoning By-law Amendments – 1245 Dupont Street

Councillor Giambrone moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(22), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Giambrone

Seconded by: Councillor Walker

“**WHEREAS** City Council, at its meeting of June 22, 23 and 24, 2004, considered Toronto South Community Council Report 5, Clause 4, headed ‘Draft By-laws - Official Plan Amendment and Rezoning – 1245 Dupont Street (Davenport, Ward 18)’, and adopted a report dated May 25, 2004 from the Director, Community Planning South District, which contained a recommendation to amend the Official Plan and Zoning By-law to permit a mixed-use commercial residential development containing 1600 residential units at the southwest corner of Dufferin and Dupont (Galleria Mall); and

WHEREAS the owner and the City have discussed a package of community benefits outlined in the May 25, 2004, staff report to be secured in a Section 37 Agreement between the City and the owner; and

WHEREAS a number of proposed changes have been made regarding the timing of the community benefits as outlined in the attached supplementary staff report dated July 16, 2004, from the Commissioner of Urban Development Services;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto adopt the staff recommendation contained in the Recommendation Section of the attached supplementary report dated July 16, 2004, from the Commissioner of Urban Development Services, and that no further public notice be given in respect to the proposed Official Plan and Zoning By-law Amendments.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(22) to the 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(22), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 233)

Procedural Vote:

The vote to waive referral of Motion J(22) 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(22), a report dated July 16, 2004, from the Commissioner of Urban Development Services, entitled "Supplementary Report, OPA and Rezoning Application 02 035148 SHY 18 OZ, Owner: Marca Development Corporation, Architect: Quadrangle Architects, 1245 Dupont Street, Ward 18 - Davenport" (See Attachment 7, Page 225).

Vote:

Motion J(22) was adopted, without amendment.

Summary:

In adopting Motion J(22), without amendment, Council adopted, without amendment, the following staff recommendation contained in the Recommendation Section of the report dated July 16, 2004, from the Commissioner of Urban Development Services, entitled "Supplementary Report, OPA and Rezoning Application 02 035148 SHY 18 OZ, Owner: Marca Development Corporation, Architect: Quadrangle Architects, 1245 Dupont Street, Ward 18 - Davenport":

"It is recommended that City Council adopt the final form of the Section 37 Agreement with the proposed amendments as described in this report."

10.92 Request of Toronto Police Services Board to Rescind Decision Respecting the Chief of Police

Councillor Holyday moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(23):

Moved by: Councillor Holyday

Seconded by: Councillor Thompson

“**WHEREAS** in June 2004, media reports indicate that the Toronto Police Services Board voted not to renew the Police Chief’s contract beyond March 2005, by virtue of a 3-3 tie vote; and

WHEREAS there has been an enormous outpouring of public sentiment aimed at overturning the decision of the Toronto Police Service Board and renewing the Chief of Police’s contract; and

WHEREAS the vote of the Toronto Police Services Board was not taken at a time and in a manner that would have resulted in a decision that would have been seen to have been made fairly and unequivocally; and

WHEREAS the issue of the head of the Toronto Police Service is a very critical one for the organization and should not be made by a Board that does not have a full complement and that has been described by both the Chair of the Board and the media as ‘dysfunctional’; and

WHEREAS two current members of the Board do not intend to seek reappointment when their terms expire in September 2004;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council request the Toronto Police Services Board to set aside its decision regarding the Police Chief’s contract extension and defer the matter until such time as a new Board is appointed.”

Ruling by Mayor:

Mayor Miller ruled Motion J(23) out of order in that it relates to a personnel matter before the Toronto Police Services Board.

Councillor Holyday challenged the ruling of the Mayor.

Vote to Uphold Ruling of Mayor Miller:

Yes - 24	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Giambrone, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Soknacki, Walker, Watson
No - 19	
Councillors:	Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson

In accordance with § 27-51 of Chapter 27 of the City of Toronto Municipal Code, headed “Members Not Voting”, Councillor Del Grande was deemed to have voted in the negative.

Carried by a majority of 5.

10.93 **Request for Amendments to the *Police Services Act***

Councillor Kelly moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(24), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Kelly**

Seconded by: **Councillor Palacio**

“**WHEREAS** in June 2004, media reports indicate that the Toronto Police Services Board voted not to renew the Police Chief’s contract beyond March 2005 by virtue of a 3-3 tie vote; and

WHEREAS thousands of Torontonians have expressed outrage and their disapproval with the Board’s decision not to the renew the Police Chief’s contract; and

WHEREAS the Board has been publicly described by its own Chair as being dysfunctional – in part, due to the even number of members; and

WHEREAS this self-described dysfunction compromises the Board’s ability to provide

effective oversight of the Toronto Police Service;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto Council requests that the Province seek a mechanism to prevent tie votes at the Board and to amend the *Police Services Act* accordingly;

AND BE IT FURTHER RESOLVED THAT the City of Toronto Council forward this Notice of Motion to the Boards of Directors of the Association of Municipalities of Ontario, the Toronto Police Service and the Association of Police Services Boards for their endorsements.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(24) to the Policy and Finance Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(24), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 233)

Procedural Vote:

The vote to waive referral of Motion J(24) to the Policy and Finance Committee was taken as follows:

Yes - 19	
Councillors:	Altobello, Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Stintz, Thompson
No - 24	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Jenkins, McConnell, Mihevc, Minnan-Wong, Moscoe, Pantalone, Rae, Shiner, Soknacki, Walker, Watson

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

Disposition:

Motion J(24) was referred to the Policy and Finance Committee.

10.94 Appointment of a Member of Council 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(25), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Carroll

Seconded by: Councillor Watson

“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 by adopting Motion J(24) on June 22, 23 and 24, 2004, appointed a fourth Member; and

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

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

WHEREAS it is important to have representation from Scarborough Community Council; and

WHEREAS the requirement under Municipal Code Chapter 27, Council Procedures, that all Members be canvassed for their interest in this appointment was already satisfied and one position remains 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 the vacant position on the committee for a term of office expiring May 31, 2005 and until his successor is appointed:

R. Cho.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(25), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 233)

Votes:

The first Operative Paragraph in Motion J(25) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(25) was adopted, without amendment.

10.95 212 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(26), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Walker

Seconded by: Councillor Jenkins

“WHEREAS on Thursday, April 8, 2004, the Midtown Panel of the Committee of Adjustment refused an application for minor variances at 212 Forest Hill Road; and

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

WHEREAS the applicant proposes to build a new three-storey building at a density of .66 times the area of the lot; and

WHEREAS the Zoning By-law permits a maximum density of 0.35 times the area of the lot in Forest Hill; and

WHEREAS the proposed dwelling would extend 8.25 metres beyond the permitted 17 metres with minimal setbacks instead of the 7.5 metre setback as required by the By-law; and

WHEREAS this proposal is out-of-keeping with the character of Forest Hill and creates undesirable overlook conditions thereby reducing the amenity of neighbouring backyards; 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;

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 212 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(26) 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(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 233)

Procedural Vote:

The vote to waive referral of Motion J(26) 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(26), the following documents, which are on file in the City Clerk's Office:

- (1) report dated April 7, 2004, from the Director, Community Planning, South District, addressed to the Chairman and Members of the Committee of Adjustment, Midtown Panel; and
- (2) Notice of Decision dated April 15, 2004, from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Midtown Panel.

Vote:

Motion J(26) was adopted, without amendment.

10.96 **Request for National Registry of Veterans Memorial Dedications**

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

Moved by: Councillor Carroll

Seconded by: Councillor Stintz

“WHEREAS City of Toronto Heritage Staff have reported extreme challenges in researching origins of veteran memorial dedications; and

WHEREAS Heritage staff would appreciate the direction of Veterans Affairs in researching veterans memorials on City of Toronto lands;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council request the Federal Government to initiate, through its Veterans Affairs Department, the creation of a national registry of veterans memorial dedications;

AND BE IT FURTHER RESOLVED THAT the Federation of Canadian Municipalities be requested to support this request.”

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(27) 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(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 233)

Procedural Vote:

The vote to waive referral of Motion J(27) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(27) was adopted, without amendment.

10.97 **Facilitate Purchase of 530 and 532 St. Clair Avenue West and Lease of Strip of Land, 528 St. Clair Avenue West, for Municipal Parking Purposes (Ward 21 - St. Paul's)**

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

Moved by: Councillor Mihevc

Seconded by: Councillor Rae

“WHEREAS Policy and Finance Committee Report 1, Clause 31 (the ‘Report’), as adopted by the Council of the City of Toronto at its meeting held on January 27, 28 and 29, 2004, authorized the acquisition and development of 530 and 532 St. Clair Avenue West from 589968 Ontario Inc. for a municipal surface parking lot, including authority to negotiate a lease with the owner of the adjacent property at 528 St. Clair Avenue West for a 3.5 foot strip of land as described in the report; and

WHEREAS in the event Toronto Parking Authority is unable to negotiate a lease with the owner of 528 St. Clair Avenue West, the Toronto Parking Authority wishes to initiate the expropriation process for the 3.5 foot strip of land;

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 1, Clause 31, headed ‘Purchase of 530 and 532 St. Clair Avenue West and Lease of Strip Land, 528 St. Clair Avenue West for Municipal Parking Purposes (Ward 21, St. Paul’s)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT authority be granted to initiate the expropriation process for the 3.5 foot strip of land, and to serve and publish Notices of Application for Approval to Expropriate, to forward to the Chief Inquiry Officer any requests for hearings that are received and to report the Inquiry Office’s recommendations to Council for its consideration, and that the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

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 5, Page 241)

Vote:

The first Operative Paragraph in Motion J(28) carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Soknacki moved that the balance of Motion J(28) be adopted, subject to adding the following additional Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT any costs related to the expropriation of this land are to be borne by the Toronto Parking Authority.”

Votes:

The motion by Councillor Soknacki carried.

The balance of Motion J(28) as amended, carried.

10.98 Request of the Toronto Transit Commission to Waive Street Closure Fees for Dragonfest and Taste of India Bazaar

Deputy Mayor Bussin moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(29), moved by Councillor Mihevc and seconded by Councillor Fletcher, now moved by Deputy Mayor Bussin, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Fletcher

“WHEREAS spring and summer reconstruction of the Toronto Transit Commission (TTC) tracks on Gerrard Street has had a negative impact on business operations of the Gerrard India BIA and the East Chinatown Business District; and

WHEREAS the three-week strike aggravated the already difficult situation and caused increased economic hardship; and

WHEREAS each business district has had to postpone their annual festivals to accommodate reconstruction; and

WHEREAS the ‘Dragonfest’ and ‘Taste of Gerrard India Bazaar’ are intending to draw

much needed customers back onto Gerrard Street East;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council ask the TTC to waive its street closure fee for this year for designated areas of ‘Dragonfest’ on Saturday, September 25, 2004, and for the Taste of India Bazaar on Saturday, August 28, 2004.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(29) 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(29), 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 6, Page 242)

Procedural Vote:

The vote to waive referral of Motion J(29) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Motions:

- (a) Councillor Ootes moved that Motion J(29) be received.
- (b) Councillor Ashton moved that Motion J(29) be adopted, subject to deleting the Operative Paragraph and inserting instead the following:

“NOW THEREFORE BE IT RESOLVED THAT all Toronto Transit Commission related issues for Dragonfest, Taste of India Bazaar and Roncesvalles Harvest Festival be dealt with directly by the TTC at the request of the Ward Councillors;

AND BE IT FURTHER RESOLVED THAT, due to the recent three-week strike on the Gerrard Street East Reconstruction and the hardship for the BIAs, the City fees for Dragonfest and the Taste of India Bazaar be waived.”

- (c) Councillor Moscoe moved that Motion J(29) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT a copy of this Motion also be referred to the Economic Development and Parks Committee for its consideration of this issue.”

Votes:

Adoption of motion (a) by Councillor Ootes:

Yes - 6 Councillors:	Del Grande, Ford, Holyday, Li Preti, Mammoliti, Ootes
No - 21 Mayor: Councillors:	Miller Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Lindsay Luby, Moscoe, Palacio, Pantalone, Rae, Saundercook, Thompson, Watson

Lost by a majority of 15.

Adoption of motion (b) by Councillor Ashton:

Yes - 23 Mayor: Councillors:	Miller Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Moscoe, Palacio, Pantalone, Rae, Thompson, Watson
No - 3 Councillors:	Ford, Holyday, Ootes

Carried by a majority of 20.

Motion (c) by Councillor Moscoe carried.

Motion J(29) as amended, carried.

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

10.99 City's Role in Private Garbage Pick-up in New Residential Developments

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

Moved by: Councillor Pitfield

Seconded by: Deputy Mayor Bussin

“WHEREAS Solid Waste Management Services will only provide door-to-door garbage pick-up at new residential development projects if the roads within the development meet various City standards; and

WHEREAS many recent small residential development applications are proposing private garbage pick-up because their internal roads are not to City standards; and

WHEREAS in many of these small developments, future residents have raised issues about the financial burden of private garbage pick-up; and

WHEREAS the future residents of the residential developments believe they are paying taxes for municipal garbage pick-up and are not receiving this service; and

WHEREAS in many cases these complaints and concerns rest with the City and the local Councillor because the developer is no longer involved, once the project is completed;

NOW THEREFORE BE IT RESOLVED THAT the Acting Commissioner of Works and Emergency Services, in consultation with the Commissioner of Urban Development Services, be requested to report to the next Works Committee meeting on how these small developments with private pick-up are discouraged or deemed to be against City policies.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(30) to the 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(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 233)

Procedural Vote:

The vote to waive referral of Motion J(30) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(30) was adopted, without amendment.

10.100 Discontinuation of Centralized Garbage Locations within Residential Developments

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

Moved by: Councillor Pitfield

Seconded by: Deputy Mayor Bussin

“WHEREAS Solid Waste Management Services staff has struggled to solve illegal dumping of garbage wherever garbage receptacles are placed on concrete pads at central locations within residential projects; and

WHEREAS it is the goal of the Solid Waste Management Services to reduce waste and encourage diversion through such programs as the Blue Bin and the Green Bin; and

WHEREAS Solid Waste Management Services envisions a reduction in the number of bags per household, leading eventually to the possibility of a pay-as-you-throw program; and

WHEREAS Solid Waste Management Services’ success in achieving its goals and future visions would require discontinuation of centralized locations within residential projects; and

WHEREAS the City of Toronto has a responsibility to tenants of secondary suites to ensure landlords comply with all relevant by-laws to ensure their units are safe, secure and healthy places in which to live;

NOW THEREFORE BE IT RESOLVED THAT the Acting Commissioner of Works and Emergency Services be requested to report to the next Works Committee meeting on amending current policies to discourage these centralized garbage locations within new residential development projects.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(31) to the 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(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 233)

Procedural Vote:

The vote to waive referral of Motion J(31) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(31) was adopted, without amendment.

10.101 Court of Appeal Decision Respecting a Request for a Refund of Business Taxes

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

Moved by: Councillor Rae

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** on June 30, 2004 the Ontario Court of Appeal released its decision overturning the Divisional Court’s ruling concerning Friedberg and Co. Inc., A. P. Friedberg Inc. and Friedberg Mercantile Group’s refund request for business taxes for the years 1994-1996 levied against its offices at 181 and 347 Bay Street, Toronto;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the attached confidential report dated July 19, 2004, from the City Solicitor and the Chief Financial Officer and Treasurer, and that the staff recommendations contained in the Recommendations Section of 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(32) to the Policy and Finance Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(32), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

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

Council also had before it, during consideration of Motion J(32), a confidential report dated July 19, 2004, from the City Solicitor and the Chief Financial Officer and Treasurer.

Vote:

Motion J(32) was adopted, without amendment.

Summary:

In adopting Motion J(32), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated July 19, 2004, from the City Solicitor and the Chief Financial Officer and Treasurer. The following recommendations contained in the report are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information that is subject to litigation or potential litigation:

“It is recommended that:

- (1) Council instruct the City Solicitor not to seek leave to appeal the Court of Appeal’s decision to the Supreme Court of Canada;
- (2) Council consider and approve Friedberg & Co. Inc., A.P. Friedberg Inc. and Friedberg Mercantile Group’s request for a partial refund of its business taxes for the years 1994, 1995, 1996, respecting Assessment Roll Nos. 1994-06-01-140-0025-5140; 1994-06-01-140-0025-5250 (181 Bay Street); and 1904-06-3-150-0020-010; 1904-06-3-150-0020-7000 (347 Bay Street);
- (3) Council approve payment of Friedberg’s legal costs of \$8,000.00 awarded by the Court of Appeal and costs of \$3,500.00 for the Divisional Court proceeding to be paid from the Non-Program Tax Deficiency Account; and
- (4) the appropriate City officials be given authority to take all necessary steps to give effect hereto.”

10.102 Instructions for Ontario Municipal Board Hearings Relating to 700 Huron 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(33), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Walker

Seconded by: Councillor Jenkins

“**WHEREAS** the City Solicitor has prepared a confidential report seeking instructions respecting 700 Huron Street; and

WHEREAS consideration of this matter by Council is required on an urgent basis to establish a City position in relation to the Ontario Municipal Board scheduled for September 14, 2004;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the attached confidential report dated July 19, 2004, from the City Solicitor.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(33) 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(33), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

The vote to waive referral of Motion J(33) 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(33), a confidential report dated July 19, 2004, from the City Solicitor.

Vote:

Motion J(33) was adopted, without amendment.

Summary:

In adopting Motion J(33), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated July 19, 2004, from the City Solicitor. The following recommendations contained in the report are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information that is subject to litigation or potential litigation:

“It is recommended that City Council:

- (1) authorize the City Solicitor and municipal staff to attend the continuation of the hearing at the Ontario Municipal Board to oppose the appeals and referrals of revised Applications 103022 and 193339 in their current form;

- (2) authorize the City Solicitor and municipal staff to support revisions to the Official Plan Amendment and rezoning satisfactory to the Commissioner of Urban Development Services such that the proposed height no longer negatively impacts the views from the Spadina House Belvedere/Battery Structure to the Financial District, the physical context of the Escarpment and the surrounding neighbourhood and provided the proposal is revised to the satisfaction of the Commissioner with respect to various other matters, including additional set backs required between Buildings A and B;
- (3) authorize municipal staff to support conditions of Site Plan approval and the execution of a Site Plan Agreement, provided the application is revised to the satisfaction of the Commissioner of Urban Development Services to address her concerns, including reduction of the numerous vehicular access points proposed on Madison Avenue; and
- (4) authorize staff to request the OMB, in the event the application is approved with density or height in excess of current zoning, to retain jurisdiction but provide the applicant and municipal staff, in consultation with the Ward Councillor, with an opportunity to finalize an agreement for community benefits pursuant to s. 37 of the *Planning Act* with respect to streetscape improvements in the area, with the agreement to include provisions as appropriate with respect to environmental and servicing issues, to the satisfaction of the City Solicitor and the Commissioner of Urban Development Services.”

