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These Minutes were confirmed by City Council on October 26, 2004

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

**TUESDAY, SEPTEMBER 28, 2004,  
WEDNESDAY, SEPTEMBER 29, 2004,  
THURSDAY, SEPTEMBER 30, 2004, AND  
FRIDAY, OCTOBER 1, 2004**

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

**CALL TO ORDER**

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

The meeting opened with O Canada.

11.2 **CONFIRMATION OF MINUTES**

Councillor Lindsay Luby, seconded by Councillor De Baeremaeker, moved that the Minutes of the Council meeting held on the 20th, 21st and 22nd day of July, 2004, be confirmed in the form supplied to the Members, which carried.

11.3 **PETITIONS**

- (a) Councillor Palacio submitted a petition containing the signatures of approximately 10,500 individuals with properties and/or businesses located in the St. Clair Avenue West area, in opposition to the proposed exclusive transit lanes on St. Clair Avenue West.

The above petition was filed with the City Clerk for consideration with Policy and Finance Committee Report 7, Clause 1, headed "St. Clair Avenue West Transit Improvement

Environmental Assessment - Yonge Street to Gunns Road (just West of Keele Street) (St. Paul's, Davenport, York South-Weston)".

- (b) Councillor Ootes submitted a petition containing the signatures of approximately 338 individuals in opposition to bicycle lanes on Cosburn Avenue.

The above petition was filed with the City Clerk for consideration with Toronto and East York Community Council Report 7, Clause 31, headed "Installation of Bicycle Lanes – Cosburn Avenue, from Broadview Avenue to Oak Park Avenue (Toronto-Danforth, Ward 29; Beaches-East York, Ward 31)".

## **PRESENTATION OF REPORTS**

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

### Deferred Clauses:

Community Services Committee Report 5, Clause 7a  
Economic Development and Parks Committee Report 5, Clause 15a  
Works Committee Report 6, Clause 6a  
North York Community Council Report 6, Clause 37a

### New Reports:

Policy and Finance Committee Report 7  
Administration Committee Report 6  
Administration Committee Report 7  
Community Services Committee Report 6  
Economic Development and Parks Committee Report 6  
Planning and Transportation Committee Report 6  
Works Committee Report 8  
Toronto and East York Community Council Report 7  
Etobicoke York Community Council Report 7  
North York Community Council Report 7  
Scarborough Community Council Report 7  
Board of Health Report 6  
Nominating Committee Report 4

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

- 11.5 Councillor Carroll, with the permission of Council, presented the following Reports for the

consideration of Council:

Audit Committee Report 5  
Nominating Committee Report 5

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

## 11.6 **DECLARATIONS OF INTEREST**

Councillor Bussin declared her interest in Community Services Committee Report 6, Clause 4, headed "Funding Approvals for the 2004 City of Toronto Homeless Initiatives Fund", in that her parents own property in the immediate area.

Councillor Jenkins declared his interest in Administration Committee Report 7, Clause 1, headed "Supply, Delivery and Installation of Desktop and Notebook Computers and Related Products and Services - Request for Proposal 3401-04-3216", in that he is a retired pensioned employee of IBM Canada Ltd.

Councillor Shiner declared his interest in North York Community Council Report 7, Clause 38, headed "Request for Poll - Speed Hump Plan - Bolingbroke Road (Ward 15 - Eglinton-Lawrence)", in that his family owns property in the immediate area.

Councillor Shiner also declared his interest in Toronto and East York Community Council Report 7, Clause 52, headed "Temporary Road Occupation to Accommodate Construction Staging Area – Premises No. 438 King Street West (Trinity-Spadina, Ward 20)", in that his family has an interest in property within the immediate area.

### Note:

Councillors Cho, Mammoliti, and Palacio declared an interest in Policy and Finance Committee Report 7, Clause 3, headed "Toronto Election Finance Review Task Force Recommendations", in that the Auditor of their election finances is the Chair of the Toronto Election Finance Review Task Force. Councillors Cho, Mammoliti and Palacio subsequently withdrew their declarations of interest and participated in Council's consideration of this matter.

## **CONSIDERATION OF REPORTS**

### **CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION**

**11.7 The following Clauses were held by Council for further consideration:**

Community Services Committee Report 5, Clause 7a

Economic Development and Parks Committee Report 5, Clause 15a

Works Committee Report 6, Clause 6a

North York Community Council Report 6, Clause 37a

Policy and Finance Committee Report 7, Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 20, 23, 24, 30, 31, 32, 33, 36, 37 and 39.

Administration Committee Report 6, Clauses 2, 3, 5, 10, 13, 14, 15 and 19.

Administration Committee Report 7, Clause 1.

Community Services Committee Report 6, Clause 1, 3, 4, 5, 6, 8 and 10.

Economic Development and Parks Committee Report 6, Clauses 2, 3, 4, 5, 7 and 10.

Planning and Transportation Committee Report 6, Clauses 3, 4, 5 and 7.

Works Committee Report 8, Clauses 1, 2, 3, 4, 6, 7, 9, 10, 11, 13, 14 and 20.

Toronto and East York Community Council Report 7, Clauses 1, 2, 8, 10, 12, 16, 18, 19, 22, 24, 26, 27, 31, 32, 33, 43, 44, 53, 54, 55, 56, 57, 58, 59, 63, 69, 73, 76 and 80.

Etobicoke York Community Council Report 7, Clauses 1, 2, 8, 15, 17, 18, 23, 27, 36, 40, 42, 53 and 54.

North York Community Council Report 7, Clauses 28, 31, 35, 36, 37, 38, 47, 50, 51 and 53.

Scarborough Community Council Report 7, Clause 32.

Audit Committee Report 5, Clauses 1, 2, 3, 4 and 5.

Nominating Committee Report 4, Clauses 1 and 2.

Nominating Committee Report 5, Clauses 1, 2, 3 and 4.

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

Policy and Finance Committee Report 7, Clauses 7, 8, 9, 10, 12, 13, 24 and 33.

Administration Committee Report 6, Clauses 3 and 14.

Community Services Committee Report 6, Clauses 3, 4 and 6.

Economic Development and Parks Committee Report 6, Clauses 2, 3, 5 and 10.

Planning and Transportation Committee Report 6, Clause 7.

Works Committee Report 8, Clause 14.

Toronto and East York Community Council Report 7, Clauses 12 and 22.

Etobicoke York Community Council Report 7, Clauses 40 and 54.

North York Community Council Report 7, Clause 53.

Scarborough Community Council Report 7, Clause 32.

Audit Committee Report 5, Clauses 1, 2, 3, 4 and 5.

Nominating Committee Report 4, Clauses 1 and 2.

Nominating Committee Report 5, Clauses 2, 3 and 4.

**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 7, Clause 17. (See Minute 11.58, Page 101)

Policy and Finance Committee Report 7, Clause 35. (See Minute 11.18, Page 21)

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

11.8 **Works Committee Report 8, Clause 20, headed “Other Items Considered by the Committee”.**

*Procedural Motions:*

- (1) Councillor Soknacki moved that Council waive the necessary provisions of Chapter 27 of the City of Toronto Municipal Code, in order to consider Item (x), entitled “Second Quarter Operating Financial Report”, which carried, more than two-thirds of Members present having voted in the affirmative.
- (2) Deputy Mayor Bussin moved, seconded by Councillor Pitfield, that Council waive the necessary provisions of Chapter 27 of the City of Toronto Municipal Code, in order to consider Item (m), entitled “R.C. Harris Filtration Plant - Residue Management Facility, Contract No. 04FS-50WS, Tender Call No. 170-2004 (Ward 36 - Scarborough Southwest)”, which carried, more than two-thirds of Members present having voted in the affirmative.

*Motions:*

- (a) Councillor Soknacki moved that Council adopt the following with respect to Item (x), entitled “Second Quarter Operating Financial Report”:

“**WHEREAS** City Council at its meeting of June 22, 23 and 24, 2004 referred a motion to the Chief Administrative Officer that the Chief Financial Officer and Treasurer be requested to provide the most up-to-date financial package to each meeting of the Standing Committees; and

**WHEREAS** Council requested the Chief Administrative Officer, in consultation with the Chief Financial Officer and Treasurer, to report to the Policy and Finance Committee, as soon as possible, such report to include, but not be limited to, how the City can accomplish the direction of Council of receiving financial information in a timely manner;

**NOW THEREFORE BE IT RESOLVED THAT** the Works Committee’s request of the Acting Commissioner of Works and Emergency Services to provide SAP line-by-line output for the next meeting of the Works Committee on October 6, 2004, be referred to the next meeting of the Policy and Finance Committee for consideration with the joint report from the Chief Administrative Officer and the Chief Financial Officer and Treasurer regarding the reporting of financial and non-financial results of City programs to Committees and Council; and that the request for the SAP line-by-line output be deferred, pending consideration of the above by the Policy and Finance Committee; and that the report requested

of the Chief Administrative Officer and the Chief Financial Officer and Treasurer, referred to above, also be submitted to the Works Committee for information.”

- (b) Deputy Mayor Bussin moved, seconded by Councillor Pitfield, that Council adopt the following with respect to Item (m), entitled “R.C. Harris Filtration Plant - Residue Management Facility, Contract No. 04FS-50WS, Tender Call No. 170-2004 (Ward 36 – Scarborough Southwest)”:

**“WHEREAS** at its meeting of September 8, 2004, the Works Committee had before it a report from the Acting Commissioner of Works and Emergency Services concerning the Award of Contract No. 04FS-50-WS- for the Residue Management Facility at the R.C. Harris Filtration Plant; and

**WHEREAS** the Works Committee referred the report back to the Acting Commissioner to issue an addendum to the contract to pre-qualified vendors and to report back to the Works Committee on the bargaining option; and

**WHEREAS** the Acting Commissioner has reviewed the matter and the actions adopted by the Works Committee and, in particular, has reviewed and considered possible options with respect to the removal of excavated material from the site during construction, through bargaining; and

**WHEREAS**, in order to expedite the award of the Contract and the performance of the contract work, the Acting Commissioner is prepared to make recommendations directly to Council, and has prepared a report for the consideration of Council to that effect;

**NOW THEREFORE BE IT RESOLVED THAT** City Council adopt the following recommendations contained in the Recommendations Section of the report dated September 27, 2004, from the Acting Commissioner of Works and Emergency Services:

‘It is recommended that:

- (1) the following recommendations of the staff report dated August 19, 2004, from the Acting Commissioner of Works and Emergency Services and Chief Financial Officer and Treasurer, for the R.C. Harris Filtration Plant, Residue Management Facility, Contract No. 04FS-50WS, Tender Call No. 170-2004, be adopted:
  - (a) a project cost of \$58,088,000.00 net of GST, be approved for the construction of the R.C. Harris Filtration Plant -

- Residue Management Facility, with 2004 cashflow of \$1,874,000.00 and future year commitments of \$28,037,000.00 in 2005; \$26,168,000.00 in 2006 and \$2,009,000.00 in 2007;
- (b) subject to approval of Recommendation (1)(a), Contract No. 04FS-50WS, Tender Call No. 170-2004 for the construction of Residue Management Facility at the R.C. Harris Filtration Plant be awarded to Kenaidan Contracting Ltd. in the total amount of \$62,150,000.00.00, including all taxes and charges, being the lowest Tender received;
- (2) subject to the approval of Recommendation (1), that the contract provide for the Contractor to remove excavated material from the construction site by means of barges and tugboats, as more particularly set out in Option 1, in this report, at an additional cost of \$3,223,375.00, including the costs of standby barges and delays to the project schedule and winter concrete costs and including taxes and contingencies, and that project cost of \$3,012,500.00, net of GST, and future year commitments of \$3,012,500.00 in 2005, be approved for capital project CPW007-4, Harris Residue Management Construction in the 2004 Water Services Capital Budget;
- (3) subject to the approval of Recommendation (2), that in order to reduce the costs set out in Recommendation (2) as more particularly set out in this report, and to expedite the project in consideration of the delays that may be caused by the barging, the contract also provide that up to 5,000 m<sup>3</sup> per month of excavated material may be removed from the construction site by trucking, provided that the trucking is limited to no more than 25 truckloads per day and to only occur from December 1, 2004, until March 31, 2005, and only between the hours of 9:30 a.m. and 4:00 p.m.; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

*Votes:*

Motion (a) by Councillor Soknacki carried.

Motion (b) by Deputy Mayor Bussin, seconded by Councillor Pitfield, carried.

The balance of the Clause was received for information.

**11.9 Works Committee Report 6, Clause 6a, 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 that the report dated May 13, 2004, from the Commissioner of Works and Emergency Services be received, for information.

Deputy Mayor Pantalone in the Chair.

- (b) 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 submit a report to the Works Committee providing the following information, broken down by Community Council area:

- (1) the number of installed speed humps and their costs;
- (2) the number of speed humps that have been removed and their costs;
- (3) the number of proposed, uninstalled speed humps and their costs.”

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

“That the Acting Commissioner of Works and Emergency Services be requested to report to the Works Committee on how to improve polling of residents and owners of affected properties to ensure that every owner and tenant gets a vote.”

- (d) Councillor Ford moved that the Clause be amended to provide that if 50 percent plus one of residents do not respond to the poll, speed humps/bumps not be installed.

- (e) Councillor Ootes moved that the Clause be amended by:

- (1) deleting the recommendation of the Works Committee; and

- (2) amending the policy for the installation of speed humps to provide that a poll not be undertaken unless 50 percent of residents on the affected streets have requested, through a petition, the installation of speed humps.
  
- (f) Councillor Di Giorgio moved that the current Traffic Calming Policy be amended by replacing the current requirement that “60 percent” of the responding households be in favour of the proposal, with the requirement that “50 percent” be in favour.
  
- (g) Councillor Kelly moved that the Clause be amended:
  - (1) by adding the following:

“That:

- (i) the Acting Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on the installation of speed humps and bumps and indicate the degree to which these roads met the traffic calming criteria; and
  - (ii) recommendations from the Community Councils respecting traffic calming be forwarded to Council through the Works Committee.”; and
- (2) to provide that if a family does not respond to a poll for speed humps/bumps, it be considered as a negative response.

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

“That the Acting Commissioner of Works and Emergency Services be requested to review the polling procedure in order to identify, on the envelope, that the contents contain a ‘speed hump ballot’; and while maintaining the legal requirements, determine if there are any improvements that can be made to the written language in the letter.”

(i) Councillor Lindsay Luby moved that the Clause be amended:

- (1) to provide that the guideline for public acceptance for speed humps/bumps be 60 percent of the response; and
- (2) by adding the following:

“That the Acting Commissioner of Work and Emergency Services be requested to report to the Works Committee with an explanation of the differences between speed humps and speed bumps, and the criteria used in recommending one over the other.”

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

“That the ballot used for polling contain information explaining the concept that a non-vote is actually a negative vote.”

(k) Councillor Mihevc moved that the Clause be amended to provide that when the ballots are returned, the threshold for determining community support for speed bumps, be 50 percent plus one, of the response.

- (1) Councillor Shiner moved that the Clause be amended:
- (1) to provide that there be a guideline requiring support from 50 percent plus one of all residents polled; and
- (2) by adding the following:
- “That Toronto EMS and Fire Services continue to comment on all traffic calming proposals; and further that the policy be amended to provide that if Toronto EMS or Fire Services determine that specific elements of a traffic calming plan will create measurable and unacceptable delays in response time, the polling not be undertaken and the traffic calming proposal not go forward.”

*Votes:*

Mayor Miller in the Chair.

Adoption of motion (a) by Councillor Holyday:

Yes - 10	
Councillors:	Augimeri, Del Grande, Feldman, Holyday, Kelly, Ootes, Pitfield, Saundercook, Shiner, Walker
No - 28	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Chow, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Rae, Soknacki, Stintz, Watson

Lost by a majority of 18.

Due to the above decision of Council, Part (1) of motion (e) by Councillor Ootes, was not put to a vote.

Adoption of motion (d) by Councillor Ford, moved by Councillor Holyday in the absence of Councillor Ford:

Yes - 13 Councillors:	Altobello, Augimeri, Del Grande, Feldman, Holyday, Jenkins, Kelly, Lindsay Luby, Pitfield, Saundercook, Shiner, Soknacki, Stintz
No - 27 Mayor: Councillors:	Miller Ashton, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Giambrone, Grimes, Hall, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Walker, Watson

Lost by a majority of 14.

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

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

Carried by a majority of 7.

Due to the above decision of Council, the following motions were not put to a vote:

- motion (k) by Councillor Mihevc;
- Part (1) of motion (l) by Councillor Shiner; and
- motion (f) by Councillor Di Giorgio.

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

Yes - 19	
Councillors:	Altobello, Augimeri, Balkissoon, Del Grande, Feldman, Fillion, Grimes, Hall, Holyday, Kelly, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Shiner, Soknacki, Stintz
No - 22	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Jenkins, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Walker, Watson

Lost by a majority of 3.

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

Yes - 11	
Councillors:	Altobello, Augimeri, Balkissoon, Carroll, Del Grande, Feldman, Holyday, Kelly, Minnan-Wong, Shiner, Stintz
No - 30	
Mayor:	Miller
Councillors:	Ashton, Bussin, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Walker, Watson

Lost by a majority of 19.

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

Adoption of Part (1)(ii) of motion (g) by Councillor Kelly:

Yes - 11 Councillors:	Augimeri, Del Grande, Holyday, Kelly, Minnan-Wong, Ootes, Pitfield, Saundercook, Shiner, Soknacki, Stintz
No - 30 Mayor: Councillors:	Miller Altobello, Ashton, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Rae, Walker, Watson

Lost by a majority of 19.

Part (2) of motion (l) by Councillor Shiner, as it pertains to Toronto EMS and Fire Services continuing to comment on all traffic calming proposals, carried.

Adoption of the balance of Part (2) of motion (l) by Councillor Shiner:

Yes - 21 Councillors:	Altobello, Augimeri, Balkissoon, Chow, Del Grande, Feldman, Filion, Hall, Holyday, Kelly, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz
No - 20 Mayor: Councillors:	Miller Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Grimes, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Walker, Watson

Carried by a majority of 1.

Adoption of motion (b) by Councillor Del Grande:

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

Carried by a majority of 7.

Motion (c) by Councillor Giambrone carried.

Due to the above decisions of Council, Part (1)(i) of motion (g) by Councillor Kelly, was not put to a vote.

Motion (h) by Councillor Fletcher carried.

Part (2) of motion (i) by Councillor Lindsay Luby carried.

*Motion to Re-Open:*

Councillor Nunziata moved that the recorded vote taken on the balance of Part (2) of motion (l) by Councillor Shiner, be re-opened for further consideration.

*Ruling by Mayor:*

Mayor Miller ruled that the motion to re-open was not in order given that Council had not completed voting on this Clause.

Councillor Nunziata challenged the ruling of the Mayor.

*Vote to Uphold Ruling of Mayor:*

Yes - 34 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz
No - 6 Councillors:	Grimes, Mammoliti, Nunziata, Ootes, Walker, Watson

Carried by a majority of 28.

Adoption of Clause, as amended:

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

Lost by a majority of 9.

*Disposition:*

City Council did not adopt this Clause.

**11.10 Economic Development and Parks Committee Report 6, Clause 7, headed “Intention to Designate the Korea Town Business Improvement Area (BIA) (Wards 19 and 20, Trinity-Spadina)”.**

*Motion:*

Deputy Mayor Pantalone moved that the Clause be amended:

- (1) by amending Recommendation (1) of the Economic Development and Parks Committee to provide that Map 1 be replaced with the revised Map 1 dated September, 2004;
- (2) to provide that the boundaries for the proposed Korea Town Business Improvement Area (BIA) be revised as per the revised Map 1;
- (3) by authorizing the City Clerk to send out a revised notice as soon as possible; and
- (4) to provide that, subject to a favourable poll, the poll results should be reported directly to Toronto Council.”

*Votes:*

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

**11.11 Toronto and East York Community Council Report 7, Clause 43, headed “Ontario Municipal Board Hearing - 20, 22, 22A and 24 Bathurst Street (Trinity-Spadina, Ward 19)”.**

*Motion:*

Councillor Moscoe moved that the Clause be referred back to the Toronto and East York Community Council for further consideration, and that the report previously requested of the Commissioner of Urban Development Services, in consultation with the Chief Financial Officer and Treasurer, be submitted directly to the Toronto and East York Community Council.

*Vote on Referral:*

The motion by Councillor Moscoe carried.

**11.12 Toronto and East York Community Council Report 7, Clause 44, headed “Ontario Municipal Board Hearing - 511 Bremner Boulevard and 2 and 20 Housey Street (Trinity-Spadina, Ward 20)”.**

*Motion:*

Councillor Moscoe moved that the Clause be referred back to the Toronto and East York Community Council for further consideration, and that the report previously requested of the Commissioner of Urban Development Services, in consultation with the Chief Financial Officer and Treasurer, be submitted directly to the Toronto and East York Community Council.

*Vote on Referral:*

The motion by Councillor Moscoe carried.

**11.13 Toronto and East York Community Council Report 7, Clause 8, headed “Draft By-laws - Official Plan Amendment and Rezoning – 510, 518 and 522 St. Clair Avenue West (St. Paul’s, Ward 21)”.**

*Vote:*

The Clause was adopted, without amendment.

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

**11.14 Etobicoke York Community Council Report 7, Clause 1, headed “Request for Exemption to Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 22 Nairn Avenue (Ward 17 - Davenport)”.**

*Motion:*

Councillor Palacio moved that the Clause be referred back to the Etobicoke York Community Council with a request that the Acting Commissioner of Works and Emergency Services, in consultation with the Commissioner of Economic Development, Culture and Tourism, report further to the Community Council on the issue of the setback of the proposed tree in relation to the parking pad.

*Vote on Referral:*

The motion by Councillor Palacio carried.

**11.15 Etobicoke York Community Council Report 7, Clause 2, headed “Request for an Exemption to Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 24 Nairn Avenue (Ward 17 - Davenport)”.**

*Motion:*

Councillor Palacio moved that the Clause be referred back to the Etobicoke York Community Council with a request that the Acting Commissioner of Works and Emergency Services, in consultation with the Commissioner of Economic Development, Culture and Tourism, report further to the Community Council on the issue of the setback of the proposed tree in relation to the parking pad.

*Vote on Referral:*

The motion by Councillor Palacio carried.

**11.16 Administration Committee Report 6, Clause 5, headed “Acquisition of 319-321 Jarvis Street (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 Recommendation Section of the confidential report (September 28, 2004) from the Commissioner of Corporate Services and the Commissioner of Community and Neighbourhood Services be adopted, such recommendations are now public and the balance of such report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information about the proposed or pending acquisition of land:

‘It is recommended that:

- (1) the Offer to Sublease and Consent Agreement for the property located at 319-321 Jarvis Street with Hotel Raffles Limited and 658478 Ontario Limited respectively, be approved on the terms and conditions set out in the body of this report and in a form acceptable to the City Solicitor;
- (2) the Commissioner of Corporate Services be authorized to execute the Offer to Sublease and Consent Agreement and any related sublease agreement or documentation to give effect thereto on behalf of the City, in a form acceptable to the City Solicitor;

- (3) the Commissioner of Corporate Services be authorized to administer and manage the Sublease and Consent Agreement described in Recommendation (1), including the provision of any consents, notices and notices of termination, provided that the Commissioner may, at any time, refer consideration of such matter (including their content) to City Council for its determination and direction;
- (4) all documentation necessary or desirable to permit the use and occupation of the Property as a shelter for homeless people and the operation of the Property by a related community operator, be authorized upon such terms and conditions as are satisfactory to the Commissioner of Community and Neighborhood Services, in consultation with the Commissioner of Corporate Services, to the extent applicable, and in a form acceptable to the City Solicitor; and
- (5) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.”

*Votes:*

The motion by Councillor Rae carried.

The Clause, as amended, carried.

**11.17 Works Committee Report 8, Clause 13, headed “Purchase of Sole-Sourced Essential Goods and Services Required by the Solid Waste Management Services Division”.**

*Motion:*

Councillor Soknacki moved that the Clause be amended by amending Recommendation (2) of the Works Committee to read as follows:

- “(2) the Acting Commissioner of Works and Emergency Services be requested to meet with the Auditor General and the Director of Purchasing and Materials Management, and report back as soon as possible on a process for controlling and monitoring sole source contracts.”

*Votes:*

The motion by Councillor Soknacki carried.

The Clause, as amended, carried.

**11.18 Policy and Finance Committee Report 7, Clause 35, headed ‘Member Requests for Information and Review of Council Procedures Regarding Various Matters’.**

*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 Clause be amended by adding the following:

“That, in addition to the City Clerk, the following Members of Council be appointed to the Working Group on the Procedure By-law and the Meeting Management Initiative:

Councillor Adam Giambrone (Mayor’s designate);  
Deputy Mayor Sandra Bussin (Member of City Council);  
Councillor Peter Milczyn (Chair, e-city Committee);  
Councillor David Soknacki (Member, Policy and Finance Committee); and  
Councillor Michael Walker (Member, Administration Committee).”

*Votes:*

The motion by Councillor Giambrone carried.

The Clause, as amended, carried.

**11.19 Toronto and East York Community Council Report 7, Clause 19, headed “Appointments - Committee of Adjustment, Toronto and East York Panel”.**

The Clause was submitted without recommendation.

*Motion:*

Councillor Moscoe moved that Council adopt the following recommendations of the Nominating Committee contained in the Recommendations Section of the communication dated September 16, 2004, from the Nominating Committee:

“The Nominating Committee recommended to Council that Council, by by-law:

- (1) appoint citizens to the Committee of Adjustment, Toronto and East York Panel, for a term of office at the pleasure of Council ending November 30, 2006, and until their successors are appointed, as listed in the confidential letter dated September 16, 2004, from the Nominating Committee, which was circulated under separate confidential cover;
- (2) appoint alternates to the Committee of Adjustment Toronto and East York Panel, who are members effective if a vacancy occurs, at the pleasure of Council for the remainder of the term of office ending November 30, 2006, and until successors are appointed, as listed in the confidential letter dated September 16, 2004, from the Nominating Committee, which was circulated under separate confidential cover;
- (3) authorize and direct the City Solicitor to introduce the necessary bylaws in Council to give effect to these appointments; and
- (4) authorize and direct the appropriate officials to take any necessary actions to give effect to these appointments.”

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

Council appointed the following citizens to the Committee of Adjustment, Toronto and East York Panel:

- Abby Bushby
- Michael Clark
- Kay Gardner
- George Hislop
- Mitchell Kosny;

and appointed the following alternates, who are appointed to the Committee of Adjustment, Toronto and East York Panel, effective if a vacancy occurs:

- George Vasilopoulos (if one vacancy occurs); and
- Fernando Costa (if a second vacancy occurs).

**11.20 Works Committee Report 8, Clause 6, headed “Establishment of a Grants Sub-Committee of the Works Committee for the Community Program for Stormwater Management”.**

*Motion:*

Councillor Mihevc moved that the Clause be amended to provide that the Grants Sub-Committee established by the Works Committee be named the Community Partnership Sub-Committee of the Works Committee.

*Votes:*

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

**11.21 Policy and Finance Committee Report 7, Clause 3, headed “Toronto Election Finance Review Task Force Recommendations”.**

**September 28, 2004:**

Deputy Mayor Pantalone in the Chair.

*Procedural Motion:*

Councillor Moscoe moved that motion (a) by Councillor Moscoe be the first motion voted on by Council when dealing with this Clause.

*Motions:*

(a) Councillor Moscoe moved that:

- (1) the Clause be amended to provide that the City adopt the aspect of the model for election financing of municipal elections used in the Provinces of Quebec and Manitoba that provides, if a candidate receives more than 15 percent of the vote or wins the election, the City will pay 50 percent of the “under the line” expenses of that candidate; and request an amendment to the *Municipal Act* to permit direct contributions by municipalities to candidates;
- (2) in the event the foregoing Part (2) fails, that Recommendation (1) of the Policy and Finance Committee be amended to read as follows, as recommended by the Toronto Election Finance Review Task Force:

- “(1) that the City of Toronto request an amendment to the Ontario *Municipal Elections Act, 1996* to provide that contributions to all candidates for councillor by an individual, corporation or union be limited to \$5,000 with a maximum of \$750 to any one candidate and to \$2,500 for all candidates for the office of the head of a municipality with a maximum of \$2,500 to any one candidate.”; and
- (3) the Clause be amended:
- (i) by deleting Recommendation (5)(iii) of the Policy and Finance Committee;
  - (ii) in accordance with the recommendations contained in the Recommendations Section of the report (September 28, 2004) from the City Clerk;
  - (iii) by amending Recommendation (4) of the Policy and Finance Committee to provide that the application of this policy (Campaign Surpluses) not be retroactive, but be on a ‘go-forward’ basis.
- (b) Councillor Walker moved that the Clause be amended by deleting Recommendation (5)(iv) of the Policy and Finance Committee; and by amending Recommendation (5)(i) to read as follows:
- “(i) the City of Toronto request an amendment to the Ontario *Municipal Elections Act, 1996* 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 maximum expenditure limit be amended to provide that the limits on expenses be calculated on the same basis as that used in the 2003 Municipal Election plus 25 percent and any adjustment for inflation as may be deemed necessary; and that the costs of court cases and recounts not be included as campaign expenses”.

**September 30, 2004:**

Deputy Mayor Bussin in the Chair.

- (c) Councillor De Baeremaeker moved that the Clause be amended by deleting from Recommendation (1)(i) of the Policy and Finance Committee, the amount of “\$5,000.00” and replacing it with “\$1,000.00”, so that it now reads:

“(1)(i) that the City of Toronto request an amendment to the Ontario *Municipal Elections Act, 1996* to provide that contributions to all candidates for councillor by an individual be limited to \$1,000.00 with a maximum of \$750.00 to any one candidate and to \$2,500.00 for all candidates for the office of head of a municipality with a maximum of \$2,500.00 to any one candidate; however, the candidate will not be held accountable for any over contributions by the donour to other candidates.”

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

(1) deleting Recommendation (8) of the Policy and Finance Committee, and inserting instead the following:

“(8) That should the Province fail to enact the appropriate changes to the *Municipal Elections Act, 1996* prior to the 2006 election, the Auditor General, as part of his 2006/2007 workplan, review the financial statements filed by Members of Council after the 2006 election and report to Council, through the Audit Committee, on any other irregularities or inconsistencies contained therein.”; and

(2) amending Recommendation (10) of the Policy and Finance Committee to read as follows:

“That a booklet and a CD listing all the contributors and their contributions over \$100.00 be published and posted on an appropriate section of the City Web page by the City Clerk’s office after the first financial filing at the end of March in the year following an election and that, for reporting purposes, the statistics for corporations and trade unions each be separated;”.

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

“That the Minister of Municipal Affairs and Housing be requested to amend the *Municipal Elections Act, 1996* to provide that any municipality that adopts a contribution rebate program only be allowed to provide rebates to taxpayers and residents of the municipality.”

(f) Councillor Filion moved that the Clause be amended by amending Recommendation (4) of the Policy and Finance Committee to read as follows:

“(4) That the City of Toronto request an amendment to the Ontario *Municipal Elections Act, 1996* to require that surpluses over \$10,000 become the property of the municipality if they are not used in the election for which they were raised;”.

- (g) Councillor Thompson moved that the Clause be amended by amending Recommendation (1)(ii) of the Policy and Finance Committee to provide that if the Minister of Municipal Affairs and Housing introduces legislation to amend the *Municipal Elections Act, 1996* to prohibit corporations and trade unions from making contributions to the campaigns of municipal candidates, that such legislation also include provisions to permit a municipal council to pass a by-law to provide for a method of public funding to candidates on such terms and conditions as may be provided for in the by-law.
- (h) Councillor Hall moved that the Clause be amended by amending Recommendation (5)(iii) of the Policy and Finance Committee to read as follows:
- “(iii) to treat the replacement cost of election signs or other election materials that have been vandalized, stolen and/or destroyed and are subject to a police report, as an expense not subject to the spending limit for the office;”.

Mayor Miller in the Chair.

- (i) Councillor Davis moved that motion (b) by Councillor Walker be amended by deleting the words “2003 Municipal Election plus 25 percent and any adjustment for inflation as may be deemed necessary”, and inserting instead the words “Provincial Election immediately prior to the municipal election plus 25 percent”, so that motion (b), as amended, reads as follows:
- “(i) 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 maximum expenditure limit 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 25 percent; and that the costs of court cases and recounts not be included as campaign expenses”.
- (j) Deputy Mayor Bussin moved that the Clause be amended by:
- (1) deleting Recommendation (5)(i) of Policy and Finance Committee, as it conflicts with Recommendation (5)(iv);
  - (2) amending Recommendation (6) of the Policy and Finance Committee to read as follows:

“(6) That the reporting of revenues and expenditures should be made more transparent by implementing mandatory electronic filing, providing definitions for expense categories, the use of more detailed report forms

(including Form 5) by all candidates, and a continuation of the requirement that audits be conducted for all campaigns;”; and

- (3) adding the following:

“That the Minister of Municipal Affairs and Housing be requested to amend the *Municipal Elections Act, 1996* to provide that the campaign period of a candidate elected by acclamation shall end on the Monday following nomination day unless the candidate’s campaign is in a deficit position on that date; and further, that if the candidate has a deficit, he or she may only continue to raise funds to:

- (a) eliminate any campaign deficit; and
- (b) provide for an amount equal to 10 percent of the spending limit for the office for the sole purpose of holding a post-election party.”

Deputy Mayor Bussin in the Chair.

- (k) Councillor Kelly moved that the Clause be amended by deleting Recommendation (1)(ii) of the Policy and Finance Committee.

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

“That the Chief Financial Officer and Treasurer, in consultation with the City Clerk, be requested to report to the Administration Committee on campaign surpluses being used to fund the Election Contribution Rebate Program.”

Mayor Miller in the Chair.

*Ruling by Mayor:*

Mayor Miller ruled the procedural motion by Councillor Moscoe out of order.

