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These Minutes were confirmed by City Council on February 1, 2005

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MINUTES OF THE COUNCIL OF THE CITY OF TORONTO

**TUESDAY, NOVEMBER 30, 2004,
WEDNESDAY, DECEMBER 1, 2004, AND
THURSDAY, DECEMBER 2, 2004**

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

CALL TO ORDER - 9:43 a.m.

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

The meeting opened with O Canada.

14.2 CONFIRMATION OF MINUTES

Councillor Altobello, seconded by Councillor Balkissoon, moved that the Minutes of the Council meeting held on the 26th, 27th and 28th days of October, 2004, be confirmed in the form supplied to the Members, which carried.

PRESENTATION OF REPORTS

- 14.3 Councillor Cowbourne presented the following Reports for consideration by Council:

Deferred Clauses:

Policy and Finance Committee Report 8, Clauses 1a and 20a,
Administration Committee Report 6, Clause 15b,
Administration Committee Report 8, Clause 8a,
Planning and Transportation Committee Report 6, Clause 4b,
Works Committee Report 9, Clauses 1a and 3a,

North York Community Council Report 7, Clause 47b,
North York Community Council Report 8, Clause 27a,
Scarborough Community Council Report 8, Clause 7a, and
Board of Health Report 7, Clause 1a.

New Reports:

Policy and Finance Committee Report 9,
Administration Committee Report 9,
Community Services Committee Report 8,
Economic Development and Parks Committee Report 8,
Planning and Transportation Committee Report 9,
Works Committee Report 10,
Joint Administration and Planning and Transportation Committee Report 1,
Etobicoke York Community Council Report 9,
North York Community Council Report 9,
Scarborough Community Council Report 9,
Toronto and East York Community Council Report 9,
Audit Report 6, and

Report dated November 24, 2004, from Mayor Miller, entitled “Review of the City’s Administrative Structure”,

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

- 14.4 Councillor Cowbourne, with the permission of Council, presented the following Report for the consideration of Council:

Striking Committee Report 7,

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

14.5 **DECLARATIONS OF INTEREST**

Councillor Ashton declared his interest in Administration Committee Report 9, Clause 22, headed “Possible Acquisition of Toronto District School Board Property Located on Wanita Road for Stormwater Management Purposes (Ward 44 - Scarborough East)”, in that he lives near the subject

lands.

Councillor Cowbourne declared her interest in Administration Committee Report 9, Clause 22, headed "Possible Acquisition of Toronto District School Board Property Located on Wanita Road for Stormwater Management Purposes (Ward 44 - Scarborough East)", in that she lives near the subject lands.

Councillor Ford declared his interest in Administration Committee Report 9, Clause 5, headed "Service Improvement Review for Printing and Reproduction Services", in that his family owns a printing company.

Councillor Jenkins declared his interest in Administration Committee Report 9, Clause 21, headed "Technology End of Lease Strategy Initiative (TELS) Progress Report on Purchasing Requirements for Fourth Quarter 2004", in that he is a retired pensioned employee of IBM Canada Ltd.

Councillor Mammoliti declared his interest in Item (e), entitled "Preliminary Report – Official Plan Amendment and Rezoning Application Applicant: Toula Nessinis, Marlston Planning Consultants Rafael + Bigauskas Architects; South Side of Frith Road (Ward 7 – York West)", as contained in Etobicoke York Community Council Report 9, Clause 40, headed "Other Items Considered by the Community Council", in that his parents live in the vicinity of the proposed development.

Councillor McConnell declared her interest in Policy and Finance Committee Report 9, Clause 22, headed "Funding Approvals for the 2005 Supports to Daily Living Program", in that her husband is the Executive Director of the Riverdale Housing Action Group, which is being recommended for funding under the Support to Daily Living Program.

Councillor Pitfield declared her interest in Policy and Finance Committee Report 9, Clause 26, headed "Enwave Energy Corporation, Annual Shareholders Meeting 2004", in that her husband is an employee of the Bank of Nova Scotia.

Councillor Shiner declared his interest in Motion J(25), moved by Councillor Chow, seconded by Councillor Rae, respecting authority to enter into Agreements with the owners of 438 King Street West, 23 Brant Street and 38 Niagara Street under Section 45(9) of the *Planning Act*, and in Motion J(41), moved by Councillor Chow, seconded by Deputy Mayor Pantalone, respecting a proposed amendment to Interim Control By-law No. 158-2004 to prohibit large restaurants and clubs in the King-Spadina Part II Area, in that his family owns property in the immediate area.

CONSIDERATION OF REPORTS

CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION

14.6 The following Clauses and an additional item were held by Council for further consideration:

Policy and Finance Committee Report 8, Clauses 1a and 20a.

Administration Committee Report 6, Clause 15b.
Administration Committee Report 8, Clause 8a.

Planning and Transportation Committee Report 6, Clause 4b.

Works Committee Report 9, Clauses 1a and 3a.

North York Community Council Report 7, Clause 47b.

North York Community Council Report 8, Clause 27a.

Scarborough Community Council Report 8, Clause 7a.

Board of Health Report 7, Clause 1a.

Policy and Finance Committee Report 9, Clauses 1, 2, 3, 4, 11, 12, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 37, 38, 41, 42, 43, 45, 47, 49, 51, 56, 57 and 58.

Administration Committee Report 9, Clauses 1, 3, 4, 5, 10, 11, 12, 20, 22, 24, 25, 26, 27, 31 and 34.

Community Services Committee Report 8, Clauses 7 and 10.

Economic Development and Parks Committee Report 8, Clauses 1, 3, 10, 12, 14 and 16.

Planning and Transportation Committee Report 9, Clauses 1, 2, 3, 4, 5 and 7.

Works Committee Report 10, Clauses 1, 2, 4, 5, 7, 8 and 10.

Joint Administration and Planning and Transportation Committee Report 1, Clause 1.

Etobicoke York Community Council Report 9, Clauses 1, 2, 12, 19, 28 and 31.

North York Community Council Report 9, Clauses 9, 11, 12, 13, 14, 15, 16, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 37, 43, 44, 45 and 46.

Scarborough Community Council Report 9, Clauses 22 and 27.

Toronto and East York Community Council Report 9, Clauses 4, 7, 8, 9, 10, 14, 20, 32, 33, 34, 37, 53, 54, 57, 58, 59, 60 and 69.

Audit Committee Report 6, Clauses 4, 6, 13 and 15.

Report dated November 24, 2004, from Mayor Miller, entitled "Review of the City's Administrative Structure".

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

Policy and Finance Committee Report 8, Clause 20a.

North York Community Council Report 8, Clause 27a.

Policy and Finance Committee Report 9, Clauses 26, 27, 28, 45, 47 and 56.

Administration Committee Report 9, Clause 12.

Economic Development and Parks Committee Report 8, Clauses 1, 3 and 14.

Planning and Transportation Committee Report 9, Clause 4.

Works Committee Report 10, Clauses 2, 7 and 8.

Etobicoke York Community Council Report 9, Clauses 19 and 28.

North York Community Council Report 9, Clauses 29 and 43.

Scarborough Community Council Report 9, Clause 27.

Toronto and East York Community Council Report 9, Clauses 7, 20 and 69.

Audit Committee Report 6, Clause 13.

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 9, Clause 32. (See Minute 14.48, Page 64).

Scarborough Community Council Report 9, Clause 26. (See Minute 14.67, Page 91).

Toronto and East York Community Council Report 9, Clause 42. (See Minute 14.64, Page 86).

Toronto and East York Community Council Report 9, Clause 63. (See Minute 14.28, Page 33).

CONSIDERATION OF REPORTS CLAUSES WITH MOTIONS, VOTES, ETC.

- 14.7 **North York Community Council Report 9, Clause 44, headed “Status respecting OMB Direction - Site Plan Revision Application 04 151777 NNY 24 SA Applicant: Passionist Community of Canada Architect: Larkin Architect Limited 650 Sheppard Avenue East (Ward 24 – Willowdale)”.**

Motion:

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

“That the following staff recommendations contained in the Recommendations Section of the supplementary report dated November 30, 2004, from the Commissioner of Urban Development Services, be adopted:

‘It is recommended that:

- (1) City Council request that the Ontario Municipal Board adjourn the hearing currently scheduled for November 30 and December 1, 2004;
- (2) Planning staff continue discussions with the applicant respecting a revised site plan based on the following three options in order of preference:
 - (i) that the site be developed in accordance with the approved plans and drawings with all parking spaces located below grade;
 - (ii) all parking spaces currently proposed along the east edge of the site be relocated to the west side of the driveway with the balance being located below grade; or
 - (iii) the current proposal before the Board, as illustrated on Attachment 1, subject to certain revisions and conditions satisfactory to the Director, Community Planning North District; and
- (2) City Council endorse the three options in order of preference as set out in this report.’ ”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

14.8 Works Committee Report 9, Deferred Clause 3a, headed “Bus-Only Lanes (Bus Rapid Transit) Downsview Subway Station to York University”.

Motion:

Councillor Mihevc moved that consideration of the Clause be deferred to the next regular meeting of Council on February 1, 2005.

Vote:

The motion by Councillor Mihevc carried.

14.9 Policy and Finance Committee Report 9, Clause 12, headed “Toronto’s Environmental Awards of Excellence”.

Motion:

Deputy Mayor Pantalone moved that the Clause be amended by deleting from the recommendation of the Policy and Finance Committee, the words “through the Roundtable on the Environment”, so that the recommendation now reads as follows:

“The Policy and Finance Committee recommends that City Council adopt, in principle, the recommendations in the Recommendations Section of the report (October 25, 2004) from Deputy Mayor Joe Pantalone; and further, that the appropriate City staff report thereon to the Works Committee.”.

Votes:

The motion by Councillor Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

14.10 Administration Committee Report 9, Clause 27, headed “History of Pension Improvements to Benefits for City-Sponsored Pension Plans and Establishment of a Policy in Regards to Future Pension Improvements”.

Motion:

Councillor Davis moved that the Clause be referred to the five City-sponsored Pension Plan Boards referred to in Recommendation (2), namely, the Metropolitan Toronto Pension Plan, the Toronto

Fire Department Superannuation and Benefit Fund, the Toronto Civic Employee's Pension and Benefit Fund, the Corporation of the City of York Employee Pension Plan and the Metropolitan Toronto Police Benefit Fund, for consideration and report to the Administration Committee; and that the Chief Financial Officer and Treasurer be requested to report to the appropriate Pension Plan Boards on the communication dated November 29, 2004, from the President, Toronto Civic Employees' Union, Local 416.

Vote:

The motion by Councillor Davis carried.

14.11 Administration Committee Report 9, Clause 34, headed "Other Items Considered by the Committee".

Motion:

Councillor Moscoe moved that the Clause be received as information, subject to referring Item (a), entitled "Acquisition by the City of Toronto of the Records of Members of Council", back to the Administration Committee for further consideration.

Votes:

The motion by Councillor Moscoe carried.

The balance of the Clause was received as information.

14.12 Community Services Committee Report 8, Clause 10, headed "Humanitarian Effort in Grenada For the Rebuilding of a Fire Station Destroyed by Hurricane Ivan".

Motion:

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

"That the City of Toronto acknowledge the efforts of these volunteers by hosting a send-off reception for the firefighters and their families, and that other donors be invited to attend."

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

- 14.13 **Etobicoke York Community Council Report 9, Clause 31, headed “Installation of Additional Speed Hump - Queen’s Drive Between Upwood Avenue and Jane Street Amendment to Existing Plan (Ward 12 - York-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.

- 14.14 **North York Community Council Report 9, Clause 11, headed “Request for Variances from the Former City of North York Sign By-law No. 30788, As Amended, for the Erection of Four (4) Projecting Signs at 4952 Dufferin Street (Ward 8 - York West)”.**

Motion:

Councillor Li Preti moved that the Clause be referred back to the North York Community Council for further consideration.

Vote:

The motion by Councillor Li Preti carried.

- 14.15 **North York Community Council Report 9, Clause 46, headed “Request for Poll - Speed Hump Plan Golfdown Drive (Ward 2 - Etobicoke North)”.**

Ruling by Mayor:

Mayor Miller ruled this Clause out of order, based on the advice from the City Clerk in her communication dated November 22, 2004, that this matter should not have been considered by the North York Community Council because it is outside that part of the urban area it represents and is, therefore, contrary to the rules of Council.

- 14.16 **Toronto and East York Community Council Report 9, Clause 4, headed “Final Report - Application to Amend the Official Plan and Zoning By-law – 5 Everett Crescent (Beaches-East York, Ward 31)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Davis moved that Council adopt the following:

“That:

- (1) the staff recommendations contained in the Recommendations Section of the report dated October 25, 2004, from the Director, Community Planning, South District, as contained in the Clause, be adopted; and
- (2) the following action taken by the Toronto and East York Community Council be confirmed:
 - (2) requested the Commissioner of Urban Development Services to:
 - (a) report to the Toronto and East York Community Council on the Site Plan; and
 - (b) arrange a meeting with the applicants, adjacent property owners and neighbours to discuss any outstanding issues prior to the Site Plan approval.’ ”

Votes:

The motion by Councillor Davis carried.

The Clause, as amended, carried.

14.17 Toronto and East York Community Council Report 9, Clause 10, headed “Status Report - Site Plan Control Application - 433-437 Roncesvalles Avenue (Parkdale-High Park, Ward 14)”.

Motion:

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

“That the supplementary report dated November 20, 2004, from the Medical Officer of Health, be received.”

Votes:

The motion by Councillor Watson carried.

The Clause, as amended, carried.

- 14.18 **Toronto and East York Community Council Report 9, Clause 32, headed “Proposed Installation of Speed Bumps in the Public Lane between Pauline Avenue and Russett Avenue, North of Bloor Street West (Davenport, Ward 18)”.**

Vote:

The Clause was adopted, without amendment.

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

- 14.19 **Toronto and East York Community Council Report 9, Clause 53, headed “Ontario Municipal Board Hearing - 20, 22, 22A and 24 Bathurst Street (Trinity-Spadina, Ward 19)”.**

Motion:

Deputy Mayor Pantalone moved that the Clause be referred back to the Toronto and East York Community Council for further consideration.

Vote:

The motion by Deputy Mayor Pantalone carried.

- 14.20 **Audit Committee Report 6, Clause 15, headed “Toronto Hydro Corporation – ‘2003 THC Audit Observations and Recommendations’ (Management Letter)”.**

Motion:

Councillor Shiner moved that the Clause be referred back to the Audit Committee for further consideration.

Vote:

The motion by Councillor Shiner carried.

- 14.21 **Administration Committee Report 9, Clause 3, headed “York Civic Centre Renovations at 2696 and 2700 Eglinton Avenue West - Purchase Order 6011098 (Ward 12 - York South - Weston)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Mihevc moved that Council adopt the following:

“That the staff recommendations contained in the Recommendations Section of the supplementary report dated November 18, 2004, from the Commissioner of Corporate Services, be adopted, subject to amending Recommendation (1) by adding the words ‘noting that after the \$133,000.00 amendment is completed the purchase order will have been increased by \$633,000.00, or 8.03 percent, overall’, so that the recommendations, as amended by Council, shall now read as follows:

‘It is recommended that:

- (1) the Purchase Order 6011098 awarded to Canning Construction Ltd. for the York Civic Centre Renovations, be increased by \$133,000.00 from \$8,380,015.00 to \$8,513,015.00 including all charges and taxes, noting that after the \$133,000.00 amendment is completed the purchase order will have been increased by \$633,000.00, or 8.03 percent, overall; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

November 30, 2004:

Procedural Motion:

Mayor Miller, at 10:48 a.m., with the permission of Council, moved that Council vary the order of its proceedings to now consider the report dated November 24, 2004, from Mayor Miller, entitled “Review of the City’s Administrative Structure”, the vote upon which was taken as follows:

Yes - 30

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

Carried by a majority of 18.

14.22 Report dated November 24, 2004, from Mayor Miller, entitled “Review of the City’s Administrative Structure”.

Report and Communications:

City Council had before it a report dated November 24, 2004, from Mayor Miller, entitled “Review of the City’s Administrative Structure” (See Attachment 1, Page 211).

Council also had before it, during consideration of the Mayor’s Report, the following communications and documentation:

- (a) (November 25, 2004) from Leo Gotlieb and Mary Baetz, Directors, Western Management Consultants (See Attachment 2, Page 226);
- (b) (undated) from Councillor Case Ootes, Toronto-Danforth (See Attachment 3, Page 230);
- (c) (November 26, 2004) from the City of Toronto Administrative, Professional Supervisory Association, Incorporated (COTAPSAI), which is on file in the City Clerk’s Office;
- (d) (November 29, 2004) presentation materials, headed “City of Toronto Departmental Structure Review, Presentation to Council by Leo Gotlieb and Mary Baetz”, which is on file in the City Clerk’s Office;

- (e) Management Models used in the following cities, submitted by the Chief Administrative Officer, which is on file in the City Clerk's Office:
- Halifax, Nova Scotia;
 - Hamilton, Ontario;
 - Montreal, Quebec;
 - Ottawa, Ontario;
 - Vancouver, British Columbia; and
 - Chicago, Illinois; and
- (f) Consultant Agreement dated June 28, 2004, between the City of Toronto and Western Management Consultants, which is on file in the City Clerk's Office.

Deputy Mayor Pantalone in the Chair.

Motions:

- (a) Mayor Miller moved that Council adopt the recommendations contained in Recommendations Section of the report dated November 24, 2004, from Mayor Miller, entitled "Review of the City's Administrative Structure".
- (b) Councillor Stintz moved that the report dated November 24, 2004, from Mayor Miller, be referred to the Administration Committee for further consideration of the financial implications related to this report and for report to the Policy and Finance Committee.
- (c) Councillor Minnan-Wong moved that motion (b) by Councillor Stintz be amended by adding the words "and that Members of Council be canvassed to participate in a sub-committee relating to the organizational review of the City's Administrative structure".
- (d) Councillor Walker moved that motion (b) by Councillor Stintz be amended by adding the words "and further, that the Chief Administrative Officer, in consultation with appropriate staff (internal and external), be requested to report to the Administration Committee with a thorough report outlining reasons for and against the proposed structure and providing alternative solutions with reasons for and against their adoption".

Mayor Miller in the Chair.

Vote on Referral:

Adoption of motion (d) by Councillor Walker:

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

Lost by a majority of 2.

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

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

Lost by a majority of 10.

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

Yes - 17	
Councillors:	Altobello, Balkissoon, Del Grande, Di Giorgio, Ford, Holyday, Li Preti, Mammoliti, Minnan-Wong, Nunziata, Palacio, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 25	
Mayor:	Miller

Councillors:	Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Soknacki
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Lost by a majority of 8.

Deputy Mayor Pantalone in the Chair.

Motions:

- (e) Councillor Lindsay Luby moved that the report dated November 24, 2004, from Mayor Miller, be amended by:
 - (1) amending Recommendation (9) to provide that the report requested of the Mayor also address employment contracts in ABCs and other arms-length organizations in which Council is a stakeholder; and
 - (2) adding the following:

“That a review of the new Administrative Structure established by the Mayor’s Report be undertaken at the beginning of the new term of Council, such review to be done by an Ad Hoc Committee of six Members of Council, with input from all Members of Council as well as selected staff.”

Mayor Miller in the Chair.

- (f) Deputy Mayor Pantalone moved that the report dated November 24, 2004, from Mayor Miller, be amended to provide that the ‘Parks and Recreation’ division be changed to ‘Parks, Forestry and Recreation’ and the title of the General Manager be amended accordingly.
- (g) Councillor Chow moved that the report dated November 24, 2004, from Mayor Miller, be amended by amending Recommendation (7) to provide that the Chief Administrative Officer report to the Policy and Finance Committee in three months’ time on expanding the mandate of the Toronto Community Housing Corporation to include housing development services for the City, while working closely with the City to support its objectives of strengthening neighbourhoods, beautifying the City, and building affordable housing.

- (h) Councillor Holyday moved that the report dated November 24, 2004, from Mayor Miller, be received.
- (i) Councillor Milczyn moved that the report dated November 24, 2004, from Mayor Miller, be amended to provide that:
 - (1) the Planning and Building functions be integrated into one department to be called Urban Development Services;
 - (2) the 'Heritage Preservation Services' unit be aligned under the Planning Department; and
 - (3) the Information Technology function be removed from the proposed Chief Corporate Officer function and that it be led by a Chief Information Officer with a direct reporting relationship to Council, similar to that of the City Clerk and the City Solicitor.
- (j) Councillor Nunziata moved that the report dated November 24, 2004, from Mayor Miller, be amended by:
 - (1) amending Recommendation (9) to provide that the report requested of the Mayor also address the financial impacts to the City of Toronto from any termination of contracts; and
 - (2) adding the following:

"That the Chief Administrative Officer be requested to include in her review the Alternative Service Delivery proposal discussed previously by Council, and report on this proposal through the Policy and Finance Committee to Council."

Councillor Giambrone in the Chair.

- (k) Councillor Ford moved that the report dated November 24, 2004, from Mayor Miller, be amended to provide that all new senior positions and all General Manager positions be put out for competition.

Deputy Mayor Pantalone in the Chair.

- (l) Councillor Thompson moved that the report dated November 24, 2004, from Mayor Miller, be amended to provide that an open competitive process be established for the new position of City Manager as defined in Chart 2: Recommended Model, and as outlined under the heading "Management Roles and Responsibilities".

- (m) Councillor Mammoliti moved that the report dated November 24, 2004, from Mayor Miller, be amended by adding the following:

“That:

- (1) the Chief Administrative Officer be requested to conduct a review of amalgamating both the Protocol and Special Events Divisions and report to the Policy and Finance Committee for its meeting on March 31, 2005; and
- (2) City Council establish a five-member Council Reference Group, reporting to the Policy and Finance Committee, to review changes to the Council-Committee Governance Structure, and that the Reference Group report with recommendations to the Policy and Finance Committee meeting on March 31, 2005, in order to make changes for the mid-term 18-month rotation of Chairs; and that the City Clerk be requested to canvass Members of Council for their interest.”

- (n) Councillor Del Grande moved that the report dated November 24, 2004, from Mayor Miller, be amended by adding the following:

“That the Chief Administrative Officer be requested to consider the following as part of her review of the *City of Toronto Act*:

‘That City Council be reduced by one-half.’ ”

- (o) Councillor Watson moved that the report dated November 24, 2004, from Mayor Miller, be amended by:

- (1) deleting from Recommendation (1) the words “effective April 15, 2005” and replacing them with the words “in principle”;
- (2) deleting Recommendations (2) and (3);
- (3) deleting from Recommendation (4) the words “and that these authorities be effective April 15, 2005”;
- (4) inserting in Recommendation (5), after the words “Chart 2”, the words “except for the General Manager, Economic Development and Culture”;
- (5) adding the following new Recommendation:

“That a Councillor Implementation Working Group consisting of a member at large from each Community Council, the Administration Committee and Policy and

Finance Committee (but excluding the members of the Employee and Labour Relations Committee) be formed prior to December 31, 2004; and further that, in order to choose members of this Working Group, the City Clerk canvass Members of Council for interest and send the candidates names to the Striking Committee, and that the Mayor call a Special meeting of Council, in December 2004, to consider the Striking Committee report.”;

(6) amending Recommendation (8) to read as follows:

“(8) the Chief Administrative Officer, in consultation with the Councillor Implementation Working Group, be directed to undertake review in the following areas and report to the Policy and Finance Committee before April 15, 2005:

- (a) Human Resources, including the potential for separation of policy/compliance and service functions;
- (b) Corporate Communications, with a focus on establishing strategic communications and issues management capacity;
- (c) Corporate Services and Finance functions, to ensure effective alignment in the proposed model and the separation of service and compliance components to reduce barriers to innovation and improve service delivery;
- (d) administrative, technical and other support services, to rationalize the provision of these services in the proposed model;
- (e) Economic Development, Culture and Tourism, functional realignment, prior to recruiting a General Manager of Economic Development and Culture; and
- (f) any implementation issues that may be identified during this review.”; and

(7) deleting from Recommendation (9) the words “on any recommended changes”.

(p) Councillor Moscoe moved that:

- (1) Part (1) of motion (i) by Councillor Milczyn be referred to the Planning and Transportation Committee for consideration; and

- (2) Part (3) of motion (i) by Councillor Milczyn be referred to the Chief Administrative Officer for report to the Policy and Finance Committee.

Mayor Miller in the Chair.

Ruling by Mayor:

Mayor Miller ruled Part (2) of motion (j) by Councillor Nunziata, out of order, as Council has already determined, during this term, that Alternate Service Delivery will not be undertaken.

Councillor Nunziata challenged the ruling of the Mayor.

Vote to Uphold Ruling of Mayor:

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

Carried by a majority of 28.

Votes:

Adoption of motion (h) by Councillor Holyday:

Yes - 10	
Councillors:	Balkissoon, Del Grande, Ford, Holyday, Minnan-Wong, Nunziata, Shiner, Thompson, Walker, Watson
No - 32	
Mayor:	Miller

Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki
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Lost by a majority of 22.

Part (1) of motion (e) by Councillor Lindsay Luby carried.

Part (1) of motion (j) by Councillor Nunziata carried.

Motion (f) by Deputy Mayor Pantalone carried.

Adoption of motion (g) by Councillor Chow:

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

Carried by a majority of 10.

Part (1) of motion (p) by Councillor Moscoe carried.

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

Yes - 41	
Mayor:	Miller

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

Carried by a majority of 40.

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

Adoption of motion (l) by Councillor Thompson:

Yes - 9	
Councillors:	Balkissoon, Del Grande, Ford, Minnan-Wong, Nunziata, Palacio, Saundercook, Thompson, Walker
No - 33	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Shiner, Soknacki, Watson

Lost by a majority of 24.

Adoption of Part (1) of motion (o) by Councillor Watson:

Yes - 10

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

Lost by a majority of 22.

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

Yes - 9	
Councillors:	Balkissoon, Del Grande, Ford, Holyday, Minnan-Wong, Nunziata, Thompson, Walker, Watson
No - 33	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki

Lost by a majority of 24.

Adoption of Part (3) of motion (o) by Councillor Watson:

Yes - 11	
Councillors:	Balkissoon, Del Grande, Ford, Holyday, Minnan-Wong, Nunziata, Palacio, Shiner, Thompson, Walker, Watson
No - 31	
Mayor:	Miller
Councillors:	Ashton, 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, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Soknacki

Lost by a majority of 20.

Adoption of Part (4) of motion (o) by Councillor Watson:

Yes - 11	
Councillors:	Balkissoon, Del Grande, Ford, Holyday, Minnan-Wong, Nunziata, Palacio, Shiner, Thompson, Walker, Watson
No - 31	
Mayor:	Miller
Councillors:	Ashton, 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, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Soknacki

Lost by a majority of 20.

Adoption of Part (7) of motion (o) by Councillor Watson:

Yes - 11 Councillors:	Balkissoon, Del Grande, Ford, Holyday, Minnan-Wong, Nunziata, Palacio, Shiner, Thompson, Walker, Watson
No - 31 Mayor: Councillors:	Miller Ashton, 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, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Soknacki

Lost by a majority of 20.