10.103 Proposal to Waive Parks and Recreation Fees for Fundraisers

Councillor Nunziata 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), moved by Councillor Mammoliti and seconded by Councillor Nunziata, and in the absence of Councillor Mammoliti, moved by Councillor Nunziata and seconded by Councillor Lindsay Luby, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Nunziata

Seconded by: Councillor Lindsay Luby

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

WHEREAS many individuals and companies around the G.T.A. 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 Council waive any and all Parks and Recreation related fees with respect to any Russo family fundraisers organized by the Members of Toronto City 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(34) 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(34), 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 7, Page 243)

Procedural Vote:

The vote to waive referral of Motion J(34) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Soknacki moved that Motion J(34) be adopted, subject to adding the following additional Operative Paragraph:

“**AND BE IT FURTHER RESOLVED THAT** the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the next meeting of the Economic Development and Parks Committee on a policy to waive Parks and Recreation fees for fundraisers.”

Votes:

The motion by Councillor Soknacki carried.

Motion J(34) as amended, carried unanimously.

10.104 **2350 Finch Avenue West, Emery Village – Public Walkway (Ward 7, York West)**

Councillor Nunziata moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(35), moved by Councillor Mammoliti and seconded by Councillor Del Grande, and in the absence of Councillors Mammoliti and Del Grande, moved by Councillor Nunziata and seconded by Councillor Palacio, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Nunziata

Seconded by: Councillor Palacio

“**WHEREAS** it is the goal of the Emery Village Secondary Plan to provide a connected, attractive, safe and comfortable system of pedestrian and bicycle routes for the Emery Village area; and

WHEREAS in keeping with this goal, it is desirable to provide a public walkway from Finch Avenue West to Toryork Drive over lands abutting the west limit of 2340 Finch Avenue West and over abutting lands to the north; to be secured by easement or land conveyance with a width and subject to terms and conditions satisfactory to City staff;

NOW THEREFORE BE IT RESOLVED THAT City staff use their best efforts during the processing of any development applications for 2340 Finch Avenue West, to secure a surface, open to the sky, walkway by easement or conveyance along the west limits of the subject property and over abutting lands to the north, to the satisfaction of the City for public access purposes and to accommodate any necessary structure encroachment to provide access from 2350 Finch Avenue West to the walkway.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(35) to the 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(35), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 233)

Procedural Vote:

The vote to waive referral of Motion J(35) to the Etobicoke York Community Council was taken as follows:

Yes - 23	
Mayor:	Miller
Councillors:	Bussin, Carroll, Cho, Chow, Davis, Di Giorgio, Feldman, Ford, Hall, Kelly, Lindsay Luby, Milczyn, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 12	
Councillors:	Ashton, Cowbourne, De Baeremaeker, Filion, Fletcher, Giambrone, Holyday, Jenkins, McConnell, Mihevc, Moscoe, Rae

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

Motion to Re-Open:

Councillor Ashton, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(35) be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(35) was adopted, without amendment.

10.105 2350 Finch Avenue West, Emery Village – Streetscape Component (Ward 7, York West)

Councillor Nunziata moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(36), moved by Councillor Mammoliti and seconded by Councillor Del Grande, and in the absence of Councillors Mammoliti and Del Grande, moved by Councillor Nunziata and seconded by Councillor Palacio, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Nunziata

Seconded by: Councillor Palacio

“**WHEREAS** it is the goal of the Emery Village Secondary Plan to encourage streetscape improvements to create an attractive pedestrian environment; and

WHEREAS Economic Development, Culture and Tourism staff and the Emery Village B.I.A. are coordinating the preparation of a streetscape plan for the Emery Village B.I.A. which includes the Emery Village Secondary Plan area; and

WHEREAS it is desirable to ensure that streetscape improvements within the Emery Village Secondary Plan area are undertaken, having regard to the proposed streetscape plan initiative;

NOW THEREFORE BE IT RESOLVED THAT Economic Development, Culture and Tourism staff, in consultation with Urban Development Services and Works and Emergency Services staff, be requested to assist the Emery Village B.I.A. to develop Phase 1 of their streetscape plan that is satisfactory to the City, and that covers an area consistent with the Emery Village Secondary Plan area;

AND BE IT FURTHER RESOLVED THAT the streetscape component of development applications in the Secondary Plan area be consistent with the Phase 1 Streetscape Plan.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(36) to the 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(36), 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 8, Page 244)

Procedural Vote:

The vote to waive referral of Motion J(36) to the Etobicoke York Community Council was taken as follows:

Yes - 21	
Councillors:	Bussin, Carroll, Cho, Chow, Di Giorgio, Feldman, Ford, Hall, Holyday, Kelly, Lindsay Luby, Milczyn, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson
No - 13	
Mayor:	Miller
Councillors:	Ashton, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, Jenkins, McConnell, Mihevc, Moscoe, Watson

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

Motion to Re-Open:

Councillor Ashton, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(36) be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(36) was adopted, without amendment.

10.106 2350 Finch Avenue West, Emery Village – Zoning By-law Amendments (Ward 7, York West)

Councillor Nunziata moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(37), moved by Councillor Mammoliti and seconded by Councillor Del Grande, and in the absence of Councillors Mammoliti and Del Grande, moved by Councillor Nunziata and seconded by Councillor Palacio, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Nunziata

Seconded by: Councillor Palacio

“WHEREAS the North York Community Council held a Public Meeting pursuant to Section 34 of the *Planning Act*, at its meeting of July 9, 2003, with respect to a Zoning By-law Amendment application for 2350 Finch Avenue West, as contained in Clause No. 12 of Report No. 6 of the North York Community Council, headed ‘Final Report - Application to Amend the Zoning By-law – File: TB CMB 2001 0005 – City of Toronto (Robert Reimers Architect Ltd.) – 2350 Finch Avenue West (Ward 7 – York West)’; and

WHEREAS City Council on July 22, 23 and 24 2003, approved Clause No. 12 of Report No. 6 of the North Community Council; and

WHEREAS the conditions to permit the introduction of the necessary Bills at Council to amend the Zoning By-law have been satisfied; and

WHEREAS the proposed draft Zoning By-law Amendment included in the Final Report as Attachment 6 sets out zoning provisions to permit and regulate the development and use of the proposed residential development with ground floor commercial uses; and

WHEREAS the addition of the following provisions to the Zoning By-law Amendment are in keeping with the Emery Village Secondary Plan and the objective to promote a healthy and vibrant pedestrian environment in the Public Rights of Way and adjacent privately owned lands and to permit a village-like, street oriented and mixed use pattern of development; and

WHEREAS the addition of the following provisions results in the need to amend the Draft By-law after the Public Meeting; and

WHEREAS City Planning staff are in agreement that the revision is in keeping with the policies of the Emery Village Secondary Plan, is supportable and is reflective of the proposed development;

NOW THEREFORE BE IT RESOLVED THAT the draft Zoning By-law Amendment be revised as follows:

- (1) amend section 64.20 – A(134) RM6(134) Permitted Uses (a) to add the following:
 - (iv) take out restaurant
 - (v) outdoor eating areas in conjunction with a take out restaurant
 - (vi) professional office
 - (vii) restaurant

- (viii) outdoor storage and display of goods and materials in conjunction with a retail store’;
- (2) amend Section 64.20 – A(134) RM6(134) Exception Regulations (g) by:
 - (a) deleting the words ‘retail store’ in the first sentence and inserting the word ‘commercial’ in its place; and
 - (b) by adding the following:

‘Outdoor eating areas shall be subject to the requirements of Section 6(22) for outdoor cafes of By-law 7625 and there shall be no minimum parking requirements. The maximum total gross floor area for restaurant uses shall be 50 square metres. The outdoor storage and display of goods and materials shall be subject to the provisions of Section 22(9) of By-law 7625.’;

AND BE IT FURTHER RESOLVED THAT Council, under Section 34 (17) of the *Planning Act*, determine that no further notice to the public is required in respect of the proposed By-law.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(37) to the 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(37), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 233)

Procedural Vote:

The vote to waive referral of Motion J(37) to the Etobicoke York Community Council was taken as follows:

Yes - 19 Councillors:	Ashton, Bussin, Carroll, Chow, Di Giorgio, Feldman, Ford, Hall, Holyday, Kelly, Lindsay Luby, Milczyn, Nunziata, Palacio, Pantalone, Pitfield, Soknacki, Thompson, Walker
No - 15 Mayor: Councillors:	Miller Cho, Cowbourne, Davis, De Baeremaeker, Fillion, Fletcher, Giambrone, Jenkins, McConnell, Mihevc, Moscoe, Rae, Saundercook, Watson

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

Motion to Re-Open:

Mayor Miller, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(37) be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(37) was adopted, without amendment.

10.107 2350 Finch Avenue West, Emery Village - Affordable Housing (Ward 7, York West)

Councillor Nunziata moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(38), moved by Councillor Mammoliti and seconded by Councillor Del Grande, and in the absence of Councillors Mammoliti and Del Grande, moved by Councillor Nunziata and seconded by Councillor Palacio, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Nunziata

Seconded by: Councillor Palacio

“WHEREAS the current City Let’s Build program is directed to increasing the supply of newly constructed rental units; and

WHEREAS affordable home ownership is a vital component of strong communities;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Community and Neighbourhood Services, in consultation with the Commissioner of Urban Development Services and the City Solicitor, be authorized to consider the feasibility of establishing an affordable housing component of the Let's Build program to enhance the City's Strong Community objectives, and report to Council on the required policy and program implementation requirements."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(38) to the 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(38), 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 9, Page 245)

Procedural Vote:

The vote to waive referral of Motion J(38) to the Community Services Committee was taken as follows:

Yes - 12	
Councillors:	Carroll, Davis, Feldman, Ford, Hall, Kelly, Milczyn, Nunziata, Palacio, Pitfield, Thompson, Walker
No - 22	
Mayor:	Miller
Councillors:	Ashton, Bussin, Cho, Chow, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Soknacki, Watson

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

Motion to Re-Open:

Councillor Ashton, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(38) be re-opened for further

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

Motion:

Councillor Ashton moved that that Motion J(38) be adopted, subject to deleting from the Operative Paragraph, the words “report to Council”, and inserting instead the words “report to the Community Services Committee”, so that the Operative Paragraph now reads:

“NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Community and Neighbourhood Services, in consultation with the Commissioner of Urban Development Services and the City Solicitor, be authorized to consider the feasibility of establishing an affordable housing component of the Let’s Build program to enhance the City’s Strong Community objectives, and report to the Community Services Committee on the required policy and program implementation requirements.”

Votes:

The motion by Councillor Ashton carried.

Motion J(38) as amended, carried.

10.108 Sole Source to Marshall Macklin Monaghan for Leslie Street Widening and North York General Hospital Bridge Projects

Deputy Mayor Feldman moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(39), moved by Councillor Shiner and seconded by Deputy Mayor Feldman, and in the absence of Councillor Shiner, moved by Deputy Mayor Feldman and seconded by Councillor Cho, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Deputy Mayor Feldman

Seconded by: Councillor Cho

“WHEREAS Canadian Tire Corporation is obliged to construct an East-West Road from Provost Drive to Leslie Street, as identified by the City’s Sheppard Corridor Environmental Assessment Study, at no cost to the City, as a condition of approval of their proposed development at Sheppard Avenue East and Provost Drive; and

WHEREAS the proposed East-West Road will be an underpass below the CN Rail corridor and will require a storm sewer outlet along Leslie Street to the Don River at

Sheppard Avenue East; and

WHEREAS the proposed Leslie Street widening and reconstruction of the North York General Hospital Bridge across Leslie Street are identified in the Sheppard Corridor Environmental Study and included in the approved 2004 and proposed 2005 Works and Emergency Services Capital Budget; and

WHEREAS to minimize disruption to traffic, storm sewer work on Leslie Street will need to be co-ordinated with the proposed Leslie Street widening and the reconstruction of the North York General Hospital Bridge across Leslie Street; and

WHEREAS the developer, Canadian Tire Corporation, has retained the services of the engineering consultant, Marshall Macklin Monaghan, to design and construct the proposed East-West Road and the related storm sewer work along Leslie Street; and

WHEREAS the issues related to project co-ordination, timely delivery of design and tendering services, review and approval by multiple key stakeholders and traffic disruption would be more efficiently and cost-effectively handled by a single engineering consultant; and

WHEREAS the developer's engineering consultant, Marshall Macklin Monaghan, has submitted an Expression of Interest and Provision of Design Services and Construction Administration to undertake the City's infrastructure projects in co-ordination with the developer's proposed East-West Road project; and

WHEREAS the inter-related timing, scheduling and co-ordination of design approvals and tendering of the projects necessitate an August 2004 start for the project design;

NOW THEREFORE BE IT RESOLVED THAT Council authorize Works and Emergency Services to retain the developer's engineering consultant, Marshall Macklin Monaghan, to undertake design and construction administration services for the City's Leslie Street widening and North York General Hospital Bridge reconstruction projects, based on the submitted documents, and at a cost of \$954,922.00 for pre-design, detailed design, tendering services, construction services and post construction services and a weekly cost of up to \$10,745.00 for construction supervision in the event construction exceeds estimated timeframes."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(39) to the Works Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(39) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(39) was adopted, without amendment.

10.109 Ontario Municipal Board Appeal - 20 Triller Avenue (Parkdale- High Park)

Councillor Watson moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(40), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Watson

Seconded by: Councillor Hall

“WHEREAS an application was made to the Toronto West Committee of Adjustment for 20 Triller Avenue requesting relief from provisions of Zoning By-law 438-86 of the former City of Toronto to permit an increase in the number of residents in a residential care facility and to permit a residential care facility less than 245 metres from another residential or crisis care facility; and

WHEREAS it was the decision of the Toronto West Committee of Adjustment on May 4, 2004, to refuse the application for a residential care facility at 20 Triller Avenue; and

WHEREAS the applicants have chosen to appeal the Committee’s decision to the Ontario Municipal Board and said appeal will be heard on a date to be announced by the Board; and

WHEREAS the community is strongly opposed to the proposed development and believe that the variances that would be necessary for the approval of the facility are not minor; and City Staff did not take a position concerning the application;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council instruct the City Solicitor and other appropriate City staff 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(40) 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(40), 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 233)

Procedural Vote:

The vote to waive referral of Motion J(40) 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(40), a Notice of Decision dated May 12, 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(40) was adopted, without amendment.

Deputy Mayor Feldman in the Chair.

10.110 **Harmonized City Naming Policy for Municipal Properties**

Councillor Mihevc moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(41), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Mihevc**

Seconded by: **Councillor Stintz**

“**WHEREAS** the incidents of requests to Community Councils to rename parks, public buildings and other municipal properties appear to be on the increase; and

WHEREAS consideration of such requests are being done on an ad hoc basis, due to the absence of a transparent and harmonized naming policy; and

WHEREAS a clear and objective naming policy is needed to create an opportunity to recognize our current and recent ‘history makers’ within a context that continues to recognize earlier ‘history makers’ as well;

NOW THEREFORE BE IT RESOLVED THAT the Chief Administrative Officer be directed to prepare a municipal property naming policy that has due regard to protecting the heritage of the City as well as the policies of the former municipalities;

AND BE IT FURTHER RESOLVED THAT such policy be forwarded to the Administration Committee, no later than December 2004.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(41) 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(41), 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 233)

Procedural Vote:

The vote to waive referral of Motion J(41) to the Administration Committee was taken as follows:

Yes - 11	
Councillors:	Ashton, De Baeremaeker, Feldman, Ford, Holyday, Kelly, Lindsay Luby, McConnell, Milczyn, Saundercook, Stintz
No - 22	
Councillors:	Bussin, Carroll, Cho, Chow, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Jenkins, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Soknacki, Walker, Watson

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

Disposition:

Motion J(41) was referred to the Administration Committee.

10.111 Proposed Exemption from the Smoking By-law for Retail Tobacco Stores

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(42), moved by Councillor Mammoliti and seconded by Councillor Stintz, and in the absence of Councillor Mammoliti, moved by Councillor Stintz and seconded by Councillor Nunziata:

Moved by: Councillor Stintz

Seconded by: Councillor Nunziata

“**WHEREAS** the Council of the City of Toronto has chosen to take no action on Clause No. 2 of Report No. 7 of the Economic Development and Parks Committee, headed ‘Environmental Tobacco Smoke By-law (ETS), Designated Smoking Rooms (All Wards)’, at its meeting on September 22, 23, 24, 2003; and

WHEREAS the intention of the Environmental Tobacco Smoke By-law was to regulate smoking in bars and restaurants; and

WHEREAS the Board of Health in May 2004, recommended that, should the Provincial Government not implement province-wide legislation by June of 2005 that requires the closure of all DSRs by June 1, 2007, the Medical Officer of Health report further on amending Toronto’s No Smoking By-law so that all DSRs in Toronto are closed by June 1, 2007; and

WHEREAS ‘Retail Tobacco Shops’ are neither bars or restaurants, and serve no alcohol or food;

NOW THEREFORE BE IT RESOLVED THAT an exemption to the City of Toronto Smoking By-law be granted for Retail Tobacco Stores and that they be defined as a retail establishment whose sales are comprised primarily of tobacco and related products.”,

the vote upon which was taken as follows:

Yes - 20	
Councillors:	Ashton, Carroll, Chow, De Baeremaeker, Feldman, Ford, Hall, Holyday, Kelly, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Saundercook, Soknacki, Stintz, Walker, Watson
No - 13	

Councillors:	Bussin, Cho, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Giambrone, Jenkins, Lindsay Luby, Pantalone, Pitfield, Rae
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Lost, less than two-thirds of Members present having voted in the affirmative.