*Votes:*

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

Yes - 20 Mayor: Miller Councillors: Altobello, Augimeri, Bussin, Cho, De Baeremaeker, Del Grande, Di Giorgio, Filion, Giambrone, Grimes, Li Preti, Mammoliti, McConnell, Mihevc, Moscoe, Rae, Saundercook, Stintz, Thompson
No - 23 Councillors: Ashton, Carroll, Chow, Cowbourne, Davis, Feldman, Fletcher, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Walker, Watson

Lost by a majority of 3.

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

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

Lost by a majority of 11.

Adoption of motion (c) by Councillor De Baeremaeker:

Yes - 4	
Councillors:	De Baeremaeker, Del Grande, Holyday, Jenkins
No - 39	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 35.

Adoption of motion (k) by Councillor Kelly:

Yes - 15	
Councillors:	Altobello, Augimeri, Bussin, Di Giorgio, Feldman, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moscoe, Ootes, Shiner
No - 28	
Mayor:	Miller
Councillors:	Ashton, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Giambrone, Holyday, Jenkins, McConnell, Mihevc, Milczyn, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 13.

Adoption of motion (g) by Councillor Thompson:

Yes - 31	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Thompson, Walker
No - 12	
Councillors:	Ashton, Carroll, Feldman, Grimes, Hall, Holyday, Milczyn, Minnan-Wong, Ootes, Shiner, Soknacki, Watson

Carried by a majority of 19.

Adoption of Part (3)(i) of motion (a) by Councillor Moscoe:

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

Lost by a majority of 11.

Adoption of motion (h) by Councillor Hall:

Yes - 25	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Kelly, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Rae, Saundercook, Watson
No - 18	
Councillors:	Altobello, Carroll, Cowbourne, Davis, Del Grande, Feldman, Holyday, Jenkins, Lindsay Luby, Minnan-Wong, Nunziata, Palacio, Pitfield, Shiner, Soknacki, Stintz, Thompson, Walker

Carried by a majority of 7.

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

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

Due to the above decision of Council, Part (3)(ii) of motion (a) by Councillor Moscoe, was not put to a vote.

Adoption of motion (i) by Councillor Davis:

Yes - 10	
Councillors:	Altobello, Carroll, Cho, Davis, Filion, Giambrone, Li Preti, McConnell, Shiner, Thompson
No - 33	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Chow, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Walker, Watson

Lost by a majority of 23.

Adoption of motion (b) by Councillor Walker, without amendment:

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

Lost by a majority of 15.

Adoption of Part (1) of motion (j) by Deputy Mayor Bussin:

Yes - 23 Mayor: Councillors:	Miller Augimeri, Bussin, Carroll, Chow, Di Giorgio, Filion, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Pantalone, Rae, Saundercook, Soknacki, Stintz, Watson
No - 20 Councillors:	Altobello, Ashton, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fletcher, Giambrone, Holyday, Jenkins, McConnell, Nunziata, Ootes, Palacio, Pitfield, Shiner, Thompson, Walker

Carried by a majority of 3.

Adoption of Part (3)(iii) of motion (a) by Councillor Moscoe:

Yes - 39	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 4	
Councillors:	Ashton, Del Grande, Holyday, Shiner

Carried by a majority of 35.

Adoption of motion (f) by Councillor Fillion:

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

Lost by a majority of 5.

Adoption of Part (2) of motion (j) by Deputy Mayor Bussin:

Yes - 31	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Jenkins, Kelly, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Thompson, Watson
No - 12	
Councillors:	Ashton, Del Grande, Grimes, Holyday, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Shiner, Soknacki, Walker

Carried by a majority of 19.

Adoption of motion (e) by Councillor Holyday:

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

Lost by a majority of 17.

Part (3) of motion (j) by Deputy Mayor Bussin carried.

Motion (l) by Councillor Pitfield carried.

Adoption of Clause, as amended:

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

Carried by a majority of 27.

Council amended this Clause:

- (1) by amending Recommendation (1)(ii) of the Policy and Finance Committee to provide that if the Minister of Municipal Affairs and Housing introduces legislation to amend the *Municipal Elections Act, 1996* to prohibit corporations and trade unions from making contributions to the campaigns of municipal candidates, that such legislation also include provisions to permit a municipal council to pass a by-law to provide for a method of public funding to candidates on such terms and conditions as may be provided for in the by-law;
- (2) by amending Recommendation (4) of the Policy and Finance Committee to provide that the application of this policy (Campaign Surpluses) not be retroactive, but be on a 'go-forward' basis;
- (3) by deleting Recommendation (5)(i) of Policy and Finance Committee, as it conflicts with Recommendation (5)(iv);
- (4) by amending Recommendation (5)(iii) of the Policy and Finance Committee to read as follows:
  - “(iii) to treat the replacement cost of election signs or other election materials that have been vandalized, stolen and/or destroyed and are subject to a police report, as an expense not subject to the spending limit for the office;”;
- (5) by amending Recommendation (6) of the Policy and Finance Committee to read as follows:

“(6) That the reporting of revenues and expenditures should be made more transparent by implementing mandatory electronic filing, providing definitions for expense categories, the use of more detailed report forms (including Form 5) by all candidates, and a continuation of the requirement that audits be conducted for all campaigns;”;

(6) by deleting Recommendation (8) of the Policy and Finance Committee, and inserting instead the following:

“(8) That should the Province fail to enact the appropriate changes to the *Municipal Elections Act, 1996* prior to the 2006 election, the Auditor General, as part of his 2006/2007 workplan, review the financial statements filed by Members of Council after the 2006 election and report to Council, through the Audit Committee, on any other irregularities or inconsistencies contained therein.”

(7) by amending Recommendation (10) of the Policy and Finance Committee to read as follows:

“That a booklet and a CD listing all the contributors and their contributions over \$100.00 be published and posted on an appropriate section of the City Web page by the City Clerk’s office after the first financial filing at the end of March in the year following an election and that, for reporting purposes, the statistics for corporations and trade unions each be separated;” and

(8) by adding the following:

“That:

(i) the Minister of Municipal Affairs and Housing be requested to amend the *Municipal Elections Act, 1996* to provide that the campaign period of a candidate elected by acclamation shall end on the Monday following nomination day unless the candidate’s campaign is in a deficit position on that date; and further, that if the candidate has a deficit, he or she may only continue to raise funds to:

(a) eliminate any campaign deficit; and

(b) provide for an amount equal to 10 percent of the spending limit for the office for the sole purpose of holding a post-election party; and

(ii) the Chief Financial Officer and Treasurer, in consultation with the City Clerk, be requested to report to the Administration Committee on campaign surpluses being used to fund the Election Contribution Rebate Program.”

In summary, Council adopted the following:

- (I) the Minister of Municipal Affairs and Housing was requested to amend the *Ontario Municipal Elections Act, 1996*:
- (1) to provide that contributions to all candidates for councillor by an individual be limited to \$5,000 with a maximum of \$750 to any one candidate and to \$2,500 for all candidates for the office of head of a municipality with a maximum of \$2,500 to any one candidate;
  - (2) to prohibit corporations or trade unions from making municipal election contributions, and that such legislation also include provisions to permit a municipal council to pass a by-law to provide for a method of public funding to candidates on such terms and conditions as may be provided for in the by-law;
  - (3) to provide that contributions of goods and services must be reported and properly receipted as campaign contributions using provincial laws as the standard;
  - (4) to require that surpluses become the property of the municipality if they are not used in the election for which they were raised, and that the application of this policy not be retroactive, but be on a 'go-forward' basis;
  - (5) to include the necessary statutory provisions to clarify the intent of the Act that a person shall not raise money or incur expenses in connection with an election until such time as that person has filed a nomination paper;
  - (6) to treat the replacement cost of election signs or other election materials that have been vandalized, stolen and/or destroyed and are subject to a police report, as an expense not subject to the spending limit for the office;
  - (7) to permit fund-raising expenses up to an amount equal to the spending limit for the office to be an expense; (so as to change spending limits from 25 percent to 100 percent);
  - (8) to treat child care expenses as an excluded expense;
  - (9) to provide that the reporting of revenues and expenditures should be made more transparent by implementing mandatory electronic filing, providing definitions for expense categories, the use of more detailed report forms (including Form 5) by all candidates, and a continuation of the requirement that audits be conducted for all campaigns;

- (10) to provide that monitoring and enforcement of the provisions of the *Municipal Elections Act* be the responsibility of Elections Ontario and that sufficient power be given to Elections Ontario to provide appropriate enforcement of the provisions of the *Municipal Elections Act*; and that should the Province fail to enact the appropriate changes to the *Municipal Elections Act, 1996* prior to the 2006 election, the Auditor General, as part of his 2006/2007 workplan, review the financial statements filed by Members of Council after the 2006 election and report to Council, through the Audit Committee, on any other irregularities or inconsistencies contained therein;
  - (11) to permit a booklet and a CD listing all the contributors and their contributions over \$100.00 to be published and posted on an appropriate section of the City Web page by the City Clerk's office after the first financial filing at the end of March in the year following an election and that, for reporting purposes, the statistics for corporations and trade unions each be separated;
  - (12) to permit a rebate program or a grant program at the discretion of the local municipality;
  - (13) to provide that if a candidate is elected or receives 15 percent of the votes, the City pays for the cost of the audit; and
  - (14) to provide that the campaign period of a candidate elected by acclamation shall end on the Monday following nomination day unless the candidate's campaign is in a deficit position on that date; and further, that if the candidate has a deficit, he or she may only continue to raise funds to:
    - (a) eliminate any campaign deficit; and
    - (b) provide for an amount equal to 10 percent of the spending limit for the office for the sole purpose of holding a post-election party;
- (II) the following Recommendations (3), (7) and (13) of the Policy and Finance Committee were also adopted:
- “(3) receive the following Toronto Election Finance Review Task Force Recommendation No. (3) – “Debts of a Candidate”, as recommended by the Administration Committee:
- ‘That the debts of a candidate remaining unpaid 12 months after voting day will be deemed to be a contribution unless the candidate can show that he/she cannot afford to pay these debts;’;

- (7) receive the following Toronto Election Finance Review Task Force Recommendation No. (7) – “Joint Campaigns”, as recommended by the Administration Committee:

‘That joint campaigns be recognized in the Municipal Elections Act, be subject to written agreements between the participants, that a joint bank account be opened with specific rules set out for the operation of the account and a provision that all joint expenditures be paid only through this account on an equitable basis, that the agreement be filed at the time the bank account is opened, and that a separate filing be made for each joint account and each participant should attach a copy of the filing to the participant’s return.’; and

- (13) receive the report (September 1, 2004) from the City Clerk, entitled ‘Staff Report on the Toronto Election Finance Review Task Force Recommendations’.’; and

- (III) the Chief Financial Officer and Treasurer, in consultation with the City Clerk, was requested to report to the Administration Committee on campaign surpluses being used to fund the Election Contribution Rebate Program.

**11.22 Administration Committee Report 7, Clause 1, headed “Supply, Delivery and Installation of Desktop and Notebook Computers and Related Products and Services - Request for Proposal 3401-04-3216”.**

**September 28, 2004:**

Deputy Mayor Pantalone in the Chair.

*Motions:*

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

- (1) by adding the following:

“That the Auditor General be requested to consider reviewing and recommending further improvements to the RFP process respecting the following:

- (i) basket of items - compulsory or non-compulsory bidding necessity;
- (ii) ratings of bidders i.e., points scoring system, category or subject area under consideration, bidders teams and the effectiveness of this process;
- and

- (iii) the Fairness Commissioner selection and appointment process, including:
  - (i) when appointed;
  - (ii) terms of reference;
  - (iii) approval by Committee and Council; and
  - (iv) pre-qualified list of Commissioners, etc.”; and
- (2) to provide that should this contract be approved, the Commissioner of Corporate Services be requested to ensure that the contract section respecting Printers, not be awarded until the City is satisfied that the supplier is in agreement that the City has the right to use recyclable non-OEM cartridges and this requirement would not void the manufacturer’s warranty; and further, that the Commissioner of Corporate Services be requested to submit a report to the Administration Committee and Council on this requirement prior to the procurement of any printers contemplated in this RFP.

**September 30, 2004:**

Councillor Kelly in the Chair.

- (b) Councillor Watson moved that the Clause be amended by deleting the recommendations of the Administration Committee, and inserting instead the following:

“That:

- (1) the proposal not be accepted and that the RFP be redrafted and re-issued so as to include the requirement that the new RFP clarify exactly which specifications are mandatory and which are optional, and further that proponents be advised that failure to bid on mandatory specifications will result in disqualification; and
- (2) the evaluation of proposals will include an assessment of the lifetime cost of operation of the proposed equipment, including acquisition of consumables, and that proponents should be so advised.”

Mayor Miller in the Chair.

*Votes:*

Adoption of motion (b) by Councillor Watson:

Yes - 16	
Councillors:	Balkissoon, Del Grande, Di Giorgio, Fletcher, Ford, Kelly, McConnell, Minnan-Wong, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Stintz, Walker, Watson
No - 23	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, Feldman, Filion, Grimes, Hall, Holyday, Lindsay Luby, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Rae, Soknacki

Lost by a majority of 7.

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

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

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

Carried by a majority of 16.

Adoption of Clause, as amended:

Yes - 26	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Grimes, Hall, Holyday, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Rae, Saundercook, Soknacki
No - 14	
Councillors:	Altobello, Balkissoon, Del Grande, Fletcher, Ford, Kelly, Minnan-Wong, Nunziata, Palacio, Pitfield, Shiner, Stintz, Walker, Watson

Carried by a majority of 12.

The Clause, as amended, carried.

In summary, Council amended this Clause:

- (1) to provide that should this contract be approved, the Commissioner of Corporate Services be requested to ensure that the contract section respecting Printers, not be awarded until the City is satisfied that the supplier is in agreement that the City has the right to use recyclable non-OEM cartridges and this requirement would not void the manufacturer's warranty; and further, that the Commissioner of Corporate Services be requested to submit a report to the Administration Committee and Council on this requirement prior to the procurement of any printers contemplated in this RFP; and
- (2) by adding the following:

“That the Auditor General be requested to consider reviewing and recommending further improvements to the RFP process respecting the following:

  - (a) basket of items - compulsory or non-compulsory bidding necessity;
  - (b) ratings of bidders i.e., points scoring system, category or subject area under consideration, bidders teams and the effectiveness of this process; and
  - (c) the Fairness Commissioner selection and appointment process, including:
    - (i) when appointed;

- (ii) terms of reference;
- (iii) approval by Committee and Council; and
- (iv) pre-qualified list of Commissioners, etc.”

**11.23 Works Committee Report 8, Clause 10, headed “Disposal of Abandoned Shopping Carts”.**

*Motion to Re-Open:*

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

“That:

- (1) the Acting Commissioner of Works and Emergency Services, the Commissioner of Urban Development Services and the Commissioner of Economic Development, Culture and Tourism, in consultation with industry stakeholders, be requested to report to the Works Committee, as soon as possible, on a strategy to prevent shopping carts from being abandoned in the stairwells of apartment buildings, in the City’s ravines, and other public areas; and
- (2) the Acting Commissioner of Works and Emergency Services be requested to arrange for the Albion Creek, from Martingrove Road to Stevenson Road, to be cleared of obstructions that are currently impeding the flow of the river and destroying the vegetation.”

*Votes:*

The motion by Councillor Hall carried.

The Clause, as amended, carried.

11.24 **Administration Committee Report 6, Clause 19, headed “Disposition of a Vacant Parcel of Land - Located on the South Side of Rane Avenue, West of the William R. Allen Expressway (Ward 15 - Eglinton-Lawrence)”.**

*Motion:*

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

“That City Council adopt the following staff recommendations contained in the Recommendations Section of the report (September 23, 2004) from the Commissioner of Corporate Services:

‘It is recommended that:

- (1) the Offer to Purchase from Walton Advocates to purchase the parcel of vacant land located on the south side of Rane Avenue, west of the William R. Allen Expressway, being Part Lot 8 Concession 2, WYS and Part of Lot 5 on Registered Plan 4099, designated as Parts 2 to 8 on Reference Plan 66R-20608 (the “Property”) in the amount of \$521,000.00, be accepted on the terms outlined in the body of this report, and that either one of the Commissioner of Corporate Services or the Director of Real Estate Services be authorized to accept the Offer on behalf of the City;
- (2) authority be granted to direct a portion of the proceeds on closing to fund the outstanding expenses related to the Property;
- (3) the City Solicitor be authorized to complete the transaction on behalf of the City, including making payment of any necessary expenses and amending the closing date to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

**11.25 Works Committee Report 8, Clause 7, headed “Wet Weather Flow Management Master Plan - Outstanding Issues”.***Motions:*

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

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

- (1) report separately to a future meeting of the Works Committee on the establishment of a Wet Weather Flow Management Master Plan (WWFMMP) Implementation Committee; and
- (2) provide a presentation on the implementation plan for the Wet Weather Flow Management Master Plan at the time he submits the report requested in Part (1) above; and further, that the presentation include a summary of sewer separation projects that are included in road reconstruction capital plans.”

- (b) Mayor Miller, with the permission of Council, moved that the Clause be amended by deleting from Recommendations (1) and (3) contained in the report dated August 26, 2004, from the Acting Commissioner of Works and Emergency Services the words “caused by the Humber River discharge”, so that the recommendations now read:

- “(1) the environmental assessment process be initiated to develop an integrated set of solutions, both short term and long term, that address all options for resolving water pollution along the Western Beaches;
- (2) funding of \$50,000 from the approved 2004 Water and Wastewater Services Capital Budget be used to initiate the environmental assessment process in 2004; and
- (3) staff be authorized to undertake the environmental assessment that will address pollution along the Western Beaches.”

*Votes:*

Motion (a) by Councillor Davis carried.

Motion (b) by Mayor Miller carried.

The Clause, as amended, carried.

**11.26 Administration Committee Report 6, Clause 13, headed “Settlement with Purchaser of Former City-Owned Property, South Side of Brooke Avenue, Between 133-141 Brooke Avenue (Ward 16 - Eglinton-Lawrence)”.**

*Motion:*

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

“That the City Solicitor be requested to review and report to the Administration Committee on the language used in the City’s agreements of purchase and sale to ensure that the City has the strongest possible protection against claims related to the condition of the land at the time of the sale, particularly as it relates to any City infrastructure, latent defects, or environmental contamination on the property.”

*Votes:*

The motion by Councillor Watson carried.

Adoption of Clause, as amended:

Yes - 37	
Mayor:	Miller
Councillors:	Altobello, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 36.

**11.27 Toronto and East York Council Report 7, Clause 32, headed “Requests for Endorsement of Events for Liquor Licensing Purposes”.**

*Motion:*

Councillor Rae moved that the Clause be amended by adding the following additional recommendations to the recommendation of the Toronto and East York Community Council:

- “(6) advise the Alcohol and Gaming Commission of Ontario that it is aware of the Ein-Stein ‘Street’ Hockey Tournament to be held on October 2, 2004 or October 9, 2004, from 12.00 noon to 8.00 p.m., and has no objection to the granting of a liquor licence extension to the patio area of Ein-stein café and pub, 229 College Street for the duration of this event; and
- (7) declare the SHURUM BURUM Jazz Circus, running from October 6 to 17, 2004, at the Stone Distillery in the Distillery Historic District to be an event of municipal and/or community significance and advise the Alcohol and Gaming Commission of Ontario that it has no objection to its taking place.”

*Votes:*

The motion by Councillor Rae carried.

The Clause, as amended, carried.

**11.28 Administration Committee Report 6, Clause 2, headed “Declaration as Surplus - Residual Portion of Closed Road Allowance Running North from Lawrence Avenue East, Between 6520 and 6530 Lawrence Avenue East (Ward 44 - Scarborough East)”.**

*Motion:*

Councillor Cowbourne moved that consideration of the Clause be deferred to the next regular meeting of City Council on October 26, 2004; and the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to that meeting of Council, determining the future use of this property as a pedestrian access from a residential subdivision to the Port Union Waterfront Trail, which is presently under construction.

*Vote on Deferral:*

The motion by Councillor Cowbourne carried.

**11.29 Policy and Finance Committee Report 7, Clause 1, headed “St. Clair Avenue West Transit Improvement Environmental Assessment – Yonge Street to Gunns Road (just West of Keele Street) (St. Paul’s, Davenport, York South-Weston)”.**

**September 29, 2004:**

*Motions:*

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

“That:

- (1) Council express its desire that the number of legal parking spaces along the St. Clair Avenue West right-of-way be no less than at present and preferably increased, on the street and at off-street locations, and that City of Toronto Departments, Agencies, Boards and Commissions be requested to implement this resolution; and
- (2) Council extend its thanks to the staff involved in the Environmental Assessment Team for their diligence and hard work pertaining to this matter.”

- (b) Councillor Palacio moved:

(1) “That:

WHEREAS the cost of the proposed alternative is substantial and not satisfactory to a majority of members of the local community; and

WHEREAS the reconstruction and potential transit improvements on St. Clair Avenue West are an important part of Toronto’s Official Plan, and critical to the St. Clair community, and must be done correctly; and

WHEREAS significant transit improvements can be accomplished at a lower cost, and with much less disruption to the local community; and

NOW THEREFORE BE IT RESOLVED THAT the Clause be referred back to the Commissioner of Urban Development Services, the Acting Commissioner of Works and Emergency Services, the Chief General Manager, Toronto Transit Commission, and the President, Toronto Parking Authority, with a request that they report back on the ‘Community Alternative’ compromise, developed by a reputable Toronto design and architectural firm, outlined in the communication (September 29, 2004) from Councillor Palacio, comparing it to Alternative 6 in terms of:

- cost;
- ability to accommodate existing and future traffic volumes on St. Clair Avenue West;
- effect on neighbourhood traffic infiltration;
- effects on pedestrians and cyclists;

- effects on present and future transit operations along St. Clair Avenue West;
  - effects on parking supply and economic effects on local businesses;
  - all other key comparisons identified as important in the Environmental Assessment; and
  - any other comparisons staff deem important.”;
- (2) that the following motion be referred to the Budget Advisory Committee for consideration during the 2005 budget process:
- “That the report dated August 31, 2004, from the Commissioner of Urban Development Services, the Acting Commissioner of Works and Emergency Services, the Chief General Manager, Toronto Transit Commission, and the President, Toronto Parking Authority, be amended to provide that at least \$6.5 million, or half, of the \$13 million gross/debt budgeted by TTC for additional related civil works and streetscaping be explicitly for streetscaping only.”; and
- (3) that the Clause be amended by adding the following:
- “That:
- (i) the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Urban Development Services be requested to report to the Economic Development and Parks Committee on how the goals and objectives of ‘Our Future Together: A Community Based Revitalization Strategy for St. Clair Avenue West’, previously approved by Council, can be advanced in conjunction with this project, and on what resources can be provided by those departments, and the project budget, to support the goals and objectives; and
  - (ii) the Acting Commissioner of Works and Emergency Services be requested to conduct polling on all Ward 17 local streets adjacent to St. Clair Avenue West, and where signalized intersections exist to determine street support for speed humps, such polling to include residents two blocks north and south of St. Clair Avenue West.”

**September 29, 2004:**

Deputy Mayor Feldman in the Chair.

*Vote on Referral:*

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

Yes - 9 Councillors:	Di Giorgio, Holyday, Mammoliti, Nunziata, Ootes, Palacio, Shiner, Stintz, Walker
No - 31 Mayor: Councillors:	Miller Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Watson

Lost by a majority of 22.

*Motion:*

- (c) Councillor Mammoliti moved that the Clause be referred back to the Planning and Transportation Committee for further community consultation.

*Vote to Extend Speaking Time:*

Councillor Nunziata, with the permission of Council, moved that, in accordance with §27-27 of Chapter 27 of the City of Toronto Municipal Code, Councillor Mammoliti be granted a five-minute extension, in order to conclude his remarks, the vote upon which was taken as follows:

Yes - 19 Mayor: Councillors:	Miller Cowbourne, Del Grande, Feldman, Filion, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Stintz, Walker, Watson
No - 14 Councillors:	Augimeri, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Grimes, Moscoe, Pantalone, Saundercook

Carried by a majority of 5.

*Vote on Referral:*

Adoption of motion (c) by Councillor Mammoliti:

Yes - 10	
Councillors:	Holyday, Li Preti, Lindsay Luby, Mammoliti, Nunziata, Ootes, Palacio, Stintz, Walker, Watson
No - 27	
Mayor:	Miller
Councillors:	Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Thompson

Lost by a majority of 17.

*Motion:*

(d) Councillor Nunziata moved that the Clause be amended:

(1) by adding the following:

“That the Commissioner of Corporate Services, in conjunction with the Acting Commissioner of Works and Emergency Services, be requested to submit a confidential report to the Administration Committee identifying and detailing the expropriation and other related costs of each property required as a result of Council’s adoption of this Clause.”;

(2) to provide that the proposed parks, open space, and streetscaping improvements contained in the TTC’s St. Clair Avenue West Transit Improvement Environmental Assessment for the portion west of Keele Street, and specifically the Gunns Road Loop, be given priority for funding and construction; and

(3) by adding the following:

“That:

(i) the Toronto Transit Commission be requested to request the Chief General Manager, Toronto Transit Commission, to report to the Toronto Transit

Commission on implementing full bus transit services from Gunns Road to Scarlett Road;

- (ii) the Chief Financial Officer and Treasurer and the City Solicitor be requested to report to the Policy and Finance Committee respecting mechanisms to assist businesses that have demonstrated lost revenues during arterial road re-construction; and
- (iii) the Acting Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on the impact to businesses with respect to garbage collection on St. Clair Avenue West during road reconstruction.”

Mayor Miller in the Chair.

*Vote to Extend Speaking Time:*

Councillor Hall, with the permission of Council, moved that, in accordance with §27-27 of Chapter 27 of the City of Toronto Municipal Code, Councillor Nunziata be granted a five-minute extension, in order to conclude her remarks, the vote upon which was taken as follows:

Yes - 24	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Cho, Del Grande, Di Giorgio, Fletcher, Hall, Holyday, Jenkins, Kelly, Li Preti, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Shiner, Stintz, Thompson, Watson
No - 2	
Councillors:	Rae, Saundercook

Carried by a majority of 22.

*Motions:*

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

“That the Toronto Parking Authority be requested to continue to ensure that parking rates remain affordable at current rates for five (5) years following completion of construction.”

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

“That:

- (1) a two million dollar interest free loan fund to be set up for businesses that suffer demonstrable business losses as a result of arterial road reconstruction including the St. Clair Avenue West TTC construction; and that the Chief Financial and Treasurer be requested to submit a report to the Budget Advisory Committee as part of the 2005 budget process on how this can be accomplished; and
  - (2) during the construction phase of the St. Clair Avenue West transit improvements, parking enforcement on the side streets be conducted on a complaint basis only.”
- (g) Deputy Mayor Pantalone moved that the Clause be amended by adding the following:
- “That the Acting Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services be requested to report to the Planning and Transportation Committee on an alternative which would use Queen Street West vehicle lane widths on St. Clair Avenue West and using the gained space for bicycles and/or wider sidewalks.”
- (h) Councillor Walker moved that the Clause be amended by amending Recommendation (4) contained in the report (August 31, 2004) from the Commissioner of Urban Development Service, the Acting Commissioner of Works and Emergency Services, the Chief General Manager, Toronto Transit Commission, and the President Toronto Parking Authority, to read as follows:
- “(4) for each ward a community design consultation group consisting of representatives of the St. Clair Avenue West business community, residents and other stakeholders, including the Deer Park Traffic Study Working Group, be established to work with the project team to provide input during the detailed process, and that the Consultation Group participate in all streetscape enhancements, urban design decisions, streetcar shelter and platform design and public art decisions, and that this group include, and be co-chaired by the four local City Councillors, or their representative, and report to the Commissioner of Urban Development Services;”.

Deputy Mayor Feldman in the Chair.

- (i) Councillor Thompson moved that:
- (1) motion (g) by Deputy Mayor Pantalone be amended by deleting the words “bicycles and/or”, so that the motion now reads as follows:

“That the Acting Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services be requested to report to the Planning and Transportation Committee on an alternative which would use Queen Street West vehicle lane widths on St. Clair Avenue West and using the gained space for wider sidewalks.”; and

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

“That the Toronto Transit Commission be requested to request the Chief General Manager, Toronto Transit Commission, to:

- (i) study, as part of the detailed design phase, in consultation with the Acting Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services, and determine if vehicular lanes can be narrowed, where possible, to remove any need for sidewalk cuts; and
- (ii) liaise with GO Transit, in consultation with the Acting Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services, to ensure that the construction period does not negatively coincide with the ‘GO Transit Rail-to-Rail Grade Separation diamond construction’ near Old Weston Road, which will require a substantial number of road closures.”

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

“That, in recognition of the concern expressed on the potential business loss related to TTC construction on St. Clair Avenue West, the appropriate City staff and the Chief General Manager, Toronto Transit Commission be requested to report to Council, through the Policy and Finance Committee, by December 2004 on a program to receive and evaluate business loss claims related to major transit construction projects, and that this process be similar to the process established during the construction of the Sheppard Subway.”

- (k) Councillor Lindsay Luby moved that Part (3)(ii) of motion (b) by Councillor Palacio be amended by adding the following:

“The purpose of the speed humps is to calm traffic that may use the side streets as an alternative to St. Clair Avenue.”,

so that the motion now reads as follows:

- “(ii) the Acting Commissioner of Works and Emergency Services be requested to conduct polling on all Ward 17 local streets adjacent to St. Clair Avenue West, and where signalized intersections exist to determine street support for speed humps, such polling to include residents two blocks north and south of St. Clair Avenue West. “The purpose of the speed humps is to calm traffic that may use the side streets as an alternative to St. Clair Avenue.”

Mayor Miller in the Chair.

*Permission to Withdraw Motion:*

Councillor Del Grande, with the permission of Council, withdrew Part (1) of his motion (f).

*Motions:*

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

“That should this project not be approved by Council, that the \$65 million slated for expenditure on this project be designated to improving and increasing public transit in the former City of Scarborough.”

Councillor Altobello in the Chair.

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

“That:

- (1) the Toronto Transit Commission be requested to request the Chief General Manager, Toronto Transit Commission, to report to the Toronto Transit Commission on:
- (a) ways to make the City’s streetcars accessible; and
  - (b) the requirement for new streetcars to replace the aging fleet as it pertains to the projected 25-year life cycle of the St. Clair Avenue streetcar right-of-way; and
- (2) the Acting Commissioner of Works and Emergency Services be requested to include in the submission to the Budget Advisory Committee with respect to the 2005 road maintenance budget of the Transportation Division of Works and Emergency Services, which has a \$235 million ten-year backlog, an increase of

\$23.5 million for 2005 over the 2004 budget amount, in order to eliminate this backlog in no more than ten years.”

*Permission to Withdraw Motions:*

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

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

Mayor Miller in the Chair.

*Votes:*

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

Yes - 15	
Councillors:	Altobello, Balkissoon, De Baeremaeker, Di Giorgio, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Palacio, Thompson, Walker, Watson
No - 28	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, Del Grande, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz

Lost by a majority of 13.

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

Yes - 10	
Councillors:	Balkissoon, Cho, Feldman, Li Preti, Mammoliti, Minnan-Wong, Nunziata, Palacio, Pitfield, Walker
No - 33	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson

Lost by a majority of 23.

Adoption of motion (h) by Councillor Walker:

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

Lost by a majority of 5.

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

Yes - 42	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	De Baeremaeker

Carried by a majority of 41.

Part (2) of motion (a) by Councillor Mihevc carried unanimously.

Adoption of Part (3)(i) of motion (b) by Councillor Palacio:

Yes - 43
Mayor: Miller
Councillors: Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0

Carried, without dissent.

Adoption of motion (k) by Councillor Lindsay Luby:

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

Carried by a majority of 5.

Adoption of Part (3)(ii) of motion (b) by Councillor Palacio, as amended:

Yes - 20	
Councillors:	Ashton, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Fletcher, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Walker, Watson
No - 23	
Mayor:	Miller
Councillors:	Altobello, Balkissoon, Bussin, Carroll, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Grimes, Holyday, Kelly, Minnan-Wong, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson

Lost by a majority of 3.

Part (1) of motion (d) by Councillor Nunziata carried unanimously.

Part (3)(i) of motion (d) by Councillor Nunziata carried.

Adoption of Part (3)(ii) of motion (d) by Councillor Nunziata:

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

Lost by a majority of 15.

Part (3)(iii) of motion (d) by Councillor Nunziata carried.

Adoption of motion (e) by Councillor Li Preti:

Yes - 28 Mayor: Miller Councillors: Ashton, Balkissoon, Bussin, Cho, Chow, Davis, Di Giorgio, Feldman, Filion, Giambrone, Grimes, Jenkins, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker
No - 15 Councillors: Altobello, Carroll, Cowbourne, De Baeremaeker, Del Grande, Fletcher, Hall, Holyday, Kelly, Lindsay Luby, Milczyn, Ootes, Soknacki, Thompson, Watson

Carried by a majority of 13.

Part (2) of motion (f) by Councillor Del Grande carried.

Adoption of motion (g) by Deputy Mayor Pantalone:

Yes - 31 Mayor: Miller Councillors: Altobello, Ashton, Bussin, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 12 Councillors: Balkissoon, Carroll, Cho, Del Grande, Feldman, Holyday, Kelly, Minnan-Wong, Ootes, Pitfield, Soknacki, Walker

Carried by a majority of 19.

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

Part (2)(ii) of motion (i) by Councillor Thompson carried unanimously.

*Permission to Withdraw Motion:*

Councillor Altobello, moved that he be permitted to withdraw his motion (l), the vote upon which was taken as follows:

Yes - 34	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Cho, Chow, Davis, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 9	
Councillors:	Ashton, Balkissoon, Cowbourne, De Baeremaeker, Del Grande, Kelly, Nunziata, Palacio, Thompson

Carried by a majority of 25.

Motion (l) by Councillor Altobello was withdrawn.

Part (1) of motion (m) by Councillor Shiner carried.