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

Adoption of motion (k) by Councillor Ford:

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

Lost by a majority of 22.

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

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

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

Carried by a majority of 6.

Adoption of motion (n) by Councillor Del Grande:

Yes - 11	
Councillors:	Augimeri, Cho, Del Grande, Feldman, Ford, Holyday, Mammoliti, Milczyn, Nunziata, Palacio, Shiner
No - 31	
Mayor:	Miller
Councillors:	Ashton, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Walker, Watson

Lost by a majority of 20.

Adoption of Part (5) of motion (o) by Councillor Watson:

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

Lost by a majority of 4.

Mayor Miller, due to the above decisions of Council, declared Part (6) of motion (o) by Councillor Watson, redundant.

Adoption of motion (a) by Mayor Miller, as amended:

Yes - 32	
Mayor:	Miller
Councillors:	Ashton, 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, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki
No - 10	
Councillors:	Balkissoon, Del Grande, Ford, Holyday, Minnan-Wong, Nunziata, Shiner, Thompson, Watson, Walker

Carried by a majority of 22.

In summary, City Council adopted the following:

“That:

- (I) the recommendations contained in the Recommendations Section of the report dated November 24, 2004, from Mayor Miller (the Mayor’s Report) be adopted, subject to the following amendments:
 - (a) amending Recommendation (7) to provide that the Chief Administrative Officer report to the Policy and Finance Committee in three months’ time on expanding the mandate of the Toronto Community Housing Corporation to include housing development services for the City, while working closely with the City to support its objectives of strengthening neighbourhoods, beautifying the City, and building affordable housing;
 - (b) amending Recommendation (9) to provide that the report requested of the Mayor, also address the following issues:
 - (i) employment contracts in ABCs and other arms-length organizations in which Council is a stakeholder; and
 - (ii) the financial impacts to the City of Toronto from any termination of contracts;
 - (c) amending the report to provide that:
 - (i) the ‘Parks and Recreation’ division be changed to ‘Parks, Forestry and Recreation’ and the title of the General Manager be amended accordingly; and
 - (ii) the ‘Heritage Preservation Services’ unit be aligned under the Planning Department;

so that the recommendations, as amended, now read as follows:

‘It is recommended that:

- (1) the new senior management model (Chart 2), and the senior management roles and responsibilities outlined in this report be approved effective April 15, 2005, subject to:
 - (a) the ‘Parks and Recreation’ division being changed to ‘Parks, Forestry and Recreation’ and the title of the General Manager being amended accordingly; and

- (b) the 'Heritage Preservation Services' unit being aligned under the Planning Department;
- (2) the two positions of Deputy City Manager be filled through an open, internal/external, competitive process, administered by the CAO;
- (3) the Employee and Labour Relations Committee be responsible for making recommendations to Council on the outcome of the Deputy City Manager competition, with the advice and support of the CAO during the competition process;
- (4) the Chief Administrative Officer recommend to Council appropriate delegation of signing and spending authority within approved budgets to the existing General Manager level positions shown under Citizen Focused Services in Chart 2, and that these authorities be effective April 15, 2005;
- (5) responsibility be devolved to the existing General Manager level positions shown under Citizen Focused Services in Chart 2 for signing reports and representing their program areas at Standing Committees and Council, effective April 15, 2005;
- (6) the title of Chief Administrative Officer be changed to City Manager, effective April 15, 2005;
- (7) the Chief Administrative Officer be directed to review the role, responsibilities and organizational location of the City's affordable housing programs including recommendations for an integrated set of affordable housing goals and administrative adjustments required to achieve the goals and to improve the City's capacity to facilitate affordable housing opportunities for the residents of Toronto, and that the outcome of the review be reported to Council prior to the end of March, 2005, and that the Chief Administrative Officer report to the Policy and Finance Committee in three months' time on expanding the mandate of the Toronto Community Housing Corporation to include housing development services for the City, while working closely with the City to support its objectives of strengthening neighbourhoods, beautifying the City, and building affordable housing;
- (8) the Chief Administrative Officer be directed to undertake reviews in the following areas and implement any resulting changes:

- (a) Human Resources, including the potential for separation of policy/compliance and service functions;
 - (b) Corporate Communications, with a focus on establishing strategic communications and issues management capacity;
 - (c) Corporate services and finance functions, to ensure effective alignment in the new model and the separation of service and compliance components to reduce barriers to innovation and improve service delivery;
 - (d) Administrative, technical and other support services, to rationalize the provision of these services in the new model;
 - (e) Economic Development, Culture and Tourism, functional realignment, prior to recruiting a General Manager of Economic Development and Culture.
- (9) the Mayor be authorized to retain an external legal firm to provide advice on the form and use of employment contracts used for senior staff and report back to Council on any recommended changes, such report to address the following issues:
- (a) employment contracts in ABCs and other arms-length organizations in which Council is a stakeholder; and
 - (b) the financial impacts to the City of Toronto from any termination of contracts’;
- (10) the City Solicitor be authorized to introduce the necessary bills in Council; and
- (11) the appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.’;
- (II) City Council establish a five-member Council Reference Group, reporting to the Policy and Finance Committee, to review changes to the Council-Committee Governance Structure, and that the Reference Group report with recommendations to the Policy and Finance Committee meeting on March 31, 2005, in order to make changes for the mid-term 18-month rotation of Chairs; and that the City Clerk be

requested to canvass Members of Council for their interest;

- (III) a review of the new Administrative Structure established by the Mayor's Report be undertaken at the beginning of the new term of Council, such review to be done by an Ad Hoc Committee of six Members of Council, with input from all Members of Council as well as selected staff;
- (IV) the Chief Administrative Officer be requested to conduct a review of amalgamating both the Protocol and Special Events Divisions and report to the Policy and Finance Committee for its meeting on March 31, 2005;
- (V) the following motion be referred to the Planning and Transportation Committee for consideration:

Moved by Councillor Milczyn:

'That the Mayor's Report be amended to provide that the Planning and Building functions be integrated into one department to be called Urban Development Services.'; and

- (VI) the following motion be referred to the Chief Administrative Officer for report to the Policy and Finance Committee:

Moved by Councillor Milczyn:

'That the Mayor's Report be amended to provide that the Information Technology function be removed from the proposed Chief Corporate Officer function and that it be led by a Chief Information Officer with a direct reporting relationship to Council, similar to that of the City Clerk and the City Solicitor.' "

14.23 Administration Committee Report 9, Clause 25, headed "2003 Contribution Rebate Program".

Motion:

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

"WHEREAS it is appropriate to amend By-law No. 1011-2002 to clarify an ambiguity based on advice from the City Solicitor, namely to ensure that contribution rebates are

payable irrespective of financial filing by candidates beyond March 31, 2004, provided that the candidates have:

- (a) filed by March 31, 2004, or by August 30, 2004, or March 1, 2005, in case of the supplementary filings; or
- (b) filed within the 91-day period following the dates in (a) above; or
- (c) filed within the time frame set out in a court order authorizing a later time for filing the financial statements; and

WHEREAS it is desirable to make the amendment to Subsection 10(d) retroactive to the date that payments were first eligible to be made for the 2003 election under the by-law;

NOW THEREFORE BE IT RESOLVED THAT By-law No. 1011-2002, as amended, be further amended to clarify the provisions respecting the filing of financial statements by candidates to permit contribution rebates to be paid to campaign contributors.”

Votes:

The motion by Councillor Walker carried.

The Clause, as amended, carried.

14.24 **Policy and Finance Committee Report 9, Clause 57, headed “Membership - Roundtable on Access, Equity and Human Rights”.**

[Note:

City Council by its adoption, without amendment, of Motion J(12), moved by Councillor Mihevc, seconded by Mayor Miller, re-opened 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”, for further consideration, only as it pertains to composition of, and the term of office for appointments to the Roundtable on Access, Equity and Human Rights, in order that Council could consider the recommendation of the Policy and Finance Committee, contained in this Clause. (See Minute 14.92, Page 126.)]

Motion:

Councillor Mihevc moved that the Clause be adding the following:

“That:

- (1) the membership of the Roundtable on Access, Equity and Human Rights be increased by one representative to include representation from the lesbian, gay, bisexual, transgender, transsexual community as outlined in Clause 3 of Policy and Finance Committee Report 1 dated January 15, 2004; and
- (2) that City Council extend its appreciation to the members of the former Advisory Committees and Working Groups on Access, Equity and Human Rights and that the Chief Administrative Officer be requested to hold a reception to thank the members for their contribution to the City.”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

14.25 Administration Committee Report 9, Clause 20, headed “Review by the Toronto Public Service of the Ideas Presented by Councillor Giambrone for Implementation by the e-City Committee”.

Motion:

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

“That the e-City Committee request participation from the Toronto Transit Commission staff working on the e-transit initiative.”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

14.26 Scarborough Community Council Report 9, Clause 22, headed “Status Report - Official Plan and Rezoning Application TF 01 036249 ESC 40 OZ, Plan of Subdivision Application TF 02 035523 ESC 40 SB Site Plan Control Application TF 02 035533 ESC 40 SA, 2055 Kennedy Road – Urban Strategies Inc. Agincourt Centre Community (Ward 40 – Scarborough Agincourt)”.

Motion:

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

“That the following staff recommendation contained in the Recommendation Section of the supplementary confidential report dated November 26, 2004, from the City Solicitor, be adopted, such recommendation is 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 an above-ground stormwater management facility not be pursued in respect of the development proposal for 2055 Kennedy Road.’ ”

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

14.27 Toronto and East York Community Council Report 9, Clause 14, headed ‘Intention to Designate under Part IV of the *Ontario Heritage Act* - 6 Howard Street (James Chalmers Building) (Toronto Centre-Rosedale, Ward 28)’.

Motion:

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

“That the Commissioner of Urban Development Services be requested to undertake a review and prepare a planning framework report for the area bounded by Bloor Street, Howard Street, Sherbourne Street and Parliament Street and submit her report to the Toronto and East York Community Council.”

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

14.28 Toronto and East York Community Council Report 9, Clause 63, headed ‘Amendments to Parking Regulations, Front Street West, South Side, between York Street and Bay Street (Toronto Centre-Rosedale, Ward 28)’.

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

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

Motion:

Councillor McConnell moved that the Clause be amended by deleting from Recommendation (1) contained in the report dated November 2, 2004, from the Director, Transportation Services, South District, the distance “173 metres”, and inserting instead the distance “155.3 metres”, so that Recommendation (1) now reads as follows:

- “(1) an on-street disabled persons loading zone be designated at all times on the south side of Front Street West, from a point 155.3 metres east of York Street to a point 11 metres further east thereof; and”.

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

14.29 Administration Committee Report 9, Clause 4, headed “Facilities Maintenance Standards”.

Motion:

Councillor Moscoe moved that the Clause be amended by amending the recommendations of the Administration Committee by deleting from Recommendation (1) contained in the staff report dated October 19, 2004, from the Commissioner of Corporate Services, as amended by the Administration Committee, the words “in principle”, so that Recommendation (1) now reads as follows:

- “(1) the maintenance standards as set out in the attachment to this staff report be adopted for use in maintaining City-owned Departmental facilities;”.

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

- 14.30 **North York Community Council Report 9, Clause 30, headed “Final Report - Application to Amend the Zoning By-law 1916 of the former Borough of East York – 2003 035114 SMI 26 OZ - Sherman Brown Dryer Karol Lebow - 851 Millwood Road (Ward 26 - Don Valley West)”.**

Motion:

Councillor Pitfield moved that the Clause be referred back to the North York Community Council for further consideration at its meeting on January 18, 2005.

Vote:

The motion by Councillor Pitfield carried.

- 14.31 **North York Community Council Report 9, Clause 37, headed “Request for Direction Report No. 2 - Application to Amend the Official Plan and Zoning By-law – Consent Application – 04 120027 NNY 15 OZ - B08/04NY – Savoia Developments Ltd. (Cityscape Design Innovations Inc.) -108 Stayner Avenue (Ward 15 - Eglinton-Lawrence)”.**

Motion:

Councillor Moscoe moved that the Clause be amended by:

- (1) amending Recommendation (1) of the North York Community Council so that it now reads as follows:

“(1) refuse the revised application, including revisions submitted under cover of November 23, 2004;”;
- (2) adding to Recommendation (3) of the North York Community Council, the following new Part (vii):

“(vii) restoration of the heritage building be incorporated into the development;”;
- (3) deleting Recommendation (4) of the North York Community Council; and
- (4) adding the following:

“That:

- (a) the recommendations contained in the Recommendations Section of the confidential report dated November 29, 2004, from the City Solicitor be adopted, such report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information pertaining to litigation or potential litigation, except for following Recommendation (1) which is now public:

‘(1) Recommendation (5) of the North York Community Council be deleted;’;
and

- (b) the following Motion, seconded by Councillor Filion, be adopted:

‘**WHEREAS** an application to redevelop the property at 108 Stayner Avenue in the Glencairn Avenue and Dufferin Street neighbourhood was refused; and

WHEREAS this property has been designated as being of historical significance, being the original 150 year-old farm that preceded the development of this area, the village of Fairbank; and

WHEREAS the property contained a large number of mature trees, some of which were of historical significance; and

WHEREAS on the day that Council was debating its Private Tree By-law, the new owner of this property, the developer, clear cut all of the trees on the property; and

WHEREAS it is the neighbourhood’s desire to see as many of these trees replaced as may be possible when the land is built upon;

NOW THEREFORE BE IT RESOLVED THAT the City Forester report to the North York Community Council on the number, approximate age and size of all trees that previously existed on the property;

AND BE IT FURTHER RESOLVED THAT the City Forester determine the cost of replacing all trees of significance and a reasonable replacement plan which will be imposed on the owner when this matter eventually comes before the City for site plan approval;

AND BE IT FURTHER RESOLVED THAT the files for this property in all appropriate departments be red flagged in City files so that all prospective purchasers of this property are advised in advance of the high sight plan standards that will be imposed on whatever development ultimately is built there;

AND BE IT FURTHER RESOLVED THAT all prospective purchasers be advised of this condition.’ ”

Votes:

Parts (1), (2), (3) and (4)(a) of the motion by Councillor Moscoe carried.

Part (4)(b) of the motion by Councillor Moscoe, seconded by Councillor Filion, carried.

The Clause, as amended, carried.

Deputy Mayor Pantalone in the Chair.

14.32 Planning and Transportation Committee Report 9, Clause 1, headed “Marijuana Grow Houses and Illegal Drug Laboratory Enforcement Protocol”.

Motions:

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

“That City Council direct Municipal Licensing and Standards staff to continue to request owner compliance with structural or environmental engineering reports on all units found to be locations for marijuana grow house and drug lab operations.”

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

“That:

(1) Toronto Hydro Corporation, subject to the requirements of the *Electricity Act, 1998*, as amended, be requested to ensure that where electricity has been disconnected from a premises used as a marijuana grow operation or clandestine drug lab, it not be restored until the safety concerns contained in any order(s) issued by the City in respect of the premises have been addressed, and that this be included as part of the Co-ordinated Marijuana Grow House and Illegal Drug Laboratories Protocol; and

- (2) staff include this issue in their discussions with Toronto Hydro and the Province concerning Bill 128.”

Votes:

Motion (a) by Councillor Del Grande carried.

Motion (b) by Councillor Balkissoon carried.

The Clause, as amended, carried.

14.33 Policy and Finance Committee Report 9, Clause 1, headed “Governance Structure for Toronto Waterfront Revitalization”.

Motion:

Deputy Mayor Bussin moved that the Clause be amended by rescinding Part (1) of the action taken by the Policy and Finance Committee with respect to Recommendation (3) of the report dated November 8, 2004, from the Commissioner of Urban Development Services, and adopting Recommendation (3), as follows:

- “(3) ABCCs with projects in the DWA that are in advanced stages of planning and in keeping with the approved waterfront vision, enter into agreements with TWRC to provide for continued implementation of these projects;”.

Votes:

The motion by Deputy Mayor Bussin carried.

The Clause, as amended, carried.

Deputy Mayor Bussin in the Chair.

14.34 Policy and Finance Committee Report 9, Clause 2, headed “Plan to Maximize the Potential of the City of Toronto’s Toronto Film, Television and Commercial Production Industry”.

Motions:

- (a) Councillor Fletcher moved that the Clause be amended by amending Item D, headed “Composition and Membership” of Appendix 1 to the report dated November 19, 2004, from Mayor Miller, by adding the following new Item (xiii):

“(xiii) Writers Guild of Canada;”.

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

“That Council adopt the following motion:

‘WHEREAS the film, television and commercial production industry directly employs twenty-five thousand full-time workers, thousands of part-time workers and indirectly thousands in supporting sectors; and

WHEREAS the industry has brought one billion dollars into the Toronto economy, with an equal spin-off benefit to the hospitality, tourism and entertainment industry; and

WHEREAS a healthy film, television and commercial production industry supports and feeds the cultural sector, by providing training and opportunity for actors, technicians, trades persons and others; and

WHEREAS the nature of the television industry has changed, replacing the “Movie of the Week” and the TV Mini-Series with reality and other programming and, thus, has had a significant negative impact on the business in Toronto since 2000; and

WHEREAS the sector suffered a 20 percent decrease, in 2003, due to the SARS outbreak for which it has not fully recovered; and

WHEREAS global competition and capacity has increased dramatically over the past few years and most provincial and state tax credits exceed those of Ontario and are drawing business away from Toronto; and

WHEREAS New York City has implemented its own tax credit and a no fees, costs or charges policy towards filming in that City, in addition to a new state tax credit, and just opened new purpose-built studios; and

WHEREAS the delegation of industry representatives, recently returned from Los Angeles, have been told that the differential between a Toronto shoot and one in Los Angeles has been reduced to as low as three percent and that a minimum often is needed to warrant serious attention for Toronto; and

WHEREAS the Canadian dollar is continuing to appreciate, causing both a further decline in competitiveness and an uncertainty about the actual costs for a picture to be made six or more months in the future; and

WHEREAS Toronto is also losing the public relations and promotional battle and it has become increasingly difficult to convince American producers, actors and directors to do work in Canada and Toronto;

NOW THEREFORE BE IT RESOLVED THAT Council, in acknowledgement of the foregoing and in support of the film, television and commercial production industry, will:

- (a) fix all fees and charges assessed to the industry, by departments, agencies, boards and commissions at a rate coincident with a 78-cent dollar;
 - (b) ask the industry to do the same; and
 - (c) ask both the Provincial and Federal governments to take immediate corrective action to support the industry.’ ”
- (c) Mayor Miller moved that the Clause be amended by:
- (1) deleting from Recommendation (A)(9) of the Policy and Finance Committee, the title “Film Advocate” and inserting instead the title “Film Commissioner”, so that the recommendation now reads:
 - “(9) the Film Commissioner, with the assistance of the industry, TFTO, the Ontario Media Development Corporation, Film Ontario and the Chair of the Culture Roundtable, immediately develop an action plan and background materials so that Toronto’s interests and those of the industry at large can be brought forward to the federal and provincial governments and relevant agencies;”; and
 - (2) deleting Recommendation (B) of the Policy and Finance Committee.
- (d) Deputy Mayor Pantalone moved that the Clause be amended by:
- (1) amending Item D, headed “Composition and Membership” of Appendix 1 to the report dated November 19, 2004, from Mayor Miller, by:
 - (a) amending Part (1) to provide that the composition of the Film Board be 18 members; and
 - (b) amending Part (3) by increasing the number of Members of Council from four to five; and
 - (2) adding the following:

“That the following recommendations of the Striking Committee contained in the Recommendations Section of the communication dated November 29, 2004, from the Committee, be adopted:

‘The Striking Committee recommended to Council that:

- (1) should Council establish the proposed Film Board with four Members of Council, City Council appoint the following Members to the Film, Television and Commercial Production Industry Committee (Film Board) for a term of office ending May 30, 2005, and until successors are appointed, in addition to the Mayor:

S. Carroll
M. Feldman
P. Fletcher
K. Rae;

- (2) should Council increase the composition to add a fifth Member of Council, City Council appoint the following additional Member to the Film, Television and Commercial Production Industry Committee (Film Board) for a term of office ending May 30, 2005, and until a successor is appointed:

D. Shiner; and

- (3) Council authorize and direct the relevant City officials to take any necessary action to give effect to these appointments.’ ”

Votes:

Motion (a) by Councillor Fletcher carried.

Motion (b) by Councillor Shiner carried.

Part (1) of motion (d) by Deputy Mayor Pantalone carried.

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

Motion (c) by Mayor Miller carried.

The Clause, as amended, carried.

In summary, Council amended this Clause by:

- (1) deleting from Recommendation (A)(9) of the Policy and Finance Committee, the title “Film Advocate” and inserting instead the title “Film Commissioner”, so that the recommendation now reads:

“(9) the Film Commissioner, with the assistance of the industry, TFTO, the Ontario Media Development Corporation, Film Ontario and the Chair of the Culture Roundtable, immediately develop an action plan and background materials so that Toronto’s interests and those of the industry at large can be brought forward to the federal and provincial governments and relevant agencies;”;

- (2) deleting Recommendation (B) of the Policy and Finance Committee;

- (3) amending Item D, headed “Composition and Membership” of Appendix 1 to the report dated November 19, 2004, from Mayor Miller, as follows:

- (a) amending Part (1) to provide that the composition of the Film Board be 18 members, with the following new Item (xiii):

“(xiii) Writers Guild of Canada;”;

- (b) amending Part (3) by increasing the number of Members of Council from four to five; and

- (4) adding the following:

“That:

- (a) Council adopt the following motion:

‘**WHEREAS** the film, television and commercial production industry directly employs twenty-five thousand full-time workers, thousands of part-time workers and indirectly thousands in supporting sectors; and

WHEREAS the industry has brought one billion dollars into the Toronto economy, with an equal spin-off benefit to the hospitality, tourism and entertainment industry; and

WHEREAS a healthy film, television and commercial production industry supports and feeds the cultural sector, by providing training and opportunity for actors,

technicians, trades persons and others; and

WHEREAS the nature of the television industry has changed, replacing the “Movie of the Week” and the TV Mini-Series with reality and other programming and, thus, has had a significant negative impact on the business in Toronto since 2000; and

WHEREAS the sector suffered a 20 percent decrease, in 2003, due to the SARS outbreak for which it has not fully recovered; and

WHEREAS global competition and capacity has increased dramatically over the past few years and most provincial and state tax credits exceed those of Ontario and are drawing business away from Toronto; and

WHEREAS New York City has implemented its own tax credit and a no fees, costs or charges policy towards filming in that City, in addition to a new state tax credit, and just opened new purpose-built studios; and

WHEREAS the delegation of industry representatives, recently returned from Los Angeles, have been told that the differential between a Toronto shoot and one in Los Angeles has been reduced to as low as three percent and that a minimum often is needed to warrant serious attention for Toronto; and

WHEREAS the Canadian dollar is continuing to appreciate, causing both a further decline in competitiveness and an uncertainty about the actual costs for a picture to be made six or more months in the future; and

WHEREAS Toronto is also losing the public relations and promotional battle and it has become increasingly difficult to convince American producers, actors and directors to do work in Canada and Toronto;

NOW THEREFORE BE IT RESOLVED THAT Council, in acknowledgement of the foregoing and in support of the film, television and commercial production industry, will:

- (i) fix all fees and charges assessed to the industry, by departments, agencies, boards and commissions at a rate coincident with a 78-cent dollar;
- (ii) ask the industry to do the same; and
- (iii) ask both the Provincial and Federal governments to take immediate corrective action to support the industry.’; and

- (b) the following recommendations of the Striking Committee contained in the Recommendations Section of the communication dated November 29, 2004, from the Committee, be adopted:

‘The Striking Committee recommended to Council that:

- (1) should Council establish the proposed Film Board with four Members of Council, City Council appoint the following Members to the Film, Television and Commercial Production Industry Committee (Film Board) for a term of office ending May 30, 2005, and until successors are appointed, in addition to the Mayor:

S. Carroll
M. Feldman
P. Fletcher
K. Rae;

- (2) should Council increase the composition to add a fifth Member of Council, City Council appoint the following additional Member to the Film, Television and Commercial Production Industry Committee (Film Board) for a term of office ending May 30, 200, and until a successor is appointed:

D. Shiner; and

- (3) Council authorize and direct the relevant City officials to take any necessary action to give effect to these appointments.’ ”

14.35 **Policy and Finance Committee Report 9, Clause 33, headed “Litigation with MFP Financial Services Limited”.**

The Clause was submitted without recommendation.

Motion:

Deputy Mayor Pantalone moved that Council adopt the following:

“That the staff recommendations contained in the Recommendations Section of the confidential report dated November 29, 2004, from the City Solicitor, be adopted, such report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act*, as it contains information pertaining to litigation or potential litigation.”

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

14.36 Policy and Finance Committee Report 9, Clause 3, headed “Clean and Beautiful City - Five-Point City Action Plan to Make Toronto a Clean and Beautiful City - All Wards”.

Motions:

- (a) Councillor Chow 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 in two months on operational changes to ensure streets are clean.”

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

- (1) to provide that:

(a) all parks receive an extra grass cutting in 2005; and

(b) all boulevards receive one extra cut in 2005; and

- (2) by adding the following:

“That:

(a) the Postering By-law be considered by the Planning and Transportation Committee at its first meeting in January 2005;

(b) the Budget Advisory Committee be requested to consider giving the Toronto Police Service additional funding to deal with graffiti enforcement; and

(c) the Acting Commissioner of Works and Emergency Services look at ways to hire extra students, at student rates, for litter picking, and report to the Works Committee in January 2005.”

- (c) Councillor Mihevc moved that Parts (1)(a) and (1)(b) of motion (b) by Councillor Minnan-Wong be amended by adding the words “subject to the normal budget approval process”.

- (d) Councillor Cho moved that the Clause be amended to provide that the funds that are allocated for 2005 and beyond for the Action Plan for a Beautiful City, be equally distributed across all 44 Wards in the City of Toronto.

Votes:

Motion (a) by Councillor Chow, motion (c) by Councillor Mihevc, motion (b) by Councillor Minnan-Wong, as amended, except for Part (2)(a), and motion (d) by Councillor Cho, carried.

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

Yes - 17	
Councillors:	Cho, Del Grande, Feldman, Filion, Grimes, Hall, Holyday, Kelly, Li Preti, Minnan-Wong, Moscoe, Nunziata, Palacio, Rae, Shiner, Soknacki, Watson
No - 13	
Mayor:	Miller
Councillors:	Bussin, Carroll, Chow, Davis, De Baeremaeker, Fletcher, Giambrone, Jenkins, McConnell, Mihevc, Pantalone, Saundercook

Carried by a majority of 4.

The Clause, as amended, carried.