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(42), 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 10, Page 246)

Disposition:

Notice was given to permit consideration of Motion J(42) at the next regular meeting of City Council on September 28, 2004.

10.112 Community Safety Plan - Jobs for Youths Program

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

Moved by: Councillor Thompson

Seconded by: Councillor Soknacki

“**WHEREAS** the Community Safety Plan identifies the need to increase economic opportunity for youth in at risk communities; and

WHEREAS the Province of Ontario has agreed to provide funding in the amount of \$500,000.00; and

WHEREAS many youth in Jamestown, Jane Finch and Malvern are trying to secure employment; and

WHEREAS many employers have expressed a desire to employ youth;

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached report dated July 20, 2004, from the Commissioner of Community and Neighbourhood Services and the Chief Financial Officer and Treasurer, and that the staff recommendations contained in the Recommendations Section of such report be adopted.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(43) 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(43), 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 233)

Procedural Vote:

The vote to waive referral of Motion J(43) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(43), a report dated July 20, 2004, from the Commissioner of Community and Neighbourhood Services and the Chief Financial Officer and Treasurer, entitled "Jobs for Youth Program" (See Attachment 8, Page 228).

Vote:

Motion J(43) was adopted, without amendment.

Summary:

In adopting Motion J(43), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated July 20, 2004, from the Commissioner of Community and Neighbourhood Services and the Chief Financial Officer and Treasurer, entitled "Jobs for Youth Program":

"It is recommended that:

- (1) the Commissioner of Community and Neighbourhood Services be authorized to enter into agreement with the Ministry of Community Safety and Correctional Services (MCSCS) to receive funds in an amount not to exceed \$500,000.00 as the program costs for Jobs for Youth Program;
- (2) the Commissioner of Community and Neighbourhood Services be authorized to enter into a service agreement with Tropicana Community Services for the delivery of the Jobs for Youth Program;

- (3) the Social Development and Administration Division's 2004 Operating Budget be increased by \$500,000.00 gross, zero net; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

10.113 **Terms of Reference for the Roundtable on Children, Youth and Education**

Deputy Mayor Pantalone 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(44), moved by Mayor Miller and seconded by Councillor Chow, and in the absence of Mayor Miller, moved by Deputy Mayor Pantalone, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Chow

"WHEREAS City Council on March 1, 2 and 3, 2004, adopted, without amendment, Policy and Finance Committee Report 2, Clause 5, headed 'Terms of Reference for Roundtables on – Access, Equity and Human Rights; Arts and Culture; Beautiful City; Children, Youth and Education; Environment; Seniors; and the Employee and Labour Relations Committee';

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 2, Clause 5, headed 'Terms of Reference for Roundtables on – Access, Equity and Human Rights; Arts and Culture; Beautiful City; Children, Youth and Education; Environment; Seniors; and the Employee and Labour Relations Committee', be re-opened for further consideration, only as it pertains to the Terms of Reference for the Roundtable on Children, Youth and Education;

AND BE FURTHER RESOLVED THAT the Terms of Reference for the Roundtable on Children, Youth and Education be amended to increase the membership from 25 to 28."

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(44), 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 233)

Votes:

The first Operative Paragraph in Motion J(44) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(44) was adopted, without amendment.

Councillor Ford requested that his opposition to Motion J(44) be noted in the minutes of this meeting.

10.114 Terms of Reference for the Roundtable on the Environment

Deputy Mayor Bussin 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(45), moved by Mayor Miller and seconded by Deputy Mayor Pantalone, and in the absence of Mayor Miller, moved by Deputy Mayor Bussin, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Deputy Mayor Bussin

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** City Council on March 1, 2 and 3, 2004, adopted, without amendment, Policy and Finance Committee Report 2, Clause 5, headed ‘Terms of Reference for Roundtables on – Access, Equity and Human Rights; Arts and Culture; Beautiful City; Children, Youth and Education; Environment; Seniors; and the Employee and Labour Relations Committee’;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 2, Clause 5, headed ‘Terms of Reference for Roundtables on – Access, Equity and Human Rights; Arts and Culture; Beautiful City; Children, Youth and Education; Environment; Seniors; and the Employee and Labour Relations Committee’; be re-opened for further consideration, only as it pertains to the Terms of Reference for the Roundtable on the Environment’;

AND BE IT FURTHER RESOLVED THAT the Terms of Reference for the Roundtable on the Environment be amended to increase the membership from 15 to 18.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(45), 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 233)

Votes:

The first Operative Paragraph in Motion J(45) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(45) was adopted, without amendment.

Councillor Ford requested that his opposition to Motion J(45) be noted in the minutes of this meeting.

10.115 St. Lawrence Centre for the Arts Board of Directors - Notice of Motion for September Council

Moved by: Councillor Mihevc

Seconded by: Councillor Jenkins

“WHEREAS former City of Toronto Municipal Code Chapter 11, established the Board of Management of the St. Lawrence Centre for the Arts with a composition of seventeen (17) members appointed by Council, two (2) of whom shall be members of Council and the remaining members shall be persons qualified to be elected as members of Council or who are residents of the City and have attained the age of eighteen (18) years, provided that three (3) persons shall be nominated for appointment as members of the Board as follows: one (1) person by a music presenter in the Jean Mallet Theatre and two (2) persons by Canadian Stage Company; and

WHEREAS the St. Lawrence Forum is the only program provider without a nominee to the Board of Directors and has requested that they be allowed to nominate a citizen to the Board;

WHEREAS the Nominating Committee in its Report 3, Clause 2, has recommended a Forum nominee to be appointed to the Board should Council increase the composition;

NOW THEREFORE BE IT RESOLVED THAT notice be given to the Board of Council’s intention to amend the composition, as required by the *Municipal Act, 2001*;

AND BE IT FURTHER RESOLVED THAT Council amend former City of Toronto Municipal Code Chapter 11 to increase the composition of the St. Lawrence Centre to add one citizen member nominated by the St. Lawrence Forum, and that the City Solicitor be authorized to introduce the necessary by laws to give effect to this.”

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(46), 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 233)

Disposition:

Notice was given to permit consideration of Motion J(46) at the next regular meeting of City Council on September 28, 2004.

10.116 Request for extended City Boulevard Permitted Patio Operating Hours for the Beaches International Jazz Festival

Deputy Mayor Bussin moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(47), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Rae

“**WHEREAS** the Beaches International Jazz Festival’s street festival will take place on July 22, 23 and 24, 2004; and

WHEREAS Toronto City Council in May 2003 approved extension of hours of operation from 11:00 p.m. to 12:00 midnight on Friday, July 25, 2003 and Saturday, July 26, 2003 during the Beaches International Jazz Festival, at City permitted boulevard cafés on Queen Street East, between Woodbine Avenue and Beech Avenue, as a pilot project; and

WHEREAS the extension of hours during the 2003 Jazz Festival was successfully conducted and received overall community approval; and

WHEREAS the extension of hours proved to be an important economic benefit to the restaurants with boulevard café permits on Queen Street East, within the boundaries of the Beaches International Jazz Festival;

NOW THEREFORE BE IT RESOLVED THAT Council approve the extension of hours of operation of City-permitted boulevard cafés, from 11:00 p.m. to 12:00 midnight on Queen Street East, between Woodbine Avenue and Beech Avenue, on Friday, July 23, 2004 and Saturday, July 24, 2004, during the Beaches International Jazz Festival.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(47) 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(47), 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 233)

Procedural Vote:

The vote to waive referral of Motion J(47) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(47) was adopted, without amendment.

10.117 Instructions for Ontario Municipal Board Appeal – 2 Dunbloor Road (Ward 5, Etobicoke -Lakeshore)

Councillor Milczyn 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(48), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Milczyn

Seconded by: Councillor Grimes

“**WHEREAS** the City Solicitor has prepared a confidential report seeking further instructions respecting the Ontario Municipal Board hearing relating to 2 Dunbloor Road; and

WHEREAS consideration of this matter by Council is required on an urgent basis to establish a City position in relation to the Ontario Municipal Board hearing on July 26 to 28, 2004;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the attached confidential report dated July 20, 2004, from the City Solicitor.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(48) 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(48), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

The vote to waive referral of Motion J(48) 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(48), a confidential report dated July 20, 2004, from the City Solicitor.

Vote:

Motion J(48) was adopted, without amendment.

Summary:

In adopting Motion J(48), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated July 20, 2004, from the City Solicitor. The following recommendations contained in the report are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information that is subject to litigation or potential litigation:

“It is recommended that City Council authorize the City Solicitor to support, in principle, the applicant’s proposal, but request the Ontario Municipal Board to withhold its Order until:

- (1) the Six Points Interchange Study progresses sufficiently to allow the proposal to be sited without affecting the ultimate design of the Six Points Interchange, with work on the Study to be completed no later than December 31, 2004;
- (2) submission of required By-laws in a form satisfactory to the City Solicitor and the Director of Community Planning, West District; and
- (3) the applicant enters into a Section 37 agreement to secure community benefits to the satisfaction of the Commissioner of Urban Development Services, in consultation with the Ward Councillor and the City Solicitor, with such agreement to reference studies that will be required at the time of site plan application.”

10.118 An Interim Control By-law for Bayview Institutions Area, East of Bayview Avenue

Councillor Pitfield moved that, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion J(49), moved by Councillor Pitfield and seconded by Mayor Miller, and in the absence of Mayor Miller, seconded by Deputy Mayor Bussin, which carried:

Moved by: Councillor Pitfield

Seconded by: Deputy Mayor Bussin

“**WHEREAS** the former City of North York Official Plan and the new City of Toronto Official Plan do not permit residential uses for the Bayview institutions located east of Bayview Avenue and north of Kilgour Road; and

WHEREAS the existing Multiple Family Dwellings Third Density Zone (RM3) for the same area permits residential development; and

WHEREAS area residents have expressed concern regarding the potential of the institutional area east of Bayview Avenue and north of Kilgour Road for redevelopment for residential purposes;

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached report dated July 14, 2004, from the Commissioner of Urban Development Services, entitled ‘Proposed Interim Control By-law, Bayview Institutions Area East of Bayview Avenue’, and that the staff recommendation contained in the Recommendation Section of such report be adopted;

AND BE IT FURTHER RESOLVED THAT City staff take the necessary action to bring effect thereto, including the introduction of any necessary bills.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(49), 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 233)

Council also had before it, during consideration of Motion J(49), a report dated July 14, 2004, from the Commissioner of Urban Development Services, entitled "Proposed Interim Control By-law, Bayview Institutions Area East of Bayview Avenue, File No. 04 157195Z, Ward 26 - Don Valley West" (See Attachment 9, Page 230).

Vote:

Motion J(49) was adopted, without amendment.

Summary:

In adopting Motion J(49), without amendment, Council adopted, without amendment, the following staff recommendation contained in the Recommendation Section of the report dated July 14, 2004, from the Commissioner of Urban Development Services, entitled "Proposed Interim Control By-law, Bayview Institutions Area East of Bayview Avenue, File No. 04 157195Z, Ward 26 - Don Valley West":

"It is recommended that the proposed Interim Control By-law, pursuant to Section 38 of the *Planning Act*, applying to the Bayview Institutions located east of Bayview Avenue and north of Kilgour Road, contained in Attachment 1 to this report, be approved for a one year period and that Planning staff be directed to undertake a review of the zoning regulations which apply to these lands and report back to the North York Community Council within one year."

10.119 Communication Strategy Respecting 911 Service

Councillor Chow moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(50), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Chow**

Seconded by: **Councillor Filion**

"WHEREAS recently a non-English speaking grandmother delayed a call to 911 as she did

not know the service is multilingual; her grandchild was drowning in a family pool; and

WHEREAS many new immigrants arriving to Toronto would not know that the 911 service offers multilingual service; and

WHEREAS no resident should delay or hesitate dialing 911 when he or she is in need of life saving emergency services;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Corporate Services, through the Communications Division, and in consultation with the Acting Commissioner of Works and Emergency Services and the Emergency Management Office, be requested to report to the Community Services Committee in September 2004, on an ongoing communication strategy to educate all residents of Toronto, especially recent immigrants, that the 911 service is multilingual.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(50) 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(50), 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 233)

Procedural Vote:

The vote to waive referral of Motion J(50) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(50) was adopted, without amendment.

10.120 Delegation of Authority to the General Manager, Water and Wastewater Business Unit, for Designating Overall Responsible Operator under the *Ontario Water Resources Act*

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

Moved by: **Councillor Pitfield**

Seconded by: **Deputy Mayor Bussin**

“**WHEREAS** the Government of Ontario has adopted Ontario Regulation 128/04 under the *Safe Drinking Water Act, 2002*, and Ontario Regulation 129/04 under the *Ontario Water Resources Act*; and

WHEREAS the City, as the owner of certain water and wastewater facilities, and subsystems is required under the regulations to designate an ‘overall responsible operator’ having the qualifications set out in the regulations with respect to each facility or subsystem it owns; and

WHEREAS the Ontario Ministry of the Environment has indicated that it expects there to be a designated overall responsible operator at each facility or subsystem at all times during the operations of the facility or subsystem; and

WHEREAS such designation must be made before August 1, 2004;

NOW THEREFORE BE IT RESOLVED THAT the General Manager of the Water and Wastewater Business Unit of the City of Toronto be delegated the authority to designate such overall responsible operators with respect to each facility and subsystem as may be required to comply with Ontario Regulation 128/04 and Ontario Regulation 129/04;

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 Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(51) 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(51), 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 233)

Procedural Vote:

The vote to waive referral of Motion J(51) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(51) was adopted, without amendment.

10.121 **Fixing the Date of the Municipal Election to a Four Year Term**

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(52), 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 Provincial Government is currently undertaking a review of the provincial electoral system; and

WHEREAS, as part of that review, the Premier has indicated that they will be fixing the date of provincial elections so that they occur on the same date every four years; and

WHEREAS this change will result in both provincial and municipal elections occurring at established, predictable times; and

WHEREAS this change will provide an opportunity to create a stable electoral cycle and a system which clarifies the electoral process for citizens; and

WHEREAS there may be opportunities for cost efficiencies by co-ordinating the two electoral systems;

NOW THEREFORE BE IT RESOLVED THAT the Province of Ontario be requested to extend the municipal term of office to coincide with the new provincial term of office;

AND BE IT FURTHER RESOLVED THAT the provincial election date be offset from the municipal election date so that it occurs within the year preceding the municipal election date;

AND BE IT FURTHER RESOLVED THAT once the dates have been established, the Province of Ontario grant a one time extension of the current municipal term of office to permit the system to be in place for the next municipal and provincial elections; and

AND BE IT FURTHER RESOLVED THAT the Clerk be requested to submit a report to the Policy and Finance Committee on savings that might accrue from such matters as:

- (a) common voters lists;
- (b) the use of shared electoral organizations;
- (c) shared facilities like constituency offices;
- (d) the oversight of election finances; and
- (e) an extended term of office;

AND BE IT FURTHER RESOLVED THAT this position be conveyed to the Association of Municipalities of Ontario with a request that the Association support this proposal and convey it to the Minister of Municipal Affairs and Housing on the City's behalf."

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(52) 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(52), 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 233)

Procedural Vote:

The vote to waive referral of Motion J(52) to the Administration Committee was taken as follows:

Yes - 15 Councillors:	Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Ford, Giambrone, Hall, Lindsay Luby, Mihevc, Moscoe, Pantalone, Saundercook
No - 13 Councillors:	Ashton, Bussin, Di Giorgio, Feldman, Fletcher, Holyday, Jenkins, Nunziata, Palacio, Pitfield, Rae, Soknacki, Watson

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

Disposition:

Motion J(52) was referred to the Administration Committee.

Deputy Mayor Bussin in the Chair.

10.122 By-law to Deem Parts of Plan 2053 to not be a Registered Plan for the Purpose of Subdivision Control, under the *Planning Act*

Deputy Mayor Feldman moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(53), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Deputy Mayor Feldman

Seconded by: Councillor Minnan-Wong

“**WHEREAS** authority is given to Council by subsection 50(4) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, to pass a by-law to designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision, for the purpose of subdivision control; and

WHEREAS Plan 2053 was registered more than eight years ago; and

WHEREAS Plan 2053 created lots that are 9.14 m wide; and

WHEREAS it is expedient and prudent to ensure that the creation of lots in this area that are 9.14m wide be considered either by Council, or by the Committee of Adjustment;

NOW THEREFORE BE IT RESOLVED THAT a By-law that deems parts of Plan 2053 not to be a registered plan for the purpose of subdivision control, as set out in subsection 50(3) of the *Planning Act*, be brought forward for enactment at the Toronto City Council meeting of July 20, 21 and 22, 2004;

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 Bussin advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(53) to the North York Community Council would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(53) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(53) was adopted, without amendment.

10.123 134, 136 and 138 Finch Avenue West, rear portion of 16, 18 and 18A Altamont Road and Part Lot 23, Registered Plan 2056

Councillor Filion moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(54), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Filion

Seconded by: Councillor Moscoe

“**WHEREAS** Clause 28, Report 7 of The North York Community Council, as adopted by City Council at its meeting held on September 22, 23, 24 and 25, 2003, headed ‘Final Report - Application to Amend the Official Plan and Zoning By-law 7625 - TB OPA 2003 0011 – Berkley Homes (Finch) Inc. (RN Design) – 134, 136 and 138 Finch Avenue west, rear portions of 16, 18 and 18A Altamont Road and Part Lot 23, Registered Plan 22056)’, as amended; and

WHEREAS Recommendation (4)(e) of the Final Staff Report recommended that the applicant have obtained Site Plan Approval under Section 41 of the *Planning Act* from the Acting Director, Community Planning, North District, prior to the introduction of the necessary Bills to City Council for enactment; and

WHEREAS the site plan requires further minor revisions that will not substantially alter the Council approved proposal for these lands;

NOW THEREFORE BE IT RESOLVED THAT Recommendation (4)(e) of the Final

Staff Report be deleted and the necessary Bills be introduced to City Council for approval.”