*Ruling by Mayor:*

Mayor Miller ruled Part (2) of motion (m) by Councillor Shiner out of order in that it does not relate to this Clause.

Adoption of Clause, as amended:

Yes - 36	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 7	
Councillors:	Di Giorgio, Holyday, Mammoliti, Nunziata, Ootes, Palacio, Walker

Carried by a majority of 29.

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

“That:

- (1) Council express its desire that the number of legal parking spaces along the St. Clair Avenue West right-of-way be no less than at present and preferably increased, on the street and at off-street locations, and that City of Toronto Departments, Agencies, Boards and Commissions be requested to implement this resolution;
- (2) during the construction phase of the St. Clair Avenue West transit improvements, parking enforcement on the side streets be conducted on a complaint basis only;
- (3) the Acting Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on the impact to businesses with respect to garbage collection on St. Clair Avenue West during road reconstruction;
- (4) the Acting Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services be requested to report to the Planning and Transportation Committee on an alternative which would use Queen Street West vehicle lane widths on St. Clair Avenue West and using the gained space for bicycles and/or wider sidewalks;
- (5) the Commissioner of Corporate Services, in conjunction with the Acting Commissioner of Works and Emergency Services, be requested to submit a confidential report to the Administration Committee identifying and detailing the expropriation and other related costs of each property required as a result of Council’s adoption of this Clause;
- (6) the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Urban Development Services be requested to report to the Economic Development and Parks Committee on how the goals and objectives of ‘Our Future Together: A Community Based Revitalization Strategy for St. Clair Avenue West’, previously approved by Council, can be advanced in conjunction with this project, and on what resources can be provided by those departments, and the project budget, to support the goals and objectives;
- (7) the Toronto Transit Commission be requested to request the Chief General Manager, Toronto Transit Commission, to:
  - (i) liaise with GO Transit, in consultation with the Acting Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services, to ensure that the construction period does not negatively coincide with the ‘GO Transit Rail-to-Rail Grade Separation diamond construction’ near Old Weston Road, which will require a substantial number of road closures; and

- (ii) report to the Toronto Transit Commission on:
  - (a) ways to make the City's streetcars accessible;
  - (b) the requirement for new streetcars to replace the aging fleet as it pertains to the projected 25-year life cycle of the St. Clair Avenue streetcar right-of-way; and
  - (c) implementing full bus transit services from Gunns Road to Scarlett Road;
- (8) the Toronto Parking Authority be requested to continue to ensure that parking rates remain affordable at current rates for five (5) years following completion of construction; and
- (9) Council extend its thanks to the staff involved in the Environmental Assessment Team for their diligence and hard work pertaining to this matter."

Deputy Mayor Feldman in the Chair.

**11.30 Policy and Finance Committee Report 7, Clause 15, headed "Policy on Management of Operating Budget Surpluses".**

*Motion:*

Councillor Carroll moved that the Clause be amended by referring the following Recommendation (1) contained in the report (July 8, 2004) from the Chief Financial Officer and Treasurer, to the Budget Advisory Committee for consideration:

- "(1) the surplus carried forward be zero by the 2007 fiscal year and that this be accomplished by reducing the surplus carried forward in 2005 to a target level of \$10 million, in 2006 to \$5 million and 2007 to zero;"

*Votes:*

The motion by Councillor Carroll carried.

The Clause, as amended, carried.

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

*Motion:*

Councillor Moscoe moved that the Clause be referred to the Commissioner of Economic Development, Culture and Tourism for further consideration.

*Vote on Referral:*

The motion by Councillor Moscoe carried.

**11.32 Works Committee Report 8, Clause 3, headed “Solid Waste Collection in New Residential Developments”.**

*Motion:*

Deputy Mayor Pantalone moved that the Clause be amended by referring the following Recommendations (3) and (4) of the Works Committee to the Acting Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services for a report to the Planning and Transportation Committee:

- “(3) a moratorium be issued on the approval of private roads and laneways in new residential developments until staff report back on the standards for public streets; and
- (4) as the Works Committee does not support centralized garbage locations in new residential developments, Works and Emergency Services staff be directed to not provide garbage collection services to centralized locations in new residential developments.”

*Votes:*

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

**11.33 Works Committee Report 8, Clause 2, headed “Prohibition of Materials from Landfills in Michigan”.**

*Motions:*

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

“That the communication dated September 27, 2004, from Tony O’Donohue, President, Environmental Probe Ltd., be referred to the Works Committee for consideration.”

- (b) Councillor Pitfield moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (September 29, 2004) from the Acting Commissioner of Works and Emergency Services:

“It is recommended that City Council:

- (1) amend Municipal Code Chapter 844, Waste Collection, Residential Properties, to prohibit collection of tires, as specified in the attached proposed Bill (Appendix A);
- (2) adopt a new City of Toronto Municipal Code Chapter, Waste Transfer Stations, to govern the receipt of materials at the City’s transfer stations and to amend Chapter 441, Fees, to include fees or charges for services at transfer stations, as specified in the attached proposed Bill (Appendix B); and
- (3) authorize and direct the appropriate City officials to take the necessary action to give effect thereto.”

*Votes:*

Motion (a) by Councillor Del Grande carried.

Motion (b) by Councillor Pitfield carried.

The Clause, as amended, carried.

**11.34 Works Committee Report 8, Clause 11, headed “Avenue Road/Queen’s Park Avenue and Bloor Street West - Operational Impacts and Potential Traffic Flow Restrictions (Ward 27 - Toronto Centre-Rosedale)”.**

*Vote:*

Adoption of Clause, without amendment:

Yes - 27	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Davis, De Baeremaeker, Feldman, Filion, Giambrone, Hall, Holyday, Jenkins, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Watson
No - 6	
Councillors:	Del Grande, Lindsay Luby, Ootes, Shiner, Soknacki, Stintz

Carried by a majority of 21.

**11.35 Policy and Finance Committee Report 7, Clause 4, headed “Ricoh Coliseum Proposal – Precondition of Signage Approval, Liability Issues and – Amendments to the Lease and Sublease”.**

The Clause was submitted without recommendation.

*Motion:*

Councillor Watson moved that Council adopt the following:

“That:

- (1) the staff recommendations contained in the Recommendations Section of the confidential report dated September 1, 2004, from the General Manager and CEO, Exhibition Place, entitled “Exhibition Place – Ricoh Coliseum – Amendments to the Lease and Sublease”, be adopted, such report to remain confidential in its entirety, in accordance with the provisions of the *Municipal Act*, as it contains information related to the security of the property of the Municipality; and
- (2) the Lease be amended on such terms and conditions as required by the Chief Financial Officer and Treasurer and the City Solicitor to provide that, upon the termination of the 20-year sublease to Maple Leaf Sports and Entertainment Limited, or the 10-year renewal term, by expiry or otherwise, the amount of the base and percentage rent to be paid by the Tenant for the remainder of the term of the Lease shall be based upon the current Lease terms with amendment as follows:
  - (a) that the Tenant shall remain obligated to pay all costs under the current lease; and
  - (b) that the current rent provisions of the Lease shall be amended so that the Tenant

shall be obligated to pay to the City/Board as Landlord, the greater of:

- (i) the Annual Basic Rent for the applicable Lease Year (calculated with increases for CPI); or
- (ii) 50 percent of Net Cash Flow (defined as net of those costs as set out in clause (a)) generated from the operation of the premises by the Tenant or any subtenant of the premises.”

*Votes:*

The motion by Councillor Watson carried.

Adoption of Clause, as amended:

Yes - 27	
Councillors:	Altobello, Balkissoon, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, McConnell, Milczyn, Nunziata, Palacio, Pantalone, Shiner, Soknacki, Stintz, Thompson, Watson
No - 1	
Councillors:	Walker

Carried by a majority of 26.

**11.36 Toronto and East York Community Council Report 7, Clause 18, headed “Variance from Chapter 297, Signs, of the former City of Toronto Municipal Code – 2 Strachan Avenue (Trinity-Spadina, Ward 19)”.**

*Motion:*

Councillor Watson moved that the Clause be amended to provide that the sign be approved, in principle, subject to a review by the Commissioner of Urban Development Services and the Acting Commissioner of Works and Emergency Services, of the size of the video panels and operating parameters (extent of animation, brightness) to ensure compliance with the interim guidelines for Commercial Advertising adopted by Council at its meeting of July 22, 2003.

*Votes:*

The motion by Councillor Watson carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

**11.37 Policy and Finance Committee Report 7, Clause 11, headed ‘Emergency Medical Services (EMS) Operating Variance Report for Four Months Ended April 30, 2004’.**

*Motion:*

Councillor Del Grande moved that:

- (1) the Clause be received; and
- (2) Council request the Chief Financial Officer and Treasurer to submit a report to the Policy and Finance Committee on outstanding dollars for programs, commitments, funding short falls and unfulfilled promises payable by the Province of Ontario and the Federal Government to the City of Toronto.

*Vote:*

The motion by Councillor Del Grande carried.

**11.38 Etobicoke York Community Council Report 7, Clause 27, headed ‘Liquor Licence Application - 1178 Weston Road (Ward 11 - York South-Weston)’.**

*Motion:*

Councillor Nunziata moved that the Clause be amended by deleting the Motion (August 27, 2004) by Councillor Nunziata contained in the Clause, and inserting instead the following:

“**WHEREAS** the occupants of 1178-1180 Weston Road have applied to the Alcohol and Gaming Commission of Ontario (AGCO) for the establishment of a license to serve and sell alcohol; and

**WHEREAS** the City Councillor has received complaints from residents regarding the misconduct of patrons of other licensed establishments located close to 1178-1180 Weston Road; and

**WHEREAS** the City Councillor has been advised by the Toronto Police Service of violations of the criminal code by these nearby licensed establishments; and

**WHEREAS** it has been determined that more than six other licensed establishments already exists within the same block; and

**WHEREAS** the Toronto Police Service has expressed concerns about the generally high crime rate in the area and the lack of parking in the immediate area and the consequences of increased pedestrian use at night among other things; and

**WHEREAS** the past and present conduct of patrons of nearby licensed establishments affords reasonable grounds in a belief that a liquor licence at 1178-1180 Weston Road may result in the behaviour of a certain and significant number of patrons not being in accordance with the law, integrity or honesty, making the operation of a licensed establishment at this address among other complaints demonstrate that a liquor licence is not in the public interest having regard to the needs and wishes of the residents of the municipality in which the premises are located;

**NOW THEREFORE BE IT RESOLVED THAT** Council authorize the City Solicitor to advise the Alcohol and Gaming Commission of Ontario (AGCO) that it opposes any application for a liquor licence for the premises at 1178-1180 Weston Road, or adjacent or related addresses, and provide a copy of the Council resolution;

**AND BE IT FURTHER RESOLVED THAT** the AGCO be requested to provide the City with an opportunity to participate in any proceedings involving these premises to oppose any liquor licence operations, and the City Solicitor be authorized to participate in any proceedings involving 1178-1180 Weston Road and or adjacent or surrounding premises.”

*Votes:*

The motion by Councillor Nunziata carried.

The Clause, as amended, carried.

11.39 **Works Committee Report 8, Clause 9, headed “Harbour Remediation and Transfer Inc. - Claim and Related Third Party Claim of Fred Dominelli”.**

The Clause was submitted without recommendation.

*Motion:*

Councillor Fletcher moved that Council adopt the staff recommendations contained in the Recommendations Section of the confidential report dated September 1, 2004, from the City Solicitor.

*Disposition:*

As Council did not conclude its consideration of this Clause prior to the end of this meeting, consideration of this Clause was deferred to the next regular meeting of City Council on October 26, 2004.

11.40 **Toronto and East York Community Council Report 7, Clause 1, headed “Inclusion on City of Toronto Inventory of Heritage Properties - 508 Eastern Avenue (Toronto-Danforth, Ward 30)”.**

*Motion:*

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

“That Council adopt the following recommendation of the Toronto Preservation Board contained in the Recommendation Section of the communication dated September 23, 2004, from the Toronto Preservation Board:

‘The Toronto Preservation Board recommended to City Council the adoption of the [following] staff recommendations in the Recommendations Section of the report (September 9, 2004) from the Commissioner of Economic Development, Culture and Tourism:

“It is recommended that:

- (1) Council include the property at 508 Eastern Avenue (Ayre Hotel) 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 Fletcher carried.

The Clause, as amended, carried.

11.41 **Toronto and East York Community Council Report 7, Clause 10, headed “Draft By-laws - Official Plan Amendment, Rezoning and Removal of Forty Privately Owned Trees – 825 Dundas Street East; 46 Hamilton Street; 35 Carroll Street and 120 Broadview Avenue (Don Mount Court) (Toronto-Danforth, Ward 30)”.**

*Motion:*

Councillor Fletcher moved that the Clause be amended by amending Recommendation (18)(n) of the Toronto and East York Community Council to read as follows:

“(n) provide a minimum right-of-way width of 16.0 metres, or such lesser amount as deemed appropriate by the Acting Commissioner of Works and Emergency Services, with pavement widths of 7.3 metres and a reinforced concrete sidewalk of 1.65 metres in width on one side of the street, permitting parking on the other side for the Munro Street Extension (Block 7), the Carroll Street Realignment (Block 8) and that part of Kintyre Avenue in Block 10, and providing a pavement width of 6 metres with no parking for that part of Kintyre Avenue in Block 9 on the final Plan of Subdivision prior to registration.”

*Votes:*

The motion by Councillor Fletcher carried.

The Clause, as amended, carried.

11.42 **Policy and Finance Committee Report 7, Clause 31, headed “Implementation of the Changes to the Employee Separation Program”.**

*Motion:*

Councillor Balkissoon moved that the Clause be referred to the Employee and Labour Relations Committee for consideration at its November 2004 meeting, with a request that the Commissioner of Corporate Services provide the Committee with the following:

- the contract containing the Revision to Contract language, showing both the previous and revised wording;
- the actual research material on severance treatment in the private/public sector; and
- the actual research data supporting the 90 percent criteria on salary and benefits;

and that Councillor Balkissoon be invited to attend the meeting at which this matter will be

considered.

*Vote on Referral:*

The motion by Councillor Balkissoon carried.

11.43 **Toronto and East York Community Council Report 7, Clause 31, headed “Installation of Bicycle Lanes – Cosburn Avenue, from Broadview Avenue to Oak Park Avenue (Toronto-Danforth, Ward 29; Beaches-East York, Ward 31)”.**

*Motion:*

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

“That the Director, Transportation Infrastructure Management, Works and Emergency Services, be requested to send out a survey to residents and businesses from Ward 29 and Ward 31 to gauge public impact and perception of the proposed bicycle lanes, traffic infiltration, traffic flows and parking issues on Cosburn Avenue and surrounding streets; and further, that the survey questions, timing and distribution be determined in consultation with the Councillors for Ward 29 and Ward 31, and the results be reported on in the follow-up transportation reports to be submitted to the Toronto and East York Community Council one year after the installation of the bicycle lanes.”

*Votes:*

The motion by Councillor Ootes carried.

Adoption of Clause, as amended:

Yes - 31	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Thompson, Walker, Watson
No - 6	
Councillors:	Ford, Holyday, Minnan-Wong, Ootes, Saundercook, Shiner

Carried by a majority of 25.

**11.44 Etobicoke York Community Council Report 7, Clause 42, headed “Request for Variance from Chapter 215, Signs, of the Former City of Etobicoke Municipal Code - 801 The Queensway (Ward 5 - Etobicoke-Lakeshore)”.**

The Clause was submitted without recommendation.

*Motion:*

Councillor Milczyn moved that Council adopt the following:

“That Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report dated September 16, 2004, from the Acting Director of Building, West District:

‘It is recommended that:

- (1) the request for variances be approved for the reasons outlined in this report; and
- (2) the applicant be advised, upon approval of variances, of the requirement to obtain the necessary sign permits.’ ”

*Votes:*

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

**11.45 Toronto and East York Community Council Report 7, Clause 16, headed “Preliminary Report - Official Plan Amendment, Rezoning and Site Plan Approval - 76 Wychwood Avenue (St. Paul’s, Ward 21)”.**

*Motion:*

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

“That Council adopt the following alternative recommendation contained in the supplementary report dated September 27, 2004, from the Commissioner of Urban Development Services:

‘That Council waive the planning fees totalling \$6,395.25 and refund the paid fees in the amount of \$6,958.93 for the Official Plan Amendment and

Rezoning Application 04 168392 STE 21 OZ and Site Plan Approval  
Application 04 168398 000 00 SA.’ ”

*Votes:*

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

11.46 **North York Community Council Report 7, Clause 50, headed “Traffic Control Signals - The Pond Road at Ian MacDonald Boulevard (Ward 8 - York West)”.**

*Motions:*

- (a) Councillor Moscoe moved that the Clause be amended by amending the second Operative Paragraph contained in the Resolution by Councillor Li Preti, as amended by the North York Community Council, so that it now reads as follows:

**“AND BE IT FURTHER RESOLVED THAT** the City of Toronto reimburse York University for half of these funds, if and when the budget request for traffic control signals at the intersection of Pond Road and Ian MacDonald Boulevard is approved as part of the annual traffic control signal installation program.”

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

“and, in the event that York University does not agree with the Council’s resolution, the Acting Commissioner of Works and Emergency Services be authorized to move forward as quickly as possible with the already approved pedestrian crosswalk.”

*Votes:*

Motion (b) by Councillor Li Preti carried.

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

The Clause, as amended, carried.

In summary, Council amended this Clause by amending the second Operative Paragraph contained in the Resolution by Councillor Li Preti, as amended by the North York Community Council, so that it now reads as follows:

“**AND BE IT FURTHER RESOLVED THAT** the City of Toronto reimburse York University for half of these funds, if and when the budget request for traffic control signals at the intersection of Pond Road and Ian MacDonald Boulevard is approved as part of the annual traffic control signal installation program, and, in the event that York University does not agree with the Council’s resolution, the Acting Commissioner of Works and Emergency Services be authorized to move forward as quickly as possible with the already approved pedestrian crosswalk.”

**11.47 Policy and Finance Committee Report 7, Clause 6, headed “City of Toronto Membership in the Association of Municipalities of Ontario”.**

*Vote:*

Adoption of Clause, without amendment:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Chow, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Rae, Saundercook, Shiner, Stintz, Walker
No - 2	
Councillors:	Holyday, Ootes

Carried by a majority of 26.

*Motion to Re-Open:*

Councillor Moscoe, 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.

*Vote:*

The Clause was adopted, without amendment.

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

11.48 **Community Services Committee Report 6, Clause 1, headed “Amendments to the City of Toronto Municipal Code to Recover Fees Unpaid by Condominium Corporations to Toronto Fire Services”.**

*Motion:*

Councillor Moscoe moved that the Clause be amended to provide that prior to the City adding fees for false alarms to the tax roll, Toronto Fire Services provide for an opportunity for condominium corporations to make submissions, and that these corporations be issued a notice of hearing in this regard.

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

11.49 **Community Services Committee Report 6, Clause 5, headed “Supporting Communities Partnership Initiative Allocations (2003-2006): SCPI Capital Projects, Transitional Housing and Programs Fund Recommendations”.**

*Motion:*

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

“That for SCPI funded projects, the Commissioner of Community and Neighbourhood Services be requested to provide in each staff report, the indicators to be used to measure the outcome and impact of each project, and, based on the final results, report to the Community Services Committee on the actual outcome and impact at the conclusion of the program.”

*Votes:*

The motion by Councillor Stintz carried.

The Clause, as amended, carried.

11.50 **Planning and Transportation Committee Report 6, Clause 5, headed “The Greater Golden Horseshoe Growth Plan Discussion Paper, ‘Places to Grow’ ”.**

*Motion:*

Councillor Stintz moved that the Clause be amended by adding the following to Recommendation

(1) contained in the report (August 27, 2004) from the Commissioner of Urban Development Services:

“(1) (xv) request that the final version of the Plan include an acknowledgement of the complex needs of stable residential neighbourhoods and that intensification in urban centres must be balanced with those needs;”.

*Votes:*

The motion by Councillor Stintz carried.

The Clause, as amended, carried.

Deputy Mayor Bussin in the Chair.

**11.51 Planning and Transportation Committee Report 6, Clause 3, headed “Age of Vehicles Used as Taxicabs”.**

*Motions:*

- (a) Councillor Minnan-Wong moved that the Clause be amended by deleting the recommendations of the Planning and Transportation Committee, and adopting instead the staff recommendations contained in the Recommendations Section of the report dated July 26, 2004, from the Commissioner of Urban Development Services.
- (b) Councillor Moscoe moved that the Clause be amended to provide that the issue of “chop shop” vehicles or re-constructed vehicles be referred to the Commissioner of Urban Development Services for report thereon to the Planning and Transportation Committee.

*Votes:*

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

Yes - 21 Councillors:	Augimeri, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Fletcher, Hall, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Thompson, Walker
No - 9 Councillors:	Di Giorgio, Grimes, Holyday, Jenkins, Milczyn, Ootes, Palacio, Saundercook, Stintz

Carried by a majority of 12.

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

Adoption of Clause, as amended:

Yes - 22	
Councillors:	Augimeri, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Fletcher, Hall, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Thompson, Walker
No - 8	
Councillors:	Di Giorgio, Grimes, Holyday, Jenkins, Milczyn, Ootes, Saundercook, Stintz

Carried by a majority of 14.

*Motion to Re-Open:*

Councillor Moscoe, 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, the vote upon which was taken as follows:

Yes - 14	
Councillors:	Altobello, Ashton, Cho, Di Giorgio, Feldman, Filion, Holyday, Jenkins, Milczyn, Moscoe, Saundercook, Shiner, Soknacki, Stintz
No - 24	
Mayor:	Miller
Councillors:	Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Fletcher, Hall, Kelly, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Nunziata, Pantalone, Pitfield, Rae, Thompson, Walker, Watson

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

Mayor Miller in the Chair.

**11.52 Policy and Finance Committee Report 7, Clause 2, headed ‘Harmonized City-Wide Private Tree By-law (All Wards)’.**

*Motions:*

(a) Deputy Mayor Pantalone moved that the Clause be amended:

(1) to provide that:

- (i) the provisions of the Private Tree By-law not apply to areas designated as ravines and protected under the Ravine Protection By-law;
- (ii) in non-commercial applications, the requirement for a report by a private Arborist may be waived at the discretion of the City Arborist; and
- (iii) the application fees shall not apply to trees that are designated by the Commissioner of Economic Development, Culture and Tourism to be dead, diseased or hazardous; and

(2) by adding the following:

“That a 30-day threshold for processing of routine applications be set as the performance standard objective to be achieved, and that the Commissioner of Economic Development, Culture and Tourism be requested to report to the Economic Development and Parks Committee in May 2006, on the effectiveness of the Private Tree By-law and related application processing performance measures.”

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

“That the following motion be referred to the Commissioner of Urban Development Services for consideration and report thereon to the Planning and Transportation Committee:

Moved by Councillor Moscoe:

“That the Private Tree By-law be amended to provide that if any tree is removed from a property or otherwise destroyed in contravention of any provision of this By-law, the following provisions take effect:

- (1) an area enclosed by a circle with a radius of 3 metres from the centre of the stump of that tree shall be declared to be a legacy tree zone;
- (2) all legacy tree zones shall be registered on the title of the property;

- (3) a legacy tree zone shall remain on the title of the property for a period of not less than the greater of the age of the removed tree or 25 years, as the case may be;
- (4) no person shall construct, erect or otherwise locate any building or structure within a heritage tree zone unless specifically authorized to do so after a public hearing, notice of which has been given in a manner consistent with the notification provisions under the *Planning Act*; and
- (5) no City official or employee shall issue a permit to construct, erect or otherwise locate any building or structure within a legacy tree zone;

and further, that such report also address other effective mechanisms to discourage the clearcutting of trees.’ ”

- (c) Councillor Shiner moved that the Clause be amended to provide that within the areas of North York, Scarborough, York and Etobicoke, the Private Tree By-law apply only to those areas consistent with the boundaries of areas designated for redevelopment and intensification as identified in the new City Official Plan as well as to any Official Plan Amendment, Committee of Adjustment, or Zoning application submitted to the City.
- (d) Councillor Grimes moved that the Clause be amended by adding the following:
 

“That:

  - (1) the Commissioner of Economic Development, Culture and Tourism be requested to report to the Economic Development and Parks Committee on the feasibility of adjusting the staffing plan such that as many as possible of the seven new positions be seasonal; and
  - (2) any money saved be allocated to planting new trees.”
- (e) Councillor Ford moved that the Clause be received.
- (f) Councillor Chow moved that the Clause be amended by adding the following:
 

“That the Chief Administrative Officer be requested to report to the Policy and Finance Committee on designating a department (and its budget) that is responsible for the upkeep and replacement of trees on TTC medians.”
- (g) Councillor Nunziata moved that the Clause be amended to provide that the permit application fee proposed for development related applications be \$400.00.

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

“That the Commissioner of Economic Development, Culture and Tourism be requested to report to the November 2004 meeting of the Economic Development and Parks Committee on:

- (1) the current backlog of tree trimming/pruning, tree removal due to diseased or decayed trees, the outstanding stump removal and tree replacement requests made directly to City staff from all Council offices, or any other sources; and
- (2) a strategy to eliminate the backlog, including any budgetary requirements necessary to deal with the number of requests outstanding and pending, i.e., the average number of requests for these services to City trees annually.”

Deputy Mayor Bussin in the Chair.

- (i) Councillor Balkissoon moved that the Clause be amended to provide that:
  - (1) seniors (aged 65 and over) be exempt from all fees with respect to the Private Tree By-law; and
  - (2) the Condominium Corporation located at 20 Brimwood Boulevard be exempted from application fees under the Private Tree By-law, and that staff and local Councillors work with the Condominium Board to accommodate their ongoing tree removal and replanting program, which was started years ago and has been restricted due to financial constraints.
- (j) Councillor Ashton moved that the Clause be amended:
  - (1) to provide that there be no fees for residential non-development related applications for tree removal;
  - (2) to provide for the delegation of authority for appeals to a citizen appointed body; and
  - (3) by striking out Parts 2(a) and (b) in Section 813-18 “Permits to destroy; Conditions” of the Private Tree By-law.
- (k) Councillor Holyday moved that the Clause be amended to provide that golf courses and cemeteries be exempted from the Private Tree By-law.

- (l) Councillor Soknacki moved that the Clause be amended:
- (1) by deleting Recommendation (1) contained in the report (May 7, 2004) from the Commissioner of Urban Development Services and the Commissioner of Economic Development, Culture and Tourism, and inserting instead the following:  
  
“(1) the City Solicitor be authorized to introduce a Bill for the protection of trees on private property under the *Municipal Act* substantially in the form of the tree protection by-law of the former City of Scarborough;”,  
  
and that Recommendation (4) of such report be amended accordingly; and
  - (2) to provide that if the City Arborist has not made a decision on a non-commercial application within 30 days of receiving the application the application is deemed to be approved.
- (m) Councillor Filion moved that the Clause be amended:
- (1) by adding the following:  
  
“That the City Solicitor be requested to report to the Economic Development and Parks Committee on how the By-law would be effectively enforced, and that such report include information on the number of City and private trees illegally removed since January 2002, what legal action was taken by the City, and the results of such action.”; and
  - (2) to provide that the Permit Application Fee for homeowners be reduced to \$75.00.

Mayor Miller in the Chair.

- (n) Councillor Kelly moved that the Clause be amended:
- (1) to provide that properties that suffer from bird infestation be exempted from the Private Tree By-law; and
  - (2) by adding the following:

“That the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee on how the City, through site plan control and sub-division agreements, can increase the number of trees or the size of the caliper of the trees that is asked for.”

- (o) Councillor Cowbourne moved that the Clause be amended by adding the following:

“That all site plan, sub-division and consent applications must aim for 40 percent tree canopy at maturity; and in the event that this cannot be achieved on site, the applicant be requested to provide for additional trees to be planted on public lands to equal the total 40 percent canopy.”

- (p) Councillor Lindsay Luby moved that Part (2) of motion (m) by Councillor Filion be amended by adding the words “and, in cases of hardship, the Commissioner of Economic Development, Culture and Tourism be authorized to waive the fees”.

- (q) Councillor Del Grande moved that the Clause be amended:

- (1) by adding the following:

“That:

- (i) the Commissioner of Economic Development, Culture and Tourism be requested to examine, in consultation with the Chief Financial Officer and Treasurer, a rebate program for planting trees on private property, and submit a report on this matter to the Economic Development and Parks Committee;
- (ii) the owners of trees on private property not be responsible for any repairs to sewer lines, water lines and utility services;
- (iii) the City become responsible for all tree trimming; and
- (iv) no front yard parking be allowed where a tree has to be removed.”; and

- (2) to provide that any tree removed under the 30 centimetre threshold be replaced with two trees.

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

“That the Commissioner of Urban Development Services and the Commissioner of Economic Development, Culture and Tourism be requested to report to the Economic Development and Parks Committee on a strategy to increase the tree canopy on private and public lands in the City of Toronto, to include space for planting groups of trees and the

growth of mature trees.”

(s) Councillor Watson moved that the Clause be amended:

(1) to provide that:

- (i) the By-law become effective immediately; and
- (ii) enforcement for the first six months be on a complaint basis only; and

(2) by adding the following:

“That:

- (i) all Councillors be requested to take steps to inform constituents of the new By-law; and
- (ii) the Commissioner of Economic Development, Culture and Tourism be requested to report to Council for its November 2004 meeting, through the Economic Development and Parks Committee, on the resource implications of the accelerated effective date of this By-law.”

*Votes:*

Adoption of motion (e) by Councillor Ford:

Yes - 12	
Councillors:	Cowbourne, Feldman, Ford, Grimes, Holyday, Kelly, Minnan-Wong, Nunziata, Ootes, Shiner, Soknacki, Thompson
No - 30	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Walker, Watson

Lost by a majority of 18.

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

Yes - 16	
Councillors:	Altobello, Balkissoon, Del Grande, Di Giorgio, Feldman, Ford, Grimes, Holyday, Kelly, Minnan-Wong, Nunziata, Ootes, Shiner, Soknacki, Stintz, Thompson
No - 26	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson

Lost by a majority of 10.

Adoption of Part (2) of motion (1) by Councillor Soknacki:

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

Lost by a majority of 6.

Parts (1)(i) and (1)(iii) of motion (a) by Deputy Mayor Pantalone carried.

Adoption of Part (1)(ii) of motion (a) by Deputy Mayor Pantalone:

Yes - 40	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 2	
Councillors:	Di Giorgio, Ford

Carried by a majority of 38.

Adoption of motion (c) by Councillor Shiner:

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

Lost by a majority of 8.

Adoption of motion (g) by Councillor Nunziata:

Yes - 13	
Councillors:	Augimeri, Carroll, Cowbourne, De Baeremaeker, Filion, Grimes, Jenkins, Kelly, Lindsay Luby, Moscoe, Nunziata, Palacio, Thompson
No - 29	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Davis, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Hall, Holyday, McConnell, Mihevc, Milczyn, Minnan-Wong, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson

Lost by a majority of 16.

Adoption of Part (1) of motion (i) by Councillor Balkissoon:

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

Carried by a majority of 14.

Adoption of motion (p) by Councillor Lindsay Luby:

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

Carried by a majority of 8.

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

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

Lost, there being a tie vote.

Adoption of Part (2) of motion (m) by Councillor Filion, as amended:

Yes - 19	
Councillors:	Altobello, Augimeri, Balkissoon, Carroll, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Filion, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Minnan-Wong, Soknacki, Thompson
No - 23	
Mayor:	Miller
Councillors:	Ashton, Bussin, Chow, De Baeremaeker, Feldman, Fletcher, Ford, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker, Watson

Lost by a majority of 4.

Adoption of Part (2) of motion (i) by Councillor Balkissoon:

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

Lost by a majority of 2.

*Ruling by Mayor:*

Mayor Miller ruled Part (2) of motion (j) by Councillor Ashton out of order as any appeals must be decided by a Committee of Council.

Adoption of Part (3) of motion (j) by Councillor Ashton:

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

Lost by a majority of 22.

Adoption of motion (k) by Councillor Holyday:

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

Lost by a majority of 26.

Adoption of Part (1) of motion (n) by Councillor Kelly:

Yes - 13	
Councillors:	Altobello, Balkissoon, Cho, Del Grande, Di Giorgio, Feldman, Grimes, Holyday, Kelly, Minnan-Wong, Nunziata, Ootes, Thompson
No - 29	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Ford, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson

Lost by a majority of 16.

Adoption of motion (o) by Councillor Cowbourne:

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

Lost by a majority of 2.

Adoption of Parts (1)(i), (1)(ii) and Part (2)(ii) of motion (s) by Councillor Watson:

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

Carried by a majority of 6.

Adoption of Part (2)(i) of motion (s) by Councillor Watson:

Yes - 29 Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Walker, Watson
No - 13 Mayor: Councillors:	Miller Balkissoon, Carroll, Del Grande, Di Giorgio, Feldman, Ford, Holyday, Minnan-Wong, Nunziata, Ootes, Shiner, Stintz

Carried by a majority of 16.

Part (2) of motion (a) by Deputy Mayor Pantalone carried.

Adoption of motion (b) by Councillor Moscoe:

Yes - 19	
Councillors:	Ashton, Augimeri, Carroll, Cho, Chow, Cowbourne, De Baeremaeker, Filion, Fletcher, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Walker
No - 23	
Mayor:	Miller
Councillors:	Altobello, Balkissoon, Bussin, Davis, Del Grande, Di Giorgio, Feldman, Ford, Holyday, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson

Lost by a majority of 4.

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

Yes - 23	
Councillors:	Altobello, Balkissoon, Cho, Cowbourne, Del Grande, Di Giorgio, Feldman, Ford, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Shiner, Soknacki, Stintz, Thompson
No - 19	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Chow, Davis, De Baeremaeker, Filion, Fletcher, Hall, McConnell, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson

Carried by a majority of 4.

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

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

Carried by a majority of 14.