In summary, Council amended this Clause:

- (1) to provide that:
- (a) all parks receive an extra grass cutting in 2005, subject to the normal budget approval process;
 - (b) all boulevards receive one extra cut in 2005, subject to the normal budget approval process; and
 - (c) the funds that are allocated for 2005 and beyond for the Action Plan for a Beautiful City, be equally distributed across all 44 Wards in the City of Toronto; and
- (2) by adding the following:
- “That:

- (a) the Postering By-law be considered by the Planning and Transportation Committee at its first meeting in January 2005;
- (b) the Budget Advisory Committee be requested to consider giving the Toronto Police Service additional funding to deal with graffiti enforcement;
- (c) the Acting Commissioner of Works and Emergency Services look at ways to hire extra students, at student rates, for litter picking, and report to the Works Committee in January 2005; and
- (d) the Acting Commissioner of Works and Emergency Services be requested to report to the Works Committee in two months on operational changes to ensure streets are clean.”

Mayor Miller in the Chair.

14.37 Economic Development and Parks Committee Report 8, Clause 16, headed “Developing a Reciprocal Agreement with the Toronto Catholic District School Board for Exchange of Services”.

The Clause was submitted without recommendation.

Motion:

Councillor Moscoe moved that Council adopt the following:

“That the following staff recommendations contained in the Recommendations Section of the supplementary report dated November 30, 2004, from the Commissioner of Economic Development, Culture and Tourism, be adopted:

‘It is recommended that:

- (1) authority be given to negotiate and execute a revenue neutral, one-year pilot exchange of services agreement with the Toronto Catholic District School Board to exchange daytime ice time in City operated ice rinks for school space for Parks and Recreation programs and camps, in form and content that is acceptable to the Commissioner of Economic Development, Culture and Tourism, the Chief Financial Officer and Treasurer, and the City Solicitor;
- (2) the Commissioner of Economic Development, Culture and Tourism report with an evaluation of this agreement, including any financial implications that

may arise and the potential for extension of the agreement to the Economic Development and Parks Committee in the Fall of 2005;

- (3) the impact of any December 2004 waiver of ice time fees not exceed \$11,500.00 of forgone revenue; 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.

14.38 North York Community Council Report 9, Clause 9, headed “Request for Variance from the former City of North York Sign By-law No. 30788, as amended, for the Erection of a Third Party Roof Sign at 2928 Dufferin Street (Ward 15 - Eglinton-Lawrence)”.

Motion:

Councillor Moscoe moved that the Clause be amended by deleting the following Recommendation (1) of the North York Community Council.

- “(1) the sign being installed with a timer to switch off the illumination between the hours of 10:00 p.m. and 6:00 a.m. daily;”.

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

14.39 Works Committee Report 10, Clause 1, headed “Development of a Citizen Participation Model for Public Consultation Related to Solid Waste”.

Motion:

Councillor Pitfield, seconded by Councillor Fletcher, moved that the Clause be amended by deleting Recommendations (1) and (2) of the Works Committee, and inserting instead a new Recommendation (1), and renumbering the original Recommendation (3) accordingly, so that the recommendations adopted by Council now read as follows:

- “(1) City Council approve in principle the Citizen Participation Model for Public Consultation Related to Solid Waste recommended by the Roundtable on the Environment, subject to approval by Council of a report from the Acting Commissioner of Works and Emergency Services, the Chief Financial Officer and Treasurer and the City Solicitor, in consultation with the Chair and Vice-Chair of the Works Committee and Councillor Fletcher, Member of the Roundtable on the Environment, regarding administration, accountability and financial aspects of the model; and further that the report be submitted to the Works Committee for its meeting on January 5, 2005; and
- (2) the Chair and Vice-Chair of the Works Committee be authorized to select the Community Environmental Assessment Team.”

Votes:

The motion by Councillor Pitfield, seconded by Councillor Fletcher, carried.

The Clause, as amended, carried.

14.40 **Council considered the following Clauses, as contained in Toronto and East York Community Council Report 9, concurrently:**

- Clause 33** - **“Speed Hump Poll Results - Lisgar Street, Between Queen Street West and Dundas Street West (Davenport, Ward 18)”**.
- Clause 34** - **“Installation of Speed Humps - Kenwood Avenue, Between St. Clair Avenue West and Vaughan Road (St. Paul’s, Ward 21)”**.
- Clause 37** - **“Installation of all-way ‘Stop’ Sign Control - Chaplin Crescent and Lascelles Boulevard (St. Paul’s, Ward 22)”**.
- Clause 57** - **“Installation of Speed Humps - Bleecker Street, Between Wellesley Street and Howard Street (Toronto Centre-Rosedale, Ward 28)”**.
- Clause 58** - **“Installation of Speed Humps - Howard Street, Between Parliament Street and Sherbourne Street (Toronto Centre-Rosedale, Ward 28)”**.
- Clause 59** - **“Installation of Speed Humps - Hanson Street, Between Coxwell Avenue and Roseheath Avenue (Beaches-East York, Ward 32)”**.

Clause 60 - "Installation of Speed Humps - Dagmar Avenue, Between Dundas Street East and Jones Avenue (Toronto-Danforth, Ward 30)".

Motion:

Councillor Holyday moved that:

- (1) Clauses 33, 34, 57, 58, 59 and 60 be referred to the Works Committee; and
- (2) Clause 37 be referred to the Works Committee.

Vote:

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

Yes - 6	
Councillors:	Del Grande, Feldman, Hall, Holyday, Lindsay Luby, Pitfield
No - 23	
Mayor:	Miller
Councillors:	Altobello, Balkissoon, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Jenkins, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Walker, Watson

Lost by a majority of 17.

Request to Hold Clause:

Councillor Rae, with the permission of Council, held Clause 58 for further consideration. (See Minute 14.75, Page 101)

Votes:

Clauses 33, 34, 57, 59 and 60 carried, without amendment.

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

Yes - 6	
Councillors:	Feldman, Holyday, Moscoe, Pitfield, Saundercook, Watson

No - 23
Mayor: Miller
Councillors: Altobello, Balkissoon, Carroll, Chow, Cowbourne, Davis,
De Baeremaeker, Del Grande, Di Giorgio, Filion, Hall, Jenkins,
Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn,
Nunziata, Palacio, Pantalone, Rae, Walker

Lost by a majority of 17.

Clause 37 carried, without amendment.

In summary, Council adopted Clauses 33, 34, 37, 57, 59 and 60, without amendment, and held Clause 58 for further consideration.

14.41 Policy and Finance Committee Report 9, Clause 11, headed ‘2004 Status Report - Implementation of the Environmental Plan Recommendations’.

Motion:

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

“That the City of Toronto:

- (1) again request the Provincial Government to implement a Green Building Code, and the Chief Administrative Officer be requested to report in six months on the progress of this matter; and
- (2) incorporate energy efficiency and conservation objectives into the construction of new buildings in the City that are higher than are currently required by the Ontario Building Code.”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

14.42 Toronto and East York Community Council Report 9, Clause 8, headed ‘Revised Final Report - Application to Amend the Official Plan and Zoning By-law - 450, 470 and 500 Lake Shore Boulevard West (Trinity-Spadina, Ward 20)’.

Motion:

Councillor Chow moved that consideration of this Clause be deferred to the next regular meeting of City Council on February 1, 2005.

Vote:

The motion by Councillor Chow carried.

14.43 **Toronto and East York Community Council Report 9, Clause 54, headed “Ontario Municipal Board Hearing - 511 Bremner Boulevard and 2 and 20 Housey Street (Trinity-Spadina, Ward 20)”**.

Motion:

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

Vote:

The motion by Councillor Chow carried.

14.44 **Policy and Finance Committee Report 9, Clause 29, headed “Appeal of the City’s Development Charges By-law”**.

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

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

Motion:

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

“That the Chief Building Official, in consultation with the Chief Financial Officer and Treasurer and the City Solicitor, be requested to report to the Policy and Finance Committee at its meeting in January 2005, on the following matters:

- (1) the criteria used by the Chief Building Official to determine what constitutes a 'complete building permit application' for the purposes of Section 415-12 of the City's Development Charges By-law 547-2004;
- (2) the internal control measures, if any, that are in place to ensure that only those applicants that have met the grandfathering provisions of the by-law receive the benefit of these provisions; and
- (3) a list of all residential building permit applications (in excess of 10 units) that are received as complete before the deadline and the estimated Development Charge revenue foregone from these applications."

Votes:

The motion by Councillor Filion carried.

The Clause, as amended, carried.

14.45 Etobicoke York Community Council Report 9, Clause 12, headed 'Removal of One Privately Owned Tree - 52 Ellis Park Road (Ward 13 - Parkdale-High Park)'.

Motion:

Councillor Saundercook moved that the Clause be amended by deleting from Recommendation (2) of the Etobicoke York Community Council the words "on a yearly basis", and inserting instead the words "in September 2005", so that the recommendation now reads as follows:

- "(2) the Commissioner, Economic Development, Culture and Tourism, inspect the tree in September 2005, to determine the safety of the community if the tree begins to show signs of failure or unhealthiness."

Votes:

The motion by Councillor Saundercook carried.

The Clause, as amended, carried.

Deputy Mayor Feldman in the Chair.

14.46 **Administration Committee and Planning and Transportation Committee Report 1, Clause 1, headed “Report on the Union Station Draft Master Plan 61 - 71 Front Street West (Toronto Centre-Rosedale - Ward 28)”.**

Motions:

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

(1) by referring Recommendations (B) and (C) of the Joint Committee to the Toronto Transit Commission and GO Transit for comments to the Planning and Transportation Committee, prior to any decision, and the TTC and GO Transit be encouraged to have a joint meeting on this matter and to invite the Council representatives on the TEDCO Board and the Chair of the Planning and Transportation Committee to attend the meeting;

(2) by adding the following:

“That the Commissioner of Urban Development Services be requested to report to the Planning and Transportation Committee on plans for the integration of taxis into the fabric of Union Station, as previously requested by Council.”; and

(3) in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report dated November 26, 2004, from the Commissioner of Urban Development Services:

“It is recommended that City Council:

(1) adopt the draft Master Plan prepared by the independent peer review team, incorporating the revisions set out in Appendix A, attached to this report;

(2) authorize staff to make minor amendments and corrections as necessary to put the Master Plan in final form;

(3) receive the attached submission (Appendix C) from GO Transit, for information; and

(4) authorize and direct the appropriate City Officials to take the necessary action to give effect thereto.”

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

“That the Commissioner of Urban Development Services, working with the public and the Union Pearson Group, be directed to find ways and means of implementing the bold new initiative contained in the Master Plan, as soon as possible.”

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

“That:

- (1) the Commissioner of Urban Development Services be requested to report, as soon as possible, to the Planning and Transportation Committee on an urban design study; and
- (2) Toronto Heritage staff be requested to report to the Planning and Transportation Committee on a plan that includes public participation.”

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

“That the Administration Committee and the Planning and Transportation Committee be requested to hold a joint meeting, in six months’ time, to revisit this issue and the Commissioner of Urban Development Services, in consultation with the Union Pearson Group, be requested to submit a more detailed report on the Master Plan, clearly showing the specific design, who will be responsible for each aspect of the project and who will provide the financial resources, and the Union Pearson Group be requested to provide a video presentation to the joint meeting of Tokyo Station and one example each of the best station in both Europe and the United States.”

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

“That:

- (1) in view of the \$20 million cost to Toronto per year, over the next 10 years, GO Transit be requested to prioritize the spending of a significant amount of this capital investment in City of Toronto capital priorities including Union Station; and
- (2) City Council request the Board of Directors of GO Transit to increase the number of escalators and elevators in Union Station, in order to properly access trains and ensure that the shed renovation is completed within a five-year time frame.”

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

Mayor Miller in the Chair.

Deputy Mayor Feldman in the Chair.

(g) Councillor Pantalone moved that the Clause be amended by adding the following:

“That the Chief Administrative Officer and the Mayor be requested to report to the Policy and Finance Committee no later than February 2005, on a process involving the TTC, TEDCO, and other appropriate officials, so as to reach a conclusion on how to achieve an Inter-City Bus Terminal that best serves its users in Toronto.”

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

“That the Commissioner of Urban Development Services be requested to report, as soon as possible, to the Budget Advisory Committee and the Planning and Transportation Committee, as part of the 2005 budget process, on a budget, terms of reference and continuing the Master Plan with the urban design study for Union Station and its environs, as set out in the Master Plan document.”

(i) Councillor Chow moved that:

- (1) Part (1) of motion (a) by Councillor Moscoe be amended to include VIA Rail; and
- (2) the Clause be amended by adding the following:

“That City officials, in consultation with the Toronto Railway Historical Association, consider locating the rail museum in the empty store area of Union Station on an interim basis and until the beginning of renovations.”

(j) Councillor Di Giorgio moved that the Clause be amended by amending Recommendation (E) of the Joint Committee by inserting the word “public”, prior to the word “consultation”, so that the recommendation now reads as follows:

“(E) the appropriate City officials be requested to report to the appropriate committee should there be any deviation in the future from the Master Plan that places the Master Plan in contravention of the Secondary Plan; and that the necessary public consultation process take place prior to any change in the Master Plan.”

Votes:

Adoption of motion (f) by Councillor Ford:

Yes - 1 Councillor: Ford
No - 37 Mayor: Miller Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker

Lost by a majority of 36.

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

Yes - 38 Mayor: Miller Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker
No - 1 Councillor: Ford

Carried by a majority of 37.

Adoption of Part (1), as amended, and Part (2) of motion (a) by Councillor Moscoe:

Yes - 36	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Walker
No - 4	
Councillors:	Ford, Saundercook, Stintz, Watson

Carried by a majority of 32.

Adoption of motion (j) by Councillor Di Giorgio:

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

Carried by a majority of 36.

Adoption of motion (b) by Councillor Holyday:

Yes - 39	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 38.

Adoption of motion (c) by Councillor Saundercook:

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

Carried by a majority of 36.

Adoption of motion (d) by Councillor Cho:

Yes - 16 Councillors:	Ashton, Augimeri, Carroll, Cho, Chow, De Baeremaeker, Feldman, Filion, Fletcher, Giambrone, Grimes, Jenkins, Kelly, Nunziata, Palacio, Saundercook
No - 24 Mayor: Councillors:	Miller Altobello, Balkissoon, Bussin, Cowbourne, Davis, Del Grande, Di Giorgio, Ford, Holyday, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Walker, Watson

Lost by a majority of 8.

Adoption of motion (e) by Councillor McConnell:

Yes - 39 Mayor: Councillors:	Miller Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 1 Councillor:	Ford

Carried by a majority of 38.

Adoption of motion (g) by Deputy Mayor Pantalone:

Yes - 39 Mayor: Councillors:	Miller Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 1	

Councillor: Ford

Carried by a majority of 38.

Adoption of motion (h) by Councillor Mihevc, moved by Councillor Saundercook in the absence of Councillor Mihevc:

Yes - 39	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 38.

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

Yes - 30	
Mayor:	Miller
Councillors:	Ashton, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz
No - 10	
Councillors:	Altobello, Augimeri, Balkissoon, Carroll, Del Grande, Feldman, Ford, Kelly, Walker, Watson

Carried by a majority of 20.

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

Yes - 39 Mayor: Miller Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 1 Councillor: Ford

Carried by a majority of 38.

Adoption of Clause, as amended:

Yes - 39 Mayor: Miller Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 1 Councillor: Ford

Carried by a majority of 38.

In summary, Council amended this Clause:

- (1) by referring Recommendations (B) and (C) of the Joint Committee to the Toronto Transit Commission, GO Transit and VIA Rail for comments to the Planning and Transportation Committee, prior to any decision, and the TTC, GO Transit and VIA Rail be encouraged to have a joint meeting on this matter and to invite the Council representatives on the TEDCO Board and the Chair of the Planning and Transportation Committee to attend the meeting;
- (2) by amending Recommendation (E) of the Joint Committee by inserting the word “public”,

prior to the word “consultation”, so that the recommendation now reads as follows:

- “(E) the appropriate City officials be requested to report to the appropriate committee should there be any deviation in the future from the Master Plan that places the Master Plan in contravention of the Secondary Plan; and that the necessary public consultation process take place prior to any change in the Master Plan.”;
- (3) in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report dated November 26, 2004, from the Commissioner of Urban Development Services:
- “It is recommended that City Council:
- (1) adopt the draft Master Plan prepared by the independent peer review team, incorporating the revisions set out in Appendix A, attached to this report;
 - (2) authorize staff to make minor amendments and corrections as necessary to put the Master Plan in final form;
 - (3) receive the attached submission (Appendix C) from GO Transit, for information; and
 - (4) authorize and direct the appropriate City Officials to take the necessary action to give effect thereto.”; and
- (4) by adding the following:
- “That:
- (a) in view of the \$20 million cost to Toronto per year, over the next 10 years, GO Transit be requested to prioritize the spending of a significant amount of this capital investment in City of Toronto capital priorities including Union Station;
 - (b) City Council request the Board of Directors of GO Transit to increase the number of escalators and elevators in Union Station, in order to properly access trains and ensure that the shed renovation is completed within a five-year time frame;
 - (c) the Chief Administrative Officer and the Mayor be requested to report to the Policy and Finance Committee no later than February 2005, on a process involving the TTC, TEDCO, and other appropriate officials, so as to reach a conclusion on how to achieve an Inter-City Bus Terminal that best serves its users in Toronto;
 - (d) the Commissioner of Urban Development Services, working with the public and the Union Pearson Group, be directed to find ways and means of implementing the bold new initiative contained in the Master Plan, as soon as possible;
 - (e) the Commissioner of Urban Development Services be requested to:

- (i) report, as soon as possible, to the Budget Advisory Committee and the Planning and Transportation Committee, as part of the 2005 budget process, on a budget, terms of reference and continuing the Master Plan with the urban design study for Union Station and its environs, as set out in the Master Plan document;
 - (ii) report to the Planning and Transportation Committee on plans for the integration of taxis into the fabric of Union Station, as previously requested by Council; and
 - (iii) report, as soon as possible, to the Planning and Transportation Committee on an urban design study; and
- (f) Toronto Heritage staff be requested to report to the Planning and Transportation Committee on a plan that includes public participation;
- (g) City officials, in consultation with the Toronto Railway Historical Association, consider locating the rail museum in the empty store area of Union Station on an interim basis and until the beginning of renovations.”

14.47 Planning and Transportation Committee Report 9, Clause 2, headed “Costs Related to the Union Station Master Plan Report, 61-71 Front Street West, Ward 28 - Toronto Centre-Rosedale”.

Vote:

Adoption of Clause, without amendment:

Yes - 39	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 38.

Mayor Miller in the Chair.

- 14.48 **Policy and Finance Committee Report 9, Clause 32, headed “Ontario Ministry of Energy Request for Proposals for 2,500 Megawatts of New Clean Generation and Demand-Side Projects”.**

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

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

Motion:

Mayor Miller moved that the Clause be amended by adding the following:

“That the supplementary report dated November 30, 2004, from the City Solicitor, be received.”

Votes:

The motion by Mayor Miller carried.

The Clause, as amended, carried.

- 14.49 **Council considered the following Clauses, as contained in North York Community Council Report 9, concurrently:**

Clause 12 - “Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to Permit Driveway Widening for a Second Parking Space at 342 St. Germain Avenue (Ward 16 - Eglinton-Lawrence)”.

Clause 13 - “Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to Permit Angled Driveway Widening at 164 Lawrence Avenue West (Ward 16 - Eglinton-Lawrence)”.

- Clause 14** - **“Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to Permit Angled Driveway Widening at 116 Lawrence Avenue West (Ward 16 - Eglinton-Lawrence)”**.
- Clause 15** - **“Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to Permit Driveway Widening for a Second Parking Space at 30 Deloraine Avenue (Ward 16 - Eglinton-Lawrence)”**.
- Clause 16** - **“Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to Permit Driveway Widening for a Second Vehicle at 35 Briar Hill Avenue (Ward 16 - Eglinton-Lawrence)”**.

Motion:

Councillor Holyday moved that the Clauses be referred to the Works Committee for further consideration.

Permission to Withdraw Motion:

Councillor Holyday, with the permission of Council, withdrew his motion.

Vote:

Adoption of Clauses 12, 13, 14, 15 and 16 of North York Community Council Report 9, without amendment:

Yes - 32	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Grimes, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Walker, Watson
No - 3	
Councillors:	Del Grande, Ford, Holyday

Carried by a majority of 29.

Deputy Mayor Feldman in the Chair.

14.50 **Scarborough Community Council Report 8, Deferred Clause 7a, headed “Elimination of Sidewalks on Starry Crescent and Boulderbrook Drive (Ward 42 - Scarborough Rouge River)”.**

Motion:

Councillor Pitfield moved that consideration of this Clause be deferred to the next regular meeting of City Council on February 1, 2005, in order to allow sufficient time for community consultation.

Vote:

The motion by Councillor Pitfield carried.

14.51 **Planning and Transportation Committee Report 9, Clause 5, headed “Bill 135 (Proposed Greenbelt Act) and the Greenbelt Draft Plan, and Bill 136 (Proposed Greater Golden Horseshoe Growth Plan)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Altobello moved that Council adopt the following:

“That the following staff recommendations contained in the Recommendations Section of the supplementary report dated November 9, 2004, from the Commissioner of Urban Development Services, be adopted:

‘It is recommended that:

- (1) the Mayor write to the Minister of Municipal Affairs and Housing to:
 - (a) commend the Province on the introduction of Bill 135 and the draft Greenbelt Plan to establish a permanent Greenbelt across the Greater Golden Horseshoe area as part of an overall strategy to manage growth in the Greater Golden Horseshoe;
 - (b) communicate Council’s support for the draft Greenbelt Plan with the proviso that:
 - (i) section 9 of Bill 135 (the proposed *Greenbelt Act*) be amended to ensure that amendments made to official plans to bring them into conformity with the Greenbelt Plan not be subject to appeal to the Ontario Municipal Board;

- (ii) the Toronto Official Plan, 2002 and the Rouge Park Management Plan be relied upon in determining the exact boundaries of protected natural features in the lower Rouge area in the final version of the Greenbelt Plan;
 - (iii) support the establishment of an Advisory Council for the Greenbelt as provided for in section 15 of the proposed *Greenbelt Act* and described in the draft Greenbelt Plan. The membership of the Advisory Council should include all affected municipalities and representation from the health sector;
 - (iv) request the Greenbelt Plan include provision for the appropriate development and placement of alternative “green” energy generation infrastructure within the Greenbelt Area; and
 - (v) consider ways, including amendments to the *Planning Act*, to enable municipalities to protect significant local natural heritage features and functions, green spaces, natural corridors and hydrologic features and functions in those parts of the Greater Golden Horseshoe that lie outside of the Greenbelt; and
- (2) the Mayor write to the Minister of Public Infrastructure Renewal to:
- (a) include in the forthcoming Growth Plan for the Greater Golden Horseshoe policies that:
 - (i) identify Scarborough Centre and Etobicoke Centre, as designated by the City of Toronto Official Plan;
 - (ii) discourage low density, automobile dependant development;
 - (iii) strengthen transit and alternative transportation modes, optimize the use of existing highway infrastructure, and promote development and intensification along established transportation corridors in order to avoid or significantly reduce the need for future highway expansions which could cut through the Greenbelt; and

- (iv) recognize the importance of local natural heritage systems outside of the Greenbelt and their role in maintaining the ecological integrity of the Greenbelt system and include policies to enhance protection of these local systems.’ ”

Votes:

The motion by Councillor Altobello carried.

The Clause, as amended, carried.

14.52 Works Committee Report 10, Clause 4, headed “Status of Negotiations of Outstanding Issues with Eastern Power Limited”.

Motions:

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

“That the following staff recommendation contained in the Recommendation Section of the confidential report dated November 30, 2004, from the Acting Commissioner of Works and Emergency Services, be adopted, such recommendation is 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 Council approve the new lease agreement and an amendment to the existing lease between Eastern Power Limited and the City of Toronto at the Brock West Landfill site, as set out in Administration Committee Report 9, Clause 31.’ ”

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

“That the Chief Financial Officer and Treasurer be requested to submit to the February 2005, meeting of the Policy and Finance Committee, a copy of Corporate Services Committee Report 4, Clause 6, headed ‘Insurance Claims Administration’, which was adopted by City Council on April 13, 14 and 15, 1999, for the purpose of reviewing the role of the ‘Claims Review Group’ and amending the policy to include a more current process of reporting to City Council on all claim settlements.”

Votes:

Motion (a) by Councillor Pitfield carried.

Motion (b) by Councillor Balkissoon carried.

The Clause, as amended, carried.

14.53 **Planning and Transportation Committee Report 6, Deferred Clause 4b, headed “Taxicab Driver Safety”.**

Motion:

Councillor Moscoe moved that consideration of this Clause be deferred to the next regular meeting of City Council on February 1, 2005, and the Clause be designated as a ‘time sensitive’ matter.

Vote:

Adoption of motion by Councillor Moscoe:

Yes - 26	
Councillors:	Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Holyday, Jenkins, Li Preti, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Soknacki, Walker, Watson
No - 7	
Councillors:	Altobello, Balkissoon, Ford, Grimes, Milczyn, Saundercook, Stintz

Carried by a majority of 19.

14.54 **Administration Committee Report 9, Clause 31, headed “Long Term Lease and Amendment to Lease - Part of Brock West Landfill Site (Pickering)”.**

Motion:

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

“That the following staff recommendation contained in the Recommendation Section of the confidential report dated November 30, 2004, from the Acting Commissioner of Works and Emergency Services be adopted, such recommendation is 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 Council approve the new lease agreement and an amendment to the existing lease between Eastern Power Limited and the City of

Toronto at the Brock West Landfill site, as set out in Administration Committee Report 9, Clause 31.’ ”

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

14.55 North York Community Council Report 9, Clause 24, headed “Request to Re-open Laneway - North of Eglinton Avenue West From Times Road East to Marlee Avenue (Ward 15 - Eglinton-Lawrence)”.

Motion:

Councillor Ford moved that:

- (1) the Clause be referred back to North York Community Council; and
- (2) the Acting Commissioner of Works and Emergency Services be requested to report to the North York Community Council on the exact cost of:
 - (a) removing vegetation which obscures existing lighting; and
 - (b) increasing the illumination in the laneway where necessary.

Votes:

Adoption of motion by Councillor Ford:

Yes - 4 Councillors:	Del Grande, Ford, Milczyn, Stintz
No - 22 Mayor: Councillors:	Miller Balkissoon, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Walker, Watson

Lost by a majority of 18.

Adoption of Clause, without amendment:

Yes - 24	
Mayor:	Miller
Councillors:	Balkissoon, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Holyday, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Stintz, Walker, Watson
No - 2	
Councillors:	Del Grande, Ford

Carried by a majority of 22.