Advice by Deputy Mayor:

Deputy Mayor Bussin advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(54) to the North York Community Council would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(54) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(54) was adopted, without amendment.

10.124 Ontario Municipal Board Appeal – 275 Yonge Street

Councillor Rae moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(55), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Rae**

Seconded by: **Deputy Mayor Pantalone**

“**WHEREAS** the Urban Development Services Department received a Site Plan application from Prime Properties to redevelop 275 Yonge Street (a historically designated building) into a modern retail building on February 9, 2004; and

WHEREAS the City provided comments to the applicant on April 15, 2004 stating that the development could proceed, based on revisions requested by City staff; and

WHEREAS the applicant appealed this application to the Ontario Municipal Board pursuant to Section 41 (12) of the *Planning Act*;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto instruct the City Solicitor and the Acting Chief Planner to attend the Ontario Municipal Board in support of appropriate massing and other changes to the application that respect the heritage designation of the property, and authorize use of outside planning consultants, if deemed necessary by the City Solicitor.”

Advice by Deputy Mayor:

Deputy Mayor Bussin advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(55) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(55) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(55) was adopted, without amendment.

BILLS AND BY-LAWS

Deputy Mayor Pantalone in the Chair.

10.125 On July 20, 2004, at 12:04 p.m., Councillor Mihevc, seconded by Councillor Ootes, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law, which carried:

Bill No. 629	By-law No. 566-2004	To appoint Dr. David J. McKeown Medical Officer of Health for the City of Toronto Health Unit and to rescind the appointment of Dr. Barbara Yaffe as Acting Medical Officer of Health for the City of Toronto Health Unit.
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10.126 On July 20, 2004, at 7:20 p.m., Councillor Rae, seconded by Councillor Bussin, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 728	By-law No. 567-2004	To confirm the proceedings of the Council at its meeting held on the 20th day of July, 2004,
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the vote upon which was taken as follows:

Yes - 30 Councillors:	Altobello, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Filion, Ford, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Stintz, Walker
No - 1 Councillor:	Grimes

Carried by a majority of 29.

Deputy Mayor Feldman in the Chair.

10.127 On July 21, 2004, at 3:55 p.m., Councillor Pitfield, seconded by Deputy Mayor Bussin, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law, which carried:

Bill No. 673	By-law No. 568-2004	To effect interim control for the lands shown on Schedule "A" to this by-law being the Bayview Institutions located east of Bayview Avenue and north of Kilgour Road in the former City of North York.
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10.128 On July 21, 2004, at 7:23 p.m., Councillor Davis, seconded by Councillor Walker, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 729	By-law No. 569-2004	To confirm the proceedings of the Council at its meeting held on the 20th and 21st days of July, 2004,
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the vote upon which was taken as follows:

Yes - 27	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Davis, De Baeremaeker, Feldman, Filion, Fletcher, Hall, Holyday, Jenkins, Lindsay Luby, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

Deputy Mayor Bussin in the Chair.

10.129 On July 22, 2004, at 4:38 p.m., Councillor Thompson, seconded by Councillor Giambrone, moved that leave be granted to introduce the following Bills, and that these Bill, prepared for this meeting of Council, be passed and hereby declared as By-laws:

Bill No. 562	By-law No. 570-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II.
Bill No. 563	By-law No. 571-2004	To amend By-law No. 32759, as amended, of the former City of North York, regarding Beverly Hills Drive.
Bill No. 564	By-law No. 572-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Beverly Hills Drive.
Bill No. 565	By-law No. 573-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Dunrobin Drive.
Bill No. 566	By-law No. 574-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic – Chapter 240, Article I, regarding Ravenscrest Drive.

Bill No. 567	By-law No. 575-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic – Chapter 240, Article I, regarding Dunrobin Drive and Ravenscrest Drive.
Bill No. 568	By-law No. 576-2004	To amend By-law No. 382-2004 being a by-law “To layout and dedicate certain land for public highway purposes to form part of the public highway Birchmount Road (Scarborough Southwest, Ward 36).”
Bill No. 569	By-law No. 577-2004	To amend By-law No. 380-2004 being a by-law “To layout and dedicate certain land for public highway purposes to form part of the public highway Leafield Drive South (Scarborough-Agincourt, Ward 40).”
Bill No. 570	By-law No. 578-2004	To repeal Chapter 767, Taxation, Article VI, Costs for Proceeding Under Municipal Tax Sales Act, §§767-24 and 767-25 of the Municipal Code and to amend Municipal Code Chapter 441, Fees, to include a new Scale of Costs for Tax Sale Proceedings for Tax Arrears.
Bill No. 571	By-law No. 579-2004	To amend Section 15 of By-law No. 438-86 of the former City of Toronto respecting the Index of Exceptions.
Bill No. 572	By-law No. 580-2004	To designate the property at 18 Fern Avenue (John Gardhouse, House and Stable) as being of cultural heritage value or interest.
Bill No. 573	By-law No. 581-2004	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 574	By-law No. 582-2004	To designate an area along Queen Street East between Lockwood Road and

		Neville Park Road, as an improvement area.
Bill No. 575	By-law No. 583-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding The Kingsway.
Bill No. 576	By-law No. 584-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding The Kingsway.
Bill No. 577	By-law No. 585-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Silverstone Drive.
Bill No. 578	By-law No. 586-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Silverstone Drive.
Bill No. 579	By-law No. 587-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Silverstone Drive.
Bill No. 580	By-law No. 588-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Moncrieff Drive.
Bill No. 581	By-law No. 589-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Yorkleigh Avenue.
Bill No. 582	By-law No. 590-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Martin Grove Road.

Bill No. 583	By-law No. 591-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Yorkleigh Avenue.
Bill No. 584	By-law No. 592-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Martin Grove Road.
Bill No. 585	By-law No. 593-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Golfdown Drive.
Bill No. 586	By-law No. 594-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Winterton Drive.
Bill No. 587	By-law No. 595-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Second Street.
Bill No. 588	By-law No. 596-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Burlington Street.
Bill No. 589	By-law No. 597-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Burlington Street.
Bill No. 590	By-law No. 598-2004	To permanently close portions of the public highways Neilson Road and Staines Road.
Bill No. 591	By-law No. 599-2004	To amend By-law No. 2958-94 of the former City of York, being a by-law "To regulate traffic on City of York Roads",

		regarding Vaughan Road.
Bill No. 592	By-law No. 600-2004	To amend By-law No. 196-84 of the former City of York, being a by-law "To regulate traffic on City of York Roads", regarding Vaughan Road.
Bill No. 593	By-law No. 601-2004	To amend By-law No. 2958-94 of the former City of York, being a by-law "To regulate traffic on City of York Roads", regarding Belgravia Avenue.
Bill No. 594	By-law No. 602-2004	To amend By-law No. 196-84 of the former City of York, being a by-law "To regulate traffic on City of York Roads", regarding Belgravia Avenue.
Bill No. 595	By-law No. 603-2004	To amend By-law No. 196-84 of the former City of York, being a by-law "To regulate traffic on City of York Roads", regarding Bowie Avenue.
Bill No. 596	By-law No. 604-2004	To amend By-law No. 2958-94 of the former City of York, being a by-law "To regulate traffic on City of York Roads", regarding Bowie Avenue.
Bill No. 597	By-law No. 605-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Empress Avenue and Longmore Street.
Bill No. 598	By-law No. 606-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Longmore Street.
Bill No. 599	By-law No. 607-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Harlandale Avenue.
Bill No. 600	By-law No. 608-2004	To amend By-law No. 31878, as amended, of the former City of North York,

		regarding Apsley Road, Esgore Drive and Saunders Street.
Bill No. 601	By-law No. 609-2004	To amend By-law No. 30518, as amended, of the former City of North York, regarding Caledonia Road.
Bill No. 602	By-law No. 610-2004	To permanently close a portion of Kenaston Gardens, shown as Parts 2 and 3 on Reference Plan 66R-20940.
Bill No. 603	By-law No. 611-2004	To acquire certain interests in land for or in connection with the McNicoll Avenue Extension Project.
Bill No. 604	By-law No. 612-2004	To permanently close a portion of Terlean Road, shown as Parts 1 and 2 on Reference Plan 66R-20663.
Bill No. 605	By-law No. 613-2004	To exempt certain lands on Polarlights Way from Part Lot Control.
Bill No. 606	By-law No. 614-2004	To authorize the entering into of a financing lease agreement for the provision of conference centre facilities as a municipal capital facility as part of a hotel development at Exhibition Place.
Bill No. 607	By-law No. 615-2004	To amend By-law No. 196-84 of the former City of York, being a by-law "To regulate traffic on City of York Roads."
Bill No. 608	By-law No. 616-2004	To amend By-law No. 2958-94 of the former City of York, being a by-law "To regulate traffic on City of York Roads."
Bill No. 609	By-law No. 617-2004	To amend By-law No. 2958-94 of the former City of York, being a by-law "To regulate traffic on City of York Roads."

Bill No. 610	By-law No. 618-2004	To amend By-law No. 196-84 of the former City of York, being a by-law "To regulate traffic on City of York Roads."
Bill No. 611	By-law No. 619-2004	To amend By-law No. 2958-94 of the former City of York, being a by-law "To regulate traffic on City of York Roads."
Bill No. 612	By-law No. 620-2004	To amend By-law No. 196-84 of the former City of York, being a by-law "To regulate traffic on City of York Roads."
Bill No. 613	By-law No. 621-2004	To amend By-law No. 196-84 of the former City of York, being a by-law "To regulate traffic on City of York Roads."
Bill No. 614	By-law No. 622-2004	To amend By-law No. 2958-94 of the former City of York, being a by-law "To regulate traffic on City of York Roads."
Bill No. 615	By-law No. 623-2004	To amend By-law No. 3491-80 of the former Borough of York, being a by-law "To provide for night-time parking of motor vehicles on Borough of York highways."
Bill No. 616	By-law No. 624-2004	To amend By-law No. 3491-80 of the former Borough of York, being a by-law "To provide for night-time parking of motor vehicles on Borough of York highways."
Bill No. 617	By-law No. 625-2004	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt a portion of the fence on the property municipally known as 21 Wimpole Drive from the maximum height and minimum post spacing requirements for swimming pool enclosures.
Bill No. 618	By-law No. 626-2004	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the front

		yard fence on the property municipally known as 2 Candis Drive from the maximum height requirements.
Bill No. 619	By-law No. 627-2004	To authorize the alteration of Arlington Avenue between St. Clair Avenue West and Humewood Gardens by the installation of speed humps.
Bill No. 620	By-law No. 628-2004	To layout and dedicate certain land for public walkway purposes to form a new public walkway extending from Harrison Garden Boulevard to Highway 401.
Bill No. 621	By-law No. 629-2004	To layout and dedicate certain land for public highway purposes to form part of the public highway Roden Place.
Bill No. 622	By-law No. 630-2004	To amend By-law No. 2958-94 of the former City of York, being a by-law "To regulate traffic on City of York Roads", regarding Hatherley Road.
Bill No. 623	By-law No. 631-2004	To amend By-law No. 196-84 of the former City of York, being a by-law "To regulate traffic on City of York Roads", regarding Hatherley Road.
Bill No. 624	By-law No. 632-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 625	By-law No. 633-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Fleet Street.

Bill No. 626	By-law No. 634-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Cowan Avenue, Dufferin Street, Fleet Street Fort Rouille Street, Gladstone Avenue, Jameson Avenue, Melbourne Avenue, Peel Avenue, Spencer Avenue, Springhurst Avenue, Strachan Avenue and Tyndall Avenue.
Bill No. 627	By-law No. 635-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Bloor Street West.
Bill No. 628	By-law No. 636-2004	To amend further Metropolitan Toronto By-law No. 108-86 designating certain locations on former Metropolitan Roads as Pedestrian Crossovers, regarding Lawrence Avenue West.
Bill No. 630	By-law No. 637-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bingham Avenue.
Bill No. 631	By-law No. 638-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones, regarding Milan Street.
Bill No. 632	By-law No. 639-2004	To amend further By-law No. 92-93, a by-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York, regarding Cosburn Avenue.
Bill No. 633	By-law No. 640-2004	To amend former City of North York By-law No. 7625, as amended, with respect to lands known municipally as 1165 Leslie Street and a portion of 1177 Leslie Street.

Bill No. 634	By-law No. 641-2004	To exempt lands known municipally as 3197 Kingston Road from Part Lot Control.
Bill No. 635	By-law No. 642-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Eglinton Avenue West and York Mills Road.
Bill No. 636	By-law No. 643-2004	To amend further By-law No. 92-93, a by-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York, regarding Lea Avenue and Leacrest Road.
Bill No. 637	By-law No. 644-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Crossovers Street, Gerrard Street East, Hannaford Street, Ted Reeve Drive, Whistle Post Street and William Hancox Avenue.
Bill No. 638	By-law No. 645-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Garden Avenue, Laneway system bounded by Dundas Street West, Annette Street, Indian Grove and Indian Road Crescent, Queen Street East and Widmer Street.
Bill No. 639	By-law No. 646-2004	To adopt Amendment No. 1118 to the Official Plan for the former City of Scarborough with respect to lands known municipally as 1757 Kingston Road.
Bill No. 640	By-law No. 647-2004	To adopt Amendment No. 30 to the Official Plan for the City of Toronto with respect to lands known municipally as 1757 Kingston Road.

Bill No. 641	By-law No. 648-2004	To amend Scarborough Zoning By-law No. 8786, as amended, with respect to lands known municipally as 1757 Kingston Road.
Bill No. 642	By-law No. 649-2004	To amend Scarborough Zoning By-law No. 10827, as amended, with respect to the Highland Creek Community.
Bill No. 643	By-law No. 650-2004	To amend the Morningside Community Zoning By-law No. 11883, as amended, with respect to the lands known municipally as 80 Mornelle Court.
Bill No. 644	By-law No. 651-2004	To adopt Amendment No. 1122 to the Official Plan for the former City of Scarborough respecting the lands known municipally as 6363-6405 Kingston Road.
Bill No. 645	By-law No. 652-2004	To adopt Amendment No. 29 of the Official Plan of the City of Toronto with respect to lands known municipally as 6363-6405 Kingston Road.
Bill No. 646	By-law No. 653-2004	To amend the Scarborough Zoning By-law No. 10827 with respect to the Highland Creek Community on lands known municipally as 6363-6405 Kingston Road.
Bill No. 647	By-law No. 654-2004	To amend Municipal Code Chapter 950, Traffic and Parking, to add a new carpark to Schedule III to the Code Chapter.
Bill No. 648	By-law No. 655-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Carlaw Avenue.

Bill No. 649	By-law No. 656-2004	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the operation of holistic centres and holistic practitioners.
Bill No. 650	By-law No. 657-2004	To amend City of Toronto Municipal Code Chapter 545, Licensing, to establish new business licensing fees.
Bill No. 651	By-law No. 658-2004	To amend City of Toronto Municipal Code Chapter 545, Licensing, to establish a licence requirement for traditional medicine establishments and traditional medicine practitioners.
Bill No. 652	By-law No. 659-2004	To layout and dedicate certain land to form part of the public highway Livingston Road.
Bill No. 653	By-law No. 660-2004	To layout and dedicate certain land on the north side of Sheppard Avenue East, west of Longmore Street, for public highway purposes to form part of the public highway Sheppard Avenue East.
Bill No. 654	By-law No. 661-2004	To layout and dedicate certain land for public lane purposes to form part of the public lane east of Ossington Avenue extending southerly from Dundas Street West, then easterly.
Bill No. 655	By-law No. 662-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Adelaide Street West, Brock Avenue, Hannaford Street, Mountjoy Avenue, Paton Road, Ulster Street.
Bill No. 656	By-law No. 663-2004	To authorize the alteration of Willard Avenue, between Annette Street and St. John's Road, by the installation of speed humps.

Bill No. 657	By-law No. 664-2004	To authorize the alteration of William Street, between Rosemount Avenue and Jane Street, by the installation of speed humps.
Bill No. 658	By-law No. 665-2004	To authorize the alteration of Winona Drive, between Falwyn Avenue and Glenhurst Avenue, by the installation of speed humps and the narrowing of the northbound approach of the Winona Drive and Dundurn Crescent intersection by the placement of a planter box.
Bill No. 659	By-law No. 666-2004	To authorize the alteration of Arlington Avenue, between St. Clair Avenue West and Humewood Gardens, by the installation of speed humps.
Bill No. 660	By-law No. 667-2004	To authorize the alteration of Memorial Park Avenue, between Donlands Avenue and Durant Avenue, by the installation of speed humps.
Bill No. 661	By-law No. 668-2004	To authorize the alteration of Wheeler Avenue, between Queen Street East and Norway Avenue, by the installation of speed humps.
Bill No. 662	By-law No. 669-2004	To authorize the alteration of Woodlawn Avenue West, between Yonge Street to the north/south section of Woodlawn Avenue West, by the installation of speed humps.
Bill No. 663	By-law No. 670-2004	To amend the General Zoning By-law No 438-86 of the former City of Toronto with respect to lands known municipally as 595 Commissioners Street and 600 Unwin Avenue.
Bill No. 664	By-law No. 671-2004	To amend By-law No. 31001 of the former City of North York, as amended,

		regarding Goddard Street.
Bill No. 667	By-law No. 672-2004	To levy and collect taxes for 2004 on Certain Railway Company and Power Utility Lands.
Bill No. 668	By-law No. 673-2004	To levy an amount for the year 2004 upon certain Correctional Facilities.
Bill No. 669	By-law No. 674-2004	To levy an amount for the year 2004 upon certain Public Hospitals and Provincial Mental Health Facilities.
Bill No. 670	By-law No. 675-2004	To levy an amount for the year 2004 upon certain Universities and Colleges.
Bill No. 671	By-law No. 676-2004	To further amend By-law No. 108-86, designating certain locations on Metropolitan Roads as Pedestrian Crossovers, regarding Lake Shore Boulevard West.
Bill No. 672	By-law No. 677-2004	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, to replace parking meters with parking machines on certain streets within the City of Toronto.
Bill No. 674	By-law No. 678-2004	To adopt Amendment No. 305 to the Official Plan for the former City of Toronto with respect to lands known municipally as 532, 560, 566, 570 Bay Street; 101, 109, 111, 127, 129, 131, 137, 141 Dundas Street West; 91, 99, 105, 109, 111 Elizabeth Street; and 9 Foster Place.
Bill No. 675	By-law No. 679-2004	To adopt Amendment No. 32 to the Official Plan of the City of Toronto with respect to lands known municipally as 91 Elizabeth Street and 9 Foster Place.