Adoption of motion (f) by Councillor Chow:

Yes - 26 Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Grimes, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki
No - 16 Mayor: Councillors:	Miller Altobello, Balkissoon, Carroll, Del Grande, Feldman, Ford, Hall, Kelly, Minnan-Wong, Nunziata, Palacio, Stintz, Thompson, Walker, Watson

Carried by a majority of 10.

Adoption of motion (h) by Councillor Ootes:

Yes - 41	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Carroll

Carried by a majority of 40.

Part (1) of motion (m) by Councillor Fillion carried.

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

Adoption of Part (1)(i) of motion (q) by Councillor Del Grande:

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

Carried by a majority of 6.

*Ruling by Mayor:*

Mayor Miller ruled Part (1)(ii) of motion (q) by Councillor Del Grande out of order as it does not relate to this Clause.

Part (1)(iii) of motion (q) by Councillor Del Grande did not carry.

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

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

Lost by a majority of 28.

Adoption of Part (1)(iv) of motion (q) by Councillor Del Grande:

Yes - 37 Mayor: Councillors:	Miller Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Thompson
No - 5 Councillors:	Ashton, Ford, Stintz, Walker, Watson

Carried by a majority of 32.

Motion (r) by Councillor Pitfield carried.

Adoption of Clause, as amended:

Yes - 27	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Walker, Watson
No - 15	
Councillors:	Ashton, Balkissoon, Cowbourne, Di Giorgio, Feldman, Ford, Grimes, Holyday, Kelly, Minnan-Wong, Nunziata, Ootes, Shiner, Soknacki, Thompson

Carried by a majority of 12.

In summary, Council amended this Clause:

- (1) to provide that:
  - (i) the By-law become effective immediately;
  - (ii) enforcement for the first six months be on a complaint basis only;
  - (iii) the application fees shall not apply to trees that are designated by the Commissioner of Economic Development, Culture and Tourism to be dead, diseased or hazardous;
  - (iv) seniors (aged 65 and over) be exempt from all fees with respect to the Private Tree By-law;
  - (v) the provisions of the Private Tree By-law not apply to areas designated as ravines and protected under the Ravine Protection By-law; and
  - (vi) in non-commercial applications, the requirement for a report by a private Arborist may be waived at the discretion of the City Arborist; and
- (2) by adding the following:
 

“That:

  - (i) no front yard parking be allowed where a tree has to be removed;

- (ii) all Councillors be requested to take steps to inform constituents of the new By-law;
- (iii) a 30-day threshold for processing of routine applications be set as the performance standard objective to be achieved, and that the Commissioner of Economic Development, Culture and Tourism be requested to report to the Economic Development and Parks Committee in May 2006, on the effectiveness of the Private Tree By-law and related application processing performance measures;
- (iv) the Chief Administrative Officer be requested to report to the Policy and Finance Committee on designating a department (and its budget) that is responsible for the upkeep and replacement of trees on TTC medians;
- (v) the Commissioner of Economic Development, Culture and Tourism be requested:
  - (a) to examine, in consultation with the Chief Financial Officer and Treasurer, a rebate program for planting trees on private property, and submit a report on this matter to the Economic Development and Parks Committee;
  - (b) to report to the Economic Development and Parks Committee on the feasibility of adjusting the staffing plan such that as many as possible of the seven new positions be seasonal, and that any money saved be allocated to planting new trees;
  - (c) to report to Council for its November 2004 meeting, through the Economic Development and Parks Committee, on the resource implications of the accelerated effective date of this By-law; and
  - (d) to report to the November 2004 meeting of the Economic Development and Parks Committee on:
    - (1) the current backlog of tree trimming/pruning, tree removal due to diseased or decayed trees, the outstanding stump removal and tree replacement requests made directly to City staff from all Council offices, or any other sources; and
    - (2) a strategy to eliminate the backlog, including any budgetary requirements necessary to deal with the number of requests outstanding and pending, i.e., the average number of requests for these services to City trees annually;

- (vi) the Commissioner of Urban Development Services and the Commissioner of Economic Development, Culture and Tourism be requested to report to the Economic Development and Parks Committee on a strategy to increase the tree canopy on private and public lands in the City of Toronto, to include space for planting groups of trees and the growth of mature trees;
- (vii) the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee on how the City, through site plan control and for sub-division agreements, can increase the number of trees or the size of the caliper of the trees that is asked for; and
- (viii) the City Solicitor be requested to report to the Economic Development and Parks Committee on how the By-law would be effectively enforced, and that such report include information on the number of City and private trees illegally removed since January 2002, what legal action was taken by the City, and the results of such action.”

**11.53 Community Services Committee Report 6, Clause 8, headed “Purchase of Medical Services for Seaton House”.**

*Vote:*

The Clause was adopted, without amendment.

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

**11.54 Toronto and East York Community Council Report 7, Clause 76, headed “Proposed Installation of Speed Bumps in the Public Lane between Richmond Street East and Lombard Street, immediately west of Jarvis 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.

**11.55 Etobicoke York Community Council Report 7, Clause 17, headed “Ryding Avenue - Installation of Speed Humps between Runnymede Road and Cobalt Avenue (Ward 11 - York South-Weston)”.**

*Vote:*

The Clause was adopted, without amendment.

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

**11.56 Community Services Committee Report 6, Clause 10, headed “Update Regarding the Status of Litigation with The Learning Enrichment Foundation”.**

*Motion:*

Councillor Moscoe moved that consideration of the Clause be deferred to the next regular meeting of City Council on October 26, 2004.

*Vote on Deferral:*

The motion by Councillor Moscoe carried.

**11.57 Toronto and East York Community Council Report 7, Clause 2, headed “Exemption from Moratorium on Vending for Non-Profit Organization – John Street and Queen Street West”.**

*Motion:*

Councillor Moscoe moved that the Clause be amended in accordance with the following resolution:

**“WHEREAS** Sketch is a non-profit organization teaching at risk youth to use creative and artistic skills; and

**WHEREAS** from time to time Sketch wishes to sell the items fashioned by the youth; and

**WHEREAS** it is appropriate to waive the fees applicable to any vending location allocated to Sketch;

**NOW THEREFORE BE IT RESOLVED THAT** Council direct the Commissioner of Urban Development Services to work with 'Sketch' to allocate an existing designated area in the vicinity of John Street and Queen Street West and to waive the application and licensing fees."

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

**11.58 Policy and Finance Committee Report 7, Clause 17, headed "Water Meter Replacement and Meter Reading Technology Project".**

*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 to provide that the number of installations for the Water Meter Replacement pilot project be changed from 25,000 to 10,000.

*Votes:*

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

**11.59 Policy and Finance Committee Report 7, Clause 23, headed "Enwave Energy Corp. - Assignment of Agreements as Collateral Security for Financing".**

The Clause was submitted without recommendation.

*Motions:*

- (a) Councillor Shiner moved that Council adopt the following staff recommendations contained in the Recommendations Section of the confidential report dated September 3, 2004, from the Chief Financial Officer and Treasurer and the City Solicitor, such recommendations are now public and the balance of such report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information related to the security of the property of the Municipality:

“It is recommended that:

- (1) the City consent to Enwave Energy Corporation assigning its interest in the Energy Transfer Agreement and the Share and Asset Purchase Agreement to the Green Municipal Investment Fund as collateral security for performance of Enwave’s obligations under its credit agreement with GMIF, subject to the assignments and consents being satisfactory to the City Solicitor and the Chief Financial Officer and Treasurer; and
- (2) the appropriate staff be authorized to sign the consent and acknowledgements and take any other actions and execute any other documents as may be required to give effect to these recommendations.”

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

“That:

- (1) the Chief Financial Officer and Treasurer and the City Solicitor be requested to report to the Policy and Finance Committee in November 2004, on reasons why Enwave Energy Corporation entered into this agreement prior to Council approval; and
- (2) Enwave Energy Corporation again be reminded of the following recommendation adopted by City Council on January 27, 28 and 29, 2004:

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

*Votes:*

Adoption of motion (b) by Councillor Ootes:

Yes - 37	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Walker, Watson
No - 2	
Councillors:	Chow, Shiner

Carried by a majority of 35.

Adoption of motion (a) by Councillor Shiner:

Yes - 29	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, Del Grande, Di Giorgio, Filion, Grimes, Hall, Jenkins, Kelly, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Palacio, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 9	
Councillors:	De Baeremaeker, Feldman, Ford, Holyday, Lindsay Luby, Nunziata, Ootes, Pitfield, Walker

Carried by a majority of 20.

The Clause, as amended, carried.

**11.60 North York Community Council Report 6, Clause 37a, 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 Feldman moved that the Clause be amended by deleting the recommendation of the North York Community Council, and that Council grant the request for a sign variance at 5000 Yonge Street.

*Votes:*

Adoption of motion by Councillor Feldman:

Yes - 15	
Mayor:	Miller
Councillors:	Carroll, Cho, Del Grande, Di Giorgio, Feldman, Grimes, Kelly, Minnan-Wong, Nunziata, Ootes, Palacio, Rae, Shiner, Stintz
No - 19	
Councillors:	Altobello, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Saundercook, Walker, Watson

Lost by a majority of 4.

The Clause was adopted, without amendment.

**11.61 Policy and Finance Committee Report 7, Clause 5, headed “Claim by Regional Airlines Holdings Inc., (‘REGCO’)”.**

*Motions:*

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

“That the Chief Administrative Officer be requested to submit directly to Council on October 26, 2004, the report previously requested by City Council on December 3, 2003, respecting the indemnification of the City, by the Federal Government, for any legal costs and/or liabilities, and the Federal Government’s response; and further, that the confidential

report (September 10, 2004) of the Chief Financial Officer and Treasurer and the City Solicitor also be resubmitted at that time.”

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

“That:

- (1) the City Solicitor be requested to report to the next meeting of the Policy and Finance Committee on presenting a motion for Summary Judgement as soon as possible after filing the Statement of Defence; and
  - (2) the outside counsel defence costs should not exceed \$2.00.”
- (c) Councillor Mihevc moved that motion (a) by Councillor Shiner be amended to provide that the Chief Administrative Officer submit the reports to Council at the appropriate time.

Councillor Lindsay Luby in the Chair.

*Permission to Withdraw Motion:*

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

Due to the above withdrawal, motion (c) by Councillor Mihevc was not put to a vote.

*Votes:*

Adoption of Part (1) of motion (b) by Councillor Minnan-Wong:

Yes - 8	
Councillors:	Del Grande, Hall, Holyday, Minnan-Wong, Nunziata, Ootes, Palacio, Shiner
No - 23	
Mayor:	Miller
Councillors:	Altobello, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Grimes, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Watson

Lost by a majority of 15.

Adoption of Part (2) of motion (b) by Councillor Minnan-Wong:

Yes - 5 Councillors:	Minnan-Wong, Nunziata, Ootes, Palacio, Shiner
No - 26 Mayor: Councillors:	Miller Altobello, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Watson

Lost by a majority of 21.

Adoption of Clause, without amendment:

Yes - 27 Mayor: Councillors:	Miller Altobello, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Pitfield, Rae, Saundercook, Watson
No - 4 Councillors:	Minnan-Wong, Nunziata, Palacio, Shiner

Carried by a majority of 23.

Mayor Miller in the Chair.

**11.62 Policy and Finance Committee Report 7, Clause 30, headed “New Provincial Rent Bank Program”.**

*Motion:*

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

“That the Commissioner of Community and Neighbourhood Services be requested to report to the Policy and Finance Committee on:

- how it is that the Rent Bank costs as much money to administer as it gives out in loans;
- what percentage in loans given out in 1998-2003 have been repaid;
- what percentage were written off; and
- how many recipients are repeat recipients.”

*Votes:*

Adoption of motion by Councillor Del Grande:

Yes - 12	
Councillors:	Altobello, Cho, Del Grande, Di Giorgio, Grimes, Hall, Holyday, Milczyn, Nunziata, Ootes, Palacio, Watson
No - 17	
Mayor:	Miller
Councillors:	Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Saundercook

Lost by a majority of 5.

The Clause was adopted, without amendment.

**11.63 Economic Development and Parks Committee Report 6, Clause 4, headed “Recreation Facilities Report (All Wards)”.**

*Motions:*

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

“That Council acknowledges that development options under consideration in the TTC Subway Lands - Warden Corridor Land Use Planning Study have the potential to substantially increase the population in the Warden Corridor and the demand for parks, community and recreation facilities, and further, that the Commissioner of Economic Development, Culture and Tourism be directed to consider the findings of such Study in planning and implementation strategies for future parks, recreation and other community facilities and services required to serve the study area.”

- (b) Councillor Watson moved that the Clause be amended by:
- (1) amending Recommendation (4) of the Economic Development and Parks Committee to provide that lower priority projects can proceed in advance of higher priority projects if circumstances such as availability of land, partnership opportunities, Section 37 benefits or development charges enable the work to proceed; and
  - (2) adding the following:  

“That the Chief Financial Officer and Treasurer be requested to set up an appropriate reserve fund to receive contributions for the Wabash Sorauren Community Centre, identified as a priority in Recommendation (4)(g) of the report dated August 20, 2004, from the Commissioner of Economic Development, Culture and Tourism, so that contributors are able to receive tax contribution receipts from the City.”
- (c) Councillor Chow moved that the Clause be amended to provide that the capital projects with development charges, parks levies and Section 37 benefits be advanced into five year capital expenditures.

*Votes:*

Motion (a) by Councillor Altobello carried.

Motion (b) by Councillor Watson carried.

Motion (c) by Councillor Chow carried.

The Clause, as amended, carried.

In summary, Council amended this Clause:

- (1) to provide that the capital projects with development charges, parks levies and Section 37 benefits be advanced into five year capital expenditures;
- (2) by amending Recommendation (4) of the Economic Development and Parks Committee to provide that lower priority projects can proceed in advance of higher priority projects if circumstances such as availability of land, partnership opportunities, Section 37 benefits or development charges enable the work to proceed; and

- (3) by adding the following:

“That:

- (a) the Chief Financial Officer and Treasurer be requested to set up an appropriate reserve fund to receive contributions for the Wabash Sorauren Community Centre, identified as a priority in Recommendation (4)(g) of the report dated August 20, 2004, from the Commissioner of Economic Development, Culture and Tourism, so that contributors are able to receive tax contribution receipts from the City; and
- (b) Council acknowledges that development options under consideration in the TTC Subway Lands - Warden Corridor Land Use Planning Study have the potential to substantially increase the population in the Warden Corridor and the demand for parks, community and recreation facilities, and further, that the Commissioner of Economic Development, Culture and Tourism be directed to consider the findings of such Study in planning and implementation strategies for future parks, recreation and other community facilities and services required to serve the study area.”

#### 11.64 IN-CAMERA MEETING SESSIONS OF THE COMMITTEE OF THE WHOLE

##### **September 28, 2004:**

Deputy Mayor Pantalone in the Chair.

##### *Procedural Motion:*

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

- (a) Etobicoke York Community Council Report 7, Clause 53, headed “Jurisdiction of the Committee of Adjustment – 1555 Jane Street (Ward 13 - York South-Weston)”, as it contains information that is subject to solicitor-client privilege; and
- (b) Nominating Committee Report 5, Clause 1, headed “Citizen Appointment to the Police Services Board”, as it contains personal information about identifiable individuals.

##### *Vote:*

The motion by Deputy Mayor Pantalone 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 matters, in accordance with the provisions of the *Municipal Act*.

Committee of the Whole rose, reconvened as Council at 7:17 p.m., and met in public session in the Council Chamber.

Mayor Miller in the Chair.

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

**11.65 Nominating Committee Report 5, Clause 1, headed “Citizen Appointment to the Police Services Board”.**

*Report of the Committee of the Whole:*

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

- (a) Councillor Mihevc moved that the Clause be amended by deleting from Recommendation (1) of the Nominating Committee the date “October 30, 2004” and inserting instead the word “immediately”, so that such recommendation now reads:

“(1) Council appoint the citizen listed in the confidential communication (September 24, 2004) from the Nominating Committee, headed “Citizen Appointment to the Police Services Board”, for a term of office starting immediately and ending November 30, 2006, at the pleasure of Council, and until a successor is appointed;”.

*Motion Moved in Public:*

- (b) Mayor Miller, with the permission of Council moved that the Clause be amended by adding the following:

“That the Mayor request the Integrity Commissioner to investigate the circumstances which led to the September 28, 2004, Toronto Star article respecting the candidates for appointment to the Toronto Police Services Board.”

*Votes:*

Adoption of motion (b) by Mayor Miller:

Yes - 44	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Rae

Carried by a majority of 43.

Adoption of motion (a) by Councillor Mihevc:

Yes - 32	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 9	
Councillors:	Ford, Grimes, Holyday, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield

Carried by a majority of 23.

Adoption of Clause, as amended:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Thompson, Walker, Watson
No - 13	
Councillors:	Del Grande, Ford, Grimes, Holyday, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Shiner, Soknacki, Stintz

Carried by a majority of 15.

**11.66 Etobicoke York Community Council Report 7, Clause 53, headed “Jurisdiction of the Committee of Adjustment – 1555 Jane Street (Ward 13 - York South-Weston)”.**

*Report of the Committee of the Whole:*

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

- (a) Councillor Moscoe moved that this Clause be received.

*Vote:*

Adoption of motion (a) by Councillor Moscoe:

Yes - 30	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson, Walker
No - 11	
Councillors:	Balkissoon, Di Giorgio, Filion, Ford, Grimes, Mammoliti, Nunziata, Ootes, Palacio, Saundercook, Watson

Carried by a majority of 19.

**September 30, 2004:**

*Procedural Motion:*

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

- (a) North York Community Council Report 7, Clause 51, headed “Appointments to Committee of Adjustment - North York Panel”, as it contains personal information about identifiable individuals; and
- (b) Policy and Finance Committee Report 7, Clause 20, headed “Offer to Settle Claim Arising from Construction of the Ledbury Community Centre (Ward 16 - Eglinton-Lawrence)”, as it contains information pertaining to litigation or potential litigation.

*Vote:*

The motion by Mayor Miller carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 11:58 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the *Municipal Act*.

**October 1, 2004:**

Committee of the Whole rose, reconvened as Council at 12:32 a.m., and met in public session in the Council Chamber.

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

**11.67 North York Community Council Report 7, Clause 51, headed “Appointments to Committee of Adjustment - North York Panel”.**

*Report of the Committee of the Whole:*

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

- (a) Councillor Jenkins moved that the Clause be amended by deleting from Recommendations (1) and (2) of the North York Community Council, the words “as listed in the confidential letter (September 15, 2004) from the North York Community Council” and inserting instead the words “as listed in the confidential letter (September 1, 2004) from the Nominating Committee”, so that these recommendations now read as follows:

- “(1) the appointment of citizens to the Committee of Adjustment - North York Panel, for a term of office at the pleasure of Council ending November 30, 2006, and until their successors are appointed, as listed in the confidential letter (September 1, 2004) from the Nominating Committee;
- (2) the appointment of two alternates to the Committee of Adjustment - North York Panel, who are members effective if a vacancy occurs, at the pleasure of Council for the remainder of the term of office ending November 30, 2006 and until their successors are appointed, as listed in the confidential letter (September 1, 2004) from the Nominating Committee;”.

*Vote:*

Adoption of motion (a) by Councillor Jenkins:

Yes - 24	
Mayor:	Miller
Councillors:	Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Grimes, Hall, Holyday, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Walker, Watson
No - 13	
Councillors:	Altobello, Augimeri, Di Giorgio, Feldman, Kelly, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Shiner, Stintz

Carried by a majority of 11.

The Clause, as amended, carried.

Council appointed the following citizens to the Committee of Adjustment, North York Panel:

- Isaac Lallouz
- David Peacock
- Robert Pletsch

- Gordon Sterling
- Jon Williams;

and appointed the following alternates, who are appointed to the Committee of Adjustment, North York Panel, effective if a vacancy occurs:

- William Steele (if one vacancy occurs)
- Gino Cucchi (if a second vacancy occurs).

**11.68 Policy and Finance Committee Report 7, Clause 20, headed “Offer to Settle Claim Arising from Construction of the Ledbury Community Centre (Ward 16 - Eglinton-Lawrence)”.**

The Clause was submitted without recommendation.

*Report of the Committee of the Whole:*

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

*Motions:*

- (a) Councillor Del Grande moved that Council:
  - (1) adopt Recommendation (1) contained in the Recommendations Section of the confidential report dated July 7, 2004, from the Commissioner of Economic Development, Culture and Tourism and the City Solicitor; and
  - (2) receive Recommendation (2) of the report.
- (b) Councillor Stintz moved that Council adopt the staff recommendations contained in the Recommendations Section of the confidential report dated July 7, 2004, from the Commissioner of Economic Development, Culture and Tourism and the City Solicitor.

*Votes:*

Adoption of motion (b) by Councillor Stintz:

Yes - 33	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker
No - 4	
Councillors:	Del Grande, Nunziata, Palacio, Watson

Carried by a majority of 29.

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

The Clause, as amended, carried.

In summary, Council adopted the following:

“That Council adopt the staff recommendations contained in the Recommendations Section of the confidential report dated July 7, 2004, from the Commissioner of Economic Development, Culture and Tourism and the City Solicitor. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act*, as it contains information that is subject to litigation or potential litigation.”

#### **MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION**

Deputy Mayor Feldman in the Chair.

#### **11.69 I(1) Proposed Exemption from the Smoking By-law for Retail Tobacco Stores**

Deputy Mayor Feldman called upon the following Notice of Motion appearing on the Order Paper, as follows:

**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 and 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 nor 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.”

*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 I(1) to the Board of Health would have to be waived, in order to now consider this Motion.

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion I(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 1, Page 233)

*Procedural Vote:*

The vote to waive referral of Motion I(1) to the Board of Health was taken as follows:

Yes - 19 Councillors:	Augimeri, Balkissoon, Carroll, Del Grande, Feldman, Hall, Holyday, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Soknacki, Stintz, Watson
No - 17 Councillors:	Altobello, Ashton, Bussin, Davis, De Baeremaeker, Di Giorgio, Filion, Giambrone, Grimes, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Rae, Saundercook

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

*Disposition:*

Motion I(1) was referred to the Board of Health.

**11.70 I(2) St. Lawrence Centre for the Arts Board of Directors - Notice of Motion for September Council**

Deputy Mayor Feldman called upon the following Notice of Motion appearing on the Order Paper, as follows:

**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; and

**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.”

*Vote:*

Motion I(2) carried, without amendment.

*Note:*

In adopting Motion I(2), without amendment, and enacting By-law No. 862-2004, Council increased the composition of the St. Lawrence Centre for the Performing Arts Board of Directors

to add one citizen nominated by the St. Lawrence Forum.

Council has appointed Irene Jones to the St. Lawrence Centre for the Performing Arts Board of Directors - St. Lawrence Forum, for a term of office ending November 30, 2006, and until a successor is appointed, in accordance with Nominating Committee Report 3, Clause 2, adopted by City Council on July 20, 21 and 22, 2004.

**11.71 J(1) Terms of Reference for the Roundtable on a Beautiful City**

Mayor Miller 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, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Mayor Miller**

**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 a Beautiful City;

**AND BE FURTHER RESOLVED THAT** the Terms of Reference for the Roundtable on a Beautiful City be amended to increase the membership from 15 to 26.”

*Votes:*

The first Operative Paragraph contained in Motion J(1) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(1) was adopted, without amendment.

**11.72 J(2) Eva's Initiative – Shelter for Homeless Youth, 25 Canterbury Place (Ward 23, Willowdale)**

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

**Moved by: Councillor Shiner**

**Seconded by: Councillor Mihevc**

**“WHEREAS** City Council at its meeting on April 14, 15, and 16, 2003, approved the development of a City-owned shelter for homeless youth at 25 Canterbury Place; and

**WHEREAS** the Shelter, Housing and Support Division of the Community and Neighbourhood Services Department is responsible for the development of this site; and

**WHEREAS** the report dated March 12, 2003, from the Commissioner of Community and Neighbourhood Services, stated that a minor variance to increase the density would be required through an application to the Committee of Adjustment; and

**WHEREAS** the Committee of Adjustment on June 3, 2004, authorized variance application A047/04NY which granted variances, subject to conditions noted in the decision, from the provisions of Zoning By-law No. 7625 and By-law No. 138-2003, as amended, to allow the development; and

**WHEREAS** an appeal of the Committee of Adjustment decision to the Ontario Municipal Board has been filed by business owners in proximity to 25 Canterbury Place; and

**WHEREAS** City staff concur with the decision of the Committee of Adjustment that the variances are appropriate; and

**WHEREAS** the hearing date for the Ontario Municipal Board has been set for Wednesday, October 13, 2004;

**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 variances required in relation to the City development of a City-owned shelter for homeless youth at 25 Canterbury Place.”

*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(2) 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(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 238)

*Procedural Vote:*

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

Council also had before it, during consideration of Motion J(2), the following:

- (a) (September 22, 2004) from Councillor David Shiner, addressed to Members of City Council, entitled "23 Canterbury Place (Ward 23 - Willowdale)". (See Attachment 1, Page 222); and
- (b) a Notice of Decision dated June 11, 2004, from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, North York Panel, which is on file in the City Clerk's Office.

*Vote:*

Motion J(2) was adopted, without amendment.

**11.73 J(3) Municipal Housing Project Facility Agreement with Toronto Community Housing Corporation - 600 Rogers Road (Ward 12 - York South-Weston)**

Councillor Shiner 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, moved by Councillor Chow, seconded by Deputy Mayor Feldman, and, in the absence of Councillor Chow, moved by Councillor Shiner, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Shiner**

**Seconded by: Deputy Mayor Feldman**

**“WHEREAS** the Toronto Community Housing Corporation (TCHC) is requesting that, pursuant to the City's Municipal Housing Facility By-law No. 282-2002, the City enter into a Municipal Housing Project Facility Agreement with Toronto Community Housing

Corporation for seven (7) new affordable housing units at 600 Rogers Road, establish the facility as a municipal capital facility, and exempt the facility from taxation for municipal and school purposes; and

**WHEREAS** TCHC had Silverthorn Place at 600 Rogers Road built as apartments for seniors, in 1990; and

**WHEREAS** the ground floor commercial space has remained vacant since 2002; and

**WHEREAS** TCHC has received planning approval to convert the vacant commercial space into seven (7) affordable housing units, two of which will be barrier-free units, starting in October 2004, for occupancy January 2005; and

**WHEREAS** TCHC will be assuming all the costs of the conversion, except for \$21,000.00 in exemptions from the City's development charges and planning application fees that it is entitled to as a non-profit providing affordable housing; and

**WHEREAS** this project has not been approved for assistance provided by other levels of government; and

**WHEREAS** the financial assistance of the City is required to make this affordable rental housing project economically viable;

**NOW THEREFORE BE IT RESOLVED THAT:**

- (1) authority be granted for the City to enter into a Municipal Housing Project Facility Agreement with the Toronto Community Housing Corporation, pursuant to By-law No. 282-2002, establishing the facility as a municipal capital facility;
- (2) authority be granted for exempting the seven (7) new affordable housing units at the property municipally known as 600 Rogers Road from taxation, for municipal and school purposes, for a period of 20 years; and
- (3) 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 Bill necessary 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(3) 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(3), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 2, Page 234)

*Procedural Vote:*

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

*Vote:*

Motion J(3) was adopted, without amendment.

11.74 **J(4) Transfer of Funding from Youth Clinical Services Inc. to Toronto Community Housing Corporation and Authority to Enter into Long-Term Lease Negotiations with the Toronto Community Housing Corporation for a Portion of 1900 Sheppard Avenue West**

Deputy Mayor Feldman, 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, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Deputy Mayor Feldman**

**Seconded by: Councillor Shiner**

**“WHEREAS** City Council, at its meeting held September 22, 23, 24 and 25, 2003, approved \$2.0 million of federal Supporting Communities Partnership Initiative (SCPI) funding for Youth Clinical Services Inc. (YCS) to develop a transitional housing project for youth on the City-owned site at 1900 Sheppard Avenue West; and

**WHEREAS** City Council at its meeting held September 22, 23, 24 and 25, 2003, declared a portion of 1900 Sheppard Avenue West surplus to the City’s requirements, save and except the portion required by the Toronto Public Library (Library), with the intended method of disposal by way of a long-term lease to YCS for the development of a transitional housing project; and

**WHEREAS** City Council, at its meeting of October 29, 30 and 31, 2002, approved capital project pre-approval to construct a library at 1900 Sheppard Avenue West, in

co-development with Shelter, Housing and Support, at net zero cost based on cost savings of approximately \$270,000.00 achieved through co-development with a housing project; and

**WHEREAS** YCS is no longer able to proceed with the development of the site; and

**WHEREAS** it is necessary to replace YCS as the co-developer of the site, in order to facilitate the timely development of a transitional housing project and to accommodate the Toronto Public Library Board's need to proceed in relation to its relocation plans; and

**WHEREAS** Shelter Housing and Support has sought to find a new proponent for a transitional housing project at the 1900 Sheppard Avenue West site that is credible and able to proceed in a timely fashion to carry on the project, similar in form and site plan as designed to date in co-development with the Library; and

**WHEREAS** the Toronto Community Housing Corporation (TCHC) is an experienced housing developer and has developed projects in co-development with the Library, most recently 659 Northcliffe Boulevard and the Maria Schuka Library; and

**WHEREAS** due to the time sensitivity of ensuring that a new proponent will have sufficient time to proceed to construction in co-development with the Library and expend its SCPI funding by the federal March 31, 2006 deadline, it is necessary that the transfer of SCPI funding to a new proponent and the authority to enter into lease negotiations with a new proponent be considered at the September 2004 Council meeting;

**NOW THEREFORE BE IT RESOLVED THAT** the \$2.0 million SCPI funding previously awarded to YCS for the development of 1900 Sheppard Avenue West, be transferred to the Toronto Community Housing Corporation, upon TCHC Board approval, for its use in the development of a transitional project for youth on the site that is based on the project design developed to date in co-development with the Library;

**AND BE IT FURTHER RESOLVED THAT** authority be granted to the Commissioner of Community and Neighbourhood Services to negotiate with TCHC the terms and conditions of a long-term lease and any other agreements deemed appropriate by the Commissioner of Community and Neighbourhood Services and the City Solicitor to facilitate the co-development and provision of transitional housing for youth and a library at 1900 Sheppard Avenue West, generally in accordance with the intentions outlined in the body of this Motion, all such terms and conditions to be satisfactory to the Commissioner and in a form acceptable to the City Solicitor;

**AND BE IT FURTHER RESOLVED THAT** the local Councillor be consulted with respect to the above, prior to finalizing any and all of the agreements.”

*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(4) 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(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 238)

*Procedural Vote:*

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

*Vote:*

Adoption of Motion J(4), without amendment:

Yes - 32	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Watson
No - 3	
Councillors:	Augimeri, Holyday, Li Preti

Carried by a majority of 29.

11.75 **J(5) All Way Stop Control - Bryant Street and Searle Avenue (Ward 10 - York Centre)**

Deputy Mayor Feldman, 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 and debate of the following Notice of Motion, 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** City Council, by its adoption of Toronto North Community Council Report 1, Clause 3, without amendment, received a request to install an all way stop control at the intersection of Bryant Street and Searle Avenue; and

**WHEREAS** since the adoption of this Clause, a petition has been received from residents in Ward 10 - York Centre who are concerned about safety at this intersection; and

**WHEREAS** many children cross at the intersection of Bryant Street and Searle Avenue, and an all way stop control at this intersection will provide the children and other pedestrians with some protection;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto North Community Council Report 1, Clause 3, headed ‘All Way Stop Control - Bryant Street and Searle Avenue (Ward 10 York Centre)’, be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** the Acting Commissioner of Works and Emergency Services be directed to install an all-way stop control at the Bryant Street and Searle Avenue intersection.”

*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 a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 3, Page 235)

Mayor Miller in the Chair.

*Votes:*

Adoption of the first Operative Paragraph contained in Motion J(5):

Yes - 33	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Davis, De Baeremaeker, Feldman, Filion, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Watson
No - 4	
Councillors:	Carroll, Del Grande, Holyday, Kelly

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

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

Deputy Mayor Feldman in the Chair.

#### 11.76 **J(6) Use of Toronto's Shelter System**

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:

**Moved by: Councillor Holyday**

**Seconded by: Councillor Kelly**

**“WHEREAS** all citizens have a right to adequate shelter; and

**WHEREAS** those who choose to remain homeless make this choice voluntarily or through ignorance of existing shelter facilities; and

**WHEREAS** the homeless often have need for medical assistance, clothing, sleep and food; and

**WHEREAS** it is manifestly unfair and inhumane to expose the homeless to potential exploitation and harm; and

**WHEREAS** the City of Toronto expends at least \$150 million annually towards the

resolution of this social inequity, but the tragedy of homelessness persists; and

**WHEREAS** other large jurisdictions throughout North America have successfully enacted measures to shelter the homeless;

**NOW THEREFORE BE IT RESOLVED THAT** a zero tolerance policy be adopted with respect to sleeping on City property;

**AND BE IT FURTHER RESOLVED THAT** a voluntary registry be set up and homeless persons be identified, listed and offered choices for regular shelter, if they so request;

**AND BE IT FURTHER RESOLVED THAT** a tracking system be developed to monitor the whereabouts of those registered, to ascertain the efficacies of the program;

**AND BE IT FURTHER RESOLVED THAT** those who do not wish to avail themselves of the opportunity to seek shelter be encouraged to use the City's available shelter facilities.”

the vote upon which was taken as follows:

Yes - 21	
Councillors:	Altobello, Ashton, Balkissoon, Cho, Del Grande, Feldman, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Shiner, Stintz
No - 15	
Councillors:	Augimeri, Bussin, Carroll, Chow, Davis, De Baeremaeker, Filion, Giambrone, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Watson

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(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 4, Page 236)

*Disposition:*

As the motion to waive Notice did not carry, Councillor Holyday gave Notice of this Motion to permit consideration at the next regular meeting of City Council on October 26, 2004.