14.56 **Council considered the following Clauses, as contained in North York Community Council Report 9, concurrently:**

- Clause 25** - **“Request for Poll - Speed Hump Plan - Belgravia Avenue Between Times Road and Marlee Avenue (Ward 15 - Eglinton-Lawrence)”.**
- Clause 26** - **“Request for Poll - Speed Hump Plan - Glengrove Avenue from Haven Road to Ennerdale Road (Ward 15 - Eglinton-Lawrence)”.**
- Clause 27** - **“Request for Poll - Speed Hump Plan - Whitmore Avenue between Dufferin Street and Locksley Avenue (Ward 15 - Eglinton-Lawrence)”.**
- Clause 28** - **“Request for Poll - Speed Hump Plan - Hillmount Avenue between Dalemount Avenue and Shermount Avenue (Ward 15 - Eglinton-Lawrence)”.**
- Clause 45** - **“Request for Poll - Speed Hump Plan - Ridgevale Drive (Ward 15 - Eglinton-Lawrence)”.**

Procedural Motion:

Councillor Moscoe, at 3:58 p.m. on December 1, 2004, moved that Council vary the order of its proceedings to consider North York Community Council Report 9, Clauses 25, 26, 27, 28 and 45, at the conclusion of Council’s consideration of Joint Administration Committee and Planning and Transportation Committee Report 1, Clause 1, headed “Report on the Union Station Draft Master

Plan 61 - 71 Front Street West (Toronto Centre-Rosedale - Ward 28)", the vote upon which was taken as follows:

Yes - 34	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 32.

Vote:

Adoption of North York Community Council Report 9, Clauses 25, 26, 27, 28 and 45, without amendment:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Bussin, Cho, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Stintz, Walker, Watson
No - 7	
Councillors:	Carroll, Del Grande, Ford, Holyday, Kelly, Minnan-Wong, Pitfield

Carried by a majority of 19.

14.57 Toronto and East York Community Council Report 9, Clause 9, headed "Final Report - Application to Amend the Official Plan and Zoning By-law - 40 The Esplanade (Toronto Centre-Rosedale, Ward 28)".

The Clause was submitted without recommendation.

Motion:

Councillor McConnell moved that consideration of the Clause be deferred to the next regular meeting of City Council on February 1, 2005, and the appropriate City staff, in consultation with the applicant, be requested to report to Council on February 1, 2005, on ways to reconfigure the space within the podium in order to:

- (a) examine the feasibility of eliminating above-ground parking;
- (b) have uses on all four walls that animate the neighbourhood at street level;
- (c) provide uses for the space that create an appropriate facing condition for neighbouring buildings; and
- (d) provide recreational amenity space that meets zoning by-law requirements;

such report to address options for ways to accomplish any further adjustments to the heights of the towers.

Vote:

The motion by Councillor McConnell carried.

14.58 Policy and Finance Committee Report 9, Clause 51, headed “Pre-Approval Request for 2005 Capital Projects”.

Mayor Miller in the Chair.

Motions:

- (a) Councillor Soknacki moved that the Clause be amended in accordance with the following recommendations of the Budget Advisory Committee contained in the communication dated November 26, 2004, from the Budget Advisory Committee:

“The Budget Advisory Committee recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (November 16, 2004) from the Chief Financial Officer and Treasurer, subject to amending Appendices 2 and 3 as follows:

- (A) that Appendix 2 be amended as follows:

Solid Waste:

- (a) Source Separated Organics in North York – that the amount of \$3,000.0

under the 2005 Requested Cashflow be changed to \$0.0, and that the \$3,000.0 for this project be referred to the 2005 Capital Budget Review process for consideration with the Solid Waste Program;

Fire:

- (b) CAD/RMS – Computer Aided Dispatch System – that the amount of \$4,590.0 under Commitments and Debt be changed to \$1,715.0, and that the balance be referred to the 2005 Capital Budget Review process for consideration with the Fire Services Program;
- (c) Replace Station 1 – West Command – that this project be referred to the 2005 Capital Budget Review process for consideration with the Fire Services Program;

Transportation:

- (d) Morningside Avenue/Finch Avenue Grade Separation – that the name of the project be amended to read “North York Centre Acquisition”, and that the amount of \$1,989.0 under Commitments and Debt be changed to \$198.8;
- (e) Front Street Delivery (Full Recoverable) – that this project be referred to the 2005 Capital Budget Review process for consideration with the Transportation Program;

Culture:

- (f) Casa Loma Exterior Restoration – that the Ward number be changed to 22;

Information and Technology:

- (g) that the last two projects “Disaster Recovery” and “Network Security Upgrade” under Information and Technology be deleted, as they are listed twice;

End of Lease:

- (h) End of Lease Buyout – that this project be deleted and transferred to the 2004 Carry-forward;

Toronto Public Library:

- (i) Public Database Remediation – that the amount of \$500.0 under Commitments and Debt be changed to \$75.0;

- (j) Intranet Document Management – that the amount of \$312.0 under Commitments and Debt be changed to \$47.0;

TTC:

- (k) SRT Car Overhaul Program – that the amount of \$2,349.0 under Commitments be changed to \$300.0, and that the amounts under Provincial Subsidy & Other and Debt be amended accordingly;
- (l) Streetcar Overhaul Program – that the amount of \$17,272.0 under Commitments be changed to \$1,500.0, and that the amounts under Provincial Subsidy & Other and Debt be amended accordingly;
- (m) Subway Car Overhaul Program – that the amount of \$13,437.0 under Commitments be changed to \$11,200.0, and that the amounts under Provincial Subsidy & Other and Debt be amended accordingly;
- (n) Rail Non-Revenue Vehicle Overhaul – that the amount of \$889.0 under Commitments be changed to \$400.0, and that the amounts under Provincial Subsidy & Other and Debt be amended accordingly; and
- (o) Rail Non-Revenue Vehicle Purchase – that the amount of \$3,256.0 under Commitments be changed to \$1,500.0, and that the amounts under Provincial Subsidy & Other and Debt be amended accordingly;

- (B) that Appendix 3 be amended as follows:

Emergency Medical Services:

- (a) Ambulance Multiple Book-On Utilization Station – that this project be referred to the 2005 Capital Budget Review process for consideration with the Emergency Medical Services Program;

Solid Waste:

- (b) Source Separated Organics in North York – that this project be referred to the 2005 Capital Budget Review process for consideration with the Solid Waste Program;
- (c) Transfer Stations Asset Management – that the amount of \$3,090.0 under Commitments and Debt be changed to \$500.0, and that the amount of \$772.5 under 2005 Cashflow and Debt be changed to \$500.0;

Parks and Recreation:

- (d) 61 Edgehill Road – Fire and Safety Code Work – that the Ward number be changed to 4;

Toronto Public Library:

- (e) Toronto Reference Library Renovation and Retrofit 2005 – that the amount of \$2,000.0 under Commitment be changed to \$50.0 and the amount of \$1,953.0 under Debt be changed to \$3.0 respectively, and that the amounts of \$50.0 under 2005 Cashflow and Debt be changed to \$47.0 under Development Charges and \$3.0 under Debt respectively; and

Exhibition Place:

- (f) Trigeneration Project – that this project be deleted.”,

subject to a pre-approval commitment of \$250,000.00 gross and net to the Parks and Recreation Capital Budget to ensure the continued implementation of the Tree Advocacy Program, in order to secure the necessary plant materials (e.g., appropriate species and sizes) for the 2005 spring planting season.

Deputy Mayor Feldman in the Chair.

- (b) Councillor Watson moved that motion (a) by Councillor Soknacki be amended by adding the following:

“and that Appendix 3, headed ‘Recommended 2005 Pre-approval for New and Change in Scope Projects/Sub-Projects’, to the report (November 16, 2004) from the Chief Financial Officer and Treasurer, be further amended to provide that under Toronto Parking Enforcement, the Handheld Parking Device project be approved, subject to the Chief Administrative Officer for the City of Toronto, the Chief Administrative Officer for the Toronto Police Service, and the President of the Toronto Parking Authority agreeing on a common technology for handheld devices for parking ticket issuance.”

Votes:

Motion (b) by Councillor Watson carried.

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

The Clause, as amended, carried.

14.59 Policy and Finance Committee Report 9, Clause 58, headed “Measures Needed Respecting Homelessness Issues”.

Mayor Miller in the Chair.

The Clause was submitted without recommendation.

Motions:

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

“That the following staff recommendations contained in the Recommendations Section of the supplementary report dated November 29, 2004, from the Chief Administrative Officer and the Commissioner of Community and Neighbourhood Services, be adopted:

‘It is recommended that:

- (1) Council approve additional services as a component of the City’s Winter Plan to assist homeless persons access better alternatives than sleeping outside. These services to include a temporary emergency shelter facility for single adults and couples of up to 80 beds with an assessment and referral service located at 110 Edward Street; and extended hours of operation for a number of drop-in centres;
- (2) Council approve the Shelter, Housing and Support 2005 Budget Request for an 80-bed mixed adults shelter for the period December 1, 2004 through May 31, 2005, as a new initiative under the Winter Plan for \$1,073,775.00 gross and \$0 net with \$710,563.00 funded from MHIF and \$363,212.00 from provincial cost-sharing, including 26 temporary positions;
- (3) Council approve the Shelter, Housing and Support 2005 Budget Request for an assessment and referral service from December 1, 2004 through May 31, 2005, as a new initiative under the Winter Plan for \$415,055.00 gross and \$0 net with \$207,527.00 funded from MHIF including 7.7 temporary positions;
- (4) Council approve the allocation of \$207,527.00 from the Supporting Communities Partnership Initiative for the operation of the assessment and referral service from December 1, 2004 to May 31, 2005, representing 50 percent of the total costs;

- (5) the purpose of the Mayor's Homelessness Initiative Reserve Fund be revised as follows: Provides funding for one-time capital and/or operating support to projects which help homeless people move towards stable housing, in particular, hostel users, street homeless and high risk groups;
- (6) given the temporary nature of the proposed shelter at 110 Edward Street (the Laughlen Centre), Council waive the following requirements for the establishment of a new shelter at this location on a one-time basis only:
 - (a) "moratorium on the location of new municipal shelters where no municipal shelter sites be approved in wards having 500 or more municipal shelter beds"; and
 - (b) "deliberations at the respective Community Council, in addition to the Community Services Committee";
- (7) Council approve the re-allocation of up to \$80,000.00 gross and \$0 net within the Community Partnership and Investment Program from the City of Toronto Homeless Initiatives Fund to fund winter drop-in extended hours;
- (8) the Commissioner of Community and Neighbourhood Services be delegated authority to sign agreements with community agencies to fund winter drop-in extended hours up to a maximum of \$80,000.00 as per Recommendation (7);
- (9) Council urge the federal and provincial governments to provide new permanent housing options, rent supplements, housing supports, mental health services, addiction treatment, detox facilities and infirmary beds to assist homeless persons access better and more appropriate alternatives than living in the streets or long-term use of shelters;
- (10) the Commissioner of Community and Neighbourhood Services report back to Council as soon as possible in the New Year on actions necessary to implement additional new housing solutions and also on actions to improve co-ordination of services to the homeless by the correctional system, hospitals, mental health and addiction treatment agencies;
- (11) this report and any actions taken by Council be forwarded to the next meeting of the Advisory Committee on Homeless and Socially Isolated Persons for their information and input in finding solutions to homelessness in Toronto;

- (12) this report be forwarded to Budget Advisory Committee for its information; and
- (13) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

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

“That the Commissioner of Community and Neighbourhood Services be requested to investigate the feasibility of converting the property at 110 Edward Street to permanent affordable housing following the closure of the temporary winter facility, and to hold discussions with appropriate parties and report to the Community Services Committee in early 2005 on the outcome of these discussions.”

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

“That:

- (1) squatters who intend to sleep on Nathan Phillips Square be offered shelter and counselling at 110 Edward Street, and, if this is refused, staff be directed to use the provisions of the *Trespass Act*, and/or the same legislation used by the Ontario Legislature, to remove squatters from Nathan Phillips Square; and
- (2) the City Solicitor and the Commissioner of Community and Neighbourhood Services be requested to report to Council for its meeting on February 1, 2005, through the Community Services Committee, on recommendations required to modify City by-laws to allow for the removal of squatters who wish to remain overnight on Nathan Phillips Square.”

Councillor Mammoliti in the Chair.

(d) Councillor Holyday moved motion (a) by Councillor Chow be amended by adding the following:

“subject to:

- (1) deleting the dates ‘December 1, 2004 through May 31, 2005’ wherever they occur, and inserting instead the dates ‘December 15, 2004 through April 15, 2005’;
- (2) reducing the budget for this project by one-third plus \$80,000.00;

- (3) deleting Recommendation (6)(b); and
- (4) adding the following new Recommendation:

‘That the local Councillor and staff notify all residents within a three block radius and hold a public meeting prior to December 15, 2004.’ ”

- (e) Councillor Stintz moved that Council adopt the following:

“That a performance target of 30 percent be established at the 110 Edward Street shelter to support the transition of homeless/underhoused persons to appropriate transitional/affordable housing.”

Mayor Miller in the Chair.

- (f) Councillor Carroll moved that motion (c) by Councillor Minnan-Wong be amended by deleting the word “squatters” wherever it occurs, and inserting instead the words “homeless persons”.

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

“That the Commissioner of Community and Neighbourhood Services be requested to report monthly to the Community Services Committee on the number of homeless people still sleeping on the streets in the Downtown area, and on what measures have been taken each month to reduce these numbers.”

Councillor Mammoliti in the Chair.

Mayor Miller in the Chair.

Votes:

Adoption of motion (d) by Councillor Holyday:

Yes - 5 Councillors:	Ford, Holyday, Milczyn, Minnan-Wong, Nunziata
No - 25 Mayor:	Miller

Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Kelly, Lindsay Luby, Mammoliti, Mihevc, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Stintz, Walker
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Lost by a majority of 20.

Motion (b) by Councillor Pitfield carried.

Motion (f) by Councillor Carroll carried.

Ruling by Mayor:

Mayor Miller ruled Part (1) of motion (c) by Councillor Minnan-Wong out of order, as Nathan Phillips Square is a public square and does not come under the jurisdiction of the *Trespass Act*.

Mayor Miller also declared Part (2) of motion (c) by Councillor Minnan-Wong, redundant.

Based on the Mayor's rulings, motion (f) by Councillor Carroll was also deemed redundant.

Votes:

Adoption of motion (e) by Councillor Stintz:

Yes - 20	
Councillors:	Cho, Chow, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Ford, Holyday, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pitfield, Shiner, Soknacki, Stintz
No - 10	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cowbourne, Davis, Kelly, Pantalone, Walker

Carried by a majority of 10.

Adoption of motion (g) by Councillor Cho:

Yes - 18

Councillors:	Carroll, Cho, Chow, Cowbourne, Del Grande, Feldman, Fillion, Ford, Holyday, Kelly, Mihevc, Milczyn, Nunziata, Palacio, Pitfield, Shiner, Stintz, Walker
No - 12	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Davis, De Baeremaeker, Fletcher, Lindsay Luby, Mammoliti, Minnan-Wong, Pantalone, Soknacki

Carried by a majority of 6.

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

Yes - 27	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fillion, Fletcher, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Stintz, Walker
No - 3	
Councillors:	Ford, Holyday, Nunziata

Carried by a majority of 24.

In summary, Council adopted the following:

“That:

- (1) the following staff recommendations contained in the Recommendations Section of the supplementary report dated November 29, 2004, from the Chief Administrative Officer and the Commissioner of Community and Neighbourhood Services, be adopted:

‘It is recommended that:

- (1) Council approve additional services as a component of the City’s Winter Plan to assist homeless persons access better alternatives than sleeping outside. These services to include a temporary emergency shelter facility for single adults and couples of up to 80 beds with an assessment and referral service located at 110 Edward Street; and extended hours of operation for a number of

drop-in centres;

- (2) Council approve the Shelter, Housing and Support 2005 Budget Request for an 80-bed mixed adults shelter for the period December 1, 2004 through May 31, 2005, as a new initiative under the Winter Plan for \$1,073,775.00 gross and \$0 net with \$710,563.00 funded from MHIF and \$363,212.00 from provincial cost-sharing, including 26 temporary positions;
- (3) Council approve the Shelter, Housing and Support 2005 Budget Request for an assessment and referral service from December 1, 2004 through May 31, 2005, as a new initiative under the Winter Plan for \$415,055.00 gross and \$0 net with \$207,527.00 funded from MHIF including 7.7 temporary positions;
- (4) Council approve the allocation of \$207,527.00 from the Supporting Communities Partnership Initiative for the operation of the assessment and referral service from December 1, 2004 to May 31, 2005, representing 50 percent of the total costs;
- (5) the purpose of the Mayor's Homelessness Initiative Reserve Fund be revised as follows: Provides funding for one-time capital and /or operating support to projects which help homeless people move towards stable housing, in particular, hostel users, street homeless and high risk groups;
- (6) given the temporary nature of the proposed shelter at 110 Edward Street (the Laughlen Centre), Council waive the following requirements for the establishment of a new shelter at this location on a one-time basis only:
 - (a) "moratorium on the location of new municipal shelters where no municipal shelter sites be approved in wards having 500 or more municipal shelter beds"; and
 - (b) "deliberations at the respective Community Council, in addition to the Community Services Committee";
- (7) Council approve the re-allocation of up to \$80,000.00 gross and \$0 net within the Community Partnership and Investment Program from the City of Toronto Homeless Initiatives Fund to fund winter drop-in extended hours;
- (8) the Commissioner of Community and Neighbourhood Services be delegated authority to sign agreements with community agencies to

fund winter drop-in extended hours up to a maximum of \$80,000.00 as per Recommendation (7);

- (9) Council urge the federal and provincial governments to provide new permanent housing options, rent supplements, housing supports, mental health services, addiction treatment, detox facilities and infirmary beds to assist homeless persons access better and more appropriate alternatives than living in the streets or long-term use of shelters;
 - (10) the Commissioner of Community and Neighbourhood Services report back to Council as soon as possible in the New Year on actions necessary to implement additional new housing solutions and also on actions to improve co-ordination of services to the homeless by the correctional system, hospitals, mental health and addiction treatment agencies;
 - (11) this report and any actions taken by Council be forwarded to the next meeting of the Advisory Committee on Homeless and Socially Isolated Persons for their information and input in finding solutions to homelessness in Toronto;
 - (12) this report be forwarded to Budget Advisory Committee for its information; and
 - (13) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’;
- (2) the Commissioner of Community and Neighbourhood Services be requested to report monthly to the Community Services Committee on the number of homeless people still sleeping on the streets in the Downtown area, and on what measures have been taken each month to reduce these numbers;
 - (3) the Commissioner of Community and Neighbourhood Services be requested to investigate the feasibility of converting the property at 110 Edward Street to permanent affordable housing following the closure of the temporary winter facility, and to hold discussions with appropriate parties and report to the Community Services Committee in early 2005 on the outcome of these discussions; and
 - (4) a performance target of 30 percent be established at the 110 Edward Street shelter to support the transition of homeless/underhoused persons to appropriate transitional/affordable housing.”

14.60 **Planning and Transportation Committee Report 9, Clause 3, headed “2195 Yonge Street - Minto Construction Activity Ward 22 - St. Paul’s”.**

Motion:

Councillor Walker moved that the Clause be received.

Vote:

The motion by Councillor Walker carried.

14.61 **Administration Committee Report 9, Clause 26, headed “Software Maintenance Contract-Renewal Three (3) Years - Computer Associates Canada Company”.**

The Clause was submitted without recommendation.

Motion:

Councillor Del Grande moved that Council adopt the following:

“That:

- (1) the staff recommendations contained in the Recommendations Section of the report dated October 26, 2004, from the Commissioner of Corporate Services, as contained in the Clause, be adopted; and
- (2) the Commissioner of Corporate Services be requested to submit, to the Administration Committee, a comprehensive listing of all computer maintenance contracts, their expiry dates and related costs.”

Votes:

The motion by Councillor Del Grande carried.

The Clause, as amended, carried.

14.62 **Administration Committee Report 9, Clause 5, headed “Service Improvement Review for Printing and Reproduction Services”.**

Motion:

Councillor Carroll, seconded by Councillor Watson, moved that the Clause be amended by:

- (1) deleting Recommendation (1) contained in the staff report dated October 28, 2004, from the Commissioner of Corporate Services, as amended by the Administration Committee, and inserting instead the following new Recommendation (1):

“(1) City Council authorize the Printing and Distribution Unit to be the City’s Printer and Copier of Record and adopt a policy on offset printing services and high-speed copy services (Attachment 1 to the report dated October 28, 2004, from the Commissioner of Corporate Services) setting out all Printing and Distribution Unit and client roles and responsibilities for all internal print and copy services and and/or brokering external print and copy services, subject to staff conducting semi-annual benchmarking of costs in comparison with the private sector, conducting annual meetings with clients to review costs and service requirements and reporting bi-annually to City Council on service improvements achieved;” and

- (2) adding the following:

“That:

- (a) the proposed policy not apply to Members of Council; and
- (b) the Director of Purchasing and the Chief Financial Officer and Treasurer, in conjunction with the Printing and Distribution Unit, be directed to explore options to procure used printing equipment through auction, or any other means, should the opportunity arise in the market place, and report back to Administration Committee in March 2005.”

Votes:

The motion by Councillor Carroll, seconded by Councillor Watson, carried.

The Clause, as amended, carried.

14.63 Policy and Finance Committee Report 9, Clause 4, headed “City of Toronto Support of the GO Transit Capital Growth/Enhancement Program”.

Vote:

The Clause was adopted, without amendment.

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

14.64 **Toronto and East York Community Council Report 9, Clause 42, headed “Short-Term Parking Area - Carlaw Avenue in the Vicinity of Our Happiness Day Care (Toronto-Danforth, Ward 29)”.**

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

Councillor Ootes, 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 Ootes moved that the Clause be by deleting from Recommendation (4) contained in the report dated October 27, 2004, from the Director, Transportation Services, South District, the words “from a point 22 metres north of Danforth Avenue to a point 22 metres north thereof”, and inserting instead the words “from a point 22 metres north of Danforth Avenue to a point 16 metres north thereof”, so that Recommendation (4) shall now read as follows:

- “(4) a ‘No Parking, from 9:00 a.m. to 11:30 a.m., 1:00 p.m. to 3:00 p.m., and 6:00 p.m. to 7:00 a.m., Monday to Friday and Anytime, Saturdays, Sundays and Public Holidays’ regulation be established on the east side of Carlaw Avenue from a point 22 metres north of Danforth Avenue to a point 16 metres north thereof; and”.

Votes:

The motion by Councillor Ootes carried.

The Clause, as amended, carried.

14.65 **Policy and Finance Committee Report 9, Clause 43, headed “Funding Pressures in Provincial/Municipal Cost-sharing Programs”.**

Motion:

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

- “That the Province of Ontario be again requested to phase out dependence on the property

tax system to pay for income redistributive programs like the Ontario Disability Support Program (ODSP), Ontario Drug Benefits (ODB), Child Care, Hostel Allowances and other such programs.”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

14.66 Administration Committee Report 9, Clause 24, headed “Improved Service to the Public through Introduction of ‘3-1-1’ (All Wards)”.*Motions:*

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

“That Council adopt the following Staff Recommendations (1), (2) and (3) contained in the report dated November 3, 2004, from the Chief Administrative Officer:

- ‘(1) the introduction of a Toronto “3-1-1” customer service model be phased-in over the next three years to successfully manage each phase of implementation, build early public confidence in the service, and allow for sufficient time to complete internal business process reviews;
- (2) the “3-1-1” improved customer services contained in Appendix “A”, be implemented by a Phase One launch of the “3-1-1” Service Gateway on the City Web site in December, 2005; a Phase Two launch of the expanded services to be provided by telephone in June, 2006 and, a Phase Three enhancement of “3-1-1” programs and services by December 2007 as Council may direct for implementation;
- (3) an external validation process on the “3-1-1” project plan and transition steps be implemented at a cost not to exceed \$60,000;”.

Deputy Mayor Bussin in the Chair.

Mayor Miller in the Chair.

Deputy Mayor Bussin in the Chair.

- (b) Councillor Minnan-Wong moved that:

- (1) City Council support the principle of a centralized call centre to City information and services; and
- (2) the Clause be referred back to the Administration Committee, with a request that the Chief Administrative Officer submit a further report to the Committee providing comprehensive details on project layout of the components of each phase, with a detailed analysis of the costing of each phase inclusive of capital, operating and consulting costs, and the resources needed from each Department to provide better front line service standards.

- (c) Mayor Miller moved that motion (b) by Councillor Minnan-Wong be amended by adding the following words:

“and that Council strike a Councillor-Staff Working Group with respect to 3-1-1 consisting of the Chair of the e-City Committee, one additional member of the e-City Committee and one member of each Standing Committee to be appointed by the Standing Committees”.

- (d) Councillor Chow moved that motion (b) by Councillor Minnan-Wong be amended by:

(1) inserting in Part (2), after the words “a further report”, the words “in January 2005”;
and

(2) adding the following words:

“and that the communication (undated) from Councillor Chow, entitled ‘Assessment of Multilingual Services Provided by the City of Toronto’, be referred to the Councillor-Staff Working Group on 3-1-1”.

Mayor Miller in the Chair.

- (e) Councillor Davis moved that Part (2) of motion (b) by Councillor Minnan-Wong be amended by inserting, after the words “request that the Chief Administrative Officer”, the words “in conjunction with the Councillor-Staff Working Group”.

- (f) Councillor Del Grande moved that motion (b) by Councillor Minnan-Wong be amended by adding the following:

“and the Chief Administrative Officer be requested to submit, to the Administration Committee, a summary listing of the preparedness of all departments for a 3-1-1 system”.

- (g) Councillor Li Preti moved that motion (b) by Councillor Minnan-Wong be amended by adding the following:

“and the Chief Administrative Officer be requested to report to the Administration Committee on options on how to improve existing versus business services”.

- (h) Councillor Milczyn moved that Part (2) of motion (b) by Councillor Minnan-Wong be amended by inserting, after the words “further report to the Committee”, the words “through the e-City Committee”.

- (i) Councillor Filion moved that Part (1) of motion (b) by Councillor Minnan-Wong be referred to the Councillor-Staff Working Group on 3-1-1.
- (j) Councillor Mihevc moved that motion (b) by Councillor Minnan-Wong be amended by adding the following:

“and that the Chief Administrative Officer be requested to investigate and include accessibility options for disabled people in the development of 3-1-1”.
- (k) Councillor Soknacki moved that Part (2) of motion (b) by Councillor Minnan-Wong be amended by deleting the words “further report”, and inserting instead the words “preliminary report, if necessary, in January 2005 for budget purposes”.

Vote on Referral:

Motion (b) by Councillor Minnan-Wong, as amended by motions (c) to (k), carried.

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

In summary, Council referred this Clause back to the Administration Committee for further consideration.