Bill No. 676	By-law No. 680-2004	To amend By-law No. 848-2000 of the former City of Toronto with respect to lands known municipally as 532, 560, 566, 570 Bay Street; 101, 109, 111, 127, 129, 131, 137, 141 Dundas Street West; 91, 99, 105, 109, 111 Elizabeth Street; and 9 Foster Place.
Bill No. 677	By-law No. 681-2004	To exempt lands known municipally as 2 Triburnham Place from Part Lot Control.
Bill No. 678	By-law No. 682-2004	To adopt Amendment No. 302 to the Official Plan for the former City of Toronto with respect to lands known municipally in the year 2004 as 21 Carlton Street.
Bill No. 679	By-law No. 683-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2004 as 21 Carlton Street.
Bill No. 681	By-law No. 684-2004	To amend Chapter 458 of the former City of York Municipal Code (Site Plan Area) with respect to the lands bounded by Spears Street, Hillborn Avenue, Hilldale Road and Cripps Avenue.
Bill No. 682	By-law No. 685-2004	To exempt certain lands known municipally as 73 and 75 Finch Avenue West from Part Lot Control.
Bill No. 683	By-law No. 686-2004	To amend former City of North York By-law No. 7625, as amended, with respect to the lands known municipally as 1 Avondale Avenue.
Bill No. 684	By-law No. 687-2004	To amend former City of North York By-law No. 7625, as amended, with respect to lands known municipally as 19 Avondale Avenue.

Bill No. 685	By-law No. 688-2004	To authorize the alteration of Alcina Avenue, between Bathurst Street and Wychwood Avenue, by the installation of speed humps.
Bill No. 686	By-law No. 689-2004	To adopt Amendment No. 36 of the Official Plan of the former Borough of East York with respect to lands located at the south east corner of Bayview Avenue and Kilgour Road (legal description Plan 66R-19881, Block 4).
Bill No. 687	By-law No. 690-2004	To adopt Amendment No. 26 to the Official Plan of the City of Toronto with respect to lands known municipally as 1929 Bayview Avenue.
Bill No. 688	By-law No. 691-2004	To adopt Amendment No. 553 to the Official Plan of the former City of North York with respect to lands known municipally as 1929 Bayview Avenue.
Bill No. 689	By-law No. 692-2004	To amend former Borough of East York By-law No. 1916 with respect to lands located on the south west corner of Bayview Avenue and Kilgour Road (legal description Plan 66R-191881, Block 4).
Bill No. 690	By-law No. 693-2004	To amend former City of North York By-law No. 7625, as amended, with respect to lands known municipally as 1929 Bayview Avenue.
Bill No. 691	By-law No. 694-2004	To amend City of Toronto Municipal Code Chapter 441, Fees, to establish fees or charges for waste management services provided to schools.

Bill No. 692	By-law No. 695-2004	To adopt a new City of Toronto Municipal Code Chapter 548, Littering and Dumping of Refuse, and to repeal Chapter 623, Property Maintenance, as part of the Clean and Beautiful City initiative.
Bill No. 693	By-law No. 696-2004	To exempt certain lands known municipally as 203A, 205B and 207A Raglan Avenue from Part Lot Control.
Bill No. 694	By-law No. 697-2004	To adopt Amendment No. 304 to the Official Plan for the former City of Toronto with respect to lands known municipally as 7 McGee Street.
Bill No. 695	By-law No. 698-2004	To adopt Amendment No. 34 to the Official Plan for the City of Toronto with respect to the lands known municipally as 7 McGee Street.
Bill No. 696	By-law No. 699-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2004 as 7 McGee Street.
Bill No. 697	By-law No. 700-2004	To adopt Amendment No. 306 to the Garrison Common North Part II Official Plan for the City of Toronto with respect to lands known municipally as 60 Bathurst Street.
Bill No. 698	By-law No. 701-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally as 60 Bathurst Street.
Bill No. 699	By-law No. 702-2004	To authorize the exemption from taxation for municipal and school purposes and from development charges for the municipal capital facility for affordable housing located on land known municipally as 25 Carnation Avenue.

Bill No. 700	By-law No. 703-2004	To authorize the entering into of an agreement for the provision of a municipal capital facility by Bellwoods Centres for Community Living Incorporated.
Bill No. 701	By-law No. 704-2004	To authorize the entering into of an agreement for the provision of a municipal capital facility by 121 Parkway Forest Drive Inc.
Bill No. 702	By-law No. 705-2004	To authorize the entering into of an agreement for the provision of a municipal capital facility by 333 Sidney Belsey Crescent Inc.
Bill No. 703	By-law No. 706-2004	To authorize the entering into of an agreement for the provision of a municipal capital facility by Daniel Simunac.
Bill No. 704	By-law No. 707-2004	To authorize the entering into of an agreement for the provision of a municipal capital facility by St. Clare's Multifaith Housing Society.
Bill No. 705	By-law No. 708-2004	To authorize the entering into of an agreement for the provision of a municipal capital facility by Viva Bathurst Developments Inc.
Bill No. 706	By-law No. 709-2004	To authorize the exemption from taxation for municipal and school purposes and from development charges for the municipal capital facility for affordable housing located on land known municipally as 805-807 College Street.

Bill No. 707	By-law No. 710-2004	To authorize the exemption from taxation for municipal and school purposes and from development charges for the municipal capital facility for affordable housing located on land known municipally as 1082 Dundas Street West.
Bill No. 708	By-law No. 711-2004	To authorize the exemption from taxation for municipal and school purposes and from development charges for the municipal capital facility for affordable housing located on land known municipally as 121 Parkway Forest Drive.
Bill No. 709	By-law No. 712-2004	To authorize the exemption from taxation for municipal and school purposes and from development charges for the municipal capital facility for affordable housing located on land known municipally as 333 Sidney Belsey Crescent.
Bill No. 710	By-law No. 713-2004	To authorize the exemption from taxation for municipal and school purposes and from development charges for the municipal capital facility for affordable housing located on land known municipally as 25 Leonard Street.
Bill No. 711	By-law No. 714-2004	To authorize the exemption from taxation for municipal and school purposes and from development charges for the municipal capital facility for affordable housing located on land known municipally as 3810 Bathurst Street.
Bill No. 712	By-law No. 715-2004	To authorize the entering into of an agreement for the provision of a municipal capital facility by 617421 Ontario Limited.

Bill No. 715	By-law No. 716-2004	To adopt Amendment No. 297 to the Official Plan for the former City of Toronto with respect to lands known municipally as 2276 to 2284 Gerrard Street East.
Bill No. 716	By-law No. 717-2004	To amend the General Zoning By-law No. 438-86 for the former City of Toronto with respect to the lands known municipally as 2276 to 2284 Gerrard Street East.
Bill No. 717	By-law No. 718-2004	To adopt Amendment No. 303 to the Official Plan for the former City of Toronto with respect to lands known municipally as 1 to 29 Musgrave Street; 600 Victoria Park Avenue; 2234 to 2276 Gerrard Street East; 2284 to 2316 Gerrard Street East; and 2236 to 2366 Gerrard Street East.
Bill No. 718	By-law No. 719-2004	To amend the General Zoning By-law No. 438-86 for the former City of Toronto with respect to the lands municipally known as 1 to 29 Musgrave Street; 600 Victoria Park Avenue; 2234 to 2276 Gerrard Street East; 2284 to 2316 Gerrard Street East; and 2236 to 2366 Gerrard Street East.
Bill No. 719	By-law No. 720-2004	To amend further By-law No. 380-74 of the former Corporation of the City of Toronto respecting civic employees' pensions and other benefits.
Bill No. 720	By-law No. 721-2004	To authorize the entering into of an agreement for the provision of municipal capital facilities respecting the Woodview Park Neighbourhood Branch Library and to authorize an exemption from taxation for municipal and school purposes.

Bill No. 721	By-law No. 722-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Gary Drive.
Bill No. 722	By-law No. 723-2004	To adopt Amendment No. 298 to the Official Plan for the former City of Toronto with respect to lands known municipally as 1245 Dupont Street.
Bill No. 723	By-law No. 724-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2004 as 1245 Dupont Street.
Bill No. 714	By-law No. 725-2004	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the requirements for private property enforcement agencies undertaking parking enforcement activities

the vote upon which was taken as follows:

Yes - 35	
Councillors:	Ashton, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 34.

10.130 On July 22, 2004, at 4:40 p.m., Councillor Mammoliti, seconded by Councillor Li Preti, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 727	By-law No. 726-2004	To amend former City of North York By-law No. 7625, as amended, with respect to lands known municipally as 2350 Finch Avenue West,
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the vote upon which was taken as follows:

Yes - 38
Councillors: Altobello, Ashton, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Thompson, Walker, Watson
No - 0

Carried, without dissent.

10.131 On July 22, 2004, at 4:54 p.m., Councillor Filion, seconded by Councillor Ootes, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws:

Bill No. 665	By-law No. 727-2004	To adopt Amendment No. 550 to the Official Plan of the former City of North York in order to implement a site-specific amendment affecting lands located at 1 Kenton Drive.
Bill No. 666	By-law No. 728-2004	To amend former City of North York By-law No. 7625, as amended, with respect to lands known municipally as 1 Kenton Drive.
Bill No. 680	By-law No. 729-2004	To amend Chapter 658, Ravine Protection to refine the location of the protected area and to revise the fine provisions.
Bill No. 713	By-law No. 730-2004	To deem certain lots to no longer be registered lots on a Plan of Subdivision.

Bill No. 724	By-law No. 731-2004	To adopt Amendment No. 548 to the Official Plan for the former City of North York with respect of lands known municipally as 134, 136 and 138 Finch Avenue West; the rear portions of 16, 18 and 18A Altamont Road; and part of Lot 23, Registered Plan 2056.
Bill No. 725	By-law No. 732-2004	To adopt Amendment No. 14 to the Official Plan for the City of Toronto with respect to lands known municipally as 134, 136 and 138 Finch Avenue West; the rear portions of 16, 18 and 18A Altamont Road; and part of Lot 23, Registered Plan 2056.
Bill No. 726	By-law No. 733-2004	To amend former City of North York By-law No. 7625, as amended, with respect to lands known municipally as 134, 136 and 138 Finch Avenue West; the rear portions of 16, 18 and 18A Altamont Road and part of Lot 23, Registered Plan 2056,

the vote upon which was taken as follows:

Yes - 34	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Thompson, Watson
No - 0	

Carried, without dissent.

10.132 On July 22, 2004, at 6:24 p.m., Councillor Lindsay Luby, seconded by Councillor De Baeremaeker, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 730 By-law No. 734-2004 To confirm the proceedings of the Council
at its meeting held on the 20th, 21st and
22nd days of July, 2004,

the vote upon which was taken as follows:

Yes - 25	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Lindsay Luby, Moscoe, Ootes, Palacio, Pitfield, Rae, Saundercook, Thompson, Watson
No - 2	
Councillors:	Kelly, Milczyn

Carried by a majority of 23.

OFFICIAL RECOGNITIONS:

10.133 Condolence Motion

July 22, 2004:

Councillor Cowbourne, seconded by Councillor Ashton, moved that:

“WHEREAS the Members of City Council are deeply saddened to learn of the passing of Mr. John ‘Cameron’ Watson on July 16, 2004, in his eighty-third year; and

WHEREAS Cameron Watson was born and lived his whole life on the Watson Farm in Highland Creek where he grew apples which he and his family sold at the Watson Farm, and at the St. Lawrence North Saturday Market for over 75 years, until his recent failing health prevented his farming activity; and

WHEREAS Mr. Watson was a long-standing member of the Centennial Rouge United Church and a charter member of the Centennial Recreation and Community Association; and

WHEREAS in memory of his mother, he established The Beatrice Acheson-Watson Foundation, a charitable organization dedicated to alleviating the suffering of all animals; and

WHEREAS more than twenty-five years ago he created The Kindness Club, an educational program established to teach children to be kind to all creatures; and

WHEREAS over those twenty-five years, The Kindness Club was expanded throughout the Greater Toronto Area schools and more than one-million students benefited from his message of kindness to animals;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to his surviving sister Mrs. Margaret Krainik and her family, and also to those he considered to be his 'community family' in the Centennial-Rouge United Church and within the Centennial Community."

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. John Watson.

10.134 **Presentations/Introductions/Announcements:**

July 20, 2004:

Councillor Milczyn, with the permission of Council, during the morning session of the meeting, introduced the Raclawice Group and the Polish White Eagle Mississauga dance groups, including Mrs. Ewa Sek, Father Bogdan Piekuta, Father Victor Poczwarra and Mr. Konrad Kasperek, present at the meeting. Councillor Milczyn invited Members of Council to watch the groups perform in Nathan Phillips Square during the lunch break.

July 21, 2004:

Mayor Miller, during the morning session of the meeting, invited Members of Council to attend a reception at 12:30 p.m. in the Members' Lounge in honour of the 60th Anniversary of the Warsaw Uprising.

Mayor Miller, during the morning session of the meeting, introduced the students from Upper Canada College's Horizons Program, present at the meeting.

Mayor Miller, during the afternoon session of the meeting, introduced Kathryn Kozak Wiebe, Mayor of the Town of Bonnyville, Alberta, present at the meeting.

July 22, 2004:

Councillor Carroll, with the permission of Council, during the morning session of the meeting, advised the Council that an arrest had been made in the Cecilia Zhang case. On behalf of City Council, she expressed gratitude to the Peel Regional Police and the Toronto Police Service, in particular Division 33, for their unwavering focus in this matter.

Mayor Miller, during the morning session of the meeting, introduced David J. Mullan, the new City Integrity Commissioner. Mayor Miller advised that the City of Toronto was the first municipality in Canada to make such an appointment, and welcomed Mr. Mullan to the City.

Mayor Miller, during the afternoon session of the meeting, introduced Andrew Shen, Director of Marketing, North America, Gillette Company, present at the meeting.

10.135 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE

Vary the order of proceedings of Council:

Mayor Miller in the Chair.

Councillor Walker, on July 20, 2004, at 10:05 a.m., moved that Council vary the order of its proceedings to consider Administration Committee Report 5, Clause 13, headed "Toronto Election Finance Review Task Force Recommendations", as a 'time sensitive' item, the vote upon which was taken as follows:

Yes - 22	
Mayor:	Miller
Councillors:	Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Fletcher, Ford, Giambone, Grimes, Holyday, Jenkins, Li Preti, Mihevc, Nunziata, Palacio, Pitfield, Stintz, Thompson, Walker, Watson
No - 16	
Councillors:	Ashton, Balkissoon, Bussin, Cho, Di Giorgio, Feldman, Fillion, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Soknacki

Carried by a majority of 6.

Councillor Pitfield, on July 20, 2004, at 10:14 a.m., moved that Council vary the order of its proceedings to consider Policy and Finance Committee Report 6, Clause 1, headed

“Recycling/Litter Bins Program – Options for Acquiring 1,000 Additional Bins”, as a ‘time sensitive’ item, the vote upon which was taken as follows:

Yes - 28	
Councillors:	Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Grimes, Holyday, Jenkins, Li Preti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Walker, Watson
No - 6	
Mayor:	Miller
Councillors:	Filion, Giambrone, Kelly, Lindsay Luby, Moscoe

Carried by a majority of 22.

Councillor Jenkins, on July 20, 2004, at 10:20 a.m., moved that Council vary the order of its proceedings to consider Planning and Transportation Committee Report 5, Clause 1, headed “Status Report on Negotiations of Ratepayer Appeals on the New Official Plan”, as a ‘time sensitive’ item, which carried.

Councillor Di Giorgio, on July 20, 2004, at 10:21 a.m., moved that Council vary the order of its proceedings to consider Policy and Finance Committee Report 6, Clause 15, headed “Development of Transitional Housing and Housing with Supports, Request for Proposal No. 9155-04-7016 (Wards 12, 20, 27 and 31)”, on Thursday, July 22, 2004, during the morning session of the meeting, immediately following Council’s consideration of ‘quick’ items, which carried.

Councillor De Baeremaeker, on July 20, 2004, at 10:22 a.m., moved that Council vary the order of its proceedings to consider Administration Committee Report 5, Clause 20, headed “Potential Exchange of Lands with Village Securities Limited (Ward 42 – Scarborough-Rouge River)”, as a ‘time sensitive’ item, which carried.

Councillor Pitfield, on July 20, 2004, at 10:40 a.m., moved that Council vary the order of its proceedings to consider Policy and Finance Committee Report 6, Clause 1, headed “Recycling/Litter Bins Program – Options for Acquiring 1,000 Additional Bins”, as the first item of business when Council reconvenes at 2:00 p.m. today, immediately following Council’s consideration of ‘quick’ items, which carried.

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

July 20, 2004:

Deputy Mayor Pantalone in the Chair.

Deputy Mayor Pantalone, at 12:27 p.m., proposed that Council now recess and reconvene at 2:00 p.m. Council concurred in the proposal by Deputy Mayor Pantalone.

July 21, 2004:

Deputy Mayor Bussin in the Chair.

Councillor Giambrone, at 12:07 p.m., due to a disruption in the proceedings of Council, moved that Council now recess and reconvene at 2:00 p.m. today, which carried.

July 22, 2004:

Deputy Mayor Bussin in the Chair.

Councillor Rae, at 5:46 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement to adjourn at 6:00 p.m. today, and that Council continue in session, in order to conclude consideration of all matters remaining on the Order Paper for this meeting of Council, the vote upon which was taken as follows:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Feldman, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Moscoe, Palacio, Pitfield, Rae, Thompson, Watson
No - 6	
Councillors:	Del Grande, Li Preti, Ootes, Pantalone, Saundercook, Stintz

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

10.136 ATTENDANCE

Deputy Mayor Bussin in the Chair.

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Councillor Jenkins, seconded by Councillor Ashton, moved that the absence of Councillor Augimeri from this meeting of Council, be excused, which carried.