11.77 **J(7) Lease of 200 Madison Avenue to Furniture Bank**

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

**Moved by: Councillor Chow**

**Seconded by: Councillor Walker**

**“WHEREAS** by Notice of Motion J(12), adopted by City Council at its meeting held on March 1, 2 and 3, 2004, Council directed the Commissioner of Corporate Services to notify the tenants of the City-owned property known as 200 Madison Avenue (the ‘Premises’) to vacate the Premises by September 30, 2004; and

**WHEREAS** the City’s sole tenant of the Premises, Friends for Poverty Relief, Inc., also known as ‘Chill Out’ was, by notice dated June 15, 2004, directed to vacate the Premises by September 30, 2004; and

**WHEREAS** Chill Out is proceeding to vacate the Premises by September 30, 2004, in accordance with the said notice; and

**WHEREAS** Chill Out’s subtenant of the Premises, Furniture Bank, has requested that the City permit Furniture Bank to stay at the Premises, on a month-to-month basis, until the Premises are required for development as affordable housing; and

**WHEREAS** the Property Management Committee allocated the Premises for use as affordable housing, and development of the Premises for affordable housing is expected to begin in 2005; and

**WHEREAS** Furniture Bank is currently occupying the Premises to provide services to homeless and low-income families and individuals; and

**WHEREAS** Furniture Bank has agreed to enter into a direct lease of the Premises with the City on the terms outlined in this Motion;

**NOW THEREFORE BE IT RESOLVED THAT** the City enter into a lease agreement with Furniture Bank on the following terms and conditions:

- (1) the lease to be on a month-to-month basis, commencing October 1, 2004, terminable by either party on not less than 60 days’ prior written notice;

- (2) rent will be nominal, provided Furniture Bank is a non-profit corporation that meets the City's eligibility criteria for renting City-owned properties below market rent;
- (3) the lease will be completely net to the City, and Furniture Bank will be responsible for all utilities (including hydro costs), realty taxes, repairs and maintenance, and insurance coverage, effective October 1, 2004. Furniture Bank will seek tax-exempt status from M.P.A.C, however, if any realty taxes are attributable to Furniture Bank's use of the Premises, Furniture Bank will be liable for payment of such taxes;
- (4) the Premises may be used by Furniture Bank only for the storage and distribution of donated furniture and household items to homeless or low-income persons or families. The Commissioner of Corporate Services will designate the areas of the Premises that may be utilized by Furniture Bank at her sole discretion for safety reasons;
- (5) Furniture Bank shall provide a certificate of insurance on terms satisfactory to the Commissioner of Corporate Services, prior to October 1, 2004;
- (6) Furniture Bank shall not assign or sublet the Premises, or any part of the Premises;
- (7) Furniture Bank agrees that the Premises shall be inspected by the Fire Department, prior to the commencement of the lease, and Furniture Bank shall rectify, at its sole cost, all matters directed by the Fire Department, in order to make the Premises safe and in compliance with all fire safety requirements;
- (8) Furniture Bank shall comply with all laws, including all enactments, by-laws and regulations of any governmental authority with respect to the use of or condition of the Premises;
- (9) the lease shall contain such other terms and conditions required by the Commissioner of Corporate Services and the City Solicitor; and
- (10) the Commissioner of Corporate Services be authorized to execute the lease and administer the lease, including the delivery of all notices (including notices of termination) on behalf of the City."

*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(7) 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(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 238)

*Procedural Vote:*

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

Mayor Miller in the Chair.

*Vote:*

Motion J(7) was adopted, without amendment.

Deputy Mayor Feldman in the Chair.

**11.78 J(8) Donation and Naming of a Vince Carter Playground at Wickson Trail 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, moved by Mayor Miller, seconded by Councillor Ashton, and, in the absence of Mayor Miller, moved by Councillor Saundercook, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Saundercook**

**Seconded by: Councillor Ashton**

**“WHEREAS** the Embassy of Hope Foundation is a non-profit foundation, established in 1998 by Vince Carter of the Toronto Raptors, to help address the needs of children and their parents, and

**WHEREAS** the Mayor’s Community Safety Plan was adopted by City Council on March 1, 2 and 3, 2004; and

**WHEREAS** the Mayor’s Community Safety Plan encourages developing appropriate solutions and contributing to their success, in partnership with the public, private and community-based sectors; and

**WHEREAS** leveraging funds and services in-kind assists in enhancing the Economic Development, Culture and Tourism Department's services; a number of successful service enhancements have been delivered in partnership with the public, private and community based sectors including: Toronto Blue Jays Charitable Foundation – Field of Dreams Program, Esso Street Buds, Hockey in the Neighbourhood, Bell Raptor Ball and Dixon Park; and

**WHEREAS** the donation by the Embassy of Hope Foundation for a constructed playground at Wickson Trail Park will have beneficial effects on local children and would encourage an active and positive lifestyle for children in this neighbourhood;

**NOW THEREFORE BE IT RESOLVED THAT** the donation of the playground equipment at Wilson Trail Park by the Embassy of Hope Foundation be approved;

**AND BE IT FURTHER RESOLVED THAT** the new playground equipment be identified as the Vince Carter Playground for a period not to exceed five years, in recognition of Vince Carter's commitment to children in this City and particularly to children in 'at risk' neighbourhoods;

**AND BE IT FURTHER RESOLVED THAT** the Commissioner of Economic Development, Culture and Tourism be authorized to enter into an agreement with the Embassy of Hope Foundation, such agreement to provide for the following:

- (1) permission for the Foundation to construct, or have constructed, a playground in Wickson Trail Park; and
- (2) that the playground be built to City standards, that appropriate liability insurance be provided by the Foundation during the period of construction and that acceptance by the City of this improvement be subject to the inspection by City staff;

**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(8) 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(8), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 238)

*Procedural Vote:*

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

Mayor Miller in the Chair.

*Vote:*

Motion J(8) was adopted, without amendment.

Deputy Mayor Feldman in the Chair.

**11.79 J(9) Committee of Adjustment Decision - 64 Brunswick Avenue**

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

**Moved by: Councillor Chow**

**Seconded by: Deputy Mayor Pantalone**

“**WHEREAS** the Ontario Municipal Board case regarding an appeal of the decision of the Committee of Adjustment regarding 64 Brunswick Avenue will be heard on November 5, 2004;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor appear at the Ontario Municipal Board to defend the position taken by the Committee of Adjustment and support the neighbourhood association, the ‘Harbord Village Residents Association’, in opposition to the position of the owner of this property.”

*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(9) 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(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 238)

*Procedural Vote:*

The vote to waive referral of Motion J(9) 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(9), a Notice of Decision dated June 17, 2004, from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel, which is on file in the City Clerk's Office.

Mayor Miller in the Chair.

*Vote:*

Motion J(9) was adopted, without amendment.

Deputy Mayor Feldman in the Chair.

11.80 **J(10) Provision of Appeal Mechanism in the *Immigration and Refugee Protection Act***

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

**Moved by:** Councillor Mihevc

**Seconded by:** Councillor Carroll

**“WHEREAS** Toronto is one of the most diverse cities in the world and is home to immigrants and refugees from around the world; and

**WHEREAS** Toronto City Council is committed to supporting access, equity and human rights to ensure that everyone has the right to live in conditions of dignity, respect and peace; and

**WHEREAS** in July 2000 and April-May 2001, Toronto City Council in its submissions to the Government of Canada on Bill C-31 and Bill C-11, *The Immigration and Refugee Protection Act*, supported the provision in the new immigration legislation to establish a Refugee Appeal Division of the Immigration and Refugee Board to ensure fairness and due process to the refugee determination process (Bill C-31, *The Immigration and Refugee Protection Act*, Administration Committee, Report 14, Clause 16, July 2000; Bill C-11, *The Immigration and Refugee Protection Act*, Administration Committee, Report 5, Clause 24, April-May 2001); and

**WHEREAS** an appeal on the merits of a negative refugee determination constitutes a necessary element of international protection, since a refugee claim is decided by a single member on the Immigration and Refugee Board and refugees can only claim refugee protection in Canada once in their lifetime; and

**WHEREAS** the Minister of Citizenship and Immigration has stated that churches should cease offering sanctuary to refugee claimants, which has caused great concern among churches and civil society as there exists no refugee appeal mechanism;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council once again calls on the Government of Canada to immediately implement the establishment of a Refugee Appeal Division, as specified in the *Immigration and Refugee Protection Act*.”

*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(10) 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(10), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 238)

*Procedural Vote:*

The vote to waive referral of Motion J(10) to the Administration Committee was taken as follows:

Yes - 21	
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Fillion, Giambrone, Grimes, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Pantalone, Pitfield, Rae, Walker
No - 17	
Councillors:	Ashton, Del Grande, Feldman, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Milczyn, Nunziata, Ootes, Palacio, Saundercook, Shiner, Stintz, Watson

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

*Disposition:*

Motion J(10) was referred to the Administration Committee.

**11.81 J(11) Dedication of Lands for Public Highway Purposes and Naming of Proposed Public Street at 2131 Lake Shore Boulevard West**

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

**Moved by: Councillor Grimes**

**Seconded by: Councillor Saundercook**

**“WHEREAS** certain lands for public highway purposes have been constructed in accordance with a development agreement between Water View Corporation, Monarch Construction and the City of Toronto and the conveyance of these lands to the City is imminent; and

**WHEREAS** it is necessary for the developer to have these lands dedicated as public highway and the proposed street named, prior to its early November deadline for registering the condominium under the *Condominium Act*; and

**WHEREAS** the naming of a public highway is subject to *Municipal Act, 2001* compliance, in accordance with the provisions of Municipal Code, Chapter 162, Notice, Public and, as a result of the urgency of this request, it is necessary to waive one of the timelines of the

Municipal Code Chapter and to rely on another of the timelines set out in that Municipal Code Chapter; and

**WHEREAS** the particulars of the dedication and proposed naming are set out in the report dated September 28, 2004, from the Acting Commissioner of Works and Emergency Services, attached to this Motion;

**NOW THEREFORE BE IT RESOLVED THAT** Council adopt the recommendations contained in the Recommendations Section of the report dated September 28, 2004, from the Acting Commissioner of Works and Emergency Services.”

*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(11) 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(11), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 238)

*Procedural Vote:*

The vote to waive referral of Motion J(11) 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(11), a report dated September 28, 2004, from the Acting Commissioner of Works and Emergency Services, entitled “Dedication of Lands for Public Highway Purposes and Naming of Proposed Public Street at 2131 Lake Shore Boulevard West (Ward 6 - Etobicoke-Lakeshore)”. (See Attachment 2, Page 223)

*Vote:*

Motion J(11) was adopted, without amendment.

*Summary:*

In adopting Motion J(11), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated September 28, 2004, from the Acting Commissioner of Works and Emergency Services, headed “Dedication

of Lands for Public Highway Purposes and Naming of Proposed Public Street at 2131 Lake Shore Boulevard West”:

“It is recommended that:

- (1) the lands identified as PARTS 2, 3 and 4 on Plan 66R-20319, to be acquired by the City, be dedicated as public highway;
- (2) subject to *Municipal Act, 2001* compliance, the proposed public street referred to as Street A in the Development Agreement and identified as PART 4 on Plan 66R-20319, be named ‘Brookers Lane’;
- (3) the requirement in Municipal Code, Chapter 162, Notice, Public, that public notice be given the earlier of the publication of the main agenda for the City committee meeting and the fourth working day before the City committee meeting be waived, to allow for the publication to be on or before the fourth working day before the City committee meeting, to permit the proposed name to be considered at the Etobicoke-York Community Council meeting scheduled for October 12, 2004; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

#### 11.82 J(12) Coliseum Renovation Corporation (CRC)

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

**Moved by:** Councillor Mammoliti

**Seconded by:** Councillor Ootes

“**WHEREAS** in the 2003 and 2004 season, the projected sales of Roadrunners ticket sales fell well below original projections, where an average of 2,295 tickets were sold per game, rather than the 7,000 per game on which the project performance had been based; and

**WHEREAS**, as a result, the Coliseum Renovation Corporation (CRC) defaulted on its required payments for rent, payment of services supplied by the Board and payment of the affiliation fee to the Edmonton Oilers; and

**WHEREAS** it has been further estimated that by August 31, 2004, CRC would have accumulated debts totalling \$4.0 million;



**NOW THEREFORE BE IT RESOLVED THAT** the General Manager and Chief Executive Officer of Exhibition Place and the City of Toronto's Chief Financial Officer and Treasurer be requested to submit a joint report to the next meeting of the Policy and Finance Committee, outlining all operating losses experienced by the CRC and Exhibition Place, and advising who will be absorbing any debt experienced."

*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(12) to the Policy and Finance Committee would have to be waived, in order to now consider this Motion.

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(12), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 238)

*Procedural Vote:*

The vote to waive referral of Motion J(12) to the Policy and Finance Committee was taken as follows:

Yes - 28	
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Chow, De Baeremaeker, Del Grande, Feldman, Filion, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Mammoliti, McConnell, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz
No - 10	
Councillors:	Ashton, Balkissoon, Davis, Grimes, Lindsay Luby, Mihevc, Moscoe, Ootes, Walker, Watson

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

*Vote:*

Motion J(12) was adopted, without amendment.

11.83 **J(13) Authority to Receive Grant for Tourism Visitor Information Centre**

Councillor Ashton 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, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Ashton**

**Seconded by: Councillor Rae**

**“WHEREAS** the Province of Ontario has established the Tourist Destination Development Initiative for the purpose of providing support for regional tourism development projects in key tourist destinations; and

**WHEREAS** the Tourism Division of the Economic Development, Culture and Tourism Department has submitted a proposal to initiate new visitor information services for consideration from the Tourist Destination Development Initiative; and

**WHEREAS** the Minister of Tourism and Recreation has approved a contribution of \$200,000.00 to fund the City of Toronto’s proposal, subject to the City entering into a grant agreement which obligates the City to contribute \$50,000.00 towards the project and to complete it by March 15, 2005; and

**WHEREAS** the appropriate staff have reviewed the clauses and conditions of the draft grant agreement and have determined that the obligations requested of the City can be met within approved budgets and normal operating practices;

**NOW THEREFORE BE IT RESOLVED THAT** the Commissioner of Economic Development, Culture and Tourism be authorized to enter into a grant agreement with the Province of Ontario in a form satisfactory to 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(13) 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(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 238)

*Procedural Vote:*

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

*Vote:*

Motion J(13) was adopted, without amendment.

11.84 **J(14) Designation of Lyall Avenue – Heritage Conservation District Study Area Under 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, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Deputy Mayor Bussin**

**Seconded by: Councillor Pitfield**

“**WHEREAS** Lyall Avenue consists of a series of houses dating to the early 1900s that display architectural features of Edwardian Classicism and share similar setbacks; and

**WHEREAS** property owners on Lyall Avenue have expressed interest in carrying out the studies required for Council to consider, at some point in the future, designating Lyall Avenue as a Heritage Conservation District under the *Ontario Heritage Act*; and

**WHEREAS** staff are of the opinion that Lyall Avenue does qualify as an area that could be studied for a Heritage Conservation District; and

**WHEREAS** an appeal is currently before the Ontario Municipal Board from a decision of the Committee of Adjustment regarding 35 Lyall Avenue that may affect the heritage character of Lyall Avenue;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the City of Toronto pass a by-law under Part V of the *Ontario Heritage Act* designating all the properties fronting on both sides of Lyall Avenue, from Main Street to Malvern Avenue, as the Lyall Avenue Heritage Conservation District Study Area, and 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(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 238)

*Procedural Vote:*

The vote to waive referral of Motion J(14) to the Toronto and East York Community Council was taken as follows:

Yes - 30	
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Walker, Watson
No - 6	
Councillors:	Ashton, Holyday, Ootes, Saundercook, Shiner, Stintz

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

Mayor Miller in the Chair.

*Vote:*

Motion J(14) was adopted, without amendment.

Deputy Mayor Feldman in the Chair.

**11.85 J(15) Knob Hill Plaza - 2605 to 2705 Eglinton Avenue East**

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

**Moved by: Councillor Altobello**

**Seconded by: Councillor De Baeremaeker**

**“WHEREAS** the Knob Hill Plaza is located at 2605 to 2705 Eglinton Avenue East in the former City of Scarborough; and

**WHEREAS** the plaza is comprised of 39 separately assessed properties with a common parking lot with a service lane way along the rear of the properties, which is actually comprised of a series of individual lots owned by each of the respective adjacent store/building owners; and

**WHEREAS**, while in the past, patch work repairs have been done by the various property owners in an ad-hoc and unco-ordinated fashion, and a complete repair of the paving to address general pavement repair, grading, ponding and the need for a property drainage system is desperately required; and

**WHEREAS** Property Standards Orders were issued to all the property owners with respect to these matters; and

**WHEREAS** the voluntary compliance period expired and all the orders are confirmed and remain outstanding; and

**WHEREAS** I have worked with this group of property owners regularly and repeatedly over the past many years to develop a majority consensus among the property owners to work collectively to have the necessary repairs carried out; and

**WHEREAS** a very small number of the 39 properties and property owners at this location are unwilling to co-operate in the shared responsibility to contract for and order the repairs to be undertaken; and

**WHEREAS**, should any of the 39 properties change ownership before the required work is commenced, orders pertaining to that property would have to be re-issued and time to comply and appeal periods exhausted before the entire property could be dealt with; and

**WHEREAS** required repairs, particularly the grading and drainage for the properties, cannot be carried out without the co-operation and participation of all property owners; and

**WHEREAS** the standard City of Toronto Purchasing and Tender processes are sufficiently time consuming so as to prohibit the necessary process and completion of work before the 2004/2005 winter season; and

**WHEREAS** I am concerned that the majority consensus that has been built over the past number of months may dissipate if the work is not completed in a timely manner, and before this coming winter season;

**NOW THEREFORE BE IT RESOLVED THAT:**

- (1) the Commissioner of Urban Development Services be directed to obtain quotations from three (3) companies approved by the City to undertake paving, grading and drainage work. These quotations should include provision for the preparation of detailed specifications of the paving, grading and drainage work to be undertaken, including but not limited to paving materials to be used, disposal of the existing paving materials, municipal sewer hook-ups, required permits, and all related technical drawings required to design and undertake the project; and
- (2) upon receiving these quotations, that existing City Purchasing procedures be followed to select the successful bidder and enter into a contract to undertake the necessary repairs at the expense of the adjacent property owners and billed through their property taxes, per the authority of the *Building Code Act* (noting the issuance and outstanding compliance of orders issued pursuant to the *Act*)."

*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(15) to the Planning and Transportation Committee would have to be waived, in order to now consider this Motion.

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(15), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 238)

*Procedural Vote:*

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

Mayor Miller in the Chair.

*Vote:*

Motion J(15) was adopted, without amendment.

Deputy Mayor Feldman in the Chair.

**11.86 J(16) Wishing Former Mayor Mel Lastman a Speedy Recovery**

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

**Moved by: Councillor Ootes**

**Seconded by: Councillor Walker**

“**WHEREAS** former Mayor Mel Lastman served as the first Mayor of the newly amalgamated City of Toronto from 1998 to 2003; and

**WHEREAS** Mel Lastman served as the Mayor of the former City of North York and was honoured for all his years of public service; and

**WHEREAS** Mel Lastman is one of the longest serving Mayors of any City in the World; and

**WHEREAS** Mel Lastman’s former colleagues and residents of Toronto were saddened to hear of his recent heart problems; and

**WHEREAS** Mel Lastman has undergone successful surgery and is recovering in hospital;

**NOW THEREFORE BE IT RESOLVED THAT**, Mayor David Miller and Members of the City of Toronto Council, on behalf of our 2.4 Million residents, wish former Mayor Mel Lastman a speedy recovery and all the best for future good health.”

*Vote:*

Adoption of Motion J(16), without amendment:

Yes - 37	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker, Watson
No - 0	

Carried unanimously.

**11.87 J(17) Committee of Adjustment (Humber York Panel) - 23 Black Creek Boulevard**

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

**Moved by: Councillor Nunziata**

**Seconded by: Councillor Palacio**

**“WHEREAS** on March 23, 2004, the Committee of Adjustment (Humber York Panel) refused a minor variance application (A255/01HY) related to 23 Black Creek Boulevard, in order to legalize and maintain an accessory uncovered deck that was constructed without a building permit; and

**WHEREAS** the applicant appealed the decision to the Ontario Municipal Board and the hearing commenced on August 18, 2004; and

**WHEREAS** City Planning Staff did not oppose the application at the Committee of Adjustment but did recommend conditions relating to mitigating the impact of the development and ensuring the structural integrity of the development; and

**WHEREAS** the City Solicitor and City Planning staff were not previously instructed to attend the Ontario Municipal Board in connection with the appeal; and

**WHEREAS** Ontario Municipal Board staff have advised that, after commencing, the

hearing was adjourned to permit the opportunity for potential resolution of the issues between the parties in attendance; and

**WHEREAS** Ontario Municipal Board staff have advised that there was no resolution of outstanding issues and that the matter is scheduled to resume for a hearing on the merits on November 1, 2004; and

**WHEREAS** following commencement of the hearing, a neighbouring resident contacted me with respect to dealing with this development and application;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor and applicable City Staff be directed to attend the Ontario Municipal Board to request status and for the purpose of advising the Ontario Municipal Board that the application should not be approved unless conditions, satisfactory to the Director of Community Planning, West District, were imposed to mitigate the impact of the development both on neighbouring residents and the parkland, ensure the structure integrity of the development and to secure the implementation of such requirements;

**AND BE IT FURTHER RESOLVED THAT** Council authorize the execution of an Agreement between the owner and the City, pursuant to section 45(9) of the *Planning Act*, to be registered on title and secure such conditions, as may be imposed.”

*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(17) 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(17), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 238)

*Procedural Vote:*

The vote to waive referral of Motion J(17) 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(17), a Notice of Decision dated March 23, 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(17) was adopted, without amendment.

**11.88 J(18) Committee of Adjustment (Humber York Panel) – 4 Garrow Avenue**

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

**Moved by: Councillor Nunziata**

**Seconded by: Councillor Palacio**

**“WHEREAS** on September 21, 2004, the Committee of Adjustment (Humber York Panel) approved minor variance Application No. A234/04HY, related to 4 Garrow Avenue, to permit the construction of a two-storey, 3 unit, residential building at the rear of and connected to an existing 2 storey residential building containing 3 dwelling units; and

**WHEREAS** City Planning staff recommended refusal of the application; and

**WHEREAS** the appeal period related to the Committee of Adjustment decision expires on October 12, 2004;

**NOW THEREFORE BE IT RESOLVED THAT** Council direct the City Solicitor to appeal the decision of the Committee of Adjustment and pay the requisite appeal fee;

**AND BE IT FURTHER RESOLVED THAT** Council direct the City Solicitor and applicable City staff to attend at the Ontario Municipal Board in support of the appeal and to oppose minor variance Application No. A234/04HY.”

*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(18) 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(18), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 238)



*Procedural Vote:*

The vote to waive referral of Motion J(18) 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(18), a Notice of Decision dated September 24, 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(18) was adopted, without amendment.

**11.89 J(19) Committee of Adjustment (Humber York Panel) – 210 Gary Drive**

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

**Moved by: Councillor Nunziata**

**Seconded by: Councillor Palacio**

**WHEREAS** on May 4, 2004, the Committee of Adjustment (Humber York Panel) refused consent and variance application Nos. B19/04HY, A123/04HY and A124/04HY related to 210 Gary Drive; and

**WHEREAS** the proposal was to sever the property into two undersized lots and to seek relief from the Zoning By-law provisions to allow the proposed construction of the two, 2-storey dwellings, each with a below grade garage; and

**WHEREAS** City Planning staff recommended refusal of the applications; and

**WHEREAS** the applicant appealed the Committee of Adjustment decisions to the Ontario Municipal Board, and a hearing has been scheduled to commence on October 8, 2004;

**NOW THEREFORE BE IT RESOLVED THAT** Council direct the City Solicitor and applicable City staff to attend at the Ontario Municipal Board to oppose consent and minor variance application Nos. B19/04HY, A123/04HY, A124/04HY related to 210 Gary Drive.”

*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(19) 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(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 238)

*Procedural Vote:*

The vote to waive referral of Motion J(19) 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(19), Notices of Decision dated May 4, 2004, from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Humber York Panel, which are on file in the City Clerk's Office.

*Vote:*

Motion J(19) was adopted, without amendment.

**11.90 J(20) Requesting an Additional Appointment to Scarborough Hospital Board**

Councillor De Baeremaeker 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, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor De Baeremaeker**

**Seconded by: Deputy Mayor Pantalone**

**“WHEREAS** the Scarborough Hospital Board oversees the affairs of two hospitals, formerly known as Scarborough General Hospital in Ward 38 and Scarborough Grace Hospital in Ward 39; and

**WHEREAS** the City of Toronto Councillors representing these two Wards are Councillor Glenn De Baeremaeker and Councillor Michael Del Grande, respectively; and

**WHEREAS** Councillor Glenn De Baeremaeker, from Ward 38, is currently the City of Toronto representative on the Scarborough Hospital Board, but Ward 39 has no political representation on the Hospital Board;

**NOW THEREFORE BE IT RESOLVED THAT** the City of Toronto request the Scarborough Hospital Board to appoint Councillor Michael Del Grande as Councillor Glenn De Baeremaeker's alternate on the Scarborough Hospital Board."

*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(20) to the Striking 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 238)

*Procedural Vote:*

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

*Vote:*

Motion J(20) was adopted, without amendment.

#### 11.91 **J(21) Parking Prohibitions - Leacrest Road (Ward 26 - Don Valley West)**

Councillor Pitfield 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, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Pitfield**

**Seconded by: Councillor Minnan-Wong**

**“WHEREAS** City Council at its meeting on July 20, 21 and 22, 2004, adopted North York Community Council Report 6, Clause 13, headed ‘Parking Prohibitions – Leacrest Road (Ward 26 – Don Valley West)’, without amendment; and

**WHEREAS** these parking prohibitions were to discontinue the parking at anytime on the north side of Leacrest Road, from the easterly limit of Mallory Crescent (east leg) to the westerly limit of Rolph Road; and

**WHEREAS** a poll of the residents was not conducted prior to this report coming forward to Community Council and to City Council; and

**WHEREAS** many residents have voiced their opposition to these parking prohibitions;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, North York Community Council Report 6, Clause 13, headed 'Parking Prohibitions – Leacrest Road (Ward 26 – Don Valley West)', be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** a poll of the Leacrest residents be conducted and the results of the poll be reported to Council, through the North York Community Council;

**AND BE IT FURTHER RESOLVED THAT** the Toronto Police Service Parking Enforcement Unit be requested to stop ticketing at this location until the results of the poll are known.”

*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 a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 5, Page 237)

*Votes:*

The first Operative Paragraph contained in Motion J(21) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(21) was adopted, without amendment.

11.92 **J(22) National Hockey League – 2004/2005 Season**

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

**Moved by: Councillor Grimes**

**Seconded by: Councillor Ashton**

**“WHEREAS** a labour dispute occurred between the National Hockey League and the National Hockey League Players Association, resulting in the suspension of the start of the 2004/2005 National Hockey League schedule; and

**WHEREAS** Hockey is enjoyed by thousands of men, women and children in organized leagues throughout the City of Toronto and is a healthy form of recreation for all; and

**WHEREAS** many residents enjoy professional hockey and support the home town team, and this is a genuine expression of civic pride and passion and children look up to NHL players as role models; and

**WHEREAS** the hospitality sector and small businesses throughout the City of Toronto generate significant revenues from patrons who enjoy watching professional hockey in a social environment, and a lengthy suspension of play will result in financial hardship for many entrepreneurs and layoffs of workers may occur; and

**WHEREAS** many National Hockey League Teams raise significant funds for local charities;

**NOW THEREFORE BE IT RESOLVED THAT** the Mayor, on behalf of the citizens of the City of Toronto, send a letter to the National Hockey League and the National Hockey League Players Association to encourage both parties to return to the bargaining table, in order to swiftly develop an agreement which would lead to a resumption of the 2004/2005 National Hockey League schedule;

**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(22) to the Economic Development and Parks Committee would have to be waived, in order to now consider this Motion.

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(22), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 238)

*Procedural Vote:*

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

*Vote:*

Motion J(22) was adopted, without amendment.

**11.93 J(23) Request to Withdraw Application for an Encroachment Agreement – St. Ives**

Councillor Jenkins 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, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Jenkins**

**Seconded by: Councillor Stintz**

**“WHEREAS** North York Community Council Report 4, Clause 23, headed ‘Encroachment Agreement Application – 1 St. Ives’, was adopted by City Council at its meeting on May 18, 19 and 20, 2004; and

**WHEREAS** the Applicant has agreed to revise the plans dated July 6, 2004; and

**WHEREAS** the Application for an Encroachment Agreement, dated October 28, 2003, has been withdrawn so that a revised Application for an Encroachment Agreement can be duly processed and presented at the meeting of the North York Community Council on October 12, 2004;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, North York Community Council Report 4, Clause 23, headed ‘Encroachment Agreement Application – 1 St. Ives’, be re-opened for further consideration, and that the Clause be referred back to the North York Community Council meeting on October 12, 2004, for further review.”

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(23), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 238)

*Vote:*

The first part of the Operative Paragraph pertaining to the re-opening of North York Community Council Report 4, Clause 23, headed 'Encroachment Agreement Application - 1 St. Ives', carried, more than two-thirds of Members present having voted in the affirmative.

Mayor Miller in the Chair.

*Motion:*

Councillor Moscoe moved that Council adopt the balance of Motion J(23), subject to amending the Operating Paragraph by deleting the words "and that the Clause be referred back to the North York Community Council meeting on October 12, 2004, for further review", and inserting instead the words "and that the applicant be permitted to submit a new application", so that the Operative Paragraph, as amended by Council, shall now read as follows:

**"NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, North York Community Council Report 4, Clause 23, headed 'Encroachment Agreement Application – 1 St. Ives', be re-opened for further consideration, and that the applicant be permitted to submit a new application."

*Votes:*

The motion by Councillor Moscoe carried.

The balance of Motion J(23), as amended, carried.

Deputy Mayor Feldman in the Chair.

**11.94 J(24) Lease of 8270 Sheppard Avenue East for Hurricane Relief Effort**

Councillor Balkissoon 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, moved by Councillor Balkissoon, seconded by Councillor Thompson, and, in the absence of Councillor Thompson, seconded by Councillor De Baeremaeker, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Balkissoon**

**Seconded by: Councillor De Baeremaeker**

**“WHEREAS** the City of Toronto’s Hurricane Relief Effort has received a tremendous response from the residents of Toronto; and

**WHEREAS** hundreds of kilograms of non-perishable food, clothing, water and medicines have been donated to assist victims of Hurricane Ivan and Hurricane Jeanne; and

**WHEREAS** the Consulates for Grenada, Haiti and Jamaica are co-ordinating shipment of these goods to their respective countries; and

**WHEREAS** the Consulates require additional space in which to store donated materials; and

**WHEREAS** the City of Toronto is currently storing donations collected at its 81 Fire Halls, Civic Centres and City Hall, and at a vacant city-owned warehouse at 8270 Sheppard Avenue East; and

**WHEREAS** the Consulates for Grenada, Haiti and Jamaica have expressed an interest in consolidating their efforts to sort, pack and store donated items; and

**WHEREAS** Facilities and Real Estate Division of the Corporate Services Department, has identified 8270 Sheppard Avenue East, consisting of approximately 12,400 square feet, to be suitable to meet the temporary storage needs of the consulates; and

**WHEREAS** the subject property at 8270 Sheppard Avenue East is not surplus to the City’s requirements. Works and Emergency Services has indicated its interest in utilizing the property as a Works Yard, pending approval from the Property Management Committee;

**NOW THEREFORE BE IT RESOLVED THAT** 8270 Sheppard Avenue East be offered for lease for a nominal fee of \$2.00 for a term of three months, jointly to the Consulates of Grenada, Haiti and Jamaica (the Tenants);

**AND BE IT FURTHER RESOLVED THAT** the Tenants shall enter into a four-party Lease Agreement with the City and shall each provide individual insurance certificates in the City's standard form. The Tenants shall be responsible for all expenses, such as utilities associated with their use."

*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(24) 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(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 238)

*Procedural Vote:*

The vote to waive referral of Motion J(24) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(24) was adopted, without amendment.

**11.95 J(25) 221 Todd Baylis Boulevard - Application for Demolition Approval**

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

**Moved by: Councillor Di Giorgio**

**Seconded by: Councillor Nunziata**

**"WHEREAS** a demolition permit application has been submitted to the City to demolish an industrial building located at 221 Todd Baylis Boulevard, in the former City of York; and

**WHEREAS** the entire area of the former City of York is designated as an area of demolition control by By-law No. 3102-95, which was passed pursuant to the *City of York Act 1994* (Bill PR147); and

**WHEREAS** the *City of York Act 1994*, provides the authority for the Council of the former City of York to enact special demolition control legislation for the purpose of securing beautification measures on the lands and abutting municipal boulevards, where appropriate, as a condition of the approval of demolition permit applications; and

**WHEREAS** the Commissioner of Urban Development Services has prepared a report dated September 28, 2004, recommending that City Council approve the demolition permit application for 221 Todd Baylis Boulevard, with no conditions of approval related to beautification;

**NOW THEREFORE BE IT RESOLVED THAT** Council consider the attached report dated September 28, 2004, from the Commissioner of Urban Development Services, and the staff recommendations contained in the Recommendations Section of the 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(25) 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(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 238)

*Procedural Vote:*

The vote to waive referral of Motion J(25) 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(25), a report dated September 28, 2004, from the Commissioner of Urban Development Services, entitled “Application for Demolition Approval, Applicant: Todd Baylis Self Storage Corporation, 221 Todd Baylis Boulevard, File Nos.: 10/4/14-1 (Demo Permit No: 04 154082 DEM 00 DM, York South-Weston (Ward 12)”. (See Attachment 3, Page 226)

*Vote:*

Motion J(25) was adopted, without amendment.