Council also adopted the following:

“That:

- (1) a Councillor-Staff Working Group be struck with respect to 3-1-1, consisting of the Chair of the e-City Committee, one additional member of the e-City Committee and one member of each Standing Committee to be appointed by the Standing Committees;
- (2) the communication (undated) from Councillor Chow, entitled ‘Assessment of Multilingual Services Provided by the City of Toronto’, be referred to the Councillor-Staff Working Group on 3-1-1;
- (3) the following motion be referred to the Councillor-Staff Working Group on 3-1-1:

Moved by Councillor Minnan-Wong:

‘That City Council support the principle of a centralized call centre to City information and services’;

- (4) the Chief Administrative Officer, in conjunction with the Councillor-Staff Working Group on 3-1-1, be requested to submit a preliminary report, if necessary, in January 2005 for budget purposes, to the Administration Committee, through the e-City Committee, providing comprehensive details on the project layout of the components of each phase of the 3-1-1 initiative, with a detailed analysis of the costing of each phase, inclusive of Capital, Operating and consulting costs, and the resources needed from each Department to provide better front-line service standards and to investigate and include accessibility options for disabled people in the development of 3-1-1; and
- (5) the Chief Administrative Officer be requested to:
 - (a) submit, to the Administration Committee, a summary listing of the preparedness of all departments for a 3-1-1 system; and
 - (b) report to the Administration Committee on options on how to improve existing versus business services.”

14.67 Scarborough Community Council Report 9, Clause 26, headed “Request for Direction - Rezoning Application 03 035266 ESC 44 OZ, Official Plan Amendment Application 03 035716 ESC 44 OZ, Site Plan Control Application 04 116702 ESC 44 SA, Sundance Development Corp, - 4 Tideswell Boulevard, West Side Rouge Community (Ward 44 - Scarborough East)”.

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

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

“That the following staff recommendation contained in the Recommendation Section of the confidential report dated November 30, 2004, from the City Solicitor, be adopted, such recommendation is now public and the balance of the report remains confidential, in

accordance with the provisions of the *Municipal Act*, as it contains information pertaining to litigation or potential litigation:

‘It is recommended that City Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board to represent the City’s interests and support the proposed settlement regarding the Site Plan Control Application and further request that the Ontario Municipal Board defer the issuance of its final order on the Site Plan Control Application until all outstanding Site Plan matters have been addressed to the satisfaction of commenting City Departments and relevant agencies, subject to the Principles of Site Plan Settlement as substantially outlined in Appendix 2 of this report.’ ”

Votes:

The motion by Councillor Cowbourne carried.

The Clause, as amended, carried.

- 14.68 **North York Community Council Report 9, Clause 34, headed “Final Report - OPA and Rezoning Application – 03 193501 NNY 23 OZ - Site Plan Application 03 193513 NNY 23 SA - Michael Kraljevic, Deltera Inc. – Rafael & Bigauskas Architects - Block bounded by Finch Avenue West, Duplex Avenue, Hendon Avenue and Greenview Avenue; and North York Centre Secondary Plan (Ward 23 - Willowdale - Development Site) (Wards 23 & 24 - Willowdale - Proposed General Official Plan Amendment)”**.

Motion:

Councillor Filion moved that the Clause be amended by amending staff Recommendations (1) and (7)(a)(iv) contained in the Recommendations Section of the report dated November 3, 2004, from the Director, Community Planning, North District, Urban Development Services, as contained in the Clause, to now read as follows:

“(1) amend the North York Centre Secondary Plan substantially in accordance with the draft Official Plan Amendment contained in Attachment 8, and enact the necessary Bill;” and

“(7)(a)(iv) a monetary contribution toward the cost of land acquisition for the North York Centre Service Road and/or toward the cost of constructing and furnishing a Public Recreation Centre serving the North York Centre, for the proposed 13,247 m² density incentive, in accordance with the provisions of the proposed general Official Plan Amendment (Attachment 8), with the required monies to be paid to the City, in a form

satisfactory to the City Treasurer, prior to the introduction of the necessary site-specific Bills to City Council for enactment;”.

Votes:

The motion by Councillor Filion carried.

The Clause, as amended, carried.

14.69 Works Committee Report 9, Deferred Clause 1a, headed “Elimination of Duplicate/Triplicate Street Names - Completion of Phase 1 - Results of Public Consultation”.

Motion:

Councillor Lindsay Luby moved that the Clause be received and that no further action be taken.

Vote:

Adoption of motion by Councillor Lindsay Luby:

Yes - 33	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 0	

Carried, without dissent.

14.70 Economic Development and Parks Committee Report 8, Clause 10, headed “Toronto Centre for the Arts Operations and Governance (Ward 23 Willowdale)”.

Motion:

Councillor Filion moved that the Clause be amended by adding to staff Recommendation (6)(b) contained in the Recommendations Section of the report dated November 10, 2004, from the Commissioner of Economic Development, Culture and Tourism, the words “while minimizing

disruption to any existing user groups and any agreement with a long-term resident cultural client be subject to Council approval”, so that Recommendation (6)(b) shall now read as follows:

“(6)(b) securing a long-term resident cultural client who will sign a multi-year rental and cost sharing agreement for one of the facilities in the TCA, excluding the Weston Recital Hall, while minimizing disruption to any existing user groups and any agreement with a long-term resident cultural client be subject to Council approval; and”.

Votes:

The motion by Councillor Filion carried.

The Clause, as amended, carried.

Deputy Mayor Bussin in the Chair.

14.71 Policy and Finance Committee Report 9, Clause 23, headed “By-laws for an Affordable Rental Housing Project at 1555 Jane Street Under the Community Rental Housing Program - Pilot Component (Ward 12, York South-Weston)”.

The Clause was submitted without recommendation.

Motions:

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

“That:

- (1) City Council request the Auditor General to consider investigating the Let’s Build project at 1555 Jane Street on an urgent basis to determine if the taxpayer is receiving good value for their money and if reasonable and proper practices were followed;
- (2) Council approve the delivery of rental units that do not qualify for the Let’s Build Program, as approved, in principle, by Council in March 2001 and the Ontario Municipal Board in April 2001, and that the developer be requested to provide a cash benefit of \$250,000.00 to the Parks and Recreation Division to offset the loss of the public day-care facility that was to be secured as an amenity under a Section 37 Agreement;
- (3) alternatively, if the City and the applicant wish to deliver rental units that qualify for the Let’s Build Program, then the developer provide a community space facility of

approximately 950 square metres on City property on Trethewey Drive to the satisfaction of the Commissioner of Economic Development, Culture and Tourism and that the applicant's cost be limited to 50 percent of the sum of:

- (a) the available property tax exemptions; and
 - (b) the development charge exemptions; and
- (4) City Council authorize and direct the signing of a property tax exemption by-law with the proponent after the issuance of a building permit to the satisfaction of the Chief Building Official.”

Mayor Miller in the Chair.

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

“That the recommendations of the Community Services Committee contained in the communication dated November 10, 2004, from the Community Services Committee, as contained in the Clause, be adopted.”

- (c) Councillor Nunziata moved that motion (b) by Councillor Mammoliti be amended by adding the words “subject to amending condition (i)(b) of the Community Services Committee by increasing the amount of \$50,000.00 to \$100,000.00”.

Votes:

Adoption of Part (1) of motion (a) by Councillor Di Giorgio:

Yes - 16	
Councillors:	Augimeri, Balkissoon, Del Grande, Di Giorgio, Filion, Ford, Grimes, Holyday, Jenkins, Li Preti, Lindsay Luby, Milczyn, Nunziata, Palacio, Pitfield, Saundercook
No - 20	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Feldman, Fletcher, Giambrone, Kelly, Mammoliti, Mihevc, Pantalone, Rae, Shiner, Soknacki, Stintz, Walker

Lost by a majority of 4.

Ruling by Mayor:

Mayor Miller ruled Part (3) of motion (a) by Councillor Di Giorgio, out of order, based on the following advice of the City Solicitor and the Chief Planner:

- agreements must be agreed to by both parties - the City cannot demand; and
- there is no development approval before Council which would allow negotiation of additional benefits.

Councillor Di Giorgio challenged the ruling of the Mayor.

Vote to Uphold Ruling of Mayor:

Yes - 25	
Mayor:	Miller
Councillors:	Ashton, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fletcher, Giambrone, Holyday, Kelly, Lindsay Luby, Mammoliti, Mihevc, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Walker
No - 11	
Councillors:	Augimeri, Di Giorgio, Filion, Ford, Grimes, Jenkins, Li Preti, Milczyn, Nunziata, Palacio, Saundercook

Carried by a majority of 14.

Votes:

Adoption of Part (2) of motion (a) by Councillor Di Giorgio:

Yes - 16	
Councillors:	Augimeri, Balkissoon, Bussin, Del Grande, Di Giorgio, Filion, Ford, Grimes, Jenkins, Li Preti, Milczyn, Nunziata, Palacio, Pantalone, Pitfield, Saundercook
No - 20	
Mayor:	Miller
Councillors:	Ashton, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Feldman, Fletcher, Giambrone, Holyday, Kelly, Lindsay Luby, Mammoliti, Mihevc, Rae, Shiner, Soknacki, Stintz, Walker

Lost by a majority of 4.

Adoption of Part (4) of motion (a) by Councillor Di Giorgio:

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

Lost by a majority of 8.

Adoption of motion (c) by Councillor Nunziata:

Yes - 13 Mayor: Councillors:	Miller Cowbourne, De Baeremaeker, Del Grande, Ford, Grimes, Jenkins, Li Preti, Lindsay Luby, Milczyn, Nunziata, Pantalone, Pitfield
No - 23 Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Chow, Davis, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Holyday, Kelly, Mammoliti, Mihevc, Palacio, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker

Lost by a majority of 10.

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

Yes - 26 Mayor: Councillors:	Miller Ashton, Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Feldman, Fletcher, Giambrone, Holyday, Kelly, Lindsay Luby, Mammoliti, Mihevc, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Walker
No - 10 Councillors:	Del Grande, Di Giorgio, Filion, Ford, Grimes, Jenkins, Li Preti, Milczyn, Nunziata, Saundercook

Carried by a majority of 16.

The Clause, as amended, carried.

In summary, Council adopted the following:

“That the recommendations of the Community Services Committee contained in the communication dated November 10, 2004, from the Community Services Committee, as contained in the Clause, be adopted.”

14.72 North York Community Council Report 7, Deferred Clause 47b, headed “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)”.

Motions:

(a) Councillor Jenkins moved that the Clause be amended:

(1) in accordance with the following staff recommendation contained in the Recommendation Section of the supplementary report dated September 27, 2004, from the Commissioner of Urban Development Services, as contained in the Clause:

“It is recommended that:

(1) Council amend Clause 47 of Report 7 of North York Community Council by deleting Section (2)(ii)(b) of Attachment 7: Draft Official Plan Amendment and Section 2(ii)(b) of Attachment 9: Draft Zoning By-law Amendment and insert instead the following:

‘(2)(ii)(b) all eligible tenants residing on the site on the date of the application, January 16, 2003, and who receive the six (6) months notice of termination set forth in (a) (“eligible tenants”) or who ceased occupancy on or after January 1, 2004, shall have a right of first refusal based on seniority to occupy a designated affordable replacement rental unit at an initial rent not exceeding the amount of their rent as of January 2003 plus the amount permitted by the Provincial rent increase guidelines between that date and the date of their first occupancy as adjusted by the anniversary date of each lease and a one-time allowance of 4 percent.’ ”; and

(2) in accordance with the following staff recommendations contained in the

Recommendations Section of the supplementary report (undated) from the Commissioner of Urban Development Services:

“It is recommended that City Council:

- (1) amend Clause 47 of Report 7 of North York Community Council respecting Attachment 7: Draft Official Plan Amendment, Attachment 8: Draft Official Plan Modification, and Attachment 9: Draft Zoning By-law Amendment to:
 - (a) permit a sales office, provided not more than 270 square metres of the building located at 90 Broadway Avenue is used for the purpose of selling residential units to be constructed on the site; and
 - (b) make provisions in the Section 37 Agreement for the sales office as follows:
 - (i) in the event that the provision of the sales office requires any existing tenant to vacate their rental unit prior to the date they would have if there was no sales office, the tenants so affected shall receive additional compensation to be specified in the Section 37 Agreement; and
 - (ii) the setting of the date that vacant possession is required shall be to the satisfaction of the Commissioner Urban Development Services.”

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

“That the applicant be required to provide a one percent contribution for public art.”

Votes:

Adoption of motion (b) by Councillor Filion:

Yes - 6	
Mayor:	Miller
Councillors:	Di Giorgio, Filion, Grimes, Jenkins, Milczyn
No - 27	
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Feldman, Fletcher, Ford, Holyday, Kelly, Li Preti, Lindsay Luby, Mihevc, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker

Lost by a majority of 21.

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

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

Councillor Walker requested that his opposition to motion (a) by Councillor Jenkins be noted in the minutes of this meeting.

The Clause, as amended, carried.

14.73 Policy and Finance Committee Report 9, Clause 24, headed ‘By-laws Necessary to Facilitate the Development of Six Affordable Housing Projects (Wards 12, 20, 27 and 31)’.

Motions:

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

“That the following staff recommendations contained in the Recommendations Section of the supplementary report dated November 30, 2004, from the Commissioner of Community and Neighbourhood Services, be adopted:

‘It is recommended that:

- (1) Council approve a one time allocation for 2005 of \$100,000.00 from the Mayor’s Homelessness Initiative Fund to St. Clare’s Multifaith Housing Society, to assist with security and resident support services; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

(b) Councillor Di Giorgio moved that the Clause be amended to provide that the approval of the project at 2600 Eglinton Avenue West be subject to planning and development approvals.

Votes:

Adoption of motion (b) by Councillor Di Giorgio:

Yes - 17	
Councillors:	Ashton, Augimeri, Bussin, Del Grande, Di Giorgio, Filion, Ford, Holyday, Jenkins, Li Preti, Milczyn, Minnan-Wong, Palacio, Pantalone, Pitfield, Saundercook, Watson
No - 18	
Mayor:	Miller

Councillors:	Balkissoon, Chow, Cowbourne, Davis, De Baeremaeker, Feldman, Fletcher, Grimes, Lindsay Luby, Mammoliti, Mihevc, Nunziata, Rae, Shiner, Soknacki, Stintz, Walker
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Lost by a majority of 1.

Motion (a) by Councillor Chow carried.

The Clause, as amended, carried.

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

“That the following staff recommendations contained in the Recommendations Section of the supplementary report dated November 30, 2004, from the Commissioner of Community and Neighbourhood Services, be adopted:

‘It is recommended that:

- (1) Council approve a one time allocation for 2005 of \$100,000.00 from the Mayor’s Homelessness Initiative Fund to St. Clare’s Multifaith Housing Society, to assist with security and resident support services; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

14.74 Administration Committee Report 6, Deferred Clause 15b, headed “Redevelopment of TTC Yonge-Eglinton Lands – Issues (Ward 22 - St. Paul’s)”.

Motion:

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

Vote:

The motion by Councillor Walker carried.

14.75 Toronto and East York Community Council Report 9, Clause 58, headed “Installation of Speed Humps - Howard Street, between Parliament Street and Sherbourne Street (Toronto Centre-Rosedale, Ward 28)”.

Motion:

Councillor Rae moved that consideration of the Clause be deferred to the next regular meeting of City Council on February 1, 2005.

Vote:

The motion by Councillor Rae carried.

14.76 North York Community Council Report 9, Clause 32, headed “Final Report - Application to Amend Zoning By-law 7625 - 04 169386 NNY 09 OZ - Independence Way Inc. - 2701 Keele Street (Ward 9 - York Centre)”.

Motion:

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

“That the following staff recommendations in the Recommendations Section of the supplementary report dated November 30, 2004, from the Commissioner of Urban Development Services, be adopted:

‘It is recommended that:

- (1) the draft undertaking dated November 16, 2004, for conveyance of lands for a public highway received by the applicant be received, and that the City Solicitor, in consultation with the Acting Commissioner of Works and Emergency Services and the applicant, prepare an undertaking for such conveyance to be entered into by the Owner of 2701 Keele Street, prior to condominium approval; and
- (2) the attached amending zoning by-law for 2701 Keele Street be enacted and no further notice of public meeting of the draft by-law as amended, be required.’ ”

Votes:

The motion by Councillor Augimeri carried.

The Clause, as amended, carried.

Deputy Mayor Bussin in the Chair.

14.77 North York Community Council Report 9, Clause 33, headed “Final Report - OPA & Rezoning Application - TD CMB 2003 0005 - Kolter Property Company – Page & Steele - 1900 Bayview Avenue (Ward 25 - Don Valley West)”.

Motions:

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

“It is recommended that:

- (1) the report dated October 26, 2004, from the Director, Community Planning, North District, Urban Development Services, as contained in the Clause, be adopted; and
- (2) in the event that the application is refused, no outside legal counsel or consultants be retained to defend the refusal at the Ontario Municipal Board.”

- (b) Councillor Pitfield moved that the Clause be amended by adding the following words to Recommendation (2) of the North York Community Council:

“based on the following planning rationale:

- (a) the property is designated ‘institutional’ and not ‘apartment neighbourhood’;
- (b) the Ontario Municipal Board has twice determined that the property violated overview, privacy and compatibility;
- (c) the property violates the height limitation of 9.2 metres in the site-specific by-law; and
- (d) park development is not part of the Bayview Avenue development.”,

so that Recommendation (2) of the North York Community Council shall now read as follows:

- “(2) refuse the application to amend the Official Plan and Zoning By-law for three apartment buildings of five, six and seven storeys, based on the following planning rationale:
- (a) the property is designated ‘institutional’ and not ‘apartment neighbourhood’;

- (b) the Ontario Municipal Board has twice determined that the property violated overview, privacy and compatibility;
- (c) the property violates the height limitation of 9.2 metres in the site-specific by-law; and
- (d) park development is not part of the Bayview Avenue development.”

Mayor Miller in the Chair.

Votes:

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

Yes - 8	
Councillors:	Di Giorgio, Feldman, Ford, Holyday, Kelly, Minnan-Wong, Rae, Shiner
No - 24	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Jenkins, Li Preti, Mihevc, Nunziata, Pantalone, Pitfield, Saundercook, Soknacki, Stintz, Walker, Watson

Lost by a majority of 16.

Adoption of motion (b) by Councillor Pitfield:

Yes - 25	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Jenkins, Li Preti, Mihevc, Nunziata, Pantalone, Pitfield, Saundercook, Soknacki, Stintz, Walker, Watson
No - 8	
Councillors:	Carroll, Feldman, Ford, Holyday, Kelly, Minnan-Wong, Rae, Shiner

Carried by a majority of 17.

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

Yes - 16	
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Councillors:	Augimeri, Carroll, Chow, Davis, Feldman, Ford, Holyday, Kelly, Li Preti, Mihevc, Minnan-Wong, Pantalone, Rae, Saundercook, Shiner, Stintz
No - 17	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Jenkins, Nunziata, Pitfield, Soknacki, Walker, Watson

Lost by a majority of 1.

The Clause, as amended, carried.

In summary, Council amended this Clause by adding the following words to Recommendation (2) of the North York Community Council:

“based on the following planning rationale:

- (a) the property is designated ‘institutional’ and not ‘apartment neighbourhood’;
- (b) the Ontario Municipal Board has twice determined that the property violated overview, privacy and compatibility;
- (c) the property violates the height limitation of 9.2 metres in the site-specific by-law;
and
- (d) park development is not part of the Bayview Avenue development.”,

so that Recommendation (2) of the North York Community Council shall now read as follows:

- “(2) refuse the application to amend the Official Plan and Zoning By-law for three apartment buildings of five, six and seven storeys, based on the following planning rationale:
- (a) the property is designated ‘institutional’ and not ‘apartment neighbourhood’;
 - (b) the Ontario Municipal Board has twice determined that the property violated overview, privacy and compatibility;
 - (c) the property violates the height limitation of 9.2 metres in the site-specific by-law; and

(d) park development is not part of the Bayview Avenue development.”

14.78 Policy and Finance Committee Report 9, Clause 25, headed “Exemption from Property Taxes for Two Affordable Housing Projects (Wards 27 and 28)”.

Motion:

Councillor Ford moved that:

- (1) the Clause be received; and
- (2) the Commissioner of Community and Neighbourhood Services be requested to report to the next regular meeting of Council on February 1, 2005, through the Community Services Committee, providing a list of how many projects have been granted tax exempt status, and the amount of each of these exemptions.

Votes:

Adoption of Part (1) of the motion by Councillor Ford:

Yes - 4 Councillors:	Del Grande, Ford, Holyday, Nunziata
No - 25 Mayor: Councillors:	Miller Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, Feldman, Fillion, Fletcher, Jenkins, Kelly, Li Preti, Mihevc, Milczyn, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Walker, Watson

Lost by a majority of 21.

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

Yes - 14 Councillors:	Ashton, Cowbourne, Davis, Del Grande, Ford, Holyday, Jenkins, Kelly, Li Preti, Milczyn, Nunziata, Soknacki, Walker, Watson
No - 15 Mayor:	Miller

Councillors:	Augimeri, Bussin, Carroll, Cho, Chow, Feldman, Fillion, Fletcher, Mihevc, Pantalone, Pitfield, Rae, Saundercook, Shiner
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Lost by a majority of 1.

The Clause was adopted, without amendment.

14.79 Policy and Finance Committee Report 9, Clause 38, headed “2005 Water and Wastewater Rate Increase, 2006-2007 Rate Strategy and Rate Projections for 2008-2014”.

Motion:

Councillor De Baeremaeker moved that the Clause be amended by:

- (1) deleting Recommendations (II), (III) and (IV) of the Policy and Finance Committee; and
- (2) adding the following:

“That:

- (a) the Chief Financial Officer and Treasurer be directed to create within Schedule #11 (Water/Wastewater Reserves) a new cost centre called the ‘Land Acquisition for Source Water Protection Reserve’, for the purpose of providing funding for the acquisition of land to protect water sources to be controlled by Toronto Water;
- (b) a transfer of \$2 million from the Wastewater stabilization Reserve, Account No. XQ1004, to the ‘Land Acquisition for Source Water Protection Reserve’ be approved;
- (c) in accordance with Chapter 227 of the City of Toronto Municipal Code - Article II - Establishment of Reserves and Reserve Funds, the Chief Financial Officer and Treasurer and the Acting Commissioner of Works and Emergency Services be requested to report to the February 2005 meetings of the Works Committee and Policy and Finance Committee, respectively, on setting out specific criteria for the Protection Reserve, including a contribution policy and a withdrawal policy; and
- (d) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction of any necessary bills in Council.”

Votes:

Adoption of the motion by Councillor De Baeremaeker:

Yes - 24	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Jenkins, Li Preti, Lindsay Luby, Mihevc, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Walker
No - 8	
Councillors:	Ashton, Del Grande, Feldman, Ford, Holyday, Kelly, Milczyn, Nunziata

Carried by a majority of 16.

Adoption of Clause, as amended:

Yes - 23	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Jenkins, Li Preti, Lindsay Luby, Mihevc, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Walker
No - 10	
Councillors:	Altobello, Ashton, Del Grande, Feldman, Ford, Holyday, Kelly, Milczyn, Nunziata, Shiner

Carried by a majority of 13.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

14.80 I(1) Smoking in Legion Halls

The following Motion was withdrawn:

Moved by: Councillor Moscoe

Seconded by: Councillor Jenkins

“**WHEREAS** smoking is now prohibited in all restaurants and taverns; and

WHEREAS private clubs are exempt from the Smoking By-law; and

WHEREAS the City has chosen to grant tax exemption status to Legions and Veterans Clubs; and

WHEREAS these organizations include facilities that serve alcoholic beverages to the 'Public'; and

WHEREAS restaurant owners have complained that, in escaping the requirement of the Smoking By-law, these facilities are unfairly competing with other venues that provide food and beverages; and

WHEREAS, to make matters worse, the unfair competition is being subsidized by the taxpayers and the very businesses that are impacted because the Legions are exempt from property taxes; and

WHEREAS Veterans and their families and friends are as deserving of protection from second hand tobacco smoke as everyone else;

NOW THEREFORE BE IT RESOLVED THAT a requirement to prohibit smoking in all areas of private clubs where food and/or beverages are consumed and that receive property tax relief be a condition of the relief from property taxes."

Council also had before it, for consideration with Motion I(1), a communication dated November 17, 2004, from Councillor Howard Moscoe (See Attachment 4, Page 232).

14.81 **J(1) The Corporal Fred Topham, Victoria Cross Fundraising Project**

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

Moved by: Councillor Ootes

Seconded by: Councillor Holyday

"WHEREAS the Corporal Fred Topham, Victoria Cross Fundraising Project has been working to keep the Victoria Cross Medal in Canada for public display; and

WHEREAS Corporal Fred Topham was honoured with the Victoria Cross for his acts of bravery, jumping with his battalion into a strongly-defended area east of the Rhine on March 24, 1945; and

WHEREAS Corporal Topham is a hero for his acts of bravery that day as, despite being shot and in the middle of fire and mortar bombs, he saved many lives; and

WHEREAS Corporal Topham is the only Canadian paratrooper to win the Victoria Cross given 'For Valour'; and

WHEREAS following the war, Corporal Topham returned to Toronto where he worked briefly as a Toronto police officer, before joining Etobicoke Hydro where he worked until his death in 1974; and

WHEREAS the executors of his estate are considering an offer from outside Canada and have given the Fundraising Project until December 31, 2004, to raise \$275,000.00; and

WHEREAS the project has raised approximately \$75,000.00, so far; and

WHEREAS this Council is on record as being in support of our veterans and special memorials, through previous contributions;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council donate \$25,000.00 to the Corporal Fred Topham, Victoria Cross Fundraising Project;

AND BE IT FURTHER RESOLVED THAT funds for this donation come from the under-expenditure in the Council budget;

AND BE IT FURTHER RESOLVED THAT the City Council challenge all municipalities across Canada to make some donation, whatever size, to this cause.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(1) to the 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(1), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 1, Page 272)

Procedural Vote:

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

Vote:

Motion J(1) was adopted unanimously, without amendment.

14.82 **J(2) Request for Report - Insurance against Acts of Terrorism**

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 Ootes

“**WHEREAS** Members of Council may have received notice from their insurance companies advising them of policy changes that would not provide them with coverage against loss or damages with respect to acts of terrorism; and

WHEREAS insurance companies have defined terrorism as follows: ‘Terrorism, means an ideologically motivated unlawful act or acts, including but not limited to the use of violence or force or threat of violence or force, committed by or on behalf of any group(s), organization(s) or government(s) for the purpose of influencing any government and/or instilling fear in the public or a section of the public’; and

WHEREAS Councillor Ootes has requested me, as Chair of the Administration Committee, to investigate the feasibility of the City’s insurance carrier providing this coverage to politicians; and

WHEREAS Councillor Ootes’ inquiry has led me to question whether the City’s own insurance carrier will insure against such acts or if the City of Toronto has received any such similar notice;

NOW THEREFORE BE IT RESOLVED THAT the Chief Financial Officer and Treasurer be requested to report to the January 2005 meeting of the Administration Committee on Councillor Ootes’ request;

AND BE IT FURTHER RESOLVED THAT the above-mentioned report provide information as to the City’s own insurance against loss or damages with respect to terrorism.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(2) to the Administration Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(2), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 268)

Procedural Vote:

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

Vote:

Motion J(2) was adopted, without amendment.