July 20, 2004	9:35 a.m. to 12:27 p.m.*	2:05 p.m. to 7:30 p.m.*
Miller	x	x
Altobello	x	x
Ashton	x	x
Augimeri	-	-
Balkissoon	x	x
Bussin	x	x
Carroll	x	x
Cho	x	x
Chow	x	x
Cowbourne	x	x
Davis	x	x
De Baeremaeker	x	x
Del Grande	x	x
Di Giorgio	x	x
Feldman	x	x
Filion	x	x
Fletcher	x	x
Ford	x	-
Giambrone	x	x
Grimes	x	x
Hall	x	x
Holyday	x	x
Jenkins	x	x
Kelly	x	x
Li Preti	x	x
Lindsay Luby	x	x
Mammoliti	x	x
McConnell	-	-
Mihevc	x	x
Milczyn	x	x

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July 21, 2004	9:40 a.m. to 12:07 p.m.*	Roll Call 11:06 a.m.	2:10 p.m. to 5:35 p.m.*	Roll Call 4:05 p.m.	Roll Call 4:35 p.m.	Roll Call 5:08 p.m.
Del Grande	x	x	x	-	-	-
Di Giorgio	x	-	x	x	x	x
Feldman	x	x	x	x	x	x
Filion	x	-	x	x	x	x
Fletcher	x	-	x	x	x	-
Ford	x	-	x	-	-	-
Giambrone	x	x	x	x	x	-
Grimes	x	-	x	-	-	-
Hall	x	x	x	x	x	x
Holyday	x	x	x	x	x	x
Jenkins	x	x	x	x	x	x
Kelly	x	x	x	-	-	x
Li Preti	-	-	x	-	-	-
Lindsay Luby	x	x	x	-	-	x
Mammoliti	x	x	x	-	-	-
McConnell	-	-	x	x	x	-
Mihevc	x	x	x	x	x	x
Milczyn	x	x	x	-	-	x
Minnan-Wong	x	-	x	-	-	-
Moscoe	x	x	x	x	x	x
Nunziata	x	x	x	x	-	x
Ootes	x	x	x	-	-	x
Palacio	x	x	x	x	x	x
Pantalone	x	-	x	x	x	x
Pitfield	x	x	x	x	-	-
Rae	x	x	x	x	x	x
Saundercook	x	x	x	x	x	x
Shiner	x	x	x	-	-	-
Soknacki	-	-	x	-	-	-
Stintz	x	-	x	-	x	-
Thompson	x	x	x	-	-	-

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July 21, 2004	9:40 a.m. to 12:07 p.m.*	Roll Call 11:06 a.m.	2:10 p.m. to 5:35 p.m.*	Roll Call 4:05 p.m.	Roll Call 4:35 p.m.	Roll Call 5:08 p.m.
Walker	x	x	x	x	x	x
Watson	x	x	x	x	x	x
Total	41	27	43	28	26	26

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

July 21, 2004	Ctte. of the Whole in-Camera 5:40 p.m.	Roll Call 6:06 p.m.	6:06 p.m. to 7:30 p.m.*
Miller	x	x	x
Altobello	x	x	x
Ashton	x	x	x
Augimeri	-	-	-
Balkissoon	-	-	-
Bussin	x	x	x
Carroll	x	x	x
Cho	-	-	-
Chow	x	-	-
Cowbourne	x	x	-
Davis	x	x	x
De Baeremaeker	x	-	x
Del Grande	-	-	-
Di Giorgio	x	x	x
Feldman	x	x	x
Filion	x	-	x
Fletcher	x	x	x
Ford	-	-	-
Giambrone	x	-	x
Grimes	-	-	-
Hall	x	x	x
Holyday	x	x	x
Jenkins	x	x	x
Kelly	x	-	x
Li Preti	-	-	-

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July 21, 2004	Ctte. of the Whole in-Camera 5:40 p.m.	Roll Call 6:06 p.m.	6:06 p.m. to 7:30 p.m.*
Lindsay Luby	x	x	x
Mammoliti	-	-	-
McConnell	-	-	-
Mihevc	x	x	x
Milczyn	x	-	-
Minnan-Wong	-	-	-
Moscoe	x	x	x
Nunziata	x	x	x
Ootes	x	x	x
Palacio	-	x	x
Pantalone	x	x	x
Pitfield	x	x	x
Rae	x	x	x
Saundercook	x	x	x
Shiner	-	-	-
Soknacki	x	x	x
Stintz	-	x	x
Thompson	x	x	x
Walker	x	-	-
Watson	x	x	x
Total	32	27	30

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

July 22, 2004	9:40 a.m. to 12:30 p.m.*	Roll Call 2:10 p.m.	2:10 p.m. to 6:30 p.m.*
Miller	x	x	x
Altobello	x	x	x
Ashton	x	-	x
Augimeri	-	-	-
Balkissoon	x	-	-
Bussin	x	x	x
Carroll	x	-	x

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July 22, 2004	9:40 a.m. to 12:30 p.m.*	Roll Call 2:10 p.m.	2:10 p.m. to 6:30 p.m.*
Cho	x	-	x
Chow	x	-	x
Cowbourne	x	-	x
Davis	x	-	x
De Baeremaeker	x	x	x
Del Grande	x	x	x
Di Giorgio	x	x	x
Feldman	x	-	x
Filion	x	-	x
Fletcher	x	-	x
Ford	x	-	x
Giambrone	x	-	x
Grimes	x	-	-
Hall	x	x	x
Holyday	x	x	x
Jenkins	x	-	x
Kelly	x	-	x
Li Preti	x	x	x
Lindsay Luby	x	x	x
Mammoliti	x	x	x
McConnell	-	-	-
Mihevc	x	x	x
Milczyn	x	x	-
Minnan-Wong	x	-	x
Moscoe	x	x	x
Nunziata	x	-	x
Ootes	x	x	x
Palacio	x	x	x
Pantalone	x	x	x
Pitfield	x	-	x
Rae	x	x	x
Saundercook	x	x	x
Shiner	x	x	x

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July 22, 2004	9:40 a.m. to 12:30 p.m.*	Roll Call 2:10 p.m.	2:10 p.m. to 6:30 p.m.*
Soknacki	x	x	x
Stintz	x	x	x
Thompson	x	x	x
Walker	x	x	x
Watson	x	x	x
Total	43	25	40

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

Council adjourned on July 22, 2004 at 6:30 p.m.

**DAVID R. MILLER,
Mayor**

**ULLI S. WATKISS,
City Clerk**

ATTACHMENT 1 [Notice of Motion J(2)]

Report dated July 12, 2004, from the Acting Commissioner of Works and Emergency Services, entitled "Encroachment Agreement on City's Spadina Storm Trunk Sewer Easement at 70 Poplar Plains Crescent (the 'Property') Ward 22 - St. Paul's". (See Minute 10.71, Page 84):

Purpose:

To seek Council's authority to amend the existing encroachment agreement permitting the property owners to construct a second floor addition on the existing dwelling within the City's Spadina storm trunk sewer easement area at the property.

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendation:

It is recommended that appropriate City staff be authorized and directed to amend the existing encroachment agreement with the property owners, permitting them to construct a second floor addition on the existing dwelling within the City's Spadina storm trunk sewer easement area at the property, on such terms and conditions as may be required by the Acting Commissioner of Works and Emergency Services and the City Solicitor.

Background:

Sandra Elizabeth MacGiuvray, the former owner of the property, entered into an encroachment agreement with the former Municipality of Metropolitan Toronto in May 1989. The encroachment agreement, registered as Instrument Number C577192, permits the owner to construct a brick garage, study, stairway and a driveway and to maintain the new driveway on and within the City's Spadina storm trunk sewer easement area ("Easement Area").

Tamara Rebanks and James Appleyard (the "Current Owners"), purchased the Property in August 2003 and, by Instrument Number AT263098, have assumed the obligations of the encroachment agreement.

The Current Owners have applied to the City for permission to construct a second floor addition ("Proposed Works") on the existing dwelling that encroaches onto the Easement Area. They have submitted a set of drawings prepared by JAP Design Studio dated March 4, 2004. Tom Zeniuk, P. Eng. of TAK Engineering Ltd., the Current Owners' consulting engineer, has provided a letter dated June 18, 2004 in support of the application. The letter concluded that the existing storm sewer

will withstand the incremental load resulting from the Proposed Works. Staff has reviewed the letter from Tom Zeniuk and found it acceptable.

Comments:

On the basis of the Current Owners' consulting engineer's conclusion with respect to the strength of the existing sewer and in view of the existing encroachments, this Department has no objection to the Proposed Works. Further, the Current Owners have agreed to accept full responsibility and liability for the Proposed Works and agree to indemnify the City for any resultant damage to the existing sewer or easement.

Due to the specific nature of the existing encroachment agreement, an amendment is required to permit the Proposed Works. With the exception of the provision for the Proposed Works, the terms and conditions of the existing encroachment agreement shall remain unchanged.

The Current Owners have been advised that notwithstanding the consent by the City to permit the Proposed Works within the Easement Area, it is their responsibility to obtain any other approvals that may be required for such Proposed Works.

City Legal Services has been consulted in the preparation of this report.

Conclusion:

This Department has no objection to the Proposed Works and requests Council's authority for appropriate City staff to amend the existing encroachment agreement so that the new owners can proceed with the construction of the Proposed Works.

Contact:

Wai Yeung, P. Eng.
Acting Manager
Standards, Policies & Quality Assurance
Phone: 416- 338-5629
Fax: 416-392-8241
E-mail: Wyeung2@toronto.ca

ATTACHMENT 2 [Notice of Motion J(5)]

Report dated July 5, 2004, from the Commissioner of Urban Development Services, entitled "Reallocation of Funds within the Waterfront Capital Account". (See Minute 10.74, Page 90):

Purpose:

To advise Council of a reallocation of a portion of funding within the Waterfront Capital Account for 2004.

Financial Implications and Impact Statement:

This report outlines the details of a reallocation of \$2.175 million of the City's 2004 contribution to the Toronto Waterfront Revitalization Corporation (TWRC), approved by Council at the level of \$25.955 million (net). This reallocation will have no net impact on the Waterfront Capital budget, but will permit the City to release its 2004 funding to the TWRC in a manner that better reflects the Waterfront Corporation's updated work plan for the year.

The Chief Financial Officer and Treasurer has reviewed this report and concurs with the financial impact statement.

Recommendation:

It is recommended that this report be received for information.

Background:

During its consideration of the City's 2004 capital and operating budget at its special meeting on April 19 to 23 and 26 to 28, 2004, City Council approved a capital allocation for the Waterfront Revitalization Initiative of \$26.159 million (net). A majority of this amount, totalling \$25.955 million, represented the City's contribution to the TWRC for the year. These funds are expected to be matched by the federal and provincial governments and will result in a total of \$77.866 million being made available to the TWRC for investment in Waterfront revitalization.

The timing of the City's budget process necessitated that funding allocations be developed during the summer of 2003, when the TWRC was still in the process of retaining staff to bring appropriate expertise in-house, and refining its work plan for its 2004/05 fiscal year which began on April 1, 2004.

In addition, transitions at the federal level in 2003 and 2004 resulted in funding delays and the inability to finalize Contribution Agreements among the four parties. While these issues have been successfully resolved, they necessitated the temporary slowdown of selected TWRC's initiatives until

June of 2004, and a repriorization of 2004/05 activities.

As a result, a reallocation of \$2.175 million within the approved Waterfront Capital budget of \$25.955 million is required to more accurately and effectively reflect the TWRC's revised work plan and organizational capacity for the year. Proposed reallocations do not hamper implementation of priority Waterfront projects and are summarized in Table 1 below.

Table 1 - \$Ms, City's 1/3 share

Initiative	Proposed Reallocation (net)
1. TWRC Corporate Costs	\$.567
2. Portlands Preparation	.590
3. Harbourfront - Water's Edge	.139
4. Precinct Planning	<u>.879</u>
Total Increased Allocations	<u>2.175</u>
5. Studies	-.093
6. Queen's Quay LRT EA	-.085
7. E. Bayfront/W. Donlands Precinct Development	<u>-1.997</u>
Total Decreased Allocations	<u>-2.175</u>
Total Net Impact	0

Comments:

The following explains each of the recommended reallocations.

1. Increase TWRC Corporate Costs by \$1.7 million (gross)/\$.567 million (net)

Over the past year, the TWRC has hired staff in order to bring expertise in-house and to reduce its reliance on external consultants. This necessitates an increase to Corporate costs, but has allowed the TWRC to realize a \$2.1 million (gross) reduction in consultants' fees from 2003/04 actual expenditures for architectural, accounting/procurement and Program Management services.

2. Augment Portlands Preparation Project by \$1.770 million (gross)/\$.590 million (net)

This increase results from reallocating the "Studies" and "Queen's Quay LRT EA" accounts (items 5 and 6 in Table 1) to the Portlands Preparation Project where they are more appropriately funded, and providing additional funds for other priority transit and environmental initiatives to be undertaken

during the year. The latter are required to expedite, among other things, the delivery of transit services to the East Bayfront and West Donlands precincts.

For consistency, the pre-2004 balance in the "Studies" account of \$1.314 million (gross)/\$.438 million (net) will be similarly reallocated.

3. Increase Harbourfront – Water's Edge by \$.416 million (gross)/\$.139 million (net)

The proposed increase will reflect the TWRC's refined workplan for the Project for 2004/05.

4. Increase Precinct Planning by \$2.636 million (gross)/\$.879 million (net)

This increase reflects the fact that a Contribution Agreement for Precinct Planning has recently been signed by the three governments and the TWRC. This funding will allow the completion of the East Bayfront and West Donlands Precinct Development Strategies, as well as commencement of plans for the Port Lands and Lower Yonge Street. The precinct planning process represents the first major step in the revitalization process. Continuation of these processes will significantly advance Waterfront Revitalization.

1. Reduce East Bayfront and West Donlands Precinct Development by \$5.990 million (gross)/\$1.997 million (net)

The original balance of \$6.500 million (gross)/\$2.167 million (net) represented a preliminary estimate of funds required by the TWRC to begin early construction of public spaces in the East Bayfront and the West Donlands precincts. At the time of the City's budget approval, specific initiatives required further definition. The revised balance of \$.510 million (gross)/\$.170 million (net) will provide for the work that the TWRC will be able to realistically accomplish in 2004/05, specifically the commencement of construction of the West Donlands berm and culvert.

Conclusion:

The proposed reallocation of a portion of the City's 2004 contribution to the TWRC will permit the City to release its 2004 funding in accordance with the Corporation's priorities and revised workplan for the year.

Contact:

Elaine C. Baxter-Trahair
Waterfront Project Director
(416) 397-4083
email: ebaxter@toronto.ca

Concurrence with Financial Impact Statement provided by:
Josie Lavita, Director
Financial Planning Division, Finance Department
(416) 397-4229
email: jlavita@toronto.ca

ATTACHMENT 3 [Notice of Motion J(10)]

Report dated July 16, 2004, from the Chief Financial Officer and Treasurer, entitled “2004 Levy on Institutions under Section 323 of the *Municipal Act*”. (See Minute 10.79, Page 97):

Purpose:

To obtain Council’s authority for the adoption of by-laws for the levying and collection of taxes for the 2004 taxation year for public hospitals, universities and colleges, and correction facilities (the “Institutions”).

Financial Implications:

Revenue of \$12.6 million will be raised through the 2004 levy on the institutions as outlined in this report.

Recommendations:

It is recommended that:

- (1) Council authorize the levy of taxes for the 2004 taxation year on hospitals, colleges and universities and correctional facilities as authorized by Section 323 of the *Municipal Act, 2001*;
- (2) the maximum prescribed amount of \$75.00 be applied per provincially rated hospital bed, full time student, or resident place; and
- (3) authority be granted for the introduction of the necessary bills in Council to levy taxes for the year 2004 on hospitals, colleges and universities and correctional facilities in the form or substantially in the form of the draft by-laws attached hereto.

Background:

Section 323 of the *Municipal Act, 2001* provides for municipalities to pass by-laws to levy an annual tax on colleges and universities, hospitals and correctional institutions in an amount not to exceed the prescribed amount. O.Reg. No 384/98, as amended, prescribes a rate of \$75.00. The taxes levied are calculated based on a per annum rate for each full time student, provincially-rated bed or resident place respectively as determined by the owner Ministry of each facility.

At its meeting held on July 24, 25 and 26, 2001, City Council adopted a resolution requesting the Province to increase the prescribed rate of \$75.00. However, to-date no changes have been made

to the prescribed rate of \$75.00 and no changes are contemplated based on discussions with staff at the Ministry of Finance.

At its meeting of July 22, 23 and 24, 2003, City Council, when adopting the 2003 Levy By-law for Institutions, requested the Minister of Municipal Affairs and Housing to amend the number of full time students to reflect the increase in students attending Universities and Colleges as a result of the double cohort, no later than September 15, 2003. Although no amendments were received for 2003, the number of students for 2004 has increased per Table 1 below.

Comments:

As the City has no authority to levy a rate other than the rate prescribed, it is recommended that for the year 2004, the City levy \$75.00 for each full time student, provincially-rated bed or resident place, in accordance with O. Reg. No. 384/98, as amended.

The by-laws before Council provide for levies on institutions in Toronto for 2004. The total levied on these facilities is:

Universities and Colleges	\$11,324,850
Public Hospitals	\$1,128,225
Correctional Facilities	<u>\$137,175</u>
Total	<u>\$12,590,250</u>

The recommended due date for payment is October 1, 2004.

Table 1, below, compares the 2004 levy to 2003. The number of students attending universities and colleges has increased by 17,616 which results in the 2004 levy increase of \$1.3 million over 2003.

Table 1: 2004 Institutional Levy Compared to 2003

	No. of Students/Beds/Placements			Levy Amount (\$)		
	2004	2003	Year over Year Change	2004	2003	Year over Year Change
Universities & Colleges	150,998	133,382	17,616	\$11,324,850	\$10,003,650	\$1,321,200
Hospitals	15,043	15,043	0	\$1,128,225	\$1,128,225	0
Correctional Facilities	1,829	1,887	(58)	\$137,175	\$141,525	(\$4,350)
TOTAL	167,870	150,312	17,558	\$12,590,250	\$11,273,400	\$1,316,850

Conclusions:

This report requests authorization to levy taxes for the 2004 taxation year on hospitals, colleges and universities and correctional facilities based on the maximum prescribed amount of \$75.00 for each full time student, provincially rated bed or resident place, in accordance with O. Reg. No. 297/03.