*Summary:*

In adopting Motion J(25), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated September 28, 2004, from the Commissioner of Urban Development Services, entitled “Application for Demolition Approval Applicant: Todd Baylis Self Storage Corporation, 221 Todd Baylis Boulevard, File Nos. 10/4/14-1 (Demo Permit No: 04 154082 DEM 00 DM, York South-Weston (Ward 12)”:

“It is recommended that City Council:

- (1) approve the application to demolish the building as shown on the Plan attached as Attachment 1 to this report, pursuant to By-law No. 3102-95, with no conditions of approval related to beautification;
- (2) direct staff to advise the owner of the following:
  - (a) the requirement to submit to the Acting Commissioner of Works and Emergency Services, for review and acceptance, a storm water management report and grading drawing showing how stormwater within the site is to be handled, prior to commencement of demolition work;
  - (b) the requirement to apply to the Acting Commissioner of Works and Emergency Services for the abandonment of any existing drain or water service connections, prior to issuance of a demolition permit;
  - (c) of the need to make separate application to the Acting Commissioner of Works and Emergency Services for permits to carry out any works involving construction in, or occupancy of, the abutting public right-of-way; and
  - (d) that no demolition, construction, grading or other soil disturbances shall take place on the subject property, prior to the City’s Culture Division (Heritage Preservation Services Unit) and the Ministry of Culture (Heritage Operations Unit) confirming, in writing, that all archaeological licensing and technical review requirements have been satisfied.”

**11.96 J(26) Negotiations on Development Proposal for 754 Indian Road**

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

**Moved by: Councillor Watson**

**Seconded by: Councillor Walker**

**“WHEREAS** the Committee of Adjustment (Humber York Panel) on May 4, 2004, heard and approved consent application B75/03HY and minor variance applications A329/03HY, A330/03HY, A331/03HY and A332/03HY to permit the construction of four (4) detached houses at 754 Indian Road (the ‘Property’); and

**WHEREAS** the variances approved were for an increase in the permitted gross floor area, and a decrease in the permitted front yard setback, setbacks from adjacent residential buildings, side yard setbacks and setbacks from a flanking street; and

**WHEREAS** the City of Toronto appealed the decision of the Committee of Adjustment (Humber York Panel) to the Ontario Municipal Board, under section 45(12) of the *Planning Act* (Council authority under Motion J(33), Council Meeting of May 18, 19 and 20, 2004); and

**WHEREAS** the owner of the property, 1320793 Ontario Ltd. (the ‘Applicant’), the City Solicitor, the Commissioner of Urban Development Services, the Ward Councillor and area residents have entered into discussions to potentially achieve a revised proposal that is satisfactory to all parties involved; and

**WHEREAS** there is a reasonable expectation that the Applicant, the City and the area residents will settle prior to the scheduled hearing date of October 21, 2004; and

**NOW THEREFORE BE IT RESOLVED THAT** City Council authorize the City Solicitor, in consultation with the Commissioner of Urban Development Services and the Ward Councillor, to negotiate with the Applicant to achieve a suitable development proposal for the 754 Indian Road appeal;

**AND BE IT FURTHER RESOLVED THAT** City Council authorize the City Solicitor, in consultation with the Commissioner of Urban Development Services and the Ward Councillor, to settle with the Applicant and enter into Minutes of Settlement, provided a suitable proposal that is satisfactory to the Commissioner of Urban Development Services is achieved.”



*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(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 238)

*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.

Mayor Miller in the Chair.

*Vote:*

Motion J(26) was adopted, without amendment.

Deputy Mayor Feldman in the Chair.

11.97 **J(27) Grant of Permanent Subsurface Easement to Enwave District Energy Limited Over a Portion of 100 Queen Street West – Nathan Phillips Square (Ward 27 – Toronto Centre-Rosedale)Heading**

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

**Moved by: Councillor Rae**

**Seconded by: Councillor Walker**

**“WHEREAS** in September 1997, the Councils of both the former City of Toronto and Metropolitan Toronto had approved Deep Lake Water Cooling (‘DLWC’), a district cooling system concept that would serve the downtown core; and

**WHEREAS** in July 1999, City Council approved the restructuring of Enwave District Energy Limited (‘Enwave’), formerly the Toronto District Heating Corporation, as a share

capital corporation with the City and BPC Penco Corporation, a subsidiary of OMERS, as equal shareholders; and

**WHEREAS** the DLWC Distribution System serving the southern part of downtown Toronto, from Lake Shore Boulevard West to King Street West, became operational on July 29, 2004; and

**WHEREAS** Enwave has advised that a northerly extension, which could ultimately provide service to Old City Hall and Queen's Park, is now under construction and the most cost effective route is to continue tunneling in a northeasterly direction, from the corner of York Street and Queen Street West, under Queen Street West and the Nathan Phillips Square parking structure to Bay Street; and

**WHEREAS** the Commissioner of Corporate Services has prepared the attached report dated September 21, 2004, to Council, recommending the granting of a permanent subsurface easement to Enwave over a portion of Nathan Phillips Square, on the terms and conditions set out in the report; and

**WHEREAS** it is necessary that Council consider this matter immediately, as the Enwave DLWC tunnel boring machine operating on York Street will reach Queen Street West in October 2004;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the attached report dated September 21, 2004, from the Commissioner of Corporate Services, entitled 'Grant of a Permanent Subsurface Easement to Enwave District Energy Limited Over a Portion of 100 Queen Street West - Nathan Phillips Square', and that the staff recommendations contained in the Recommendations Section of the 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(27) 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(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 238)

*Procedural Vote:*

The vote to waive referral of Motion J(27) 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(27), a report dated September 21, 2004, from the Commissioner of Corporate Services, entitled “Grant of a Permanent Subsurface Easement to Enwave District Energy Limited Over a Portion of 100 Queen Street West - Nathan Phillips Square”. (See Attachment 4, Page 229)

*Vote:*

Motion J(27) was adopted, without amendment.

*Summary:*

In adopting Motion J(27), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated September 21, 2004, from the Commissioner of Corporate Services, headed “Grant of a Permanent Subsurface Easement to Enwave District Energy Limited Over a Portion of 100 Queen Street West – Nathan Phillips Square (Ward 27 – Toronto Centre-Rosedale)”:

“It is recommended that:

- (1) authority be granted to convey a permanent sub surface easement to Enwave District Energy Limited (‘Enwave’) for the Deep Lake Water Cooling (‘DLWC’) Distribution System Project, over a portion of Nathan Phillips Square, on the terms outlined in the body of this report and as is satisfactory to the Commissioner of Corporate Services, and in a form and content acceptable to the City Solicitor;
- (2) the City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

**11.98 J(28) 2772-2778 Keele Street –Official Plan Amendment and Zoning Appeal - Instructions for an Ontario Municipal Board Hearing**

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

**Moved by: Councillor Augimeri**

**Seconded by: Councillor Minnan-Wong**

“**WHEREAS** Vincent Baffa, Beaverbrook Homes Inc. (the ‘Applicant’) has made an

application to amend the former City of North York Official Plan and Zoning By-law No. 7625 on the lands municipally known as 2772-2778 Keele Street, in order to permit an 8 to 10 storey, 140 unit residential apartment building; and

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

**WHEREAS** the Toronto North Community Council at its meeting held on May 4, 2004, recommended that the application be approved, subject to conditions contained in a Resolution submitted by Councillor Moscoe, which included supporting the application on the basis of the draft by-laws attached to the report dated February 24, 2004, from the Acting Director of Community Planning; and

**WHEREAS** City Council at its meeting held on May 18, 19 and 20, 2004, adopted the Toronto North Community Council Report 4, Clause 21; and

**WHEREAS** further direction is required with respect to the gross floor area provisions of the draft zoning by-law;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor, in consultation with the Ward Councillor, be instructed to negotiate with regard to provisions respecting gross floor area, as set out in the draft zoning by-law, to allow for a maximum of an additional 450 square metres, provided that this would not permit additional massing of the building and, if negotiations are successful, City staff be authorized to enter into Minutes of Settlement and request that the Ontario Municipal Board implement this settlement.”

*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(28) to the North York Community Council would have to be waived, in order to now consider this Motion.

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(28), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 238)

*Procedural Vote:*

The vote to waive referral of Motion J(28) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(28) was adopted, without amendment.

11.99 **J(29) Notice of Intention to Change Composition of Toronto Atmospheric Fund Board of Directors**

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, moved by Councillor Soknacki, seconded by Deputy Mayor Bussin, and, in the absence of Councillor Soknacki, moved by Councillor Moscoe, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Moscoe**

**Seconded by: Deputy Mayor Bussin**

**“WHEREAS** the *Toronto Atmospheric Fund Act, 1992* (the ‘*TAF Act*’) creates a Board of Directors of the Toronto Atmospheric Fund (‘*TAF Board*’) which is currently comprised of six citizen members and four Council members all appointed by the Council of the City of Toronto; and

**WHEREAS** Section 216 of the *Municipal Act, 2001*, provides that the Council of a municipality may, by by-law, dissolve or make prescribed changes to a local board, provided that notice is first given to the local board of Council’s intention to pass the by-law; and

**WHEREAS** despite Section 10 of the *TAF Act*, Ontario Regulation 214/96 made under *Municipal Act, 2001*, provides that the Toronto Atmospheric Fund is a local board for the purposes of the regulation and that Council may, by by-law, make changes to the local board with respect to membership on the board, including changes related to the number of members, their terms, their remuneration and the manner in which they become members; and

**WHEREAS** Council has previously amended the composition of the TAF Board by the enactment of By-law Nos. 544-2002 and 389-2000; and

**WHEREAS** the TAF Board, at its meeting held on September 23, 2004, resolved to request that Council expand the TAF Board to include seven citizen members; and

**WHEREAS** the TAF Board, as recorded in the Minutes of its meeting on September 23, 2004, and the Nominating Committee, as set out in Clause 3 of its Report 5, currently before Council for consideration, recommended citizen members for appointment for the

term of office ending November 30, 2006, and an additional nominee to be appointed to the TAF Board should Council increase the TAF Board's membership;

**NOW THEREFORE BE IT RESOLVED THAT** notice of Council's intention to pass a by-law to change the TAF Board's composition be given to the TAF Board, as required by *Municipal Act, 2001*;

**AND BE IT FURTHER RESOLVED THAT** Council change the composition of the TAF Board by adding one other citizen member, with the new TAF Board structure to consist of seven citizen members and four Council members, and that the City Solicitor be authorized to introduce the necessary by-laws to give effect to this change after the required notice has been provided to the TAF Board."

*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(29) to the Policy and Finance Committee would have to be waived, in order to now consider this Motion.

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(29), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 238)

*Procedural Vote:*

The vote to waive referral of Motion J(29) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Mayor Miller in the Chair.

*Vote:*

Motion J(29) was adopted, without amendment.

Deputy Mayor Feldman in the Chair.

**11.100 J(30) MFP Financial Services Ltd., Equipment Schedule No. 838-2 under Master Lease Agreement No. 838 – Oracle Corporation Canada Inc.**

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

**Moved by: Councillor Walker**

**Seconded by: Councillor Milczyn**

**“WHEREAS** the City Solicitor and the Commissioner of Corporate Services have prepared a confidential report regarding the motion before Master MacLeod on September 16, 2004, dealing with the annual support and maintenance payments to Oracle Corporation Canada Inc. (‘Oracle’) for the years 2002-2004; and

**WHEREAS** Master MacLeod made an order on September 16, 2004, relating to the support and maintenance payments for the years 2002, 2003 and 2004, due by MFP Financial Services Ltd. to Oracle Corporation Canada Inc.; and

**WHEREAS** the City Solicitor and the Commissioner of Corporate Services wish to report upon the matter and obtain instructions in respect of Master MacLeod’s decision;

**NOW THEREFORE BE IT RESOLVED THAT** City Council adopt the staff recommendations contained in the Recommendations Section of the confidential report dated September 28, 2004, from the City Solicitor and the Commissioner of Corporate Services.”

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

*Procedural Vote:*

The vote to waive referral of Motion J(30) 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(30), a confidential report dated September 28, 2004, from the City Solicitor and the Commissioner of Corporate Services.

*Vote:*

Motion J(30) was adopted, without amendment.

*Summary:*

In adopting Motion J(30), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated September 28, 2004, from the City Solicitor and the Commissioner of Corporate 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 that is subject to solicitor-client privilege:

“It is recommended that:

- (1) City Council provide instructions to the City’s external solicitors not to appeal the decision of Master MacLeod, dated September 16, 2004;
- (2) City Staff take all necessary steps to arrange for the sum of \$1,383,529.48, plus applicable taxes, to be paid out of court to Oracle; and
- (3) City staff report back to City Council for approval on the results of the negotiations between the City and Oracle and SAP regarding any overpayment issues for support for certain runtime licences that the City traded in.”

**11.101 J(31) Extension to the Closing Date in an Agreement with 863880 Ontario Limited – 9 Hanna Avenue**

Deputy Mayor Pantalone 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, which carried:

**Moved by: Deputy Mayor Pantalone**

**Seconded by: Councillor Giambrone**

“**WHEREAS** City Council at its meeting on December 4, 5 and 6, 2001, adopted

Administration Committee Report 18, Clause 23, headed 'Front Street Extension Project - Acquisition of Lands Owned by 863880 Ontario Limited, known as Liberty Street Village (Ward 19 – Trinity Spadina)', authorizing the City to enter into a Section 30 Agreement with 863880 Ontario Limited to purchase a property west of Strachan Avenue under a Section 30 Agreement, for the future provision of land for the Front Street Extension; and

**WHEREAS** City Council at its meeting on July 22, 23 and 24, 2003, adopted Policy and Finance Committee Report 8, Clause 20, headed '9 Hanna Avenue Purchase of Building for Toronto Police Services Central Traffic and Garage and Court Services (Ward 19 – Trinity – Spadina)', and requested that staff report back on the minimization of existing easements located on 9 Hanna Avenue; and

**WHEREAS** City Council at its meeting on May 18, 19 and 20, 2004, adopted Motion J(27), which introduced a confidential report dated May 13, 2004, headed 'Extension to the Closing date in an Agreement with 863880 Ontario Limited - 9 Hanna Avenue (Ward 19 - Trinity-Spadina)', from the Commissioner of Corporate Services, recommending that the City Solicitor be authorized to extend the closing date of the previously approved Section 30 Agreement with 863880 Ontario Limited to October 15, 2004. The report further authorized the Commissioner of Corporate Services to report to the Administration Committee on the outcome of negotiations with respect to the new proposal from 863880 Ontario Limited and Toronto Hanna Properties Limited, to minimize the effect of existing easements on 9 Hanna Avenue or, in the event that negotiations are not completed in sufficient time, to report directly to City Council on September 28, 2004; and

**WHEREAS** staff is continuing to negotiate with Toronto Hanna and 863880 Ontario Limited, in order to finalize the terms for the release of the existing easements over 9 Hanna Avenue, and requires authority to extend the closing date of the Section 30 Agreement;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the attached confidential report dated September 24, 2004, from the Commissioner of Corporate Services, and that the staff recommendations contained in the Recommendations section of the report be adopted;

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

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(31), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Council also had before it, during consideration of Motion J(31), a confidential report dated September 24, 2004, from the Commissioner of Corporate Services.

Mayor Miller in the Chair.

*Motion:*

Councillor Watson moved that Motion J(31) be adopted, subject to adding the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** the Acting Commissioner of Works and Emergency Services, in consultation with the Commissioner of Corporate Services, be requested to report back to the Administration Committee on the status of the Front Street Extension, prior to closing the real estate transaction.”

*Votes:*

The motion by Councillor Watson carried.

Motion J(31), as amended, carried.

*Summary:*

In adopting Motion J(31), as amended, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated September 24, 2004, from the Commissioner of Corporate Services. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act*, as it contains information that is subject to litigation or potential litigation.

Deputy Mayor Feldman in the Chair.

#### 11.102 J(32) Committee of Adjustment Decision – 55 Guthrie Avenue

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

**Moved by:** Councillor Milczyn

**Seconded by:** Councillor Grimes

**“WHEREAS** the Etobicoke Committee of Adjustment refused an application for a minor

variance at 55 Guthrie Avenue; and

**WHEREAS** the relief sought was not minor in nature; and

**WHEREAS** the applicant has appealed the Committee of Adjustment's decision to the Ontario Municipal Board (OMB); and

**WHEREAS** the OMB hearing date is October 19, 2004; and

**WHEREAS** the applicants proposal would result in an inappropriate development which would alter the character of the neighbourhood;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor be directed to attend the Ontario Municipal Board and to make appropriate arrangements for expert witnesses to defend the Committee of Adjustment's decision."

*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(32) 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(32), 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 238)

*Procedural Vote:*

The vote to waive referral of Motion J(32) 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(32), Notices of Decision dated July 15, 2004, from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Etobicoke Panel, which are on file in the City Clerk's Office.

*Vote:*

Motion J(32) was adopted, without amendment.

**11.103 J(33) Instructions for Ontario Municipal Board Hearing – 5365 Dundas Street West (Etobicoke-Lakeshore – Ward 22)**

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, 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 instructions respecting the Ontario Municipal Board hearing relating to the land development application for 5365 Dundas Street West; 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 November 1, 2004;

**NOW THEREFORE BE IT RESOLVED THAT** Council consider the confidential report dated September 27, 2004, from the City Solicitor, and the staff recommendations contained in the Recommendations Section of the 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(33) 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(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 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(33), a confidential report dated September 27, 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 September 27, 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 solicitor-client privilege:

“It is recommended that City Council:

- (1) authorize the City Solicitor and municipal staff to attend the hearing at the Ontario Municipal Board to oppose the applicant’s appeals of the Etobicoke Centre Secondary Plan and implementing Zoning By-law 1088-2002 and the applicant’s site specific appeals of application TA CMB 2003 0005 in its current form;
- (2) authorize the City Solicitor and municipal staff to support revisions to the site specific Official Plan Amendment and rezoning satisfactory to the Commissioner of Urban Development Services, such that the resulting density will not exceed 4.23 times lot area and height will step up from approximately 8 storeys along Dundas Street West and will not exceed 69 metres (approximately 25 storeys) at the rear of the site adjacent to the rail line; and
- (3) authorize staff to request the Ontario Municipal Board, 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*. Such benefits may include streetscape improvements in the local area, public art, improvements to the local Business Improvement Area and/or improvements to local parks. Based on the latest revisions presented by the applicant, staff propose a financial contribution of \$266,000.00. The agreement shall include provisions, as appropriate, with respect to transportation, TTC, environmental, parkland, CP Rail and servicing issues to the satisfaction of the City Solicitor and the Commissioner of Urban Development Services.”

**11.104 J(34) Former Lakeshore Hospital Site - Toronto District Catholic School Board/City of Toronto Joint Use Agreement (Etobicoke-Lakeshore – Ward 22)**

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, moved by Councillor Grimes, seconded by Mayor Miller, and, in the absence of Mayor Miller, with the permission of Council, seconded by Deputy Mayor Feldman, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Grimes**

**Seconded by: Deputy Mayor Feldman**

“**WHEREAS** City Council at its meeting of July 24, 25 and 26, 2001, adopted Economic Development and Parks Committee Report 7, Clause 20 (the ‘Clause’); and

**WHEREAS** the Commissioner of Corporate Services and the Commissioner of Economic Development, Culture and Tourism have prepared a confidential report requesting an amendment to the Clause, and the authority to finalize negotiations and enter into the transactions and agreements required to implement the terms generally described in the Clause, as amended;

**NOW THEREFORE BE IT RESOLVED THAT** Council consider the confidential report dated September 28, 2004, from the Commissioner of Corporate Services and the Commissioner of Economic Development, Culture and Tourism, and the staff recommendations contained in the Recommendations Section of the 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(34) to the Administration Committee would have to be waived, in order to now consider this Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(34) 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(34), a confidential report dated September 28, 2004, from the Commissioner of Corporate Services and the Commissioner of Economic Development, Culture and Tourism.

*Vote:*

Motion J(34) was adopted, without amendment.

*Summary:*

In adopting Motion J(34), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated September 28, 2004, from the Commissioner of Corporate Services and the Commissioner of Economic Development, Culture and Tourism. 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 solicitor-client privilege:

“It is recommended that:

- (1) the Umbrella Agreement, all Lease Agreements and the Option to Lease the elementary school lands, between the City and the Toronto Catholic District School Board (TCDSB) for the Lakeshore Grounds, be approved in accordance with the terms and conditions set out in paragraphs 1 through 5 on page 4 of this report, together with Appendices B and C, such other terms as are satisfactory to the Commissioner of Corporate Services and in a form acceptable to the City Solicitor;
- (2) subject to the resolution of the Humber College easement issue, in accordance with paragraphs 1 and 2 on page 5 of this report, the agreements referenced in Recommendation No. (1) be executed by the appropriate City officials;
- (3) costs associated with the City’s obligations under the Umbrella Agreement, Lease Agreements and Option to Lease, including any related taxes, and the operating costs for new facilities for the Lakeshore Grounds project be included in Parks and Recreation 2006 and 2007 Operating Budget submissions and referred for consideration during the 2006 and 2007 budget processes;
- (4) the Commissioner of Corporate Services shall administer and manage the Lease Agreements and the Option to Lease, including provision of any consents, approvals, notices and notices of terminations, provided that the Commissioner may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

**11.105 J(35) 108 Stayner Avenue – Removal of Private Trees**

Councillor Moscoe 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, which carried:

**Moved by: Councillor Moscoe**

**Seconded by: Councillor Soknacki**

“**WHEREAS** City of Toronto Council has before it Policy and Finance Committee Report 7, Clause 2, headed ‘Harmonized City-Wide Private Tree By-law’; and

**WHEREAS** certain property in the former City of North York, known municipally as 108 Stayner Avenue (Jacob P. Ross House), has been designated under Part IV of the *Ontario Heritage Act*; and

**WHEREAS** the owner or persons authorized by the owner of 108 Stayner Avenue are proceeding to remove trees from the property; and

**WHEREAS** the proposed Harmonized City-Wide Private Tree By-law, as recommended by the Policy and Finance Committee, would prohibit the cutting of trees on private property, including 108 Stayner Avenue; and

**WHEREAS** City of Toronto Council desires that the trees on 108 Stayner Avenue not be removed at this time;

**NOW THEREFORE BE IT RESOLVED THAT** City of Toronto Council take the necessary action to preserve the trees at 108 Stayner Avenue by enacting a by-law specific to 108 Stayner Avenue which shall be in force until City Council has had the opportunity to deal with the report of the Policy and Finance Committee with respect to a harmonized City-wide private tree by-law, and the City Solicitor be authorized to commence such legal proceedings to give effect to Council's desire to preserve the trees at 108 Stayner Avenue;

**AND BE IT FURTHER RESOLVED THAT** the provisions of the existing private tree by-law of the former City of Toronto under Municipal Code Chapter 331, Trees, Article III, shall be deemed to be in effect with respect to 108 Stayner Avenue, until such time as City Council has dealt with Policy and Finance Committee Report 7, Clause 2, headed 'Harmonized City-Wide Private Tree By-law';

**AND BE IT FURTHER RESOLVED THAT** the City Solicitor is hereby authorized and instructed to commence such proceedings as may be necessary to give effect to the foregoing by way of injunction or as may otherwise be deemed necessary and prudent."

*Motion:*

Councillor Moscoe moved that Motion J(35) be adopted, subject to adding the following new Operative Paragraph:

**"AND BE IT FURTHER RESOLVED THAT** 13 Division of the Toronto Police Service be immediately notified and requested to give effect to the will of Council."

*Vote Be Now Taken:*

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

Yes - 24
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Councillors:	Balkissoon, Carroll, Cho, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Watson
No - 9	
Councillors:	Altobello, Del Grande, Feldman, Holyday, Kelly, Nunziata, Palacio, Stintz, Walker

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

*Votes:*

The motion by Councillor Moscoe carried.

Adoption of Motion J(35), as amended:

Yes - 30	
Councillors:	Altobello, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Walker, Watson
No - 5	
Councillors:	Del Grande, Grimes, Holyday, Kelly, Stintz

Carried by a majority of 25.

Mayor Miller in the Chair.

**11.106 J(36) Instructions for Ontario Municipal Board Hearing – 975 The Queensway (Etobicoke-Lakeshore – Ward 5)**

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

**Moved by: Councillor Milczyn**

**Seconded by: Councillor Grimes**

“**WHEREAS** the owner of 975 The Queensway has applied for a site specific Official Plan Amendment and Zoning By-law to permit redevelopment of the subject site for residential purposes; and

**WHEREAS** an original application was filed on March 31, 2003, for a 750-unit, multiple building housing development, with 1,200 square metres of commercial gross floor area, with buildings ranging in height from 8 to 17 storeys and a floor space index of 5.0 times the lot area; and

**WHEREAS** the applicant has provided a draft Revised Plan dated June 23, 2003, revised to June 23, 2004, by Burka Varacalli Architects, that would propose a floor space index of approximately 1.13 times the lot area, 74 townhouse units ranging from 3 to 3.5 storeys, and the park on the south portion of the site and not fronting on The Queensway; and

**WHEREAS** the owner has appealed the Applications, as amended, to the Ontario Municipal Board, due to Council’s failure to approve the Applications within the required time frames;

**NOW THEREFORE BE IT RESOLVED THAT:**

- (1) the City Solicitor be directed to settle the appeals, generally on the basis of the draft Revised Plan dated June 23, 2003, revised to June 23, 2004, by Burka Varacalli Architects, which proposes a floor space index of approximately 1.13 times the lot area, 74 townhouse units ranging from 3 to 3.5 storeys, and the park located as proposed on the south portion of the site and not fronting on The Queensway; and
- (2) the Ontario Municipal Board be requested to withhold its Order pending site plan approval.”

*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(36) to the Etobicoke 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(36) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(36) was adopted, without amendment.

**11.107 J(37) Request to Re-open Harmonized City-Wide Private Tree By-law**

Councillors Hall and Lindsay Luby, seconded by Councillor Nunziata, gave Notice of the following Motion to permit consideration at the next regular meeting of City Council on October 26, 2004:

**Moved by: Councillor Hall and Councillor Lindsay Luby**

**Seconded by: Councillor Nunziata**

**“BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 7, Clause 2, headed ‘Harmonized City-Wide Private Tree By-law’, be re-opened for further consideration; **AND BE IT FURTHER RESOLVED THAT** the Clause be amended to provide that, in cases of hardship, the Commissioner of Economic Development, Culture and Tourism be authorized to waive the permit application fees.”

11.108 Consideration of the following matters was deferred to the next regular meeting of City Council on October 26, 2004, as they remained on the Order Paper at the conclusion of this meeting of Council:

Community Services Committee Report 5

Clause 7a - “Update on the Implementation of the Review Recommendations for University Settlement and University Settlement Recreation Centre”.

Policy and Finance Committee Report 7

Clause 14 - “Toronto’s No Smoking By-law (Municipal Code Chapter 709 - Smoking), Offer of Enforcement Enhancement from the Association of Local Public Health Agencies (alPHA)”.

Clause 16 - “Summary of Changes in Approved Staff Positions and Gross Expenditures from 1997 to 2004”.

Clause 18 - “Toronto Transit Commission (TTC) Ridership Growth Strategy - 2004 Budget Adjustment and 2005 Budget Pre-Approval”.

Clause 32 - “Employee Suggestion Program”.

Clause 36 - “Status Report on Performance Measurement in the City of Toronto”.

Clause 37 - “Appointment of Community Members for the Roundtable on a Beautiful City”.

Clause 39 - "Toronto Police Service - 2004 Race Relations Outreach Program".

Administration Committee Report 6

Clause 10 - "Replacement Toner Cartridges".

Clause 15 - "Redevelopment of TTC Yonge-Eglinton Lands - Issues (Ward 22 - St. Paul's)".

Planning and Transportation Committee Report 6

Clause 4 - "Taxicab Driver Safety".

Works Committee Report 8

Clause 1 - "Publication Box Strategy - Beautiful City Initiative".

Clause 4 - "Getting to 60% Diversion and Beyond Report".

Clause 9 - "Harbour Remediation and Transfer Inc. - Claim and Related Third Party Claim of Fred Dominelli".

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Clause 24 - "Driveway Widening - 53 Hillside Avenue West (St. Paul's, Ward 22)".

Clause 26 - "Front Yard Parking for Two Vehicles - 13 Ritchie Avenue (Parkdale - High Park, Ward 14)".

Clause 27 - "Front Yard Parking - 137 Dowling Avenue (Parkdale-High Park, Ward 14)".

Clause 33 - "Installation of Speed Humps - Rushton Road, between Vaughan Road and Arlington Avenue (St. Paul's, Ward 21)".

Clause 53 - "Installation of Speed Humps - Sterling Road, between Bloor Street West and Perth Avenue (Davenport, Ward 18)".

Clause 54 - "Installation of Speed Humps - Ruskin Avenue, between Edwin Avenue and Perth Avenue (Davenport, Ward 18)".

- Clause 55 - "Installation of Speed Humps – Sheridan Avenue, between Florence Street and Muir Avenue (Davenport, Ward 18)".
- Clause 56 - "Installation of Speed Humps - Walmer Road, between St. Clair Avenue West and Heath Street West (St. Paul's, Ward 21)".
- Clause 57 - "Installation of Speed Humps - Heath Street West/Tichester Road between Bathurst Street and Spadina Road (St. Paul's, Ward 21)".
- Clause 58 - "Installation of Speed Humps - Russett Avenue, between Bloor Street West and Wallace Avenue (Davenport, Ward 18)".
- Clause 59 - "Installation of Speed Humps - Tweedsmuir Avenue between St. Clair Avenue West and Heath Street West (St. Paul's, Ward 21)".
- Clause 63 - "Installation of Speed Humps - Withrow Avenue, between Broadview Avenue, and Logan Avenue (Toronto-Danforth, Ward 30)".
- Clause 69 - "Removal of Speed Humps - Wade Avenue, between Paton Road and the East/West section of Wade Avenue (Davenport, Ward 18)".
- Clause 73 - "Installation of Speed Bumps - Sussex Mews (Public Lane), between Bloor Street West and Sussex Avenue (Trinity-Spadina, Ward 20)".
- Clause 80 - "Prohibition of Northbound left turn - Intersection of Bloor Street West and Sussex Mews (Trinity-Spadina, Ward 20)".

Etobicoke York Community Council Report 7

- Clause 8 - "Request for All-way Stop Controls on Allanhurst Drive (Ward 4 - Etobicoke Centre)".
- Clause 15 - "Traffic Calming on Seacliff Boulevard (Ward 7 - York West)".
- Clause 18 - "Installation of Speed Bumps - Amendment to Existing Plan Riverview Gardens between Bloor Street West and Halford Avenue (Ward 13 - Parkdale-High Park)".
- Clause 23 - "Proposed Installation of Speed Bumps in First Public Lane North on Davenport Road between Alberta Avenue and Mount Royal Avenue (Ward 17 - Davenport)".

- Clause 36 - “Implications of Holding Committee of Adjustment Public Hearings for the Etobicoke York Panel at Two Meeting Locations - Etobicoke Civic Centre and York Civic Centre”.

North York Community Council Report 7

- Clause 28 - “40 Km/h Speed Limit - Downsview Avenue (Ward 9 - York Centre)”.
- Clause 31 - “All Way Stop Control - Cavotti Crescent and Evanston Drive (Ward 10 – York Centre)”.
- Clause 35 - “Request for Poll - Speed Hump Plan - Times Road between Stayner Avenue and Lilywood Road (Ward 15 – Eglinton-Lawrence)”.
- Clause 36 - “Request for Poll - Speed Hump Plan - Lauder Avenue from Vaughan Road to Amherst Avenue (Ward 15 – Eglinton-Lawrence)”.
- Clause 37 - “Request for Poll - Speed Hump Plan - Roselawn Avenue, west of Dufferin Street to Miranda Avenue (Ward 15 - Eglinton-Lawrence)”.
- Clause 38 - “Request for Poll - Speed Hump Plan - Bolingbroke Road (Ward 15 - Eglinton-Lawrence)”.
- Clause 47 - “Final Report - OPA & Rezoning Application and Site Plan Approval - 03 035054 (TD CMB 2003 0001) - Westdale Construction Co. Ltd. (E.I. Richmond Architects) - 82, 86, 90 Broadway Avenue (Ward 25 - Don Valley West)”.

**BILLS AND BY-LAWS**

11.109 On September 28, 2004, at 7:24 p.m., Councillor Soknacki, seconded by Councillor Moscoe, 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. 872	By-law No. 741-2004	To confirm the proceedings of the Council at its meeting held on the 28th day of September, 2004,
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the vote upon which was taken as follows:

Yes - 39

Mayor: Miller

Councillors: Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

No - 2

Councillors: Mammoliti, Nunziata

Carried by a majority of 37.

11.110 On September 28, 2004, at 7:30 p.m., Councillor Giambrone, seconded by Councillor Carroll, 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. 873	By-law No. 742-2004	To confirm the proceedings of the Council at its meeting held on the 28th day of September, 2004,
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the vote upon which was taken as follows:

Yes - 35	
Mayor:	Miller
Councillors:	Altobello, Balkissoon, Bussin, Carroll, Cho, Chow, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 1	
Councillor:	Mammoliti

Carried by a majority of 34.

Deputy Mayor Feldman in the Chair.

11.111 On September 29, 2004, at 7:16 p.m., Councillor Moscoe, seconded by Councillor Soknacki, 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. 821	By-law No. 743-2004	To amend former City of Toronto Municipal Code Chapter 331, Trees, Article III, to apply to 108 Stayner Avenue in the former City of North York,
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the vote upon which was taken as follows:

Yes - 30 Councillors:	Altobello, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 5 Councillors:	Del Grande, Grimes, Holyday, Kelly, Thompson

Carried by a majority of 25.