14.83 J(3) Protection and Preservation of East York History and Heritage

Councillor Davis 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 Davis

Seconded by: Councillor Walker

“WHEREAS the signs outside of the East York Civic Centre were recently replaced with City of Toronto signs that contain only the City of Toronto corporate logo; and

WHEREAS the old signs displayed the corporate logo of the former Borough of East York; and

WHEREAS the citizens of the former Borough of East York are proud of their community and its history; and

WHEREAS in other former municipalities, the old municipal signage and other artifacts are

preserved for the citizens of the former municipality; and

WHEREAS the former Borough of East York agreed to bequeath to the East York Foundation, any East York memorabilia or signage for its preservation and protection in order to benefit all of the East York community; and

WHEREAS the old East York Civic Centre signs were disposed of without any notification or consultation; and

WHEREAS the City of Toronto nurtures and encourages the unique character, history, and culture of communities within its borders, including through the use of unique signage; and

WHEREAS the City of Toronto holds the patent for the corporate logo of the former Borough of East York;

NOW THEREFORE BE IT RESOLVED THAT the corporate logo of the former Borough of East York be added in an appropriate way to the signs at the East York Civic Centre as soon as possible;

AND BE IT FURTHER RESOLVED THAT in the future, before any signage or memorabilia from the former Borough of East York gets removed or altered, the East York Foundation is consulted;

AND BE IT FURTHER RESOLVED THAT the East York Foundation be the first to be offered any signage or memorabilia from the former Borough of East York for its preservation and protection;

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(3) 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(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 273)

Procedural Vote:

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

Vote:

Motion J(3) was adopted, without amendment.

14.84 **J(4) Request to Waive Sign Variance and Permit Fees for a First Party Sign at 33 Hahn Place**

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

Moved by: Councillor McConnell

Seconded by: Councillor Davis

“WHEREAS the Centre D’Acceuil Héritage provides essential health services and housing to francophone seniors in the community on a not-for-profit basis, and has done so for the past 30 years; and

WHEREAS the Centre is seeking to erect a first party sign that would read ‘Centre D’Acceuil Héritage’, to be put on the front of their residential building; and

WHEREAS the purpose of the sign is to make the Centre more visible in the community, just as other co-operatives and seniors residences across the neighbourhood have done; and

WHEREAS signage of this sort serves to create and maintain a sense of community among residents and visitors to the neighbourhood; and

WHEREAS the City of Toronto has a policy that permits the waiving of other types of development fees for non-profit organizations;

NOW THEREFORE BE IT RESOLVED THAT Council waive all sign variance application and permit fees related to the erection of signage advertising the Centre D’Acceuil Héritage.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(4) to the Toronto 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(4), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 3, Page 274)

Procedural Vote:

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

Vote:

Motion J(4) was adopted, without amendment.

14.85 J(5) Installation of Communication Towers - Regulation and Community Input

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

Moved by: Councillor Palacio

Seconded by: Councillor Nunziata

“WHEREAS there is a large and quickly expanding network of cellphone and other communication towers throughout Toronto’s many residential neighbourhoods, including the upgrade of smaller rooftop antennas to much larger ‘stand-alone’ ones, which can easily exceed 16 metres; and

WHEREAS these towers are enormous, unsightly and interfere with residents’ enjoyment of their yards and property; and

WHEREAS these towers can be, and have been, erected ‘overnight’ without any consultation with, or notice to the local community or local municipality; and

WHEREAS building permits are sometimes required to install the transformer vaults at the base of these structures;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Development Services, in consultation with the Chief Building Official, be requested to submit a report to the next meeting of the Planning and Transportation Committee on January 4, 2005, outlining possible ways that the construction and installation of

communications towers could be regulated to require community consultation and the approval of the local municipality;

AND BE IT FURTHER RESOLVED THAT this report include possible appropriate recommendations to the federal and provincial governments requesting municipal and community input on the installation of these towers.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(5) to the 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(5), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 268)

Procedural Vote:

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

Council also had before it, during consideration of Motion J(5), a photograph depicting a communication tower, which is on file in the City Clerk’s Office.

Vote:

Motion J(5) was adopted, without amendment.

14.86 **J(6) Indemnity Agreements for Using Donated Venues/Vehicles for Fire Fighters’ Toy Drive**

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 Davis

“**WHEREAS** the Toronto Fire Services Division holds an annual Fire Fighters’ Toy Drive (‘Toy Drive’) to collect toys donated by the public and deliver them to under privileged children; and

WHEREAS persons in the community have expressed a willingness to provide the use of vehicles or venues for organizing the Toy Drive, at no cost to the City, on condition that the City indemnify such persons from all claims or losses arising out of the City’s use of the donated venue or vehicle; and

WHEREAS agreements for indemnity are likely to be required this year before the holiday season ends by persons willing to provide the use of venues or vehicles to the City for the Toy Drive;

NOW THEREFORE BE IT RESOLVED THAT, for the sole purpose of organizing the Toy Drive this year, the Fire Chief be authorized, on behalf of the City, to execute agreements that involve the following commitments:

- (1) a vehicle, venue or storage space will be provided to the City at no cost to the City; and
- (2) the City will indemnify the person(s) donating the vehicle, venue or storage space against all claims and losses arising out of the City’s use of the vehicle or premises as the case may be.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(6) to the 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(6), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 268)

Procedural Vote:

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

Vote:

Motion J(6) was adopted, without amendment.

14.87 **J(7) Request to Install a Temporary Sidewalk - Richmond Street West, south side, between Peter Street and Spadina 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 a request has been received to install a continuous sidewalk on the south side of Richmond Street West, between Peter Street and Spadina Avenue; and

WHEREAS a sidewalk on the south side of Richmond Street West is provided only between Peter Street and a point 54 metres west thereof, and between Spadina Avenue and a point 52 metres east thereof; and

WHEREAS the owners of 401 Richmond Street West, where the temporary sidewalk is to be located, have advised that loading on the north side of their building will not interfere with pedestrian operations; and

WHEREAS staff have advised that funds in the estimated amount of \$1,500.00 to implement the necessary adjustments, namely the installation of temporary curbing on the existing roadway, are available in the Transportation Services 2004 Operating Budget;

NOW THEREFORE BE IT RESOLVED THAT approval be given to alter the section of roadway on Richmond Street West, between Peter Street and Spadina Avenue, as

follows:

‘The narrowing of the roadway and the installation of curb stones, on the south side of Richmond Street West, between Peter Street and a point 57 metres west thereof, and between Spadina Avenue, and a point 52 metres east thereof, generally as shown in the attached print of Drawing No. 421F-7655, dated November, 2004’;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(7) to the 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(7), 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 275)

Procedural Vote:

The vote to waive referral of Motion J(7) 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(7), a drawing (November, 2004) headed “Richmond Street West, Peter Street - Spadina Avenue, Proposed Temporary Roadway Alteration Plan”, which is on file in the City Clerk’s Office.

Vote:

Motion J(7) was adopted, without amendment.

14.88 J(8) Acquisition of Easement for Operation of Bloor-Danforth Subway – 130 Bloor Street West

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 Rae

“**WHEREAS** in the early 1960s, a portion of the Bloor-Danforth subway line was constructed through the property passing under 130 Bloor Street West; and

WHEREAS the Bloor-Danforth subway opened for service on February 26, 1966; and

WHEREAS the former Municipality of Metropolitan Toronto had not acquired an easement through the property passing under 130 Bloor Street West occupied by the Bloor-Danforth subway line; and

WHEREAS negotiations have continued intermittently over the convening years; and

WHEREAS an agreement has been negotiated with the owner of 130 Bloor Street West to convey to the City a subsurface easement for the subway;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the confidential report dated November 25, 2004, from the Commissioner of Corporate Services and the City Solicitor, entitled ‘Acquisition of Easement for Operation of the Bloor-Danforth Subway – 130 Bloor Street West’.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(8) to the Administration Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(8), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

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

Council also had before it, during consideration of Motion J(8), a confidential report dated November 25, 2004, from the Commissioner of Corporate Services and the City Solicitor.

Vote:

Motion J(8) was adopted, without amendment.

Summary:

In adopting Motion J(8), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated November 25, 2004, from the Commissioner of Corporate Services and the City Solicitor. The following recommendations are now public and the balance of the 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) authority be granted to execute an easement agreement in a form satisfactory to the City Solicitor, by which the owner will convey to the City a subsurface subway easement below the property known municipally as 130 Bloor Street West;
- (2) execute an indemnity and release agreement in a form satisfactory to the City Solicitor, whereby the owner of the subject property releases the City and the Toronto Transit Commission (TTC) with respect to any claims arising from the use of the property for the subway up to the present time, excluding claims by third party TTC users, and indemnifies the City and TTC from any such claims;
- (3) pay to the owner \$1,000,000.00 for the said easement, release and indemnity; and
- (4) the appropriate City officials be authorized and directed to take the appropriate steps to give effect thereto.”

14.89 J(9) Request for Poll - Speed Hump Plan - Golfdown Drive (Ward 2 - Etobicoke North)

Councillor Moscoe gave Notice of the following Motion to permit consideration at the next regular meeting of City Council on February 1, 2005:

Moved by: Councillor Moscoe

Seconded by: Councillor Jenkins

“**WHEREAS** all residents of Toronto deserve the opportunity to have their views considered wherever they may live; and

WHEREAS some residents of Golfdown Drive in Etobicoke would like the opportunity to be polled to determine if their street can be considered a candidate for speed humps; and

WHEREAS they would like to do so in an atmosphere that is free from bias and intimidation; and

WHEREAS their municipal representative, Councillor Ford, has openly indicated that he is strongly opposed to speed humps; and

WHEREAS consideration of permission to conduct a poll without the blessing of the local Councillor might be somewhat problematic and in that kind of atmosphere get less than a fair hearing; and

WHEREAS Councillor Ford has been an open advocate of a Councillor’s duty to act on behalf of citizens, wherever they might live; and

WHEREAS Councillor Ford himself has come to the rescue of many citizens without regard to their place of residence;

NOW THEREFORE BE IT RESOLVED THAT the attached Resolution (Appendix 1) be considered by Council without recourse to the Etobicoke York Community Council;

AND BE IT FURTHER RESOLVED THAT it be considered instead by the Planning and Transportation Committee.”

Appendix 1
Request for Poll - Speed Hump Plan
Golfdown Drive (Ward 2 - Etobicoke North)

Resolution by Councillor Moscoe, Ward 15 – Eglinton-Lawrence:

“**WHEREAS** residents of Golfdown Drive have expressed concern with regard to vehicle speeds on the roadway; and

WHEREAS residents of Golfdown Drive have expressed concern with regard to the volume of traffic on the roadway; and

WHEREAS there are two schools fronting onto Golfdown Drive, Elms Jr. Middle School and St. Stephen Elementary School;

NOW THEREFORE BE IT RESOLVED THAT staff conduct an evaluation of the need for speed humps to calm traffic;

AND BE IT FURTHER RESOLVED THAT the appropriate staff be authorized to conduct a poll of eligible residents of Golfdown Drive between Islington Avenue and Albion Road for the speed hump plan, in accordance with the City of Toronto Traffic Calming Policy and public notice be given pursuant to the Municipal Class Environment Assessment Act including Notice of Study Commencement to the Ministry of Environment, Fire Services, Emergency Services and Toronto Police Services; and the staff evaluation be distributed to residents with the poll;

AND BE IT FURTHER RESOLVED THAT the results of the poll be reported by staff;

AND BE IT FURTHER RESOLVED THAT the appropriate staff convey the results of the survey to the respondents;

AND BE IT FURTHER RESOLVED THAT, subject to favourable results of the poll:

- (i) a by-law be prepared for the alteration of sections of the affected roadway and the speed limit be reduced to 30 km/hr; and
- (ii) pursuant to the requirements of the Municipal Class Environmental Assessment Act, Notice of Completion be issued;

AND BE IT FURTHER RESOLVED THAT the appropriate city officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required.”

Ruling by Mayor:

Mayor Miller ruled Motion J(9) out of order as it deals with a local traffic matter within the jurisdiction of the Etobicoke York Community Council.

With the permission of Council, Councillor Moscoe revised his Motion J(9) by deleting the two Operative Paragraphs, and inserting instead the following:

“NOW THEREFORE BE IT RESOLVED THAT the attached Resolution (Appendix 1) be considered by the Etobicoke York Community Council.”

Advice by Mayor:

Mayor Miller advised that Motion J(9), as revised, is now in order.

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on February 1, 2005.

14.90 **J(10) Clarification of the Implementation of the *Municipal Freedom of Information and Protection of Privacy Act* (The Act) - Requests for Information by Members of Council**

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

Moved by: Councillor Del Grande

Seconded by: Councillor Watson

“WHEREAS City Councillors require City information on a timely basis in order to facilitate informed decisions at Council and Committee; and

WHEREAS City Councillors require information about persons and issues within their ward to enable them to properly perform their functions as representatives of the community; and

WHEREAS City Councillors’ requests for information from City staff are regularly either refused, thus obliging Councillors to make Freedom of Information (FOI) requests, or are referred to the Corporate Access and Privacy Office – even when the applicability of the Act in the context of the specific nature of the request is questionable; and

WHEREAS any request to the Corporate Access and Privacy Office or referral must be processed in accordance with the Act – a more time-consuming process than an informal reply; and

WHEREAS Councillors are required to pay fees out of their budgets for responses to FOI requests for information so that they can perform their duties; and

WHEREAS the Corporate Access and Privacy Office is currently dealing with a backlog of information requests – a backlog that is made worse by regular referrals of Councillor requests for information;

NOW THEREFORE BE IT RESOLVED THAT City Council direct the City Clerk and the City Solicitor to report to the Administration Committee on the application of the *Municipal Freedom of Information and Protection of Privacy Act* to the disclosure of information (including both general information and personal information) by staff to City Councillors, and advise what steps can be taken to eliminate the need for Councillors to access City information and records through FOI requests or referrals of requests to the Corporate Access and Privacy Office.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion 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 268)

Procedural Vote:

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

Vote:

Motion J(10) was adopted, without amendment.

14.91 J(11) Licensing Issues – Traditional Chinese Medicine and Acupuncture Practitioners

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 Altobello

“WHEREAS traditional Chinese medicine and acupuncture practitioners have been pursuing self-regulation from the Province of Ontario for at least ten years; and

WHEREAS the provincial government of British Columbia established self-regulation of traditional Chinese medicine and acupuncture; and

WHEREAS the traditional Chinese medicine and acupuncture organizations have indicated that self-regulation from the Province of Ontario for traditional Chinese medicine and acupuncture practitioners may be expected in the near future; and

WHEREAS the provincial government has recently announced its intention to enact legislation which would establish self-regulation;

WHEREAS staff of Urban Development Services have been consulting with the traditional Chinese medicine and acupuncture organizations with regard to establishing an examining board and related licence issuing standards; and

WHEREAS much of the consultation process necessary to establish an examining board and related licence issuing standards duplicates the consultation process with the Province concerning self regulation;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) the Commissioner of Urban Development Services delay, for one year, the continuation of the consultation process and the reporting on the outstanding licensing issues, in order that the Province of Ontario may introduce the appropriate legislation to provide for self-regulation of traditional Chinese medicine and acupuncture practitioners;
- (2) the City formally request that the Province introduce such legislation in as expeditious a manner as practical; and

- (3) the Province be requested to advise the City, through the City Clerk's Office, of the expected timeframe for the introduction of the legislation."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(11) to the 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(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 268)

Procedural Vote:

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

Vote:

Motion J(11) was adopted, without amendment.

14.92 **J(12) Terms of Reference for the Roundtable on Access, Equity and Human Rights**

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

Moved by: Councillor Mihevc

Seconded by: Mayor Miller

"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'; and

WHEREAS the Policy and Finance Committee has recommended an amendment to the term of office for appointments to the Roundtable [*Ref. Policy and Finance Committee*

Report 9, Clause 57], and it is also desirable to amend the composition of the Roundtable by increasing the membership by (1) one;

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 composition of, and the term of office for appointments to the Roundtable on Access, Equity and Human Rights;

AND BE IT FURTHER RESOLVED THAT Council consider the recommendation of the Policy and Finance Committee, contained in Policy and Finance Committee Report 9, Clause 57, headed ‘Membership - Roundtable on Access, Equity and Human Rights’ to amend the term of office for appointments to the Roundtable.”

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 268)

Votes:

The first Operative Paragraph contained in Motion J(12) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(12) was adopted, without amendment.

(See Minute 14.24, Page 31 for Council’s action on Policy and Finance Committee Report 9, Clause 57.)

14.93 **J(13) Appointment to the Roundtable on Arts and Culture**

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 Ashton

“**WHEREAS** Susanne Birchwood was originally appointed to the Mayor’s Roundtable on Arts and Culture by City Council as the representative of the Toronto Public Library; and

WHEREAS Susanne Birchwood is no longer employed by the Toronto Public Library and therefore can no longer be its representative; and

WHEREAS the Toronto Public Library has nominated Sonia Chai, the Director of Marketing and Communication, to be its representative on the Mayor’s Roundtable on Arts and Culture;

NOW THEREFORE BE IT RESOLVED THAT City Council amend the membership of the Mayor’s Roundtable on Arts and Culture by deleting the name of Susanne Birchwood and adding the name of Sonia Chai, as the Toronto Public Library representative on this Roundtable.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(13) to the Policy and Finance Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(13), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 268)

Procedural Vote:

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

Vote:

Motion J(13) was adopted, without amendment.

14.94 **J(14) Designation of Korea Town Business Improvement Area**

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 Chow

“**WHEREAS** City Council, at its meeting on September 28, 29, 30 and October 1, 2004, authorized the City Clerk to undertake a poll, pursuant to Section 210 of the *Municipal Act*, to designate Korea Town as a Business Improvement Area; and

WHEREAS the Economic Development and Parks Committee requested the City Clerk to report the results of the poll directly to Toronto City Council in order for Korea Town Business Improvement Area to be in a position to levy businesses for the full 2005 fiscal year; and

WHEREAS the City Clerk has prepared the attached report dated November 29, 2004, indicating a favourable poll for Korea Town Business Improvement Area;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the recommendations contained in the Recommendations Section of the report dated November 29, 2004, from the City Clerk.”

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 268)

Council also had before it, during consideration of Motion J(14), a report dated November 29, 2004, from the City Clerk, entitled “Poll Results-Proposed Designation of the Korea Town Business Improvement Area, Wards 19 and 20 Trinity-Spadina” (See Attachment 5, Page 233).

Vote:

Motion J(14) was adopted, without amendment.

Summary:

In adopting Motion J(14), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated November 29, 2004, from the City Clerk:

“It is recommended that:

- (1) based upon the results of the poll, Council pass a by-law to designate the area

described by Attachment 1 (Maps 1 to 3), as a Business Improvement Area (BIA) under Section 204 of the *Municipal Act*; and

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

14.95 J(15) Designation of Queens Quay Harbourfront Business Improvement Area

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 City Council, at its meeting on September 28, 29, 30 and October 1, 2004, authorized the City Clerk to undertake a poll, pursuant to Section 210 of the *Municipal Act*, to designate Queens Quay Harbourfront as a Business Improvement Area; and

WHEREAS City Council directed that, subject to reporting favourably on the results of poll, the City Clerk submit the necessary by-law to the November 30, 2004, meeting of Council in order for Queens Quay Harbourfront Business Improvement Area to be in a position to levy businesses for the full 2005 fiscal year; and

WHEREAS the City Clerk has prepared the attached report dated November 26, 2004, indicating a favourable poll for Queens Quay Harbourfront Business Improvement Area;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the recommendations contained in the Recommendations Section of the attached report dated November 26, 2004, from the City Clerk.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(15) to the 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(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 268)

Procedural Vote:

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

Council also had before it, during consideration of Motion J(15), a report dated November 26, 2004, from the City Clerk, entitled "Poll Results-Proposed Designation of the Queens Quay Harbourfront Business Improvement Area, Ward 20 Trinity-Spadina" (See Attachment 6, Page 236).

Vote:

Motion J(15) was adopted, without amendment.

Summary:

In adopting Motion J(15), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated November 26, 2004, from the City Clerk:

"It is recommended that:

- (1) based upon the results of the poll, Council pass a by-law to designate the area described by Attachment 1 (Maps 1 to 4), as a Business Improvement Area (BIA) under Section 204 of the *Municipal Act*; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect hereto."

14.96 **J(16) City of Toronto v. Allstream Corp. – Settlement Offer**

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

Moved by: Councillor Moscoe

Seconded by: Councillor Filion

“WHEREAS the City of Toronto currently has, since 1997, had an agreement with Allstream Corp. (formerly AT&T Canada Corp.) for the lease and licence of the City’s downtown abandoned watermain system and public highways for telecommunications purposes; and

WHEREAS Allstream Corp. breached its agreement with the City of Toronto in April 2001, which resulted in the City filing a claim against Allstream in the Ontario Superior Court of Justice for breach of contract and Allstream filing its own counterclaim against the

City; and

WHEREAS the City Solicitor and the Acting Commissioner of Works and Emergency Services have prepared a confidential report dated November 29, 2004, forwarding for Council's consideration an offer of settlement received from Allstream in respect of the claim and counterclaim; and

WHEREAS, for the reason of legal deadline as outlined in the aforementioned confidential report, Council consideration of this matter is required in order to allow staff to receive instructions in a timely manner prior to the commencement of the scheduled trial of the action on February 14, 2005;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the confidential report dated November 29, 2004, from the City Solicitor and the Acting Commissioner of Works and Emergency Services and that the staff recommendations contained in the Recommendations Section of the report be adopted.”

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(16), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

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

Council also had before it, during consideration of Motion J(16), a confidential report dated November 29, 2004, from the City Solicitor and the Acting Commissioner of Works and Emergency Services.

Vote:

Motion J(16) was adopted, without amendment.

Summary:

In adopting Motion J(16), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated November 29, 2004, from the City Solicitor and the Acting Commissioner of Works and Emergency Services. The following recommendations, together with Appendix A, are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information pertaining to litigation or potential litigation:

“It is recommended that:

- (1) City Council authorize the City Solicitor to accept the offer of settlement dated October 20, 2004, received from counsel for Allstream Corp. on the terms and conditions as set out in Appendix A to this report and direct the City Solicitor to consent to a dismissal of the City’s claim against Allstream Corp. in Ontario Superior Court of Justice and Allstream’s counter-claim against the City, on a without-costs basis;
- (2) City Council consent to the deemed assignment of the Allstream Agreement dated August 1, 1997, as a result of any effective change in control due to the acquisition of Allstream Corp. by Manitoba Telecom Services Inc.;
- (3) City Council authorize the City Solicitor, in consultation with the Acting Commissioner of Works and Emergency Services, to continue to defend the City’s position at the Canadian Radio-television and Telecommunications Commission (CRTC) on the Allstream Application, and consult with the Federation of Canadian Municipalities, City of Vancouver and other interested municipalities in the preparation of such defense; and
- (4) City Council request staff to take all appropriate action to give effect hereto.”

Appendix A is on file in the City Clerk’s Office.

14.97 J(17) City Council Support for the “West-Toronto Railpath” Initiative in CN Weston Subdivision and Related Transportation Projects

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

Moved by: Councillor Palacio

Seconded by: Councillor Giambrone

“**WHEREAS** the City of Toronto has identified the use of abandoned rail lands within the

CN Weston Subdivision rail corridor as an opportunity to develop a continuous 6 kilometre trail corridor from the west downtown area to the central waterfront; and

WHEREAS this project is included in the City of Toronto's Bike Plan and has been dubbed the 'West-Toronto Railpath' Initiative by the local community who have solicited strong support for it from elected officials representing all three levels of government; and

WHEREAS CN has suspended discussion with the City of Toronto on the acquisition of these lands for trail purposes pending the outcome of studies on infrastructure and land requirements for the Air Rail Link (from Pearson Airport to Union Station) and for proposed improvements to the GO Transit Georgetown commuter rail service; and

WHEREAS a tremendous opportunity for urban renewal and improvements to Toronto's cycling and pedestrian infrastructure would be lost if this corridor does not accommodate the proposed trail link;

NOW THEREFORE BE IT RESOLVED THAT City Council indicate its support to the Federal Transport Minister, GO Transit and CN, for the proposed trail link, including the integration of the proposed trail link within planning, environmental assessments, project implementation or other work related to transportation projects in this rail corridor."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(17) to the Planning and Transportation Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(17), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 268)

Procedural Vote:

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

Vote:

Motion J(17) was adopted, without amendment.

14.98 **J(18) Instructions to Request a Review of an Ontario Municipal Board Decision – 151, 153, 165 and 169 St. Clair Avenue West**

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 Jenkins

“WHEREAS the Ontario Municipal Board in a Decision issued October 29, 2004, approved the owner’s appeals for an official plan amendment, zoning by-law and site plan approval for a proposed 19-storey condominium tower for lands at the south-west corner of Avenue Road and St. Clair Avenue West and known as Nos. 151, 153, 165 and 169 St. Clair Avenue West; and

WHEREAS Council at its meeting of June 22, 23 and 24, 2004 (Toronto South Community Council Report 5, Clause 12) adopted the refusal report of the Commissioner of Urban Development Services dated May 20, 2004, directing the City Solicitor, the Commissioner of Urban Development Services and any other appropriate staff to attend at the Ontario Municipal Board to oppose the owner’s appeals; and

WHEREAS the Ontario Municipal Board in an earlier decision issued September 3, 2003, previously refused the owner’s appeals for a 24-storey condominium tower and concluded that the proposal was significantly different than any form of appropriate development; and

WHEREAS the 19-storey condominium proposal remains an inappropriate development; and

WHEREAS Section 43 of the *Ontario Municipal Board Act* provides that the Board may review a decision made by it and authorizes, among other things, rescission of such decision; and

WHEREAS the Rules of Procedure of the Ontario Municipal Board require that the request for review be filed with the Board within 30 days of its Decision and hence there is urgency in dealing with this matter; and

WHEREAS the City Solicitor, in order to protect the interests of the City has filed, prior to the expiration of the period for filing the review, a review request under Section 43 of the *Ontario Municipal Board Act* and advised the Board that she is seeking Council’s instructions to confirm such actions or otherwise at its meeting of November 30, December

1 and 2, 2004;

NOW THEREFORE BE IT RESOLVED THAT the actions of the City Solicitor in filing the Section 43 (*Ontario Municipal Act*) review request with the Ontario Municipal Board be confirmed.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(18) to the 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(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 268)

Procedural Vote:

The vote to waive referral of Motion J(18) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(18) was adopted, without amendment.