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Carmela Romano, Manager, Property Taxation and Assessment (416) 395-6730

List of Attachments:

Appendix A: Draft By-law – Universities and Colleges

Appendix B: Draft By-law – Public Hospitals and Provincial Mental Health Facilities

Appendix C: Draft By-law – Correctional Facilities

(Appendices A, B and C are on file in the City Clerk's Office.)

ATTACHMENT 4 [Notice of Motion J(11)]

Report dated July 16, 2004, from the Chief Financial Officer and Treasurer, entitled ‘2004 Levy of Railway Roadways and Rights of Way and on Power Utility Transmission and Distribution Corridors’. (See Minute 10.80, Page 100):

Purpose:

To enact a by-law to levy and collect taxes for the 2004 taxation year on roadways and rights of way of railways and on transmission and distribution corridors owned by power utilities.

Financial Implications:

Revenue of approximately \$8.8 million (\$7.2 million City share and \$1.6 million Education share) will be raised in 2004 by levying and collecting taxes on railway roadways and rights of ways and on power utility transmission and distribution corridors. The total 2003 levy for these properties was \$9.5 million and the City’s 2004 Budget reflects the \$7.2 million municipal levy estimate. The 2004 reduction (approximately \$0.7 million) is due to the annual provincial mandated reduction in rates to 2005.

Recommendation:

It is recommended that:

- (1) Council authorize the levy and collection of taxes for the 2004 taxation year on roadways and rights of way of railways and on transmission and distribution corridors owned by power utilities, in accordance with subsection 315 (1) of the *Municipal Act, 2001* and subsection 257.7(1) of the *Education Act*;
- (2) authority be granted for the introduction of the necessary bill in Council to levy taxes for the year 2004 on such roadways and rights of way and transmission and distribution corridors; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

A. The Levy

Subsection 315 (1) of the *Municipal Act, 2001* requires municipalities, in accordance with the regulations, to levy an annual tax for municipal purposes on railway roadways and rights of ways and

on transmission and distribution corridors owned by certain power utilities.

Subsection 257.7(1) of the *Education Act* requires municipalities to levy and collect taxes based on the rates prescribed for school purposes on the railway and power utility lands described in subsection 315 (1) of the *Municipal Act, 2001*.

B. The Rates and Acreage

Ontario Regulations 387/98 and 392/98, as amended, have prescribed the applicable rates for railway and power utility rights of way acreage levies since 1998. Different rates are set based on geographic areas, i.e., municipalities, regional or county governments. These regulations set two sets of rates:

- (a) “Mature rates” – These rates currently apply to all railway and power utility rights of way that are not owned by the same owner as in December, 1997, and these rates will apply to all railway and power utility rights of way in 2005. For some municipalities (including the City of Toronto), the “mature rates” are lower than the “transition rates”, while for others they are higher.
- (b) “Transition rates” – These rates currently apply to railway rights of way that are owned by the same prescribed owner as in December, 1997. These rates have been prescribed so as to move toward the mature rates by 2005. Appendix A, attached, identifies the rates for 1998 to 2005 for railway rights of way. The transition rates applied to power utility rights of way owned by the former Ontario Hydro by way of payments-in-lieu of taxes paid to the City by the former Ontario Hydro, but ceased to apply upon the transfer of such rights of way to the newly created Generation Corporation and Services Corporation in April, 1999. The Generation Corporation and the Services Corporation are now subject to a levy at the mature rate.

The other component in the calculation of taxes on railway rights of way is the ‘acreage’ of the land. The Municipal Property Assessment Corporation (MPAC) provides the acreage numbers on the returned assessment roll.

C. 2003 Council Direction

In 1998, the Province enacted Ontario Regulations 387/98 (re: city portion of the acreage taxes) and 392/98 (re: education portion of acreage taxes) which introduced new acreage rates (referred to as “maturity” rates) that will apply to all railway and power utility rights of way in 2005. These new acreage rates (i.e. maturity rates) are being phased-in starting in 1999 and will be completed by 2005. Each year, the Province files a regulation authorizing and confirming the annual reduced acreage rate as set out in the 1998 regulations. By 2005, the mature rate will be achieved. For some municipalities, such as Toronto, these maturity rates represent a gradual reduction in the annual acreage rate levied each year. For other municipalities, the opposite is true.

At its meeting held on September 22 to 25, 2003, City Council formally objected to the Province's reduction in the rates for these lands and requested the Province to begin discussions with the City of Toronto and the Association of Municipalities of Ontario (AMO), in the event that the Province contemplates further changes, before any new regulation are introduced.

The Province has not contemplated any changes to the 1998 regulations and the 2005 maturity rates contained therein. As such, consultations with AMO and /or the City of Toronto were not initiated. The only review undertaken by provincial staff was with respect to those municipalities experiencing an increase as a result of the 1998 regulations. In 2001, the Province "froze" the rates for those municipalities experiencing an increase. However, in 2004 that freeze was lifted and all municipalities will be at the maturity rates defined by Ontario Regulations 387/98 and 392/98 by 2005.

Comments:

To calculate the levy on acreage properties the City of Toronto requires acreage figures for each acreage property and the applicable tax rates. The acreage figures are provided to the municipalities by MPAC on the returned assessment roll each year and are therefore currently available for the 2004 taxation year. The tax rates are prescribed by provincial regulation every year as amendments to O. Reg. 387/98 (to calculate the city portion of taxes) and O. Reg. 392/98 (for the education portion of taxes). The regulation prescribing the 2004 rates was filed on June 30, 2004 as O. Reg. 200/04.

The tax rates set out in Table 1 below are the applicable rates for 2004 for railway roadways and rights of way and power utility transmission and distribution corridors.

Table 1
Rates to be levied for 2004 on Railway Roadways or Rights of Way and on Power
Utility Transmission or Distribution Corridors
(Based on amendments to O. Reg. 387/98 and O. Reg. 392/98 as at 2004)

Company	Municipal Taxes per Acre	Education Taxes per Acre	Total taxes per Acre
Canadian National Railway	\$838.36	\$1,100.37	\$1,938.73
Canadian Pacific Railway	\$828.06	\$1,082.53	\$1,910.59
Greater Toronto Transit Authority –(GO) -Note (i)	\$611.33	\$0.00	\$611.33
Power Utility - Hydro One –Note (ii)	\$834.02	\$1,208.66	\$2,042.68

(i) *Greater Toronto Services Board Act, 1998* exempted the real property owned by the Greater Toronto Transit (GO Transit) from education taxes. Pursuant to *Go Transit Act, 2001*, as of January 1, 2002, GO Transit became a Crown Agency of the Province. It is exempt from property taxes but subject to payment-in-lieu taxes.

(ii) As certified by the Ministry of Consumer and Commercial Relations in May 2000, the name of the corporation 'Ontario Hydro Networks Company Inc.' was changed to 'Hydro One Networks Inc'.

Appendix A to this report provides the 'transition rates' in Charts 1 and 2, as prescribed by

provincial regulation in 2004, as amendments to O. Reg. 387/98 (to calculate the city portion of taxes) and O. Reg. 392/98 (for the education portion of taxes).

The estimated revenue for 2004 from all the railway and power utility rights of way is approximately \$8.8 million, of which the City share is \$7.2 million and the education share is \$1.6 million. Of the \$7.2 million City share, \$81,202.96 will be received in the form of payment-in-lieu of taxes from GO Transit. Pursuant to *GO Transit Act, 2001*, as of January 1, 2002, GO Transit became a Crown Agency of the Province. It is now exempt from property taxes but subject to payment-in-lieu of taxes.

Conclusion:

As provided in the *Municipal Act, 2001*, the levy on railway roadways or rights of way and on power utility transmission or distribution corridors are calculated based on their acreages multiplied by the 'rate per acre' prescribed annually by the province. This report requests authority to introduce the necessary bill in Council to prescribe tax rates for 2004 and to issue tax bills, based on the provincial regulations of 2004.

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Attachment: Appendix A – Acreage Rates for Railway Rights of Way and Power Utility
Transmission Corridors, 1998 to 2005

Minutes of the Council of the City of Toronto
July 20, 21 and 22, 2004

APPENDIX A

Chart 1

Phase-in Rates for Railway Rights of Way from 1998 to 2005
(Based on amendments to O. Reg. 387/98 and O. Reg. 392/98 as at 2004)

	1998 Rates	1999 Rates	2000 Rates	2001 Rates	2002 Rates	2003 Rates	2004 rates	2005 Rates
Municipal Rates								
Canadian National Railway	\$2,196.61	\$1,973.51	\$1,746.48	\$1,519.45	\$1,292.42	\$1,065.39	\$838.36	\$611.33
Canadian Pacific Railway	\$2,113.11	\$1,911.69	\$1,694.96	\$1,478.24	\$1,261.51	\$1,044.78	\$828.06	\$611.33
Toronto Terminal Railway – Note (i)	\$13,386.35	\$11,275.71	\$9,498.31					
Greater Toronto Transit Authority – (GO Transit)			\$611.33	\$611.33	\$611.33	\$611.33	\$611.33	\$611.33
Education Rates								
Canadian National Railway	\$2,761.53	\$2,488.79	\$2,211.11	\$1,933.42	\$1,655.74	\$1,378.06	\$1,100.37	\$822.69
Canadian Pacific Railway	\$2,622.26	\$2,381.71	\$2,121.87	\$1,862.04	\$1,602.20	\$1,342.36	\$1,082.53	\$822.69
Toronto Terminal Railway – Note (i) + (ii)	\$16,667.00	\$14,054.52	\$11,849.22					
Greater Toronto Transit Authority –(GO Transit) - Note (iii)			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

- (i) The Rights of Way previously owned by Toronto Terminal Railway was purchased by Greater Toronto Transit Authority (GTTA) in July 2000. The mature rates apply with the transfer of ownership.
- (ii) O. Reg. 132/02 revised the education rates for Toronto Terminal Railway for 1999 and 2000.
- (iii) GTTA (GO Transit) was exempt from education taxes. GO Transit makes payments-in-lieu of municipal taxes only.

Chart 2

Applicable Rates for Power Utility Transmission Corridors from 1998 to 2005
(Based on amendments to O. Reg. 387/98 and O. Reg. 392/98 as at 2004)

	1998 Rates	1999 Rates	2000 Rates	2001 Rates	2002 Rates	2003 Rates	2004 Rates	2005 Rates
Municipal Rates								
Ontario Hydro – Note (i)	\$5,361.90	\$4,887.73						
Generation and Service Corporations		\$834.02	\$834.02	\$834.02				
Hydro One – Note (iii)					\$834.02	\$834.02	\$834.02	\$834.02
Education Rates								
Ontario Hydro – Note (i) + (ii)	\$0.00	\$0.00						
Generation and Service Corporations		\$1,208.66	\$1,208.66	\$1,208.66				
Hydro One					\$1,208.66	\$1,208.66	\$1,208.66	\$1,208.66

- (i) In accordance with the *Energy Competition Act, 1998*, effective April 1, 1999, Ontario Hydro was restructured into new private corporations. Prior to this transfer, they were subject to 'payment-in-lieu'. Effective April 1, 1999, the 'mature acreage rates' (the rates prescribed to apply in 2005) applied with the change in ownership.
- (ii) No distribution to School Board – Prior to April 1, 1999, in the revenue sharing arrangement with respect to Ontario Hydro commercial and industrial properties, the City retained the education and municipal portion of taxes. Notwithstanding the taxable status of the Generation and Service Corporations, section 361.1 of the *Municipal Act* was amended effective April 1, 1999 to establish that the taxes payable were included in the definition of PIL properties. This allowed the City to continue to retain both the municipal and education portion of taxes.
- (iii) As certified by the Ministry of Consumer and Commercial Relations, in May 2000, the name of the corporation 'Ontario Hydro Networks Company Inc.' was changed to 'Hydro One Networks Inc'. The revenue sharing arrangement (City retains education portion of taxes) continues to apply

as applied to Generation and Service Corporations before.

ATTACHMENT 5 [Notice of Motion J(12)]

Report dated July 12, 2004, from the Commissioner of Urban Development Services, entitled "Final Report, Application for Part Lot Control Exemption 203a, 205b and 207a Raglan Avenue, Atlas Life Style Development Inc. File No. 04155456 STE PL, St. Paul's (Ward 21)". (See Minute 10.81, Page 102):

Purpose:

The purpose of this application is to request renewal of exemption from part lot control in order that three remaining semi-detached dwelling units previously exempt from part lot control may continue to be conveyed into separate ownership.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) the application be approved;
- (2) the City Solicitor be authorized to introduce the necessary Bill in Council to give effect to Recommendation (1);
- (3) the by-law respecting the exemption shall expire three months from the date of enactment;
- (4) staff obtain proof of payment of all current property taxes for the subject site from the owner prior to the enactment of the Part Lot Control Exemption By-law; and
- (5) the appropriate City officials be authorized and directed to register the By-law on title.

Background:

The subject lands together with abutting lands were rezoned by By-law No. 122-2003 in order to permit a residential development consisting of 3 pairs of semi-detached dwelling units at 203, 205 and 207 Raglan Avenue. Site Plan Approval for the development was granted on March 10, 2003.

On June 26, 2003, Council passed By-law 516-2003 to exempt the subject lands and abutting lands from part lot control in order to convey separate freehold parcels for the semi-detached dwelling development. By-law 516-2003 expired on June 25, 2004. Prior to its expiry, three of the 6 semi-detached dwelling lots were created and sold. The remaining parcels cannot be conveyed because the part lot control by-law has expired.

Proposal:

The applicant is requesting a renewal of exemption from part lot control in order to permit the remaining semi-detached dwellings to be conveyed as freehold units.

Comments:

The release of part lot control would permit the conveyance of each semi-detached unit and lot to be held under separate ownership.

Access easements that apply to the proposed lots have been reviewed with the previous part lot control exemption by-law and have been incorporated in the title descriptions for the conveyance of the individual lots.

The applicant has advised that two of the remaining lots are to be conveyed by late August 2004, and the last remaining lot will in effect be created for conveyance at any time. It is recommended that the exempting by-law expire three months after being enacted to provide sufficient time for completion of the conveyances to establish individual lots.

A Reference Plan of Survey in metric units and referenced to the Ontario Co-ordinate System, delineating thereon by separate Parts the land to be exempt from Part Lot Control and appurtenant rights-of-way and easements that was submitted with the previous part lot control exemption application continues to apply.

Conclusions:

The proposal complies with the Official Plan designation and site specific zoning (Council approved February 7, 2003). A full review by staff was conducted as part of the rezoning and site plan approval process. The lifting of Part Lot Control on the subject lands is considered appropriate for the orderly development of the lands and will permit the conveyance of the remaining lots. However, the Part Lot Control By-law should provide for a three month expiry date.

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List of Attachments:

Attachment 1: Parcel Subject to Part Lot Control Exemption Application

(Attachment 1 to this report is on file in the City Clerk's Office.)

ATTACHMENT 6 [Notice of Motion J(19)]

Communication dated July 15, 2004, from the Toronto Preservation Board, entitled “40 Kingswood Road (George Davis House) – Intention to Designate the Property under Part IV of the *Ontario Heritage Act*”. (See Minute 10.88, Page 113):

Recommendation:

The Toronto Preservation Board endorsed the designation of the property at 40 Kingswood Road (George Davis House) under Part IV of the *Ontario Heritage Act* and directed that City Council be advised of the Board’s Action.

Background:

The Toronto Preservation Board at its meeting held on July 15, 2004, was advised that Councillor Sandra Bussin would be making a Notice of Motion at the July 20, 2004, City Council meeting recommending that the property at 40 Kingswood Road (George Davis House) be designated under Part IV of the *Ontario Heritage Act*.

The following persons appeared before the Toronto Preservation Board:

- Ron Kanter, McDonald & Hayden LL.P, Barristers and Solicitors;
- Ahmad Motamed, Architect, etude architect inc.; and
- Maurice Bard, Owner.

ATTACHMENT 7 [Notice of Motion J(22)]

Report dated July 16, 2004, from the Commissioner of Urban Development Services, entitled "Supplementary Report, OPA and Rezoning Application 02 035148 SHY 18 OZ, Owner: Marca Development Corporation, Architect: Quadrangle Architects, 1245 Dupont Street, Ward 18 - Davenport" (See Minute 10.91, Page 119):

Purpose:

This report outlines proposed amendments to the Section 37 Agreement related to Official Plan and Zoning By-law Amendments for a mixed-use commercial residential development containing 1600 units at the southwest corner of Dufferin and Dupont Streets, the Galleria Mall. These minor changes are acceptable to the owner and City staff.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council adopt the final form of the Section 37 Agreement with the proposed amendments as described in this report.

Background:

Council, at its meeting of June 22-24, 2004 adopted a final report from the Director, Community Planning South District dated May 25, 2004, that recommended approval of an application to amend the Official Plan and Zoning By-law for a phased mixed-use commercial residential development containing 1600 residential units at the southwest corner of Dufferin and Dupont Streets, the site of the existing Galleria Mall. The final build out of the site includes 6 buildings ranging between 6 and 19 storeys in height as well as a block of twenty, 3-½ storey stacked townhouses. The proposal includes the introduction of 4 new public streets within the site as well as approximately .55 hectares of additional parkland that will complement the existing Wallace-Emerson Park.

The owner and the City have discussed a package of community benefits that contribute to the planning merit of the proposal and implement Official Plan policies that relate to well managed and balanced growth. The May 25, 2004, staff report outlined a list of proposed community benefits as well as a proposed phasing of these benefits, which have been summarized as follows:

- (a) \$325,000.00 towards improvements for the Wallace-Emerson Community Centre to be associated with phase I of the development;

- (b) \$150,000.00 towards improvements for Wallace-Emerson Park. In addition to the parkland dedication, this will be associated with phase II of the development;
- (c) the provision of a 20 year lease for a 2,000 square foot, at grade, non-residential unit to be used for community purposes. The lease would be in favour of the City and the rent would be nominal (i.e., \$1.00 a year). The value of this benefit has been estimated at \$520,000.00. This is to be associated with phase II of the development; and
- (d) \$200,000.00 contribution toward public art to be located on the site. This will be associated with phase III of the development.