11.112 On September 29, 2004, at 7:29 p.m., Councillor Thompson, seconded by Councillor Giambrone, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 874	By-law No. 744-2004	To confirm the proceedings of the Council at its meeting held on the 28th and 29th days of September, 2004,
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the vote upon which was taken as follows:

Yes - 28 Councillors:	Altobello, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Pantalone, Pitfield, Soknacki, Stintz, Thompson, Watson
No - 3 Councillors:	Nunziata, Palacio, Walker

Carried by a majority of 25.

Deputy Mayor Bussin in the Chair.

11.113 On September 30, 2004, at 12:15 p.m., with the permission of Council, Deputy Mayor Bussin, seconded by Councillor Pitfield, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws, which carried:

Bill No. 837	By-law No. 745-2004	To amend Municipal Code Chapter 844, Waste Collection, Residential Properties, to prohibit collection of tires.
Bill No. 838	By-law No. 746-2004	To adopt a new City of Toronto Municipal Code Chapter 846, Waste Transfer Stations and to amend Chapter 441, Fees, to include fees or charges for services at transfer stations.

Mayor Miller in the Chair.

11.114 On September 30, 2004, at 11:16 p.m., Councillor Chow, seconded by Councillor Mihevc, 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. 875	By-law No. 747-2004	To confirm the proceedings of the Council at its meeting held on the 28th, 29th and 30th days of September, 2004,
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the vote upon which was taken as follows:

Yes - 35	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Grimes, Hall, Holyday, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Walker, Watson
No - 4	
Councillors:	Ford, Kelly, Minnan-Wong, Shiner

Carried by a majority of 31.

11.115 On September 30, 2004, at 11:51 p.m., Councillor Saundercook, seconded by Councillor Stintz, 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. 731	By-law No. 748-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Shaw Street.
Bill No. 732	By-law No. 749-2004	To designate the North Rosedale area as a heritage conservation district.
Bill No. 733	By-law No. 750-2004	To designate the property at 40 Kingswood Road (George Davis House) as being of cultural heritage value or interest.
Bill No. 734	By-law No. 751-2004	To designate the property at 385 Brunswick Avenue (Loretto Abbey School) as being of cultural heritage value or interest.
Bill No. 735	By-law No. 752-2004	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting transfers of standard taxicab owner's licences.
Bill No. 736 ( <i>amended</i> )	By-law No. 753-2004	To amend City of Toronto Municipal Code Chapter 441, Fees, respecting the collection of unpaid fees for Fire Services and Inspections.
Bill No. 737	By-law No. 754-2004	To exempt lands municipally known as 2 Lightbourn Avenue from Part Lot Control.
Bill No. 738	By-law No. 755-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Broadlands Boulevard and Otonabee Avenue.
Bill No. 739	By-law No. 756-2004	To amend By-law No. 32759, as amended, of the former City of North York, regarding Broadlands Boulevard and Otonabee Avenue.

Bill No. 740	By-law No. 757-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Broadlands Boulevard.
Bill No. 741	By-law No. 758-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Gerry Fitzgerald Drive.
Bill No. 743	By-law No. 759-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Altamont Road, Champlain Boulevard, Hilda Avenue and Otonabee Avenue.
Bill No. 746	By-law No. 760-2004	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 747	By-law No. 761-2004	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 Ava Road and Dewbourne Avenue.
Bill No. 748	By-law No. 762-2004	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 Ava Road and Dewbourne Avenue.
Bill No. 749	By-law No. 763-2004	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 Warwick Avenue.
Bill No. 750	By-law No. 764-2004	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 Warwick Avenue.
Bill No. 751	By-law No. 765-2004	To amend former City of York Municipal Code Ch. 997, School Bus Loading Zone, respecting George Street.

Bill No. 752	By-law No. 766-2004	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 George Street.
Bill No. 753	By-law No. 767-2004	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 George Street.
Bill No. 754	By-law No. 768-2004	To amend By-law No. 2958-94 of the former City of York, being a by-law “To install on-street parking spaces for persons with disabilities on City of York Roads”, regarding Brownville Avenue.
Bill No. 755	By-law No. 769-2004	To amend By-law No. 196-84 of the former City of York, being a by-law “To install on-street parking spaces for persons with disabilities on City of York Roads”, regarding Brownville Avenue.
Bill No. 756	By-law No. 770-2004	To adopt Amendment No. 37 to the Official Plan of the former Borough of East York with respect to lands municipally known as 1073 Broadview Avenue.
Bill No. 757	By-law No. 771-2004	To amend the Zoning By-law No. 6752, as amended, of the former Township of East York, with respect to lands municipally known as 1073 Broadview Avenue.
Bill No. 758	By-law No. 772-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Glenview Avenue.
Bill No. 759	By-law No. 773-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Alexandra Boulevard, Glenview Avenue and

		Rosewell Avenue.
Bill No. 760	By-law No. 774-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding eastbound off-ramp from Highway 400 at Jane Street and Lake Shore Boulevard West.
Bill No. 761	By-law No. 775-2004	To exempt lands municipally known as 1001 Roselawn Avenue from Part Lot Control.
Bill No. 762	By-law No. 776-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bellhaven Road, Brock Avenue, Chatham Avenue, Duart Park Road, Gladstone Avenue, Jones Avenue, Manning Avenue, O'Hara Avenue, Palmerston Avenue, Shaw Street, St. Clarens Avenue and Wembley Drive.
Bill No. 763	By-law No. 777-2004	To repeal By-law No. 29981 of the former City of North York.
Bill No. 764	By-law No. 778-2004	To amend City of Toronto Municipal Code Chapter 71, Financial Control to incorporate amendments identified as part of a procurement review.
Bill No. 765	By-law No. 779-2004	To amend City of Toronto Municipal Code Chapter 195, Purchasing.
Bill No. 766(amended)	By-law No. 780-2004	To amend City of Toronto, Municipal Code Chapter 813, Trees, by adding a new article as Article III, Tree Protection and to make consequential amendments to Municipal Code Chapter 441, Fees.
Bill No. 767	By-law No. 781-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto as it applies to a portion of the Garrison

		Common North Area, for the lands known as the Liberty Area.
Bill No. 768	By-law No. 782-2004	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Raglan Avenue.
Bill No. 769	By-law No. 783-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Brunswick Avenue.
Bill No. 770	By-law No. 784-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Bathurst Street.
Bill No. 772	By-law No. 785-2004	To amend further Metropolitan Toronto By-law No. 108-86 designating certain locations on former Metropolitan Roads as Pedestrian Crossovers, regarding Port Union Road.
Bill No. 773	By-law No. 786-2004	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt a portion of a pool enclosure on the property municipally known as 31 Knightswood Road from the construction standards.
Bill No. 774	By-law No. 787-2004	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the rear yard fence on the property municipally known as 3 Noel Avenue from the maximum height requirements.

Bill No. 775	By-law No. 788-2004	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the rear yard fence on the property municipally known as 75 Montessor Drive from the maximum height requirements.
Bill No. 776	By-law No. 789-2004	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the rear yard fence on the property municipally known as 77 Montessor Drive from the maximum height requirements.
Bill No. 777	By-law No. 790-2004	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the fence on the property municipally known as 1 Park Lane Circle from the maximum height requirements.
Bill No. 778	By-law No. 791-2004	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt a portion of the proposed flankage yard fence on the property municipally known as 2 Ridgecrest Drive from the maximum height requirements.
Bill No. 779	By-law No. 792-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Berkeley Street, De Savery Crescent, Grace Street, Indian Grove, La Scala Lane, Moore Avenue, Lane first west of Ossington Avenue and Wade Avenue.
Bill No. 780( <i>amended</i> )	By-law No. 793-2004	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting age of vehicle requirements for taxicabs.
Bill No. 782	By-law No. 794-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.

Bill No. 783	By-law No. 795-2004	To amend City of Toronto Municipal Code Chapter 591, Noise, by adding Article III, Railway Whistles, to reflect the prohibition of railway whistles at the Sheppard Avenue East Crossing at the Agincourt GO Station under the <i>Railway Safety Act</i> .
Bill No. 784	By-law No. 796-2004	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. 785	By-law No. 797-2004	To authorize the entering into of an agreement for the provision of municipal capital facilities respecting the property leased by the City at 150 Beecroft Road.
Bill No. 786	By-law No. 798-2004	To amend former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 89 Finch Avenue West.
Bill No. 787	By-law No. 799-2004	To amend former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 269 Haddington Avenue.
Bill No. 788	By-law No. 800-2004	To adopt Amendment No. 1125 to the Official Plan for the former City of Scarborough with respect lands municipally known as 3765 Kingston Road.
Bill No. 789	By-law No. 801-2004	To amend Scarborough Zoning By-law No. 9676, as amended, with respect to the Guildwood Community.

Bill No. 790	By-law No. 802-2004	To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to make changes to the size of various Business Improvement Area Boards of Management.
Bill No. 791	By-law No. 803-2004	To amend City of Toronto Municipal Code Chapter 658, Ravine Protection, to include lands located at 1 Botham Road and lands at the northeast and southeast corners of Yonge Street and York Mills Road.
Bill No. 792	By-law No. 804-2004	To adopt Amendment No. 313 to the Official Plan for the former City of Toronto with respect to lands municipally known in the year 2003 as 200 Balliol Street.
Bill No. 793	By-law No. 805-2004	To amend the General Zoning By-law No. 438-86, as amended, and By-law No. 22535 of the former City of Toronto with respect to lands known municipally in the year 2003 as 200 Balliol Street.
Bill No. 794	By-law No. 806-2004	To amend further By-law No. 196, a by-law entitled "To restrict the speed of motor vehicles", being a by-law of the former Borough of East York, regarding Langford Avenue.
Bill No. 795	By-law No. 807-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Silverstone Drive.
Bill No. 796	By-law No. 808-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Gosfield Gate, Kennebec Crescent and Pakenham Drive.

Bill No. 797	By-law No. 809-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Gosfield Gate, Kennebec Crescent and Pakenham Drive.
Bill No. 798	By-law No. 810-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II, regarding Hilldowntree Road.
Bill No. 799	By-law No. 811-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Allanhurst Drive.
Bill No. 800	By-law No. 812-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Allanhurst Drive.
Bill No. 801	By-law No. 813-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Royal York Road.
Bill No. 802	By-law No. 814-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Grenview Boulevard South.
Bill No. 803	By-law No. 815-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Glenellen Drive West and Grenview Boulevard South.
Bill No. 804	By-law No. 816-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Palace Pier Court.

Bill No. 805	By-law No. 817-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Palace Pier Court.
Bill No. 806	By-law No. 818-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Birmingham Street.
Bill No. 807	By-law No. 819-2004	To amend By-law No. 31878, as amended, of the former City of North York, regarding Duval Drive, North Park Drive, Quinan Drive, Redberry Parkway and Sparta Road.
Bill No. 808	By-law No. 820-2004	To layout and dedicate certain land on the south side of Lake Shore Boulevard West, west of Palace Pier Court, for public highway purposes to form part of the public highway Lake Shore Boulevard West and to layout and dedicate certain land on the south side of Lake Shore Boulevard West, west of Palace Pier Court, to form a new public highway.
Bill No. 809	By-law No. 821-2004	To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to lands municipally known as 408 Dixon Road.
Bill No. 810	By-law No. 822-2004	To adopt Amendment No. 121-2004 to the Official Plan for the former City of Etobicoke with respect to lands municipally known as 589 and 591 The East Mall.
Bill No. 811	By-law No. 823-2004	To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to lands municipally known as 589 and 591 The East Mall.

Bill No. 812	By-law No. 824-2004	To amend former City of North York By-law No. 7625 with respect to lands municipally known as 12, 14 and 16 Rean Drive.
Bill No. 814	By-law No. 825-2004	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the mechanical inspections of taxicabs.
Bill No. 815	By-law No. 826-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Hallam Street.
Bill No. 816	By-law No. 827-2004	To amend the former City of Toronto Municipal Code Chapter 194, Footpaths, Bicycle Lanes and Pedestrian Ways, regarding bicycle lanes on Cosburn Avenue.
Bill No. 817	By-law No. 828-2004	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. 818	By-law No. 829-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Avenue Road and Bloor Street West.
Bill No. 819	By-law No. 830-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Bryant Street.
Bill No. 820	By-law No. 831-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Bryant Street and Searle Avenue.

Bill No. 822	By-law No. 832-2004	To authorize the alteration of Scarborough Road, between Kingston Road and Gerrard Street East, by the installation of speed humps.
Bill No. 823	By-law No. 833-2004	To authorize the alteration of Broadway Avenue, between Mount Pleasant Road and Bayview Avenue, by the installation of speed humps.
Bill No. 824	By-law No. 834-2004	To authorize the alteration of Belsize Drive, between Harwood Road and Cleveland Street, by the installation of speed humps.
Bill No. 825	By-law No. 835-2004	To define Lyall Avenue between Main Street and Malvern Avenue as an area of the City of Toronto to be examined for future designation as a heritage conservation district.
Bill No. 826	By-law No. 836-2004	To authorize the alteration of Old Yonge Street between York Mills Road and Campbell Crescent by the installation of speed humps.
Bill No. 827	By-law No. 837-2004	To authorize the alteration of Sandfield Road between York Mills Road and Sagewood Drive by the installation of speed humps.
Bill No. 828	By-law No. 838-2004	To layout and dedicate certain land on the west side of Victoria Park Avenue, north of McNicoll Avenue, for public highway purposes to form part of the public highway Victoria Park Avenue.
Bill No. 829	By-law No. 839-2004	To name the private lane at 8, 10 and 12 Clairtrell Road as "España Lane".
Bill No. 830	By-law No. 840-2004	To name the private lane at 3197 Kingston Road "Stobo Lane".

Bill No. 831	By-law No. 841-2004	To repeal By-law No. 666-2004, being a by-law “To authorize the alteration of Arlington Avenue, between St. Clair Avenue West and Humewood Gardens, by the installation of speed humps.”
Bill No. 832	By-law No. 842-2004	To enact a new City of Toronto Zoning By-law with respect to the lands east of Midland Avenue to Brimley Road, north of St. Clair Avenue East, south of the CN railway to be known as the Midland/St. Clair Community.
Bill No. 833	By-law No. 843-2004	To amend Scarborough Zoning By-law No. 9396, as amended, with respect to the Cliffcrest Community.
Bill No. 834	By-law No. 844-2004	To amend Scarborough Zoning By-law No. 24982, as amended, with respect to the Employment District By-law (Knob Hill).
Bill No. 835	By-law No. 845-2004	To adopt Amendment No. 1124 to the Official Plan of the former City of Scarborough with respect to lands municipally known as 675-679 Warden Avenue.
Bill No. 836	By-law No. 846-2004	To amend Employment Districts Zoning By-law No. 24982 (Oakridge Employment District), as amended, of the former City of Scarborough with respect to lands municipally known as 675-679 Warden Avenue.
Bill No. 839	By-law No. 847-2004	To adopt Amendment No. 1126 to the Official Plan for the former City of Scarborough with respect to lands bounded by Midland Avenue to Brimley Road south of CN Railway and north of St. Clair Avenue.

Bill No. 840	By-law No. 848-2004	To amend Scarborough Zoning By-law No. 10010, as amended, with respect to the Scarborough Village Community.
Bill No. 841	By-law No. 849-2004	To adopt Amendment No. 1120 to the Official Plan for the former City of Scarborough with respect to lands municipally known as 5928-5930 Finch Avenue East.
Bill No. 842	By-law No. 850-2004	To amend the Employment Districts Zoning By-law No. 24982, as amended (Tapscott) with respect to the lands municipally known as 5928-5930 Finch Avenue East.
Bill No. 843	By-law No. 851-2004	To adopt Amendment No. 1125 to the Official Plan for the former City of Scarborough with respect to lands municipally known as 3765 Kingston Road.
Bill No. 844	By-law No. 852-2004	To amend Scarborough Zoning By-law No. 9676, as amended, with respect to the Guildwood Community.
Bill No. 845	By-law No. 853-2004	To amend Scarborough Zoning By-law No. 10827, as amended, with respect to the Highland Creek Community.
Bill No. 846	By-law No. 854-2004	To adopt a new City of Toronto Municipal Code Chapter 608, Parks, and to repeal various by-laws of the former municipalities relating to parks.
Bill No. 847	By-law No. 855-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Alentejo Street, Braga Gardens, Estoril Terrace and Sagres Crescent.

Bill No. 848	By-law No. 856-2004	To adopt Amendment No. 314 to the Official Plan for the former City of Toronto with respect to lands municipally known as 1-45 St. Clements Avenue and 575-583 Duplex Avenue.
Bill No. 849	By-law No. 857-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 21-45 St. Clements Avenue and 575-583 Duplex Avenue.
Bill No. 850	By-law No. 858-2004	To adopt Amendment No. 318 to the Official Plan of the former City of Toronto with respect to lands municipally known as 825 Dundas Street East, 35 Carroll Street, 46 Hamilton Avenue and 120 Broadview Avenue.
Bill No. 851	By-law No. 859-2004	A By-law to authorize the submission of an application to the Ontario Strategic Infrastructure Financing Authority (“Osifa”) for financing certain ongoing capital works of the City of Toronto (The “Municipality”); to authorize temporary borrowing from Osifa to meet expenditures in connection with such works; and to authorize long term borrowing for such works through the issue of debentures to Osifa.
Bill No. 852	By-law No. 860-2004	To adopt Amendment No. 311 to the Official Plan for the former City of Toronto with respect to lands municipally known in the year 2003 as 43 Hanna Avenue.
Bill No. 853	By-law No. 861-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known in the

		year 2003 as 43 Hanna Avenue.
Bill No. 854	By-law No. 862-2004	To amend former City of Toronto Municipal Code Chapter 11, Arts Centres, to increase the composition of the Board of Directors of the St. Lawrence Centre for the Arts by one citizen member who shall be nominated by the St. Lawrence Forum.
Bill No. 855	By-law No. 863-2004	To authorize the exemption from taxation for municipal and school purposes for the municipal capital facility for affordable housing located on land municipally known as 600 Rogers Road.
Bill No. 856	By-law No. 864-2004	To authorize the entering into of an agreement for the provision of a municipal capital facility by the Toronto Community Housing Corporation.
Bill No. 857	By-law No. 865-2004	To amend By-law No. 7625 of the former City of North York with respect to lands municipally known as 221 Finch Avenue East.
Bill No. 858	By-law No. 866-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands municipally known as 825 Dundas Street East, 35 Carroll Street, 46 Hamilton Street and 120 Broadview Avenue.
Bill No. 859	By-law No. 867-2004	To layout and dedicate certain land on the east side of Dufferin Street, south of Steeles Avenue West, for public highway purposes to form part of the public highway Dufferin Street.
Bill No. 860	By-law No. 868-2004	To layout and dedicate certain land for public highway purposes to form part of the public highway Minto Street.

Bill No. 861	By-law No. 869-2004	To layout and dedicate certain land east of Royal York Road on the south side of North Drive for public highway purposes to form part of the public highway North Drive.
Bill No. 862	By-law No. 870-2004	To authorize the alteration of Hillsdale Avenue East, between Forman Avenue and Cleveland Street, by the installation of speed humps.
Bill No. 863	By-law No. 871-2004	To adopt Amendment No. 288 to the Official Plan for the former City of Toronto with respect to lands municipally known as 40-42 Westmoreland Avenue.
Bill No. 864	By-law No. 872-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 40-42 Westmoreland Avenue.
Bill No. 866	By-law No. 873-2004	To amend Chapter 134 of the Etobicoke Municipal Code, a by-law providing for the construction and maintenance of fire routes in the geographic area of Etobicoke, a by-law of the former City of Etobicoke.
Bill No. 868	By-law No. 874-2004	To repeal Chapter 227 of the Toronto Municipal Code, Reserves and Reserve Funds and to replace it with a new Municipal Code Chapter 227, Reserves and Reserve Funds and to establish two new Reserve Funds called the "Chinese Archway Reserve Fund" and the "Winchester Square Capital Facilities Recreation Reserve Fund".

Bill No. 869	By-law No. 875-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Don Mills Road, Dufferin Street, Steeles Avenue West and Wilson Avenue.
Bill No. 871	By-law No. 876-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Deforest Road and Morningside Avenue,

the vote upon which was taken as follows:

Yes - 33	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Stintz
No - 5	
Councillors:	Del Grande, Pitfield, Shiner, Walker, Watson

Carried by a majority of 28.

11.116 On October 1, 2004, at 12:53 a.m., Councillor Jenkins, seconded by Councillor Grimes, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 867	By-law No. 877-2004	To appoint a Committee of Adjustment for the City of Toronto,
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the vote upon which was taken as follows:

Yes - 31 Mayor: Miller Councillors: Altobello, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Walker, Watson
No - 4 Councillors: Del Grande, Feldman, Kelly, Shiner

Carried by a majority of 27.

11.117 On October 1, 2004, at 1:40 a.m., Councillor Moscoe, seconded by Councillor Holyday, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 876	By-law No. 878-2004	To confirm the proceedings of the Council at its meeting held on the 28th, 29th and 30th days of September, 2004, and the 1st day of October, 2004,
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the vote upon which was taken as follows:

Yes - 26 Mayor: Miller Councillors: Altobello, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Watson
No - 0

Carried, without dissent.

The following Bills were withdrawn:

Bill No. 742	To amend By-law No. 31001 of the former City of North York, as amended, regarding Coral Cove Crescent, Evanston Drive and Forthbridge Crescent.
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- Bill No. 744 To amend By-law No. 31001 of the former City of North York, as amended, regarding Broadlands Boulevard, Coral Cove Crescent, Shaunavon Heights Crescent, Evanston Drive, Cavotti Crescent, Forthbridge Crescent and Tumpane Street.
- Bill No. 745 To amend By-law No. 31878, as amended, of the former City of North York, regarding Downsview Avenue and Fairlawn Avenue.
- Bill No. 771 To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Adelaide Street East, Bloor Street East, Bloor Street West, St. Clair Avenue West and Woodbine Avenue.
- Bill No. 781 To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
- Bill No. 813 To amend further Metropolitan Toronto By-law No. 108-86, designating certain locations on former Metropolitan Roads as Pedestrian Crossovers, regarding Albion Road.
- Bill No. 865 To authorize the alteration of Glen Manor Drive West between Pine Crescent and Beaufort Road, by the installation of speed humps.
- Bill No. 870 To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.

**OFFICIAL RECOGNITIONS:**

**11.118 Condolence Motions**

Mayor Miller in the Chair.

**September 28, 2004:**

Mayor Miller, seconded by Deputy Mayor Pantalone, moved that:

“**WHEREAS** Members of Council are saddened to learn of the passing of Raymond (Ray) Bremner on July 25, 2004; and

**WHEREAS** Mr. Bremner served as the Construction Co-ordinator of the New City Hall, followed by his appointment by Toronto City Council in 1964 as the Commissioner of

Public Works, a position he held for 25 years until his retirement; and

**WHEREAS** the reputation Toronto enjoys as a clean and litter-free City is, in large part, the result of the dedication he showed in leading his department and in fighting tirelessly for his vision of Toronto; and

**WHEREAS** during his time as Commissioner, Mr. Bremner established various initiatives including long-term infrastructure planning and its continued maintenance, innovative approaches for financing needed improvements, as well as several pollution abatement projects and recycling programs; and

**WHEREAS** Mr. Bremner's outstanding abilities were recognized by Toronto City Council through his secondments to reorganize and operate two other civic agencies, Cityhome and Toronto Hydro; and Bremner Boulevard (south of Skydome) was named after him; and

**WHEREAS** our City continues to benefit from his pioneering work on energy initiatives such as district steam heating and deep lake-water cooling; and

**WHEREAS** Mr. Bremner will be sorely missed by all of his former colleagues and those who admired and respected him for his passion, dedication and commitment to serving the public;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to his wife Jean, his three sons, and his family and friends."

Councillor Lindsay Luby, seconded by Councillor Holyday, moved that:

**“WHEREAS** the Members of City Council are deeply saddened to learn of the passing of Brian John Flynn on August 10, 2004; and

**WHEREAS** he was son of the late former Metropolitan Toronto Chairman C. Dennis Flynn; and

**WHEREAS** Brian Flynn served on Etobicoke City Council from 1991 to 1997; and

**WHEREAS** he was involved with his community and a tireless fundraiser for the C. Dennis Flynn Foundation and, most recently, Jake's House for autistic children; and

**WHEREAS** he will be lovingly remembered by his mother Margaret, his devoted wife Belen (Pabelico), his children, Jonathan, Stefanie and Shannon Pollock and her husband Tieg and his grandson Gavin;

**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 the family of Brian Flynn.”

Councillor Lindsay Luby, seconded by Mayor Miller, moved that:

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of seven year old Robert Fordjour Jr. on July 31, 2004; and

**WHEREAS** Robert Fordjour Jr. drowned in Mimico Creek while playing with his 14-year-old brother and friends in the Willowridge area; and

**WHEREAS** this avoidable tragedy has saddened the entire Etobicoke community; and

**WHEREAS** the Willowridge Information Centre has led the community to help cope with this tragedy, by providing support through fundraising, crisis intervention, and water safety presentations; and

**WHEREAS** the Willowridge community has been identified as a high needs area;

**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 the family of Robert Fordjour Jr.;

**AND BE IT FURTHER RESOLVED THAT** the City of Toronto thank the Willowridge Information Centre for its leadership in the community;

**AND BE IT FURTHER RESOLVED THAT** the City of Toronto offer assistance to the Willowridge Information Centre to help educate the community about the dangers of the Creek, to avoid future tragedies.”

Councillor Fletcher, seconded by Councillor Giambrone, moved that:

“**WHEREAS** the Members of City Council are very saddened to learn of the passing on July 22, 2004, of Ms. Elizabeth Clarke (Betsy) Swift, an active member of the Riverdale community; and

**WHEREAS** Elizabeth Clarke Swift was a respected activist and friend of South Riverdale, where she devoted much of her energies to the South Riverdale neighbourhood for more than a decade; and

**WHEREAS** at the time of her passing, she was serving her second term on the Ralph Thornton Community Centre Board, where she contributed a sense of reality about the life and issues of the community, and was instrumental in saving the Queen/Saulter branch of the Toronto Public Library when it was threatened with closure in 2002; and

**WHEREAS** she was also a leading force in the establishment of the John Chang Neighbourhood Park on June 19, 2004; and

**WHEREAS** Betsy recognized the need for support of small businesses in the South Riverdale area, and was the organizer of Greater Riverdale Economic Action Together (GREAT), a local agency designed to fill that need; and

**WHEREAS**, believing that individuals can make a significant difference in their communities, Betsy was dedicated to community building and environmental action; and

**WHEREAS** Betsy will be remembered in the hearts of those in the South Riverdale Community for her hard work and dedication over the past years and will also be remembered by her co-workers who had the great pleasure to know and work with her;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to her mother Jean F. Swift, her family, a multitude of friends, and the many people she touched with love during her lifetime.”

Councillor Thompson, seconded by Councillor De Baeremaeker, moved that:

“**WHEREAS** Members of Council are saddened to learn of the passing of Bruce Lorimer on August 19, 2004; and

**WHEREAS** he was known as a gentle, kind and generous man, always ready and willing to help others; and

**WHEREAS** Mr. Lorimer was a long-time resident of Ward 37, Scarborough Centre, and will be greatly missed by the community;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be directed to convey, on behalf of members of City Council, our sincere sympathy to his partner Lise Cook, his family and friends.”

Councillor Rae, seconded by Mayor Miller, moved that:

“**WHEREAS** the Members of City Council are deeply saddened to learn of the recent

passing of Jim Shea at the age of 43; and

**WHEREAS** Jim Shea was a pioneer in the creation of Casey House, the world's first independent hospice for those living with HIV/AIDS; and

**WHEREAS** Jim Shea was an on-going supporter of Casey House, involved in fundraising and operational matters at Casey House; and

**WHEREAS** Jim Shea went on to work with the Government of Ontario as a liaison between the government and local agencies; and

**WHEREAS** Jim went on to nurture his creativity with a career in photography and was the chair of SNAP, a fundraiser for the AIDS Committee of Toronto; and

**WHEREAS** Jim recorded and presented, in photographic art, the CBC media tower at Jarvis and Carlton, dubbing the series, 'Eiffel on Jarvis';

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to Jim's parents, Dick and Connie Shea, and to all those who were touched by Jim's outstanding contributions to his community."

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

Council rose and observed a moment of silence in memory of the late Raymond Bremner, Brian John Flynn, Robert Fordjour Jr., Elizabeth Clarke Swift, Bruce Lorimer and Jim Shea.

**September 30, 2004:**

Councillor Nunziata, seconded by Councillor Lindsay Luby, moved that:

**“WHEREAS**, Members of Council are saddened to learn of the passing of the Reverend Canon Clifford Ward, of St. Hilda's Anglican Church (located at Dufferin Street and Eglinton Avenue), on September 27, 2004; and

**WHEREAS** Clifford Ward dedicated his life to serving the community, and particularly those in need; and

**WHEREAS** he served the community as Chairman of St. Hilda's Towers, and Rector of St. Hilda's Anglican Church, and as a member of Borough of York Council during the period from 1975 to 1977; and

**WHEREAS** he was a leading advocate for affordable housing for seniors which resulted in municipal and provincial support for the establishment of St. Hilda's Towers; and

**WHEREAS**, through his stewardship, St. Hilda's Towers has evolved to become one of Ontario's leading examples of affordable not-for-profit seniors' housing, where a continuum of care from independent living to assisted care is available, including the provision of medical, nursing, therapeutic and activation programs, to ensure that seniors are able live independently and with dignity; and

**WHEREAS** the parish of St. Hilda's continues to be a strong supporter of care for seniors in the City of Toronto; and

**WHEREAS** Canon Clifford Ward will be greatly missed by his community and the residents of the City of Toronto;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to his wife Audrey, his children Elizabeth and Janet, and their families and friends."

Councillor McConnell, seconded by Councillor Chow, moved that:

**“WHEREAS** the Members of City Council are deeply saddened to learn of the sudden passing of Frederick Grant Gloger at the age of 43, while on vacation in Paris, France; and

**WHEREAS** Fred Gloger was long time political analyst, strategist and researcher with the New Democratic Party; and

**WHEREAS** Fred worked at Parliament Hill for MPs Michael Cassidy and Dan Heap, in the 1980s, where he also had an active role on the Ottawa Carleton Tenants Association; and

**WHEREAS** Fred moved back to Toronto in 1990 to work at Queen's Park in the Office of the Premier as Policy Co-ordinator, between 1990 and 1995, and thereafter was a researcher specializing in energy, housing and urban issues for the Ontario NDP caucus until his untimely passing; and

**WHEREAS** Fred's work in writing the NDP's position paper on cities, A Brighter Idea for Ontario Cities, reflected the integration of his greatest loves, art, architecture, politics, travelling and all things urban; and

**WHEREAS** Fred's passion for politics and fighting for what is right will be greatly missed by his colleagues at Queen's Park and City Hall; and

**WHEREAS** Fred's wonderful generosity, and compassion will be missed by his many close friends and family;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be directed to convey on behalf of Members of City Council, our sincere sympathy to his mother Nancy Gloger and his sister Ann Gloger."

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

Council rose and observed a moment of silence in memory of the late Reverend Canon Clifford Ward and Frederick Grant Gloger.

#### 11.119 **Presentations/Introductions/Announcements:**

##### **September 28, 2004:**

Councillor Soknacki, during the morning session of the meeting, with the permission of Council, introduced the students of Cornell Public School, present at the meeting.

Mayor Miller, during the afternoon session of the meeting, introduced a delegation visiting Toronto from Beijing China, present at the meeting.

##### **September 29, 2004:**

Councillor Moscoe in the Chair.

Councillor Moscoe, during the morning session of the meeting, introduced the students of Cornell Public School, present at the meeting.

Mayor Miller in the Chair.

Mayor Miller, during the morning session of the meeting, invited Councillor Soknacki to the podium to address Council with respect to the City's Poet Laureate initiative. Councillor Soknacki advised Council that the term of the City of Toronto's first Poet Laureate, Mr. Dennis Lee, has come to an end. Councillor Soknacki highlighted the many achievements of Mr. Lee during his Laureateship, which included the promotion of poetry, literacy, creative writing and cultural diversity. Councillor Soknacki presented him with a token of congratulations and appreciation. Mr. Lee thanked Members of Council and other City staff for their support, and extended his best wishes to the incoming Poet Laureate. Mayor Miller then introduced Pier Giorgio Di Cicco, who was unanimously chosen by a Committee of people in the literary community to be Toronto's new Poet Laureate. Pier Giorgio Di Cicco thanked Council for this honour, and spoke of his desire to bring poetry to

the citizens of Toronto during his tenure. Councillor Soknacki invited Members of Council to a luncheon reception in the Members Lounge, being held in honour of Mr. Dennis Lee and Pier Giorgio Di Cicco.

Councillor Cho, during the afternoon session of the meeting, with the permission of Council, advised Council that a successful Hurricane Relief Drop-Off was held at the Malvern Town Centre, and expressed his appreciation to the Malvern residents and the men and women of Toronto Fire Services, who gave so generously to help those who have been devastated by hurricanes.

**September 30, 2004:**

Councillor Cho, during the morning session of the meeting, with the permission of Council, advised Council that the Home Depot Company had declared the week of September 27 to October 2, 2004, as a week of service to the community. Councillor Cho highlighted the projects which were being undertaken in his community as part of this initiative, and expressed, on behalf of Council, his appreciation to Home Depot for their exemplary corporate citizenship.

Deputy Mayor Bussin in the Chair.

Deputy Mayor Bussin, during the morning session of the meeting, introduced the students from the Centre for Information and Community Services, present at the meeting.

Mayor Miller in the Chair.

Mayor Miller, during the morning session of the meeting, introduced a delegation visiting Toronto from Denmark, in town for the "SuperDanish" celebrations at Harbourfront.

Councillor Thompsen, during the afternoon session of the meeting, advised Members of Council that in response to the recent hurricanes in the Caribbean, his office had been working with members of the Toronto Maple Reefers Parrothead Club. He advised that a Concert and Food Drive is planned for October 21, 2004 at 7:00 p.m. at the Government night-club, and encouraged Members to support this relief effort.