14.99 J(19) Resolution on Supporting the Democratic Process in Ukraine

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

Moved by: Mayor Miller

Seconded by: Councillor Lindsay Luby

“**WHEREAS** the former City of Toronto had a Friendship Agreement with the City of Kyiv based on a common commitment to freedom, equality, justice and peace; and

WHEREAS citizens in Kyiv and Ukraine are fighting to achieve these important values; and

WHEREAS the Mayor of Kyiv, Oleksander Omelchenko, has boldly allowed the use of facilities within Kyiv City Hall for thousands of demonstrators who, in sub-zero

temperatures, have been massing on the streets of Kyiv in peaceful process against the falsification of Ukraine's Presidential election; and

WHEREAS Canada's House of Commons on November 26, 2004, passed by unanimous consent, a motion stating that no legitimate basis exists for proclaiming Prime Minister Viktor Yanukovich as the winner of Ukraine's Presidential election;

NOW THEREFORE BE IT RESOLVED THAT the Mayor and Council of the City of Toronto support the motion of the federal government and further that they express their strong encouragement for the citizens of Ukraine in their fight to live in a free and democratic society."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(19) to the 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(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 268)

Procedural Vote:

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

Motion:

Councillor Lindsay Luby moved that Motion J(19) be adopted, subject to adding the following new Operative Paragraph:

"AND BE IT FURTHER RESOLVED THAT a copy of this Resolution be forwarded to Mr. Viktor Yushchenko, the opposition candidate for the Ukrainian presidency."

Votes:

The motion by Councillor Lindsay Luby carried.

Motion J(19), as amended, carried.

14.100 J(20) Supply and Delivery of Medical Grade Oxygen – Extension of 2004 Contract to MagGas Medical Inc. and Award of Quotation Request No. 6613-04-3291 to Gas Pro, a Division of Professional Respiratory Home Care Services Corp.

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 Mihevc

“**WHEREAS** the City’s Purchasing By-law, Municipal Code, Chapter 195, requires all matters to be referred to Council for consideration where there is an objection to the award of a contract; and

WHEREAS the City issued a Quotation Request for the Supply of Medical Grade Oxygen and two bids were received; and

WHEREAS the City has received an objection from one bidder with respect to the award of the contract to the lowest bidder meeting specifications; and

WHEREAS as a result of the delayed procurement process, it is necessary to extend the contract with the current supplier pending the award of the new contract to the recommended bidder on the 2004 Quotation Request;

WHEREAS Toronto Emergency Medical Services and Toronto Fire are recommending the award of the contract to supply medical grade oxygen, as set out in the attached report from the Acting Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer dated November 30, 2004, despite the objection, to the lowest bidder meeting specification;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the report dated November 30, 2004, from the Acting Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer.”

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(20), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 5, Page 276)

Procedural Vote:

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

Council also had before it, during consideration of Motion J(20), a report dated November 20, 2004, from the Acting Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, entitled "Supply and Delivery of Medical Grade Oxygen Cylinder Refilling – Extension of 2004 Contract and Award of New Contract, Quotation Request No. 6613-04-3291" (See Attachment 7, Page 239).

Motion:

Councillor Watson moved that Motion J(20) be adopted, subject to amending the first Operative Paragraph to provide that Recommendation (2) of the report dated November 30, 2004, from the Acting Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, be amended to now read as follows:

- “(2) Request for Quotation No. 6613-04-3291, issued for the Supply and Delivery of Medical Grade Oxygen, be awarded to Gas Pro, A Division of Profession Respiratory Home Care Services Corp. ('Gas Pro'), for the period of December 2, 2004 to December 31, 2008, in an estimated total contract amount of \$744,956.88 over four years, with the periods January 1, 2006 to December 31, 2006, January 1, 2007 to December 31, 2007, and January 1, 2008 to December 31, 2008, being subject to an option to renew to be exercised by the Commissioner of Works and Emergency Services, or his successor, being the lead City staff person in charge of Emergency Medical Services; and”.

Votes:

The motion by Councillor Watson carried.

Motion J(20), as amended, carried.

Summary:

In adopting Motion J(20), as amended, Council adopted the following staff recommendations contained in the Recommendations Section of the report dated November 30, 2004, from the Acting Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, as amended:

“It is recommended that:

- (1) the existing Contract No. 47000934 with MagGas Medical Inc. (‘MagGas’) be extended to December 15, 2004, and the total contract amount be increased by \$90,000.00 from a previous Council-approved contract amount of \$1,348,000.00, including all taxes and charges;
- (2) Request for Quotation No. 6613-04-3291, issued for the Supply and Delivery of Medical Grade Oxygen, be awarded to Gas Pro, A Division of Profession Respiratory Home Care Services Corp. (‘Gas Pro’), for the period of December 2, 2004 to December 31, 2008, in an estimated total contract amount of \$744,956.88 over four years, with the periods January 1, 2006 to December 31, 2006, January 1, 2007 to December 31, 2007, and January 1, 2008 to December 31, 2008, being subject to an option to renew to be exercised by the Commissioner of Works and Emergency Services, or his successor, being the lead City staff person in charge of Emergency Medical Services; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

14.101 J(21) Support for the Efforts of the Undocumented Workers Committee

Councillor Giambrone gave Notice of the following Motion to permit consideration at the next regular meeting of City Council on February 1, 2005:

Moved by: Councillor Giambrone

Seconded by: Mayor Miller

“**WHEREAS** Toronto City Council recognizes that there are thousands of hard working, tax paying immigrants in the City of Toronto who have no government documentation; and

WHEREAS there is a shortage of labour in the construction sector; and

WHEREAS many of these undocumented workers in the City of Toronto who work in the

construction sector have no health and safety protection; and

WHEREAS the Canadian Government recognizes that foreign workers make a significant contribution to Canada's economic development by helping to address skill shortages and teaching Canadians high-demand qualifications; and

WHEREAS it is understood that as a general rule, foreign workers must have an approved job offer and a work permit before arriving in Canada, and that once they have received their approved job offer, they must apply for a work permit; and

WHEREAS every year, millions of people embark on a migratory journey, many of whom leave their country to seek a better future for themselves and for their families; and

WHEREAS international social, economic and political conditions have a direct impact on Canada's Citizenship and Immigration programs and policies; and

WHEREAS the Department of Citizenship and Immigration is committed to reaping the maximum benefits of international migration and to making Canada a destination of choice for immigrants; and

WHEREAS two of the *Immigration Refugee Protection Act's* objectives that underscore the immigration program are:

- (1) supporting the settlement, adaptation and integration of newcomers into Canadian society; and
- (2) managing access to Canada with a fair and effective enforcement strategy;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council express its support for the many thousands of undocumented workers currently living and working in the City of Toronto;

AND BE IT FURTHER RESOLVED THAT Toronto City Council express support for the efforts of the Undocumented Workers Committee to reach a fair and equitable resolution;

AND BE IT FURTHER RESOLVED THAT Toronto City Council direct the City Clerk to write to the Federal Minister of Citizenship and Immigration expressing its desire to see the cases of undocumented workers be addressed in a timely, fair and equitable manner.”

14.102 J(22) Ontario Municipal Board Hearing - 44 and 46 Bernard 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 at its meeting held on June 22, 23 and 24, 2004, City Council adopted Notice of Motion J(30), respecting 44 and 46 Bernard Avenue - Ontario Municipal Board Appeal, and thereby authorized the City Solicitor to attend at the Ontario Municipal Board (the ‘OMB’) in opposition to an application by the owner of 44 and 46 Bernard Avenue to sever the site into two parcels; and

WHEREAS the basis for that direction was the advice of staff of Urban Development Services that a rezoning application would have better addressed and secured various issues; and

WHEREAS staff of Urban Development Services continued to work with the owner and by the time of the OMB hearing, staff was satisfied that the severances and variances were appropriate provided the owner agreed to certain conditions; and

WHEREAS accordingly the OMB, at the hearing held on October 19, 2004, approved the appeals subject to the condition that the owner enter into an agreement to satisfy these conditions; and

WHEREAS the City Solicitor therefore wishes to report upon this matter and obtain authority for the City to enter into an agreement to secure the conditions imposed by the OMB; and

WHEREAS the OMB would expect the matter to be finalized expeditiously rather than awaiting the next Council meeting in 2005;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the staff recommendation contained in the Recommendation Section of the attached report dated November 25, 2004, from the City Solicitor, entitled ‘44 and 46 Bernard Avenue, Trinity-Spadina, Ward 20’.”

Advice by Mayor Miller:

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

Code requiring the referral of Motion J(22) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(22), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 268)

Procedural Vote:

The vote to waive referral of Motion J(22) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(22), a report dated November 25, 2004, from the City Solicitor, entitled "44 and 46 Bernard Avenue, Trinity-Spadina Ward 20" (See Attachment 8, Page 243).

Vote:

Motion J(22) was adopted, without amendment.

Summary:

In adopting Motion J(22), without amendment, Council adopted, without amendment, the following staff recommendation contained in the Recommendation Section of the report dated November 25, 2004, from the City Solicitor:

"That the City enter into an agreement to secure the conditions imposed by the OMB upon the severance and variance appeals regarding 44 and 46 Bernard Avenue."

14.103 J(23) 1200 Weston Road – Opposition to Application for a Liquor Licence

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 Lindsay Luby

"WHEREAS the occupants of 1200 Weston Road have applied to the Alcohol and

Gaming Commission of Ontario (AGCO) for a liquor sales licence to serve and sell alcohol at these premises; and

WHEREAS the City Councillor has been advised by the Toronto Police Service of numerous Provincial Offence violations emanating from the numerous licensed establishments already existing in the immediate area of this location; and

WHEREAS the Toronto Police Service has further advised that there have been criminal activities and arrests emanating from the immediate area of this location; and

WHEREAS the Toronto Police Service has expressed concerns about the generally high crime rate of the area and the resulting consequences from the lack of parking; and

WHEREAS the City Councillor has also received complaints from residents regarding the misconduct of patrons from licensed establishments located in the immediate vicinity; and

WHEREAS the past and present conduct of patrons of nearby licensed establishments affords reasonable grounds to believe that a granting of a liquor licence at 1200 Weston Road may result in the behaviour of a certain and significant number of patrons not being in accordance with the law and combined with the other concerns noted above, demonstrates that a liquor licence for these premises is not in the public interest having regard to the needs and wishes of the Municipality in which the premises is located;

NOW THEREFORE BE IT RESOLVED THAT Council advise the Alcohol and Gaming Commission of the City of Toronto's opposition to any new application or the expansion of any existing liquor licence or caterer's endorsement for these premises and/or or adjacent or related addresses;

AND BE IT FURTHER RESOLVED THAT Council authorize the City Solicitor to advise the AGCO that it opposes any new application or the expansion of any existing liquor licence or caterer's endorsement for these premises and/or adjacent or related addresses and further instructs that a copy of this resolution be provided to the AGCO by December 2, 2004;

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 new applications or expansion of the current liquor licence, and that the City Solicitor and necessary staff be authorized to participate in any proceedings before the AGCO which relate to 1200 Weston Road."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(23) 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(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 268)

Procedural Vote:

The vote to waive referral of Motion J(23) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(23) was adopted, without amendment.

14.104 J(24) 1501 Yonge Street – Toronto Parking Authority Parking Lot Amendment to Turn Prohibitions

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 Rae

“WHEREAS Wittington Properties Limited, owner of the property at 1501 Yonge Street, currently a 37-space parking lot operated by the Toronto Parking Authority, has requested the complete rescission of southbound left-turn prohibition at 1501 Yonge Street; and

WHEREAS Transportation Services staff reviewed the request and a report from the BA Group and can support a southbound left-turn prohibition between the hours of 6:00 a.m. and 7:00 p.m. daily, as outlined in the attached letter dated October 29, 2004; and

WHEREAS Wittington Properties also requested a westbound through movement prohibition from the driveway at 1501 Yonge Street to Delisle Avenue at all times and Transportation Services concurs with that request as outlined in the attached letter; and

WHEREAS the Deer Park Traffic Study working group has also reviewed this request and the staff report and concur with its recommendations;

NOW THEREFORE BE IT RESOLVED THAT the Acting Commissioner of Works and Emergency Services be authorized to implement the above-noted change to the southbound left-turn prohibition and to introduce the westbound through-movement prohibition;
AND BE IT FURTHER RESOLVED THAT the necessary bills be introduced to give effect to these changes.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(24) to the 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(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 268)

Procedural Vote:

The vote to waive referral of Motion J(24) 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(24), a communication dated October 29, 2004, addressed to Wittington Properties Limited, from the Manager, Traffic Operations, South District, West Area, which is on file in the City Clerk's Office.

Vote:

Motion J(24) was adopted, without amendment.

14.105 J(25) Authority to Enter Into Agreements with the Owners of 438 King Street West, 23 Brant Street and 38 Niagara Street under Section 45(9) of the *Planning Act*

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 Rae

“**WHEREAS** this is a time sensitive matter that requires a resolution to ensure the City of Toronto receives the payments it requires and the owners of the properties located at 438 King Street, 23 Brant Street and 38 Niagara Street get the approval they need to finalize their respective projects; and

WHEREAS the Committee of Adjustment granted variances for the dimensions of parking spaces and building height for the property located at 438 King Street West and made its decision conditional on the owners entering into an agreement under Section 45(9) of the *Planning Act* to provide a cash contribution of \$210,000.00 to the City of Toronto prior to the issuance of any building, excavation or shoring permit for the development; and

WHEREAS the Committee of Adjustment granted variances for building height, setback and use of a commercial parking garage for the property located at 23 Brant Street and made its decision conditional on the owners entering into an agreement under Section 45(9) of the *Planning Act* to provide a cash contribution of \$75,000.00 to the City of Toronto prior to the issuance of any building, excavation or shoring permit for the development to be used for improvements to the St. Andrew’s Playground; and

WHEREAS the Ontario Municipal Board granted variances for building height, residential amenity area, driveway width, setbacks and a variance relating to loading spaces for the property located at 38 Niagara Street and made its decision conditional on the owners entering into an agreement under Section 45(9) of the *Planning Act* to provide a payment of \$150,000.00 to be used for park land improvement in the vicinity of 38 Niagara Street; and

WHEREAS authority is required from City Council for City staff to execute agreements under Section 45 (9) of the *Planning Act*;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto grant the authority to enter into agreements with the owners of 438 King Street West, 23 Brant Street and 38 Niagara Street to secure the required payments pursuant to the Committee of Adjustment Decisions and the Ontario Municipal Board decision;

AND BE IT FURTHER RESOLVED THAT City Council authorize the City Solicitor to undertake any steps necessary to implement Council’s direction, including the execution of Section 45(9) agreements, pertaining to the variances conditionally set out in the decisions of the Committee of Adjustment and the Ontario Municipal Board.”

Advice by Mayor Miller:

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

Code requiring the referral of Motion J(25) 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(25), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 6, Page 277)

Procedural Vote:

The vote to waive referral of Motion J(25) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(25) was adopted, without amendment.

14.106 J(26) By-law to Regulate Vibrations Caused by Construction Activity

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 Jenkins

“**WHEREAS** certain construction activities utilize equipment and methods, such as a vibratory hammer or pile driver, that may cause vibrations that travel beyond the property where the construction activity takes place; and

WHEREAS such vibrations may impact adversely on the use and enjoyment of adjacent properties although the level of vibrations may be below a level that causes actual damage to property or an impact on the structural integrity of adjacent buildings or structures; and

WHEREAS section 129 of the *Municipal Act, 2001 S.O. 2001, c. 25*, provides that ‘a local municipality may prohibit and regulate with respect to noise, vibrations, odour, dust and outdoor illumination’;

NOW THEREFORE BE IT RESOLVED THAT City Council request the

Commissioner of Urban Development Services, in consultation with the City Solicitor, to undertake a study and to report to City Council, through the Planning and Transportation Committee, with recommendations for a draft by-law to regulate vibrations caused by construction activity;

AND BE IT FURTHER RESOLVED THAT the report make recommendations for appropriate standards for the measurement of vibrations from construction activities at levels that minimize the adverse impacts of construction vibrations, including the methodology of measurement of construction vibrations, the time such vibrations may be prohibited or regulated, and the resources necessary for implementation and enforcement of the by-law.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(26) 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(26), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 7, Page 278)

Procedural Vote:

The vote to waive referral of Motion J(26) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(26) was adopted, without amendment.

14.107 J(27) Labour Negotiations

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

Moved by: Councillor Holyday

Seconded by: Councillor Ootes

“WHEREAS the commercial and residential taxpayers of the City of Toronto have been subjected to four straight years of substantial tax increases; and

WHEREAS the administrative competence of the City has been reviewed by the Auditor General and found wanting; and

WHEREAS the City’s financial condition is such that the Chief Financial Officer and Treasurer has advised Council that it is not sustainable; and

WHEREAS for most City programs, staffing costs often comprise 80 to 90 percent of the gross expenditures; and

WHEREAS it is hoped that the Budget Advisory Committee would place a cap on approved staff positions so that the exact impact of a new bargaining agreement can be ascertained; and

WHEREAS monies allocated to the City by the Province from gas tax revenue are already dedicated to transit expenditures; and

WHEREAS it is unlikely that the federal and provincial governments will direct additional grants to the City to specifically offset deficits due to labour agreements; and

WHEREAS bargaining negotiations with CUPE Locals 79 and 416 last time were allowed to go unconcluded until July 2002, culminating in a 17-day strike, which was only ended by provincial intervention; and

WHEREAS the length of the bargaining process created the weakest strategic position for the City negotiations; and

WHEREAS, as a result of this timing, the City lost parks program and golf course revenues; and

WHEREAS the cost and ability to deal with the City’s garbage was encumbered because of the increased health concerns and difficulties in handling it in warm weather; and

WHEREAS the tourist season (including the Pope’s visit, the Molson Indy, the Toronto Jazz Festival, Caribana, and many other special events) was jeopardized by this timeframe; and

WHEREAS the cost to the City due to the strike, including lost revenues, was \$3.3 million; and

WHEREAS these combined pressures and costs could have been greatly reduced by ensuring that measures were taken to conclude negotiations by the end of February;

NOW THEREFORE BE IT RESOLVED THAT the Employee and Labour Relations Committee report to Council, through the Policy and Finance Committee, in-camera on the status of the negotiations during the February 1, 2005 Council meeting.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(27) to the 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(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 268)

Procedural Vote:

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

Vote:

Motion J(27) was adopted, without amendment.

14.108 J(28) Authority to Amend the Section 37 Agreement – 33 Bay Street

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

Moved by: Councillor McConnell

Seconded by: Councillor Rae

“**WHEREAS** 33 Bay Street is the site of a multi-phase 1,771-unit condominium project approved in 2003 and currently under construction; and

WHEREAS the existing Section 37 Agreement requires the owner of 33 Bay Street to construct and maintain a Harbour Street overhead walkway connecting the City-owned Conference Centre at 11 Bay Street to parking for the conference centre located at 33 Bay

Street; and

WHEREAS through community consultation and staff review, it was determined that the overhead walkway is no longer considered to be desirable or appropriate; and

WHEREAS a staff report dated May 22, 2003, recommending, among other things, the deletion of the overhead walkway, the substitution of other streetscape improvements and other amendments to the Section 37 Agreement, was approved by City Council on June 24 to 26, 2003; and

WHEREAS below grade construction on the first phase of the building at 33 Bay Street is underway with an above grade permit expected by the end of 2004; the owner is required to have an amended and executed Section 37 Agreement and site plan approval in place prior to an above grade permit being issued;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the staff recommendation contained in the Recommendation Section of the attached report dated November 29, 2004, from the Commissioner of Urban Development Services, which gives authority to amend the Section 37 Agreement so that the City is provided a cash payout for the overhead walkway provision of the existing Section 37 Agreement.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(28) 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(28), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 8, Page 279)

Procedural Vote:

The vote to waive referral of Motion J(28) 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(28), a report dated November 29, 2004, from the Commissioner of Urban Development Services, entitled “Authority to Amend the Section 37 Agreement Site Plan Approval Application 03 035080 STE 28 SA Applicant: Goodman and Carr Architect: Page + Steele 33 Bay Street” (See Attachment 9, Page 250).

Vote:

Motion J(28) was adopted, without amendment.

Summary:

In adopting Motion J(28), without amendment, Council adopted, without amendment, the following staff recommendation contained in the Recommendation Section of the report dated November 29, 2004, from the Commissioner of Urban Development Services:

“It is recommended that Council’s actions of June 24, 25 and 26, 2003, (Toronto East York Community Council Report 6, Clause 18) be amended to change the Section 37 Agreement to delete the requirement for a Harbour Street overhead walkway and add a requirement for a financial payment from the owner to the City, paid prior to the issuance of an above grade permit, for \$550,000.00 indexed to 2003 dollars, for streetscaping improvements to the east side of Yonge Street between the south curb of Harbour Street and north curb of Lake Shore Boulevard East, and sidewalk lighting in the Yonge Street railway underpass south of The Esplanade, to be completed by the Commissioner of Works and Emergency Services, and that the appropriate City officials execute such Agreement.”

14.109 J(29) Ontario Municipal Board Appeals – 3025 Finch Avenue 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 Palacio

“**WHEREAS** at its meeting held on September 28, 29, 30 and October 1, 2004, City Council adopted the recommendations of Etobicoke York Community Council as contained in Etobicoke York Community Council Report 7, Clause 47, and thereby directed the City Solicitor to oppose at the OMB the site plan and zoning by-law amendment appeals by the owner of 3025 Finch Avenue West; and

WHEREAS the Ontario Municipal Board has scheduled a settlement hearing date for December 20, 2004 and a hearing date for nine days commencing on February 15, 2005; and

WHEREAS as a result of further meetings with the applicant and mediation of the issues

at the Ontario Municipal Board, the applicant has revised its proposed site plan and zoning by-law amendment; and

WHEREAS the City Solicitor wishes to report upon the revised proposal and obtain further directions in respect of the OMB hearings; and

WHEREAS it is appropriate to consider the confidential report dated November 29, 2004, from the City Solicitor at this meeting as it is time sensitive due to the December 20, 2004 settlement hearing date; and

WHEREAS it is appropriate to consider the report of the City Solicitor in-camera as it relates to litigation and solicitor-client privilege;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the confidential report dated November 29, 2004, from the City Solicitor.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(29) 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(29), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

The vote to waive referral of Motion J(29) to the 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(29), a confidential report dated November 29, 2004, from the City Solicitor.

Vote:

Adoption of Motion J(29), without amendment.

Yes - 38
Mayor: Miller

Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Ford, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
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No - 3 Councillors:	Del Grande, Mammoliti, Milczyn
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Carried by a majority of 35.

Summary:

In adopting Motion J(29), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated November 29, 2004, from the City Solicitor. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act*, as it contains information pertaining to litigation or potential litigation.

14.110 J(30) Naming of Fountain in Honour of Alex Ling

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

Moved by: Councillor Saundercook

Seconded by: Mayor Miller

“WHEREAS Toronto’s 50 Business Improvement Areas make a significant contribution to the economic vitality and quality of life of Toronto’s neighbourhoods; and

WHEREAS the success of the BIA movement in Toronto is very much a result of the over 30 years of service from Mr. Alex Ling; and

WHEREAS Mr. Ling served many years as the Chair of the Board of Management for the Bloor West BIA since its founding in 1970 as Toronto’s first BIA; and

WHEREAS the fountain at the northwest corner of Bloor Street West and Jane Street is a capital asset owned and maintained by the Bloor West Village BIA; and

WHEREAS I, as Ward Councillor, received a formal request from the Board of Directors of the Bloor West Village BIA to name the fountain in Mr. Ling's honour;

NOW THEREFORE BE IT RESOLVED THAT Council support the naming of the fountain in Mr. Ling's honour."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(30) to the 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(30), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 268)

Procedural Vote:

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

Vote:

Motion J(30) was adopted unanimously, without amendment.

14.111 J(31) Ontario Municipal Board Hearing - 169 John Street

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 Mihevc

"WHEREAS the City Solicitor has prepared a confidential report dated November 29, 2004, seeking further instructions respecting the Ontario Municipal Board hearing regarding 169 John Street; and

WHEREAS consideration of this matter by Council is required on an urgent basis as the hearing will commence December 13, 2004;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the attached confidential report dated November 29, 2004, from the City Solicitor.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(31) 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(31), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

The vote to waive referral of Motion J(31) 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(31), a confidential report dated November 29, 2004, from the City Solicitor.

Vote:

Motion J(31) was adopted, without amendment.

Summary:

In adopting Motion J(31), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated November 29, 2004, from the City Solicitor. The following recommendations are now public, and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information pertaining to litigation or potential litigation:

“In the event that City Council determines that it is appropriate to revise the Settlement and

the provisions for the expenditure of the Section 37 funds in this matter on the basis outlined in this report, it is recommended that:

- (1) the City Solicitor and other appropriate staff be authorized to appear at the Ontario Municipal Board in support of the settlement adopted by Council at its meeting of October 26, 27 and 28, 2004, by its adoption of Motion J(23), as revised to permit:
 - (a) the overall maximum building height above grade of 33.10 metres to be exceeded for the purpose of permitting a 1.5 metre high mechanical space comprising an area of +/-32.59 square metres, in substantially the location shown on plans stamped received November 22, 2004;
 - (b) a maximum residential gross floor area of 4,067 square metres; and
 - (c) the Section 37 provisions of the amending by-laws to be amended to allow the expenditure of the funds to include improvements to Grange Park and/or streetscape improvements on McCaul Street and/or John Street, and the Section 37 Agreement to provide that such expenditure shall be at the discretion of the Commissioners of Economic Development Culture and Tourism, and Works and Emergency Services, in consultation with the local Councillor and the local community; and
- (2) the City Solicitor and other appropriate staff be instructed to take all other steps and execute such agreements as may be required to implement the settlement as revised.”

14.112 J(32) Information Pillar Pilot Project - Inclusion of Business Improvement Areas in Pilot Project

Councillor Ashton 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 Ashton

Seconded by: Councillor Rae

“**WHEREAS** at the June 22, 2004 meeting of Toronto City Council, Council adopted Policy and Finance Committee Report 5, Clause 24, to approve the Request for Proposal No. 3012-03-7369, for the provision of a pilot project for the placement of 25 information pillars on City property; and

WHEREAS a restriction on the placement of information pillars within BIAs was included as an amendment within the approved Clause; and

WHEREAS numerous BIAs have now indicated their interest in benefiting from the pilot project and having information pillars placed within their boundaries;

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 5, Clause 24, headed 'Pilot Project for 25 Information Pillars, Request for Proposal No. 3012-03-7369', be re-opened for further consideration, only as it pertains to the placement of information pillars within BIAs;

AND BE IT FURTHER RESOLVED THAT Council adopt the following:

'That no information pillars be placed within BIAs or historic districts unless they specifically request participation in the pilot project and with the concurrence of the local Ward Councillor.' "

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 268)

Votes:

The first Operative Paragraph contained in Motion J(32) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(32) was adopted, without amendment.