In total, the community benefits amount to approximately \$1,195,000.00 in cash and community space. All contributions are to be indexed.

The staff report stated that these benefits and other matters such as phasing of development, the need for updated Traffic Impact Studies with each phase of development, dedication of roads to the City, and TTC requirements are to be secured in a Section 37 Agreement executed between the City and owner.

Comments:

Since the adoption of the staff report, City staff and the owner/applicant have been discussing the details of the Section 37 Agreement. As a result of these discussions, a number of amendments have been proposed with respect to the community benefits. It should be noted that these changes primarily deal with the timing of the implementation of the community benefits, as no changes have been made to the actual community benefits being proposed.

The proposed amendments have been summarized as follows:

- indexing of prices in the agreement will apply to the \$150,000.00 for parks improvements and the \$200,000.00 contribution towards public art and will commence 5 years from the time of the execution of the Section 37 Agreement;
- the parkland dedication is to be implemented over two phases, i.e., the portion of the parkland dedication associated with phase I of the development will be dedicated to the City at the time that phase I is developed and similarly with the development of phase II. The entire parkland dedication is no longer in association with the development of phase II.;
- for the phase I parkland dedication, the owner will be responsible for the base construction of the parkland, including:

- grading (inclusive of topsoil supply and placement);
 - sodding;
 - fencing;
 - all necessary drainage systems;
 - electrical and water connections to the street line; and
 - street trees along all public road allowances abutting City owned parkland;
- if the Community Facility Lease space is vacant for a full year at any time within the term of the 20 year lease, the owner will have the option to lease back the space for 10 percent less than market value. The monies received by the City will be used for community benefits in the immediate area; and
- the City will lease the Community Facility to a non-profit use for no more than the \$2.00 prepaid amount they will pay to the owner of the facility.

Conclusions:

This report outlines changes to the proposed Section 37 Agreement between the City and the owner. The changes primarily deal with the timing of the community benefits.

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ATTACHMENT 8 [Notice of Motion J(43)]

Report dated July 20, 2004, from the Commissioner of Community and Neighbourhood Services and the Chief Financial Officer and Treasurer, entitled "Jobs for Youth Program". (See Minute 10.112, Page 154):

Purpose:

To seek approval to enter into a funding agreement with Province of Ontario and a purchase of service agreement with Tropicana Community Services to deliver the Jobs for Youth program.

Financial Implications and Impact Statement:

The Jobs for Youth program is fully funded by the Government of Ontario through the joint contributions of the Ministries of Community Safety and Correctional Services (MCSCS), Attorney General, Children and Youth Services and Recreation and Tourism, with MCSCS as lead ministry. The total budget for this program is \$500,000.00. The 2004 Approved Operating Budget for the Social Development and Administration Division will be adjusted by \$500,000.00 gross, zero net, to reflect one time funding of this program.

Recommendations:

It is recommended that:

- (1) the Commissioner of Community and Neighbourhood Services be authorized to enter into agreement with MCSCS to receive funds in an amount not to exceed \$500,000.00 as the program costs for Jobs for Youth Program;
- (2) the Commissioner of Community and Neighbourhood Services be authorized to enter into a service agreement with Tropicana Community Services for the delivery of the Jobs for Youth Program;
- (3) the Social Development and Administration Division's 2004 Operating Budget be increased by \$500,000.00 gross, zero net; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

One of the key objectives of Toronto's Community Safety Plan is to increase economic opportunities for youth in at-risk communities. This issue was discussed at the June meeting of the Mayor's Community Safety Panel. The Province of Ontario responded by agreeing to provide the City of Toronto with one time funding in the amount of \$500,000.00 for targeted youth summer employment programming. The creation of the Jobs for Youth program is a helpful and timely addition to the existing range of federal, provincial, and city employment programs for young persons.

Comments:

The Jobs for Youth Program is a 4-6 week summer employment placement program designed to help youth aged 15-24 living in 'at-risk' communities to secure summer employment through the provision of a paid job with an employer. The youth will receive a wage of \$8/hour. Up to 300 youth will be employed through the program in various jobs. All jobs will be fully subsidized.

Jobs for Youth will be delivered through Tropicana Community Services in partnership with other community-based agencies providing services in Malvern, Jane/Finch and Jamestown. Tropicana Community Services is in the process of entering into a formal agreement with Jamaican Canada Association to deliver the program to youth in Jane/Finch. Toronto Community Housing Corporation will provide space in the Dell Management Offices in Jamestown. City staff, through the Youth Employment Job Development initiative, are working with employers interested in hiring youth through the program. City programs and services such as Ontario Works and Youth Employment Toronto provide targeted outreach to youth who, for whatever reasons, have not yet found summer employment.

Conclusions:

The Jobs for Youth program will provide opportunity for youth who were unable to access summer employment to date. This program responds to the needs of youth who would not normally be able to access employment programs that bridge youth to jobs with employers in the community. The Jobs for Youth program will be delivered by Tropicana Community Services, working in co-operation with other youth service providers and various City programs and services.

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ATTACHMENT 9 [Notice of Motion J(49)]

Report dated July 14, 2004, from the Commissioner of Urban Development Services, entitled "Proposed Interim Control Bylaw, Bayview Institutions Area east of Bayview Avenue, File No. 04 157195Z, Ward 26 - Don Valley West". (See Minute 10.118, Page 162):

Purpose:

To recommend approval of an Interim Control By-law for the Bayview Institutions area east of Bayview Avenue to prohibit residential development for a one year period in order to allow Planning Staff time to review the present Multiple Family Dwellings Third Density Zone (RM3) in the former City of North York Zoning By-law 7625.

Financial Implications and Impact Statement:

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

Recommendation:

It is recommended that the proposed Interim Control By-law, pursuant to Section 38 of the *Planning Act*, applying to the Bayview Institutions located east of Bayview Avenue and north of Kilgour Road contained in Attachment 1 to this report be approved for a one year period and that Planning Staff be directed to undertake a review of the zoning regulations which apply to these lands and report back to Community Council within one year.

Background:

The Bayview Institutions area located east of Bayview Avenue and north of Kilgour Road is comprised of four health related institutional uses on separate properties which include; the Canadian National Institute for the Blind (CNIB), the Bloorview MacMillan Centre (Children's Hospital), the Toronto Rehabilitation Institute and associated Lyndhurst Centre and the Centre for Addiction and Mental Health. The land area is 19 hectares (47 acres) and is shown on Attachment 1.

These lands are designated as General Institutional in the former City of North York Official Plan which is intended to accommodate major institutions serving the broader city. While health related residential uses are permitted by the Official Plan, "stand alone" residential uses are not.

The subject lands are designated Institutional in the new City of Toronto Official Plan which also provides for a range of institutional uses and does not permit "stand alone" residential uses.

The lands are zoned RM3 in North York Zoning By-law 7625. Institutional uses including hospitals and nursing homes are permitted with a maximum height of 9.2 metres and an fsi of 0.75 percent.

Residential uses including low rise apartments, townhouses, single, semi-detached and duplex dwellings are permitted. The maximum fsi and height that applies to institutional uses also applies to residential uses (0.75 percent fsi and 9.2 metres in height).

The Bayview Institutions Context Plan provides a development framework to guide the built form of new development for the institutions located east of Bayview Avenue. The adoption of the Context Plan by City Council in October 2001 did not result in any amendments to the existing Official Plan designation of Institutional and the existing residential zoning.

Comments:

The Bayview Institutions located east of Bayview Avenue and north of Kilgour Road are governed by both the North York and new Official Plans which do not permit residential uses and the existing RM3 zoning which does permit residential development.

Due to the existing zoning, the Bayview Institutional properties which includes; the Bloorview MacMillan Centre, the Toronto Rehabilitation Institute and Lyndhurst Centre and the Centre for Addiction and Mental Health have the potential to add and redevelop as residential uses. At issue is whether the redevelopment of the majority of the institutional uses as residential is appropriate and, if so, the identification of the appropriate level of residential development. A key consideration in this regard would be the adequacy of community services, infrastructure and facilities.

The proposed Interim Control By-law contained in Attachment 1 recognizes the planning approvals that are in place for the CNIB and Bloorview MacMillan Centre properties and allows for the expansion of all the existing Bayview institutions in accordance with the existing RM3 zoning by-law. The proposed by-law also recognizes Council's approval of the Official Plan and zoning by-law amendments for the Daniels Midtown Corporation residential development on the CNIB lands and allows for a temporary sales office associated with that development. The by-law prohibits stand alone residential uses on all sites other than the CNIB/Daniels site.

Conclusions:

Planning staff recommend that the proposed Interim Control By-law for the Bayview Institutional uses located east of Bayview Avenue and north of Kilgour Road be approved for a one year period to allow staff to undertake a review of residential land use controls.

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List of Attachments:

1. Proposed Interim Control By-law

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

FISCAL IMPACT STATEMENT SUMMARY
Notices of Motion
Submitted by the Chief Financial Officer and Treasurer
Council Meeting – July 20, 21 and 22, 2004

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
1	Request for Approval of a Special Occasion Permit – Community Festival Event, Parroquia San Lorenzo and the San Lorenzo Latin American Community Centre, ‘Abya Yala’ Festival – Saturday, August 7, 2004 and Sunday, August 8, 2004	\$0	\$0	Consider.
2	Encroachment Agreement on City’s Spadina Storm Trunk Sewer Easement at 70 Poplar Plains Crescent	\$0	\$0	Consider.
3	Amendment of Existing Licences and Easement for Underground Vehicular Passage at the Toronto Eaton Centre to Facilitate Construction of a New Commercial Development at the South West Corner of Bay Street and Dundas Street West	\$0	\$0	Consider.
4	Moon Light Movie Night Series in High Park	\$0	\$0	Consider.
5	Reallocation of Funds within the Waterfront Capital Account	\$0	\$0	Consider.
6	Technical Amendment with respect to the Installation of Speed Humps on Pauline Avenue, from Bloor Street West to Wallace Avenue	\$9,000.00	\$0	See FIS.
7	Prohibition of Day Time Parking on the East Side of Goddard Street, between Sheppard Avenue West and Cocksfield Avenue	\$0	\$0	Consider.
8	Watermain Easements from Province (Ontario Realty Corporation) in Hydro Corridor			<i>Confidential. See FIS.</i>
9	280 Coxwell Avenue - “Adam’s Sports Bar” Application for Proposed Liquor License Application	\$0	\$0	Consider.

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
10	2004 Levy on Institutions under Section 323 of the <i>Municipal Act</i>	\$12,590,250	\$0	See FIS.
11	2004 Levy of Railway Roadways and Rights of Way and on Power Utility Transmission and Distribution Corridors	\$8.8 million	\$0	See FIS.
12	Final Application for Part Lot Control Exemption 203a, 205b and 207a Raglan Avenue	\$0	\$0	Consider.
13	Regent Park – Deferral of Planning Application Fees for Toronto Community Housing Corporation	\$0	\$0	Consider.
14	Noise By-law Exemption for Pan Alive	\$0	\$0	Consider.
15	1st Annual Lakeshore Mardi Gras Festival - August 21 and 22, 2004	\$0	\$0	Consider.
16	Committee of Adjustment Appeal – 1104-1106 Dovercourt Road	\$0	\$0	Consider.
17	Hospitality Workers Resource Centre	\$0	\$0	See FIS. Consider.
18	Appointment of a City Integrity Commissioner			Confidential. See FIS.
19	Intention to Designate the Property at 40 Kingswood Road under Part IV of the <i>Ontario Heritage Act</i>	\$0	\$0	Consider.
20	Ontario Needs a Raise	\$0	\$0	Consider.
21	Appeal to Ontario Municipal Board – Committee of Adjustment Decision 47 Mayfield Avenue	\$0	\$0	Consider.
22	Official Plan and Zoning By-law Amendments – 1245 Dupont Street	\$0	\$0	Consider.
23	Request of Toronto Police Services Board to Rescind Decision Respecting the Chief of Police	\$0	\$0	Consider.
24	Request for Amendments to the <i>Police Services Act</i>	\$0	\$0	Consider.
25	Appointment of a Member of Council to Food and Hunger Action Committee	\$0	\$0	Consider.
26	212 Forest Hill Road – Ontario Municipal Board Appeal	\$0	\$0	Consider.
27	Request for National Registry of Veterans Memorial Dedications	\$0	\$0	Consider.
28	Facilitate Purchase of 530 and 532 St. Clair Avenue West and Lease of		TBD	See FIS. Consider.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
	Strip of Land, 528 St. Clair Avenue West, for Municipal Parking Purposes			
29	Request of the Toronto Transit Commission to Waive Street Closure Fees for Dragonfest and Taste of India Bazaar	\$5,000.00	\$0	See FIS. Consider.
30	City's Role in Private Garbage Pick-up in New Residential Developments	\$0	\$0	Consider.
31	Discontinuation of Centralized Garbage Locations within Residential Developments	\$0	\$0	Consider.
32	Court of Appeal Decision Respecting a Request for a Refund of Business Taxes			<i>Confidential. See FIS.</i>
33	Instructions for Ontario Municipal Board Hearings Relating to 700 Huron Street			<i>Confidential. See FIS.</i>
34	Proposal to Waive Parks and Recreation Fees for Fundraisers	\$4,500 +	\$0	See FIS. Refer to Standing Committee.
35	2350 Finch Avenue West, Emery Village – Public Walkway	\$0	\$0	Consider.
36	2350 Finch Avenue West, Emery Village – Streetscape Component	\$0	\$0	See FIS. Consider.
37	2350 Finch Avenue West, Emery Village – Zoning By-law Amendments	\$0	\$0	Consider.
38	2350 Finch Avenue West, Emery Village - Affordable Housing			See FIS. Refer to Standing Committee.
39	Sole Source to Marshall Macklin Monaghan for Leslie Street Widening and North York General Hospital Bridge Projects			
40	Ontario Municipal Board Appeal - 20 Triller Avenue	\$0	\$0	Consider.
41	Harmonized City Naming Policy for Municipal Properties	\$0	\$0	Consider.
42	Proposed Exemption from the Smoking By-law for Retail Tobacco Stores			See FIS. Refer to Board of Health.
43	Community Safety Plan - Jobs for Youths Program	\$0	\$0	Consider.
44	Terms of Reference for the Roundtable on Children, Youth and	\$0	\$0	Consider.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
	Education			
45	Terms of Reference for the Roundtable on the Environment	\$0	\$0	Consider.
46	St. Lawrence Centre for the Arts Board of Directors - Notice of Motion for September Council	\$0	\$0	Consider.
47	Request for extended City Boulevard Permitted Patio Operating Hours for the Beaches International Jazz Festival	\$0	\$0	Consider.
48	Instructions for OMB Appeal – 2 Dunbloor Road			<i>Confidential See FIS.</i>
49	An Interim Control By-law for Bayview Institutions Area, East of Bayview Avenue	\$0	\$0	Consider.
50	Community Strategy Respecting 911 Service	\$0	\$0	Consider.
51	Delegation of Authority to the General Manager, Water and Wastewater Business Unit, for Designating Overall Responsible Operator	\$0	\$0	Consider.
52	Fixing the Date of the Provincial Election to a Four Year Term	\$0	\$0	Consider.

FISCAL IMPACT STATEMENT 3 [NOTICE OF MOTION J(11)]
(See Minute 10.80, Page 100)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: <u>\$8.8 million</u> (net)	<input type="checkbox"/> Future year impacts: \$_____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Balance Sheet Liability	<input checked="" type="checkbox"/> Levy and collection of taxes
<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) – Revenue of approximately \$8.8 million will be raised in 2004 by levying and collecting taxes on railway roadways and rights of way of railways and on transmission and distribution corridors owned by power utilities.

- Consider
- Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: July 21, 2004

FISCAL IMPACT STATEMENT 4 [NOTICE OF MOTION J(17)]
(See Minute 10.86, Page 110)

Financial Implications:

Operating

Current year impacts: \$ 0 (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ 0 (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)

Debt service costs: \$ _____ (net)

Impacts/Other Comments:

- Service Level Impact: Staff resources impact. Staff would be re-directed from other priorities. Unable to quantify financial impact until after long-term plan is devised.
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(17) –

- Consider Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: July 21, 2004

FISCAL IMPACT STATEMENT 5 [NOTICE OF MOTION J(28)]
(See Minute 10.97, Page 128)

Financial Implications:

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

<input checked="" type="checkbox"/> Capital	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>TBD</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 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(28) – Funds for any expropriation costs have not been included in the TPA Capital Budget for the acquisition of this property and would need to be funded.

- Consider
- Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: July 21, 2004

Date: July 21, 2004

FISCAL IMPACT STATEMENT 7 [NOTICE OF MOTION J(34)]
(See Minute 10.103, Page 138)

Financial Implications:

Operating

Current year impacts: \$ 4,500 + (net) Future year impacts: \$ _____ (net)
(could be higher, as request is open ended) Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input checked="" type="checkbox"/> Other

Budget adjustments: \$ _____ (net) *(forgone revenues & recoveries)*

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)
 Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)

Debt service costs: \$ _____ (net)

Impacts/Other Comments:

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

Notice of Motion – J(34) – if considered this should have an “up to” limit, as otherwise exposure is not known. There is no current budget provision or exemption policy to allow for this.

- Consider
- Refer to Standing Committee

Submitted by: _____
 Chief Financial Officer and Treasurer

Date: July 21, 2004

FISCAL IMPACT STATEMENT 8 [NOTICE OF MOTION J(36)]
(See Minute 10.105, Page 141)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ 0 _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: N/A _____ (positions)	

<input checked="" type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$0 _____ (net)	<input checked="" type="checkbox"/> Future year impacts: \$ <u>TBD</u> _____ (net)
	<input checked="" 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: Emery Village Secondary Plan to be funded by the BIA, with no financial impact for the City for 2004. Project could be considered for ERA Grant funding in 2005, if it meets criteria.
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(36) –

- Consider
- Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: July 21, 2004

Date: July 21, 2004