**11.120 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE**

*Vary the order of proceedings of Council:*

**September 28, 2004:**

Mayor Miller in the Chair.

Councillor Palacio, at 10:32 a.m., moved that Council vary the order of its proceedings to consider Policy and Finance Committee Report 7, Clause 1, headed “St. Clair Avenue West Transit Improvement Environmental Assessment – Yonge Street to Gunns Road (just West of Keele Street) (St. Paul’s, Davenport, York South-Weston)”, on September 30, 2004, at 9:30 a.m., the vote upon which was taken as follows:

Yes - 17 Councillors:	Balkissoon, Del Grande, Feldman, Ford, Holyday, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Stintz, Thompson, Walker, Watson
No - 22 Mayor: Councillors:	Miller Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Giambrone, Grimes, Hall, Jenkins, McConnell, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Soknacki

Lost by a majority of 5.

Councillor Walker, at 10:34 a.m., moved that Council vary the order of its proceedings to consider Policy and Finance Committee Report 7, Clause 3, headed “Toronto Election Finance Review Task Force Recommendations”, today at 2:00 p.m., the vote upon which was taken as follows:

Yes - 24 Councillors:	Altobello, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, McConnell, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Soknacki, Stintz, Thompson, Walker
No - 13 Mayor: Councillors:	Miller Augimeri, Balkissoon, Bussin, Filion, Grimes, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Pantalone, Rae, Shiner

Carried by a majority of 11.

Mayor Miller, at 10:36 a.m., with the permission of Council, proposed that Council vary the order of its proceedings to consider Administration Committee Report 7, Clause 1, headed “Supply, Delivery and Installation of Desktop and Notebook Computers and Related Products and Services - Request for Proposal 3401-04-3216”, today at 4:30 p.m. Council concurred in the proposal by Mayor Miller.



*Ruling by Mayor:*

Councillor Walker requested Mayor Miller to rule on whether consideration of the above-noted Administration Committee Report 7, Clause 1, would be postponed in the event Council has not concluded its consideration of Policy and Finance Committee Report 7, Clause 3, headed “Toronto Election Finance Review Task Force Recommendations”, scheduled to start today at 2:00 p.m.

Mayor Miller ruled that Council would consider Administration Committee Report 7, Clause 1, today at 4:30 p.m.

Councillor Walker challenged the ruling of the Mayor.

*Vote to Uphold Ruling of Mayor:*

Yes - 30	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson
No - 9	
Councillors:	De Baeremaeker, Del Grande, Ford, Holyday, Jenkins, Ootes, Shiner, Walker, Watson

Carried by a majority of 21.

Councillor Mammoliti, at 10:39 a.m., moved that Council vary the order of its proceedings to consider those Clauses currently held which relate to speed humps and speed bumps, today, at 11:00 a.m.

Councillor Del Grande, at 10:39 a.m., moved that the above-noted motion by Councillor Mammoliti be amended to include Works Committee Report 6, Clause 6a, headed “Traffic Calming – Criteria for Determining Public Support for Installation of Speed Humps”.

The motion by Councillor Del Grande carried.

The vote on the motion by Councillor Mammoliti, as amended, was taken as follows:

Yes - 24	
Councillors:	Augimeri, Cowbourne, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Stintz, Thompson
No - 16	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Chow, Davis, Ford, Giambrone, Moscoe, Pantalone, Rae, Saundercook, Walker, Watson

Carried by a majority of 8.

**September 29, 2004:**

Councillor Minnan-Wong, at 9:38 a.m., moved that Council vary the order of its proceedings to consider Policy and Finance Committee Report 7, Clause 5, headed “Claim by Regional Airlines Holdings Inc., (‘REGCO’)”, as a ‘time sensitive’ item, which carried.

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

**September 29, 2004:**

Councillor Soknacki, at 12:22 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 12:30 p.m. recess, in order to allow Councillor Palacio to conclude his remarks related to Policy and Finance Committee Report 7, Clause 1, headed “St. Clair Avenue West Transit Improvement Environmental Assessment – Yonge Street to Gunns Road (just West of Keele Street) (St. Paul’s, Davenport, York South-Weston)”, and that Council then remain in session to allow for the presentation respecting the Poet Laureate, which carried, more than two-thirds of Members present having voted in the affirmative.

**September 30, 2004:**

Councillor Grimes, at 2:33 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 those matters listed as ‘time sensitive’ on the Order Paper, which carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Pantalone in the Chair.

Deputy Mayor Pantalone, at 7:10 p.m., with the permission of Council, moved that Council now recess for dinner and reconvene in approximately 20 minutes, which carried. Council reconvened at 7:40 p.m.

**11.121 ATTENDANCE**

September 28, 2004	9:35 a.m. to 12:30 p.m.*	2:05 p.m. to 5:40 p.m.*	Ctte. of the Whole in-Camera 5:50 p.m.	7:17 p.m. to 7:30 p.m.*
Miller	x	x	x	x
Altobello	x	x	x	x
Ashton	x	x	x	x
Augimeri	x	x	-	-
Balkissoon	x	x	x	x
Bussin	x	x	x	x
Carroll	x	x	x	x
Cho	x	x	-	x
Chow	x	x	x	x
Cowbourne	x	x	-	x
Davis	x	x	x	x
De Baeremaeker	x	x	x	x
Del Grande	x	x	x	x
Di Giorgio	x	x	x	x
Feldman	x	x	x	-
Filion	x	x	x	x
Fletcher	x	x	x	x
Ford	x	-	x	x

Minutes of the Council of the City of Toronto  
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September 28, 2004	9:35 a.m. to 12:30 p.m.*	2:05 p.m. to 5:40 p.m.*	Ctte. of the Whole in-Camera 5:50 p.m.	7:17 p.m. to 7:30 p.m.*
Giambrone	x	x	x	x
Grimes	x	x	x	x
Hall	x	x	x	x
Holyday	x	x	x	x
Jenkins	x	x	x	x
Kelly	x	x	x	x
Li Preti	x	-	-	-
Lindsay Luby	x	x	x	x
Mammoliti	x	x	x	x
McConnell	x	x	x	x
Mihevc	x	x	x	x
Milczyn	x	x	x	x
Minnan-Wong	x	x	x	x
Moscoe	x	x	x	x
Nunziata	x	x	x	x
Ootes	x	x	x	x
Palacio	x	x	x	x
Pantalone	x	x	x	x
Pitfield	x	x	x	x
Rae	x	x	x	x
Saundercook	x	x	x	x
Shiner	x	x	x	x
Soknacki	x	x	x	x
Stintz	x	x	x	x
Thompson	x	x	x	x
Walker	x	x	x	x
Watson	x	x	x	x
Total	45	43	41	42

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

September 29, 2004	9:40 a.m. to 12:35 p.m.*	2:10 p.m. to 5:35 p.m.*	Roll Call 4:01 p.m.

Minutes of the Council of the City of Toronto  
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September 29, 2004	9:40 a.m. to 12:35 p.m.*	2:10 p.m. to 5:35 p.m.*	Roll Call 4:01 p.m.
Miller	x	x	x
Altobello	x	x	x
Ashton	-	x	-
Augimeri	x	x	x
Balkissoon	-	x	-
Bussin	x	x	x
Carroll	x	x	x
Cho	x	x	x
Chow	x	x	-
Cowbourne	x	x	-
Davis	x	x	x
De Baeremaeker	x	x	-
Del Grande	x	x	x
Di Giorgio	-	x	-
Feldman	x	x	-
Filion	x	x	-
Fletcher	x	x	x
Ford	x	-	-
Giambrone	x	x	-
Grimes	x	x	-
Hall	x	x	x
Holyday	x	x	x
Jenkins	x	x	x
Kelly	x	x	x
Li Preti	x	x	x
Lindsay Luby	x	x	x
Mammoliti	x	x	-
McConnell	x	x	-
Mihevc	x	x	x
Milezyn	x	x	-
Minnan-Wong	x	x	-
Moscoe	x	x	x
Nunziata	x	x	-



Minutes of the Council of the City of Toronto  
September 28, 29, 30 and October 1, 2004

September 30, 2004 October 1, 2004	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 7:10 p.m.*	7:40 p.m. to 11:58 p.m.*	Roll Call 10:45 p.m.	Ctte. of the Whole in-Camera 12:01 a.m.	12:32 a.m. to 1:45 a.m.*
Filion	x	x	x	x	x	x
Fletcher	x	x	x	-	x	x
Ford	x	x	x	-	-	-
Giambrone	x	x	-	-	-	-
Grimes	x	x	x	x	x	x
Hall	x	x	x	x	x	x
Holyday	x	x	x	x	x	x
Jenkins	x	x	x	-	x	x
Kelly	x	x	x	-	x	x
Li Preti	x	x	-	-	-	-
Lindsay Luby	x	x	x	x	x	x
Mammoliti	x	x	-	-	-	-
McConnell	x	x	x	x	x	x
Mihevc	x	x	x	x	x	x
Milczyn	x	x	x	x	x	x
Minnan-Wong	x	x	x	-	x	x
Moscoe	x	x	x	x	x	x
Nunziata	x	x	x	x	x	x
Ootes	x	x	x	x	x	x
Palacio	x	x	-	-	x	x
Pantalone	x	x	x	x	x	x
Pitfield	x	x	x	-	x	x
Rae	x	x	x	x	x	x
Saundercook	x	x	x	x	x	x
Shiner	x	x	x	-	x	x
Soknacki	x	x	x	x	-	-
Stintz	x	x	x	x	x	x
Thompson	x	x	x	-	-	-
Walker	x	x	x	-	x	x
Watson	x	x	x	x	x	x
Total	45	45	41	29	38	37

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

**Council adjourned on October 1, 2004, at 1:45 a.m.**

**DAVID R. MILLER,  
Mayor**

**ULLI S. WATKISS,  
City Clerk**

### **ATTACHMENT 1 - Notice of Motion J(2)**

Communication dated September 22, 2004, from Councillor David Shiner, addressed to Members of City Council, entitled "23 Canterbury Place (Ward 23 - Willowdale) (See Minute No. 11.72, Page 120)

In March 2003, City Council approved the development of a City-owned shelter for up to 40 homeless youth at 25 Canterbury Place.

#### Background:

The City will be constructing a 40-bed replacement shelter for homeless youth. The building will replace a shelter currently in the same neighbourhood at 5248 Yonge Street, operated by Eva's Initiatives and known as Eva's Satellite. The current building does not meet basic service expectations and standards and does not have the space for daytime programming. Eva's Initiatives, a community non-profit agency founded in North York, will operate the new shelter under a lease agreement with the City.

The new site is located one block west of Yonge Street between Churchill and Ellerslie Avenues. The March 2003 Council report, Shelter for Homeless Youth, Canterbury Place, identified that an application to the Committee of Adjustment for minor variances to the Zoning By-law would be required. The Committee of Adjustment hearing took place June 3, 2004. The Committee of Adjustment approved the minor variances with conditions recommended in the planning report.

#### Ontario Municipal Board (OMB) Appeal:

The decision by the Committee of Adjustment has been appealed by six adjacent landowners to the Ontario Municipal Board (OMB). A preliminary hearing date has been scheduled for October 13, 2004. The City's Legal Department will be required to provide legal counsel at the OMB hearing, given the City is a party to the hearing. The project is on City-owned property and is being developed by the City of Toronto. Council authority is required to provide City legal representation and proceed through the OMB process to ensure the development can proceed as previously approved by City Council in March 2003.

**ATTACHMENT 2 - Notice of Motion J(11)**

Report dated September 28, 2004, from the Acting Commissioner of Works and Emergency Services, entitled "Dedication of Lands for Public Highway Purposes and Naming of Proposed Public Street at 2131 Lake Shore Boulevard West (Ward 6 - Etobicoke-Lakeshore)". (See Minute No. 11.81, Page 136)

**Purpose:**

This report recommends that the lands identified as PARTS 2, 3 and 4 on Plan 66R-20319, to be acquired by the City be dedicated as public highway and the proposed public street, referred to as Street A in the Development Agreement and identified as Part 4 on Plan 66R 20319, be named "Brookers Lane". This report also recommends that the public notice requirement under Municipal Code, Chapter 162, Notice, Public be waived in part to permit the proposed name to be considered by the Etobicoke-York Community Council at its October 12, 2004 meeting.

**Financial Implications and Impact Statement:**

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

**Recommendations:**

It is recommended that:

- (1) the lands identified as PARTS 2, 3 and 4 on Plan 66R-20319 to be acquired by the City be dedicated as public highway;
- (2) subject to *Municipal Act, 2001* compliance, the proposed public street referred to as Street A in the Development Agreement and identified as PART 4 on Plan 66R-20319, be named "Brookers Lane";
- (3) the requirement in Municipal Code, Chapter 162, Notice, Public, that public notice be given the earlier of the publication of the main agenda for the City committee meeting and the fourth working day before the City committee meeting be waived, to allow for the publication to be on or before the fourth working day before the City committee meeting, to permit the proposed name to be considered at the Etobicoke-York Community Council meeting scheduled for October 12, 2004; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

Pursuant to Etobicoke Community Council Report 11, Clause 41, adopted October 3, 4, 5, 6, 10 and 12, 2000, Council approved Phase 1A of the development at 2115-2139 Lake Shore Boulevard West. A condition of approval of the development required the construction and subsequent conveyance of a new public highway and a highway widening for Lake Shore Boulevard West.

A request has been made by Stephen Deveaux of Monarch Construction (2025 Sheppard Avenue East, Toronto ON M2J 1V7) to name the proposed public street at the development at 2131 Lake Shore Boulevard West, shown on Attachment No. 1. The name 'Brookers Lane' has been suggested by Councillor Mark Grimes as Emil Brooker and his wife owned and operated Edgecliff Beach in the this area in the 1800s. The Brookers also operated the Rendezvous Dance Hall and one of the first drive-in restaurants, which was a very popular gathering place on a Saturday night for the young people of the district.

Comments:

In accordance with the conditions for developing the site set out in the Development Agreement between Water View Corporation, Monarch Construction Limited and the City of Toronto dated September 24, 2003, Monarch Construction has constructed the highways in accordance with the requirements of the Works and Emergency Services Department. The conveyance of these lands to the City is imminent.

However, in order for the developer to satisfy certain *Condominium Act* registration requirements, prior to its first week of November deadline, it is necessary to have these highways dedicated immediately, which dedication would become effective upon completion and registration of the conveyances.

Further, it is necessary to establish a name for the proposed street, so that the name of the street can be registered concurrently with the dedication of the highways.

The proposed name "Brookers Lane" satisfies Item (1)(a), Criteria for Name Selection, as set out in City Council's street naming policy:

“to honour and commemorate noteworthy persons associated with the City of Toronto”.

The name has also been circulated for comment and is acceptable to Monarch Construction, Police and Fire Services. Emergency Medical Services commented that the name may conflict with Brooke Avenue. The Etobicoke York Preservation Panel does not support the name. The panel is of the opinion that the proposed name has stronger linkages to the Sunnyside area. The Panel also requested that the matter be deferred to enable the selection of a more suitable name.

Notices to name the street, under the *Municipal Act, 2001*, will be given in accordance with the notice requirement set out in Chapter 162-3A of the City of Toronto Municipal Code. Subsection 162-3A(2) provides:

- “(2) For the purposes of Subsection A(1), the minimum notice period starts **on the earlier** of the publication of the main agenda for the City committee meeting and the fourth working day before the City committee meeting.” (emphasis added)

Given the urgency of this matter, and the timing of the Council meeting and the closing and printing of the Community Council agendas, it is not possible to satisfy the requirement that the notice period start on the “earlier” of the publication of the main agenda. It would, however, be possible to have the notice period commence on October 5th, which would satisfy the requirement that the public notice start on the fourth working day before the Community Council meeting on October 12, 2004. Therefore, authority is being sought to waive the first part of the posting requirement, to allow reliance on the second part of the posting requirement, so that this matter can be considered by Etobicoke-York Community Council and reported back to Council for its meeting scheduled for October 26, 2004. If approved, this would permit the necessary by-law to be enacted prior to the deadline for the registration of the condominium, as requested by the developer.

Conclusions:

Given the urgency of this matter, authority is being sought to dedicate the public highways as set out in this report, as well as to have the proposed name considered by the Etobicoke York Community Council at its meeting of October 12, 2004. In order to accommodate that timeline, a portion of the Public Notice by-law will need to be waived to allow for the shorter notice period set out in the by-law to be utilized.

The proposed name “Brookers Lane” is consistent with the City of Toronto Street Naming Policy and should, therefore, be approved for use in identifying the proposed public street.

Contact:

W. (Wally) Kowalenko, City Surveyor, Director, Survey and Mapping  
Phone: 416-392-7664, Fax: 416-392-0081  
E-mail: wkowalen@toronto.ca

(The location map attached to this report is on file in the City Clerk’s Office.)

**ATTACHMENT 3 - Notice of Motion J(25)**

Report dated September 28, 2004, from the Commissioner of Urban Development Services, entitled "Application for Demolition Approval, Applicant: Todd Baylis Self Storage Corporation, 221 Todd Baylis Boulevard, File Nos.: 10/4/14-1 (Demo Permit No: 04 154082 DEM 00 DM, York South-Weston (Ward 12)". (See Minute No. 11.95, Page 157)

Purpose:

To report on whether or not beautification measures are to be secured as a condition of the approval of a demolition application, under special demolition control legislation applicable to the former City of York.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) approve the application to demolish the building as shown on the Plan attached as Attachment 1 to this report, pursuant to By-law No. 3102-95, with no conditions of approval related to beautification;
- (2) direct staff to advise the owner of the following:
  - (a) the requirement to submit to the Acting Commissioner of Works and Emergency Services, for review and acceptance, a storm water management report and grading drawing showing how stormwater within the site is to be handled, prior to commencement of demolition work;
  - (b) the requirement to apply to the Acting Commissioner of Works and Emergency Services for the abandonment of any existing drain or water service connections, prior to issuance of a demolition permit;
  - (c) of the need to make separate application to the Acting Commissioner of Works and Emergency Services for permits to carry out any works involving construction in, or occupancy of, the abutting public right-of-way; and
  - (d) that no demolition, construction, grading or other soil disturbances shall take place on the subject property, prior to the City's Culture Division (Heritage Preservation Services Unit) and the Ministry of Culture (Heritage Operations Unit) confirming,

in writing, that all archaeological licensing and technical review requirements have been satisfied.

Background:

Under the *City of York Act 1994* (Bill PR147), By-law No. 3102-95 was passed designating the entire area of the former City of York as an area of demolition control. The *City of York Act, 1994* provides the authority for the Council of the former City of York to enact special demolition control legislation for the purpose of securing beautification measures on the lands and abutting municipal boulevards, where appropriate, as a condition of the issuance of demolition permits.

An application to demolish an existing industrial building at 221 Todd Baylis Blvd. has been submitted by Todd Baylis Self Storage Corporation. The applicant is anxious to quickly redevelop the property with a new self storage facility, consisting of a 3 storey building and three one storey buildings. The applicant wishes to obtain demolition approval so that demolition and site work can be undertaken to prepare for construction of the development.

The property is zoned "PE" Prestigious Employment Zone in the former City of York By-law No. 1-83, which permits the proposed redevelopment. Minor variance and consent applications have been approved by the Committee of Adjustment to facilitate the proposed self storage facility development. The proposed development is also subject to Site Plan Approval and a Site Plan Application has been filed and is under review with the City.

Comments:

The Works and Emergency Services Department, Urban Development Services (Buildings Division), City's Culture Division (Heritage Preservation Services Unit) and the Toronto and Region Conservation Authority have been advised and have no concerns in regard to the proposed demolition, subject to the following advisory notes.

The owner shall be advised of the following:

- (a) the requirement to submit to the Acting Commissioner of Works and Emergency Services, for review and acceptance, a storm water management report and grading drawing showing how stormwater within the site is to be handled, prior to commencement of demolition work;
- (b) the requirement to apply to the Acting Commissioner of Works and Emergency Services for the abandonment of any existing drain or water service connections, prior to issuance of a demolition permit;
- (c) of the need to make separate application to the Acting Commissioner of Works and Emergency Services for permits to carry out any works involving construction in, or

occupancy of, the abutting public right-of-way; and

- (d) that no demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Culture Division (Heritage Preservation Services Unit) and the Ministry of Culture (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.

Staff has no objection to the approval of the demolition permit application and requires no conditions of approval relating to beautification. Planning staff anticipate that the site plan application for the proposed self storage facility will be approved within the next few months. Landscape improvements and proper grading and drainage of the site, among other matters, will be secured through the site plan approval process.

Conclusions:

The owner of the property wishes to proceed with the demolition of the existing industrial building located at 221 Todd Baylis Boulevard and is anxious to proceed with construction of the proposed self storage facility, once site plan approval and the Committee of Adjustment minor variance and consent applications have been finalized. Staff recommend that no beautification measures be required as a condition of the demolition approval.

Contact:

Mark Chlon, Planner  
Community Planning, West District

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List of Attachments: Attachment 1 – Building to be Demolished

(The location map and the attachment to this report are on file in the City Clerk's Office.)

**ATTACHMENT 4 - Notice of Motion J(27)**

Report dated September 21, 2004, from the Commissioner of Corporate Services, entitled "Grant of a Permanent Subsurface Easement to Enwave District Energy Limited Over a Portion of 100 Queen Street West - Nathan Phillips Square". (See Minute No. 11.97, Page 161)

Purpose:

To authorize the granting of a permanent subsurface easement to Enwave District Energy Limited over a portion of Nathan Phillips Square for the Deep Lake Water Cooling Distribution System Project.

Financial Implications and Impact Statement:

It is anticipated that there will be little or no revenue generated from the granting of a permanent subsurface easement to Enwave Energy Corporation. The Chief Financial Officer and Treasurer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) authority be granted to convey a permanent subsurface easement to Enwave District Energy Limited ("Enwave") for the Deep Lake Water Cooling ("DLWC") Distribution System Project, over a portion of Nathan Phillips Square, on the terms outlined in the body of this report and as is satisfactory to the Commissioner of Corporate Services and in a form and content acceptable to the City Solicitor;
- (2) the City Solicitor be authorized to complete the transaction on behalf of the City including payment of any necessary expenses; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

In September 1997, Councils of both the former City of Toronto and Metropolitan Toronto had approved Deep Lake Water Cooling ("DLWC") a district cooling system concept that would serve the downtown core. In July 1999, Council approved the restructuring of Enwave, formerly the Toronto District Heating Corporation, as a share capital corporation with the City and BPC Penco Corporation, a subsidiary of OMERS, as equal shareholders. The City currently maintains a 43 percent interest in Enwave.

City Council has reiterated its support for DLWC on various occasions. On April 11, 12 and 13, 2000, by its adoption of the recommendations in Policy and Finance Committee Report 4, Clause 7, headed “Clean, Green and Healthy – Plan for an Environmentally Sustainable Toronto”, Council approved in principle an Environmental Plan, which reaffirmed the City’s commitment to purchase 25 percent of its energy needs through green power and to develop a plan that enables all new developments in the central downtown to use district heating and cooling, especially Deep Lake Water Cooling. Further, apart from its role as Shareholder, the City has entered into an “Energy Transfer Agreement” with Enwave for the purposes of undertaking DLWC using City infrastructure.

On July 24, 25 and 26, 2001, by its adoption of the recommendations in Works Committee Report 12, Clause 1, headed “Deep Lake Water Cooling Project Energy Transfer Agreement”, City Council approved the execution of an Energy Transfer Agreement with Enwave wherein, among other terms and conditions, the City granted a permanent easement over City-owned land south of the John Street Pumping Station, at no cost to Enwave, for the expansion of DWLC at Enwave’s cost.

The DLWC Distribution System became operational on July 29, 2004, and serves the southern part of downtown Toronto, from Lake Shore Boulevard West to King Street West. Recently, Enwave has advised that a northerly extension, which could ultimately provide service to Queen’s Park, is now under construction and it is anticipated that the DLWC tunnel boring machine operating on York Street will reach Queen Street West in October 2004. Enwave has also advised that the most cost-effective route is to continue to tunnel in a northeast direction under Queen Street West and the Nathan Phillips Square parking structure to Bay Street, and then north, as shown on the attached sketch. Accordingly, Enwave is seeking the City’s consent to the granting of a permanent subsurface easement over a portion of Nathan Phillips Square.

The preferred Enwave construction route would provide a cost-efficient opportunity for the City to extend DLWC service to Old City Hall. Enwave already provides district heating to Old City Hall. Cooling is provided to many of the offices through window-mounted air conditioners, while the only corridor and public area ventilation is through operable windows. The capital cost of installing the DLWC cooling solution is considerably less than the cost of a conventional system and the City’s operating costs are expected to be lower than a conventional system. It should be noted that the extension of DLWC service to Old City Hall would also assist the City in meeting its green power targets.

Comments:

The proposed permanent subsurface easement lands are located in the bedrock, approximately 3.5 metres (11.5 feet) in width and 29 metres (95 feet) below grade. This will place the DLWC tunnel approximately 9 metres (29.5 feet) beneath the City’s parking structure in Nathan Phillips Square.

Enwave has submitted engineering drawings for review by the City’s Engineering Consultant to ensure there is no risk of damage to the City’s structures located within Nathan Phillips Square.

It is proposed that the granting of the permanent subsurface easement to Enwave be for nominal consideration, due to the anticipated savings in Capital and Operating costs when Old City Hall has been connected into the DWLC Distribution System.

Enwave representatives have agreed to the following terms and conditions associated with the easement agreement:

Location: Portion of 100 Queen Street West – Nathan Phillips Square

Legal Description: Part of PIN 21200-0009 (LT)

Roll Number: Part of 1904-06-6-100-03300

Approximate  
Easement Dimensions: Width: 3.5 metres (11.48 feet)  
Length: 226 metres (741.46 feet)

Approximate  
Easement Area: 791 m<sup>2</sup> (8,514.53 ft<sup>2</sup>)

Current Status: Nathan Phillips Square and below grade parking garage

Zoning: G

Current Official Plan: Open Space

New Official Plan: Parks

Recommended  
Consideration: \$10.00

The following terms and conditions pertaining to the permanent subsurface easement would apply:

- (a) Enwave shall pay the amount of \$10.00 for the permanent subsurface easement;
- (b) Enwave agrees that it shall from time to time and all times hereafter fully indemnify and save harmless the City, its Councillors, directors, officials, officers, employees, consultants, contractors, agents, successors and assigns, or any of them, from and against all actions, causes of action, suits, claims, demands, damages, liability, interest, expenses, losses, costs, liens, charges, prosecutions and other proceedings whatsoever which may be brought against or made upon the City, its Councillors, directors, officials, officers, employees, consultants, contractors, agents, successors and assigns, or any of them, in respect of or

arising out of the acquisition of the easement transferred herein or the Enwave's exercise of the rights transferred to it herein, or in respect of or arising out any loss, damage or injury (including death resulting from injury) to any person or property, howsoever caused, directly or indirectly, resulting from or sustained by reason of any act or omission of Enwave or any person for whom it is in law responsible, in connection with any of the purposes set out in the Easement Agreement. Notwithstanding anything contained in this section, the indemnity referred to herein does not apply in the case of loss, damage or injury caused by or arising through the negligence of the City, or those for whom it is in law responsible;

- (c) Enwave shall obtain and deposit in the appropriate Land Registry Office, at its sole cost and expense, a Reference Plan of Survey, integrated with the Ontario Co-ordinate System, satisfactory to the City Surveyor, delineating the City-owned land to be encumbered by a permanent subsurface easement;
- (d) Enwave shall pay the cost of registering the Transfer of Easement, including GST, if applicable, and Land Transfer Tax, if applicable;
- (e) Enwave covenants and agrees that the easement is being conveyed for the sole purpose of construction and maintenance of the DLWC tunnel;
- (f) Enwave shall be solely responsible for all costs and expenses of constructing, reconstructing, examining, repairing, renewing, replacing, using and maintaining the DLWC tunnel and the easement granted herein and shall be responsible for obtaining all required approvals, consents and permits for such purposes; and
- (g) Enwave covenants and agrees to accept such additional conditions as the City Solicitor or the Commissioner of Corporate Services may deem necessary in the interest of the City.

Conclusions:

The granting of a permanent subsurface easement to Enwave for the DLWC Distribution System Project over a portion of Nathan Phillips Square is reasonable and consistent with City Council's long time support of DLWC.

Contact:

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Report No.: cc04-162

List of Attachments:

Site Maps

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

**FISCAL IMPACT STATEMENT 1 [Notice of Motion I(1)]**  
**(See Minute 11.69, Page 116)**

**Financial Implications:**

<input type="checkbox"/> <b>Operating</b>
<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 operating budget
<input type="checkbox"/> New revenues
<input type="checkbox"/> Reserve/Reserve Fund contributions
<input type="checkbox"/> Third party funding
<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)
<input type="checkbox"/> Impact on staffing levels: _____ (positions)

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

**Impacts/Other Comments:**

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

Notice of Motion – I(1) – Policy issue should be referred to the Board of Health.

- Consider
- Refer to Board of Health

Submitted by: \_\_\_\_\_  
Chief Financial Officer and Treasurer

Date: July 21, 2004



Submitted by: \_\_\_\_\_  
Chief Financial Officer and Treasurer

Date: October 21, 2004



Date: Wednesday, September 29, 2004



Date: October 21, 2004



Date: Wednesday, September 29, 2004

**Fiscal Impact Statement Summary**  
**Council Meeting – September 28, 29, 30 and October 1, 2004**  
**Submitted by the Chief Financial Officer and Treasurer**

<b>Motion #</b>	<b>Title</b>	<b>Operating \$ (net)</b>	<b>Capital \$ (net)</b>	<b>Comments</b>
J(2)	Eva's Initiative – Shelter for Homeless Youth, 25 Canterbury Place (Ward 23, Willowdale)	\$0	\$0	Consider.
J(3)	Municipal Housing Project Facility Agreement with Toronto Community Housing Corporation - 600 Rogers Road (Ward 12 - York South-Weston)			See FIS. Consider.
J(4)	Transfer of funding from Youth Clinical Services Inc. to Toronto Community Housing Corporation and Authority to Enter into Long-Term Lease Negotiations with the Toronto Community Housing Corporation for a Portion of 1900 Sheppard Avenue West	\$0	\$0	Consider.
J(5)	All Way Stop Control - Bryant Street and Searle Avenue (Ward 10 - York Centre)	\$600.00		See FIS. Consider.
J(6)	Use of Toronto's Shelter System			See FIS. Refer to Standing Committee.
J(7)	Lease of 200 Madison Avenue to Furniture Bank	\$0	\$0	Consider.
J(8)	Donation and Naming of a Vince Carter Playground at Wickson Trail Park	\$0	\$0	Consider.
J(9)	Committee of Adjustment Decision - 64 Brunswick Avenue	\$0	\$0	Consider.
J(10)	Provision of Appeal Mechanism in the <i>Immigration and Refugee Protection Act</i>	\$0	\$0	Consider.

J(11)	Dedication of Lands for Public Highway Purposes and Naming of Proposed Public Street at 2131 Lake Shore Boulevard West	\$0	\$0	Consider.
J(12)	Coliseum Renovation Corporation (CRC)	\$0	\$0	Consider.
J(13)	Request to Enter into Grant Agreement for Visitor Information Service Projects	\$0	\$0	Consider.
J(14)	Designation of Lyall Avenue as a Heritage District under the <i>Ontario Heritage Act</i>	\$0	\$0	Consider.
J(15)	Knob Hill Plaza - 2605 to 2705 Eglinton Avenue East	\$0	\$0	Consider.
J(16)	Wishing Former Mayor Mel Lastman a Speedy Recovery	\$0	\$0	Consider.
J(17)	Committee of Adjustment (Humber York Panel) - 23 Black Creek Boulevard	\$0	\$0	Consider.
J(18)	Committee of Adjustment (Humber York Panel) – 4 Garrow Avenue	\$0	\$0	Consider.
J(19)	Committee of Adjustment (Humber York Panel) – 210 Gary Drive	\$0	\$0	Consider.
J(20)	Requesting an Additional Appointment to Scarborough Hospital Board	\$0	\$0	Consider.
J(21)	Parking Prohibitions - Leacrest Road (Ward 26 - Don Valley West)	\$300.00		See FIS. Consider.
J(22)	National Hockey League – 2004/2005 Season	\$0	\$0	Consider.
J(23)	Request to Withdraw Application for an Encroachment Agreement – St. Ives	\$0	\$0	Consider.

J(24)	Lease of 8270 Sheppard Avenue East for Hurricane Relief Effort	\$0	\$0	Consider.
J(25)	221 Todd Baylis Boulevard – Application for Demolition Approval	\$0	\$0	Consider.
J(26)	Negotiations on Development Proposal for 754 Indian Road	\$0	\$0	Consider.
J(27)	Grant of Permanent Subsurface Easement to Enwave District Energy Limited Over a Portion of 100 Queen Street West – Nathan Phillips Square (Ward 27 – Toronto Centre-Rosedale)	\$0	\$0	Consider.
J(28)	2772-2778 Keele Street –Official Plan Amendment and Zoning Appeal - Instructions for an Ontario Municipal Board Hearing	\$0	\$0	Consider.
J(29)	Notice of Intention to Change Composition of Toronto Atmospheric Fund Board of Directors	\$0	\$0	Consider.
J(30)	MFP Financial Services Ltd., Equipment Schedule No. 838-2 under Master Lease Agreement No. 838 – Oracle Corporation Canada Inc.			<i>Confidential. See FIS.</i>
J(31)	Extension to the Closing Date in an Agreement with 863880 Ontario Limited – 9 Hanna Avenue			<i>Confidential. See FIS.</i>
J(32)	Committee of Adjustment Decision – 55 Guthrie Avenue	\$0	\$0	Consider.
J(33)	Instructions for Ontario Municipal Board Hearing – 5365 Dundas Street West (Etobicoke-Lakeshore – Ward 22)			<i>Confidential. See FIS.</i>