14.113 J(33) Harbour Remediation & Transfer Inc. Claim and Related Third Party Claim Concerning Fred Dominelli and 939923 Ontario Limited

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

Moved by: Councillor Pitfield

Seconded by: Deputy Mayor Bussin

“**WHEREAS** at its meeting of October 26, 27 and 28, 2004, Council directed the City Solicitor to report to the first possible Council meeting on the status of settlement discussions with Harbour Remediation & Transfer Inc. (‘HR&T’), Costa Trucking and Contracting Ltd. (‘Costa Trucking’) and concerning a third party claim by HR&T, in which it seeks indemnification from the City for a claim against it by Fred Dominelli and 939923 Ontario Limited (‘939923’); and

WHEREAS there have been settlement discussions between the parties since October 28, 2004; and

WHEREAS the City Solicitor was given instructions to report to the first possible Council meeting; and

WHEREAS consideration of this matter by Council is required on an urgent basis to provide instructions to staff;

NOW THEREFORE BE IT RESOLVED THAT the staff recommendations contained in the Recommendations Section of the attached confidential report dated November 30, 2004, from the City Solicitor, entitled ‘Harbour Remediation & Transfer Inc. Claim and Related Third Party Claim Concerning Fred Dominelli and 939923 Ontario Limited’ 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.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(33) to the 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(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 Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, for consideration with Motion J(33), a confidential report dated November 30, 2004, from the City Solicitor. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act*, as it contains information pertaining to litigation or potential litigation.

Disposition:

As Council did not conclude its consideration of Motion J(33) prior to the end of this meeting, consideration of this Motion was deferred to the Special meeting of City Council on December 6, 2004.

14.114 J(34) Approval to Enter into a Shared Use Agreement with the Conseil Scolaire Public de District du Centre-Sud-Ouest (CSDCSO), for the Use of the Playing Fields at Pierre Elliot Trudeau School

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

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Giambrone

“WHEREAS the Toronto District School Board (TDSB) and the Toronto Catholic District School Board (TCDSB) form an integral part of the social fabric of the City of Toronto; and

WHEREAS the TDSB and the TCDSB have in the past had their school sites funded by the property taxes collected by the City of Toronto; and

WHEREAS the properties owned by the TDSB and the TCDSB constitute a significant portion of the greenspace in the City of Toronto; and

WHEREAS the TDSB and the TCDSB are disposing of properties deemed surplus to their current needs under Provincial Regulation 444; and

WHEREAS the property located at 65 Grace Street, currently owned by the Toronto District School Board, is being sold to the Conseil Scolaire Public de District du Centre-Sud-Ouest (CSDCSO); and

WHEREAS the CSDCSO would like to erect a fence around the adjacent playing fields; and

WHEREAS at its meeting of October 24, 2002, the Toronto and East York Community Council recommended that staff be directed to contact the CSDCSO and Ecole Pierre Elliot Trudeau School to work out the fencing and greenspace issues; and

WHEREAS there is an urgency to the resolution of this issue with the TDSB sale of the property scheduled to be completed by December 15, 2004;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the attached report dated November 30, 2004, from the Commissioner of Economic Development, Culture and Tourism.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(34) to the 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(34), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 268)

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 report dated November 30, 2004, from the Commissioner of Economic Development, Culture and Tourism, entitled “Shared Use Agreement with Toronto French School Board for use of Outdoor Green Space at Pierre Elliot Trudeau School, Ward 19, Trinity-Spadina” (See Attachment 10, Page 253).

Vote:

Motion J(34) was adopted, without amendment.

Summary:

In adopting Motion J(34), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated November 30, 2004, from the Commissioner of Economic Development, Culture and Tourism:

“It is recommended that:

- (1) Council authorize the City to enter into a 999 year nominal sum Shared Use Agreement with the CSDCSO, effective upon the date of registration of the transfer of the land from the TDSB to the CSDCSO, for the use of the playing fields as

parkland and a playground for the community and the construction of fences at Ecole Pierre Elliot Trudeau School in accordance with terms and conditions deemed necessary by the Commissioner of Economic Development, Culture and Tourism, and the City Solicitor, in consultation with the Ward Councillor; and

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

14.115 J(35) Parking Regulations on Ted Reeve Drive, Whistle Post Street, William Hancox Avenue and Crossovers Street - “One Hour Maximum, 8:00 a.m. to 6:00 p.m., Monday to Friday”

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

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Davis

“**WHEREAS** at its meeting of July 20, 21 and 22, 2004, City Council approved Toronto and East York Community Council Report 6, Clause 68, which recommended ‘one hour maximum, 8:00 a.m. to 6:00 p.m., Monday to Friday’ parking regulations on Ted Reeve Drive, Whistle Post Street, William Hancox Avenue, and Crossovers Street; and

WHEREAS residents have expressed concern with the stringency of these one-hour maximum parking regulations; and

WHEREAS rescission of these one-hour maximum parking regulations would allow parking for the unsigned three-hour maximum, thereby facilitating longer-term parking, and have a negligible impact on traffic operations; and

WHEREAS staff has advised that funds in the amount of \$1,000.00 associated with the removal of the appropriate signage are available in the Transportation Services Division 2004 Operating Budget;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto and East York Community Council Report 6, Clause 68, headed ‘Introduction of Parking Regulations and Intersection Controls on Ted Reeve Drive, Whistle Post Street, William Hancox Avenue and Crossovers Street (Beaches-East York, Ward 32)’, be re-opened for further consideration;

AND BE IF FURTHER RESOLVED THAT the following ‘one hour maximum,

8:00 a.m. to 6:00 p.m., Monday to Friday' parking regulations as shown on attached Drawing No. 421F-7656 be rescinded:

- (1) Ted Reeve Drive:
 - (a) the east side, from Crossovers Street to a point 39 metres north thereof;
- (2) Whistle Post Street:
 - (a) the south side, from Ted Reeve Drive to a point 73 metres east thereof;
 - (b) the south side, from a point 95 metres east of Ted Reeve Drive to a point 55 metres further east;
 - (c) the south side, from a point 179 metres east of Ted Reeve Drive to a point 49 metres further east; and
 - (d) the south side, from a point 250 metres east of Ted Reeve Drive to a point 39 metres further east;
- (3) William Hancox Avenue:
 - (a) the west side, from a point 26.5 metres south of Whistle Post Street to Crossovers Street; and
 - (b) the south side, from a point 28.5 metres south of Crossovers Street to a point 37 metres north of Gerrard Street; and
- (4) Crossovers Street:
 - (a) the south side, from a point 46.5 metres west of William Hancox Avenue to a point 38.5 metres further west thereof;
 - (b) the south side, from a point 107 metres west of William Hancox Avenue to a point 44 metres further west thereof;
 - (c) the south side, from a point 190 metres west of William Hancox Avenue to a point 56 metres further west thereof; and
 - (d) the south side, from a point 269 metres west of William Hancox Avenue to a point 29 metres further west thereof.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(35), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 9, Page 280)

Council also had before it, during consideration of Motion J(35), a drawing (November 2004),

entitled "Upper Beaches Area Existing and Proposed Parking Regulations", which is on file in the City Clerk's Office.

Votes:

The first Operative Paragraph contained in Motion J(35) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(35) was adopted, without amendment.

14.116 J(36) **Licence Fees for Private Parking Enforcement Agencies**

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

Moved by: Councillor Moscoe

Seconded by: Councillor Walker

"WHEREAS there are some 83 Private Parking Enforcement Agencies licensed by the City of Toronto; and

WHEREAS these agencies generate ticket revenues (by issuing legal City of Toronto tags on private property) estimated at approximately \$5.5M in 2004, for the City of Toronto; and

WHEREAS new licence fees established by Council for Private Parking Enforcement Agencies are scheduled to go into effect beginning January 1, 2005; and

WHEREAS these fees have been increased from \$186.00 for an initial licence and \$100.00 for a renewal in 2004 to \$2,571.00 for an initial licence and \$2,345.00 for a renewal in 2005, increases of some 1380 percent and 2350 percent respectively; and

WHEREAS the fees apply equally to all agencies whether they employ 300 officers or 3 officers; and

WHEREAS the net effect of this increase will be to drive all of the smaller agencies out of business or force them to operate illegally; and

WHEREAS the reason for the increases stem from the City's interpretation of the Licensing Provisions of the *Municipal Act* that require licensing activities to be cost recovered within

the class of business, and there are massive increase in enforcement activities, ironically related to the companies that are operating outside the law, many of which are unlicensed and therefore do not pay licence fees; and

WHEREAS the matter is an issue of fairness and fundamental justice and one of some urgency to these companies;

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 5, Clause 11, headed 'Review of Business Licensing Fees/Establishment of Traditional Medicine Establishment and Practitioner Licences' be re-opened for further consideration only as it pertains to the licence fees for Private Parking Enforcement Agencies;

AND BE IT FURTHER RESOLVED THAT the City give notice that it intends to review these rates, and the matter be referred to the Planning and Transportation for a public hearing under the *Municipal Act*;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Urban Development Services, in consultation with the City Solicitor and the Chief Financial Officer and Treasurer, report to an upcoming meeting of the Planning and Transportation Committee to re-structure the licence fees related to this class of business through one or a combination of:

- (1) a graduated schedule of fees based on the number of Municipal Law Enforcement Offices employed by that company; and/or
- (2) a realignment of approximately 4.5 to 5 percent of parking ticket revenue which would offset the cost of administering and enforcing the Licensing by-law within Urban Development Services; and/or
- (3) a formula which combines both revenue sources, noted above;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Urban Development Services report on this matter directly to the Planning and Transportation Committee as soon as possible in recognition of its time sensitive nature;

AND BE IT FURTHER RESOLVED THAT all enforcement for non-payment of fees within this class of license be suspended pending Council's review of this matter and resolution of appropriate fees for this class of license."

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(36), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 268)

Votes:

The first Operative Paragraph contained in Motion J(36) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(36) was adopted, without amendment.

14.117 J(37) Audit of the Let's Build Pilot Project Funding Agreements

Councillor Del Grande moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion:

Moved by: Councillor Del Grande

Seconded by: Councillor Di Giorgio

“WHEREAS the City of Toronto administers and distributes funds on behalf of the provincial and federal governments under the Let's Build program; and

WHEREAS as such, the City of Toronto has a fiduciary duty to those other levels of government to administer and distribute the funds under the Let's Build program in such a way as to maximize the benefit for tax dollars spent through the program; and

WHEREAS a number of Councillors have voiced concern about the financial benefits received in exchange for the funding provided to a number of the Pilot Project proponents; and

WHEREAS staff have already attempted to renegotiate the terms under which the funding has already been approved to at least one of the Pilot Project proponents, suggesting that the original terms were not negotiated so as to provide the City of Toronto with the maximum benefit possible; and

WHEREAS Council's goal of providing the maximum number of affordable rental units under the program may be compromised by the failure to negotiate the most advantageous deals possible;

NOW THEREFORE BE IT RESOLVED THAT City Council direct the Auditor General to conduct a preliminary review of the terms of the eight (8) Pilot Project Agreements approved by Council;

AND BE IT FURTHER RESOLVED THAT City Council direct the Auditor General to add this review to his audit schedule and to report back in a timely fashion – commensurate with the short-term nature and magnitude of the funds distributed under this program – so that Council can take timely, corrective actions based on his findings;

AND BE IT FURTHER RESOLVED THAT City Council direct the Auditor General to report his preliminary findings, along with his opinion about the need to expand his review, directly to the Audit Committee at the earliest possible date.”,

the vote upon which was taken as follows:

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

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

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on February 1, 2005.

14.118 J(38) **OMB Appeal – Application for Front Yard Parking at 1501 Islington Avenue**

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

Moved by: Councillor Lindsay Luby

Seconded by: Councillor Grimes

“**WHEREAS** the Etobicoke Committee of Adjustment refused an application to permit a front yard parking pad at 1501 Islington Avenue; and

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

WHEREAS the front yard parking pad is more than minor in nature, is not appropriate, and does not meet the intent of the zoning by-law;

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(38) 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(38), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 268)

Procedural Vote:

The vote to waive referral of Motion J(38) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, for consideration with Motion J(38), a Notice of Decision dated November 3, 2004, from the Manager and Deputy Secretary, Committee of Adjustment, Etobicoke York Panel, which is on file in the City Clerk’s Office.

Disposition:

As Council did not conclude its consideration of Motion J(38) prior to the end of this meeting, consideration of this Motion was deferred to the Special meeting of City Council on December 6, 2004.

14.119 J(39) Old City Hall Clock

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 Rae**

“**WHEREAS** the Old City Hall is a National Historic Site, and the clock and bells is an important landmark for the City of Toronto; and

WHEREAS Old City Hall including the clock tower, clock and bells is a well known tourist attraction for the City of Toronto; and

WHEREAS the venerable clock that towers above Old City Hall hasn't worked since last spring and was to be in working order by November 2004; and

WHEREAS the clock and chimes with their distinctive ringing has been a part of the Holiday Season, including Cavalcade of Lights, the Ice Sculpture contest, WinterLude and the New Year's celebration that takes place at Nathan Phillips Square, and is seen by millions of Torontonians via television;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Corporate Services be directed to report back to City Council by the end of this Council session, in order to have the clock and chimes in working condition and turned on, for the month of December Holiday Season, and especially in time for December 31, 2004.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(39) 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(39) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Feldman in the Chair.

Motion:

Councillor Grimes moved that Motion J(39) be adopted subject to amending the first Operative Paragraph so that it now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Corporate Services be requested to have the clock and chimes in working condition and turned on as expeditiously as possible.”

Votes:

The motion by Councillor Grimes carried.

Motion J(39), as amended, carried.

Mayor Miller in the Chair.

14.120 J(40) Interim Approvals for Payment of Hostel Per-Diem and Personal Needs Allowance Invoices and Funding for Habitat Services

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 Rae

“WHEREAS the Commissioner of Community and Neighbourhood Services, following past practices, has signed purchase of service contracts with a total annual value in excess of \$500,000.00 with community agencies and motels for the provision of hostel services and the issuance of personal needs allowance and signed a contract with Habitat Services for the provision of boarding/rooming house services (hereinafter collectively called the ‘Service Contracts’); and

WHEREAS the City’s Auditor General has identified that the Commissioner of Community and Neighbourhood Services does not have explicit Council authority to sign Service Contracts; and

WHEREAS staff will be bringing forward a report to the December 2004 meeting of the Community Services Committee seeking authority for the Commissioner of Community and Neighbourhood Services to sign purchase of Service Contracts at rates and up to values approved by Council, but due to the meeting schedule, City Council will not be able to consider or approve this report until its meeting of February 2005; and

WHEREAS community agencies continue to submit invoices for services rendered based on contracts signed in good faith pursuant to the Service Contracts; and

WHEREAS these agencies will suffer financial difficulties if payment under the Service Contracts is delayed until January of 2005;

NOW THEREFORE BE IT RESOLVED THAT Council confirm the signing of the Service Contracts by the Commissioner of Community and Neighbourhood Services and grant authority to make payments pursuant to the Service Contracts for organizations identified in the attached Appendices A and B, up to the amounts identified in Appendices A and B, for the months of October, November and December 2004, and January 2005.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(40) to the Community Services Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(40) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(40), the following Appendices (See Attachment 11, Page 255):

- Appendix A, entitled “Purchase of Service Per Diem Payments Based on 100% Bed Occupancy”; and
- Appendix B, entitled “Personal Needs Allowance Payments Based on 100% Bed Occupancy”.

Vote:

Motion J(40) was adopted, without amendment.

14.121 J(41) Proposed Amendment to Interim Control By-law 158-2004 to Prohibit Large Restaurants and Clubs in the King-Spadina Part II Area

Councillor Chow 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 Chow

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** Interim Control By-law 158-2004 was adopted by City Council on March 3, 2004, and prohibited the establishment of new entertainment facilities; and

WHEREAS the Commissioner of Urban Development Services acknowledged that certain entertainment uses and residential uses may conflict; and

WHEREAS the development of lounges in close proximity to residential lands west of Spadina Avenue has occurred;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the staff recommendations contained in the Recommendations Section of the attached report dated December 1, 2004, from the Commissioner of Urban Development Services, regarding an amendment to the existing Interim Control By-law 158-2004 for the area of King-Spadina west of Spadina Avenue.”

Council also had before it, during consideration of Motion J(41), a report dated December 1, 2004, from the Commissioner of Urban Development Services, entitled “Proposed Amendment to Interim Control By-law No. 158-2004 to Prohibit Large Restaurants and Clubs in the King-Spadina Part II Area, Rezoning 04 119456 000 00 OZ, Ward 20 – Trinity-Spadina” (See Attachment 12, Page 262.)

Vote:

Motion J(41) was adopted, without amendment.

Summary:

In adopting Motion J(41), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated December 1, 2004, from the Commissioner of Urban Development Services:

“It is recommended that City Council:

- (1) amend Interim Control By-law No. 158-2004 to include a restriction on the size of all new restaurants and clubs within the lands west of Spadina Avenue in the King-Spadina Part II Plan to 200 square metres in accordance with the Zoning By-law Amendment attached as Attachment 1; and
- (2) request the Commissioner of Urban Development Services to expand the review of entertainment facilities to include restaurants and clubs for those lands west of Spadina Avenue in the King-Spadina Part II Plan area that are identified on Attachment 2.”

14.122 J(42) Ontario Municipal Board Appeal – 175 Avenue Road

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 Chow

“**WHEREAS** at its meeting held on May 18, 19 and 20, 2004, City Council adopted the recommendations in Toronto South Community Council Report 4, Clause 13, and thereby authorized the City Solicitor to attend at the Ontario Municipal Board (the ‘OMB’) in opposition to an appeal by the owner of 175 Avenue Road of Council’s refusal to permit an amendment to the Zoning By-law 438-86 to rezone the lands to permit a site specific restaurant use; and

WHEREAS the OMB heard the appeal on July 23 and 24, 2004, and issued its decision on October 7, 2004, allowing the appeal and approving the amendment to the Zoning By-law 438-86; and

WHEREAS the City Solicitor therefore wishes to report upon this matter and obtain authority for the City to take further action with respect to the decision of the OMB; and

WHEREAS the risks of any financial implications of Council’s decisions are significantly reduced if the instructions are provided expeditiously rather than awaiting the next Council meeting in 2005;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the attached confidential

report dated December 1, 2004, from the City Solicitor.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(42) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(42) 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(42), a confidential report dated December 1, 2004, from the City Solicitor.

Vote:

Motion J(42) was adopted, without amendment.

Summary:

In adopting Motion J(42), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated December 1, 2004, from the City Solicitor. The following recommendations, together with Appendices 1 and 2, are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information pertaining to litigation or potential litigation:

“It is recommended that City Council authorize the City Solicitor to:

- (1) request the Ontario Municipal Board to amend its decision number 1617 to reflect changes in the amendments to the Zoning By-law, as agreed upon by the owner of 175 Avenue Road and set out in Appendix 2 attached hereto; and
- (2) withdraw the application to Divisional Court for leave to appeal the Ontario Municipal Board decision dated October 7, 2004.”

(See Attachment 13, Page 267, for Appendices 1 and 2.)

14.123 J(43) Toronto Port Authority and Stolport Corporation – Facilitation of Settlement and Completion of Conveyances, including Exemption from Part Lot Control for Lands Known Municipally in the Year 2004 as 535 and 595/651 Commissioners Street, 12 and 12A Leslie Street, 206, 220, 240, 400, 440R and 600 Unwin Avenue, 150 Cherry Street, 95R Queens Quay East and 333R Lakeshore Boulevard East, and Part of the Vacant Land Adjoining Unwin Avenue

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 Kelly

“**WHEREAS** at its meeting held on April 15 and 16, 2004, City Council adopted Notice of Motion J(14), entitled ‘Court Application on the Stolport Agreement’ instructing the City Solicitor to proceed with the court application for declaratory relief regarding the Stolport Agreement that has been registered on certain lands already transferred and lands to be transferred by the Toronto Port Authority (TPA) to the City and the Toronto Economic Development Corporation (TEDCO); and

WHEREAS the City Solicitor has prepared a confidential report dated December 1, 2004, seeking Council’s direction on this matter;

WHEREAS consideration of this matter by Council is required on an urgent basis to provide instructions to staff;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the confidential report dated December 1, 2004, from the City Solicitor.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(43) to the Policy and Finance Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(43) 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(43), a confidential report dated December 1, 2004, from the City Solicitor and the Commissioner of Urban Development Services.

Vote:

Motion J(43) was adopted, without amendment.

Summary:

In adopting Motion J(43), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated December 1, 2004, from the City Solicitor and the Commissioner of Urban Development Services.

The following Recommendations (1), (3), (4), (5), (6), (7) and (8) are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information pertaining to litigation or potential litigation:

“It is recommended that:

- (1) Council instruct the City Solicitor to work with the firm of Robins, Appleby & Taub to complete the land transfers from the TPA to the City and TEDCO, including instructing Robins, Appleby & Taub on resolving the court application for declaratory relief regarding the Stolport agreement registered on title to certain lands already transferred and to be transferred by the TPA to the City and TEDCO;
- (3) a part lot control exemption by-law, substantially in accordance with Attachment 1 to this report, pursuant to section 50(7) of the *Planning Act*, be enacted for the following lands (the ‘lease lands’):
 - (a) 535 Commissioners Street;
 - (b) Part of Rear 595 Commissioners Street;
 - (c) Part of 12 and 12A Leslie Street;
 - (d) Part of 600 Unwin Avenue; and
 - (e) Part of 150 Cherry Street;
- (4) a part lot control exemption by-law, substantially in accordance with Attachment 2 to this report, pursuant to section 50(7) of the *Planning Act*, be enacted for the following lands (the ‘transfer lands’):
 - (a) Part of 150 Cherry Street;
 - (b) Part of 206 Unwin Avenue;
 - (c) 220 Unwin Avenue;
 - (d) Part of 240 Unwin Avenue;
 - (e) Part of 400 Unwin Avenue;

- (f) Part of 440R Unwin Avenue;
 - (g) 95R Queens Quay East; and
 - (h) 333R Lakeshore Boulevard East;
- (5) a part lot control exemption by-law, substantially in accordance with Attachment 3 to this report, pursuant to section 50(7) of the *Planning Act*, be enacted for the following lands also being conveyed to TEDCO:
- Parts 5 and 7 on Plan 64R-14758 (part of the vacant land adjoining Unwin Avenue);
- (6) all three by-laws shall expire one year from the date of enactment by Council;
 - (7) the City Solicitor be authorized to introduce the necessary Bills in Council to give effect to Recommendations (3), (4), (5) and (6); and
 - (8) Council authorize the appropriate City officials to take the necessary steps to give effect thereto.”

14.124 J(44) Installation of Speed Humps - Tiago Avenue, between Victoria Park Avenue and Westview Boulevard

Councillor Davis 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 Davis

Seconded by: Councillor Walker

“**WHEREAS** City Council at its meeting held on July 20, 21 and 22, 2004, by its adoption of Toronto and East York Community Council Report 6, Clause 57, wherein Community Council recommended adoption of staff recommendations in a report (June 17, 2004) from the Director, Transportation Services, South District, authorized the installation of traffic calming devices on Tiago Avenue, between Victoria Park Avenue and Westview Avenue, to help reduce speed on the street, and which should have read Tiago Avenue between Victoria Park Avenue and Westview Boulevard;

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto and East York Community Council Report 6, Clause 57, headed ‘Installation of Speed Humps –Tiago Avenue, between Victoria Park Avenue and Westview Avenue (Beaches-East York, Ward 31)’,

be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the street name ‘Westview Avenue’ be replaced by the street name ‘Westview Boulevard’ wherever it may appear in the recommendations and the body of the Clause;

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

Votes:

The first Operative Paragraph contained in Motion J(44) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(44) was adopted, without amendment.

14.125 J(45) Strategy to Reduce and Eliminate Unsolicited Junk E-mails

Councillor Palacio gave Notice of the following Motion to permit consideration at the Special meeting of City Council on December 6, 2004:

Moved by: Councillor Palacio

Seconded by: Councillor Nunziata

“**WHEREAS** City staff and Councillors’ staff spend hours of productivity every day, going through and deleting unwanted ‘junk’ e-mails; and

WHEREAS my office has repeatedly asked our Information and Technology Division to find ways of blocking or screening unsolicited e-mails, without success; and

WHEREAS our computer systems constantly get affected by incoming viruses, because of a lack of a SPAM filtering solution; and

WHEREAS this is costing taxpayers hundreds of thousands of dollars in wasted staff time;

NOW THEREFORE BE IT RESOLVED THAT the Executive Director of Corporate Information and Technology report to the e-City Committee on a strategy to reduce and eliminate the volume of unsolicited external e-mails to City staff and Councillors;

AND BE IT FURTHER RESOLVED THAT the Executive Director of Corporate

Information and Technology be asked to expedite the implementation of a SPAM filtering solution, which will help address unsolicited e-mails.”

14.126 J(46) 499 King Street West – Opposition to Application for a Liquor Licence

Councillor Chow gave Notice of the following Motion to permit consideration at the Special meeting of City Council on December 6, 2004:

Moved by: Councillor Chow

Seconded by: Councillor Rae

“**WHEREAS** the occupants of 499 King Street West have applied to the Alcohol and Gaming Commission of Ontario (AGCO) for a liquor sales licence to serve and sell alcohol at this location with a public hearing on December 20, 2004; and

WHEREAS the City Councillor has been advised by the Toronto Police Service of numerous Provincial Offence violations emanating from the numerous licensed establishments already existing in the immediate area of this location; and

WHEREAS the Toronto Police Service has further advised that there have been criminal activities and arrests emanating from the immediate area of this location; and

WHEREAS the City Councillor has also received complaints from residents regarding the misconduct of patrons from licensed establishments located in the immediate vicinity; and

WHEREAS the past and present conduct of patrons of nearby licensed establishments affords reasonable grounds to believe that a granting of a liquor licence at 499 King Street West may result in the behaviour of a certain and significant number of patrons not being in accordance with the law and combined with the other concerns noted above, demonstrates that a liquor licence for these premises is not in the public interest having regard to the needs and wishes of the Municipality in which the premises is located;

NOW THEREFORE BE IT RESOLVED THAT Council advise the Alcohol and Gaming Commission of the City of Toronto’s opposition to any new application or the expansion of any existing liquor licence or caterer’s endorsement for 499 King Street West;

AND BE IT FURTHER RESOLVED THAT Council authorize the City Solicitor to advise the AGCO that it opposes any new application or the expansion of any existing liquor licence or caterer’s endorsement for 499 King Street West and further instructs that a copy of this resolution be provided to the AGCO by December 19, 2004;

AND BE IT FURTHER RESOLVED THAT the AGCO be requested to provide the City with an opportunity to participate in any proceedings involving

499 King Street West to oppose any new applications or expansion of the current liquor licence, and that the City Solicitor and necessary staff be authorized to participate in any proceedings before the AGCO which relate to 499 King Street West.”

14.127 Consideration of the following matters was deferred to a Special meeting of City Council on December 6, 2004, as they remained on the Order Paper at the conclusion of this meeting of Council:

DEFERRED CLAUSE FROM ADMINISTRATION COMMITTEE REPORT 8

Clause 8a - “Complaint regarding Actions at Committee Meetings”.

DEFERRED CLAUSES FROM POLICY AND FINANCE COMMITTEE REPORT 8

Clause 1a - “Capital Financing Strategy – 2004”.

DEFERRED CLAUSE FROM BOARD OF HEALTH REPORT 7

Clause 1a - “Shade Policy and Technical Considerations for the City of Toronto”.

ADMINISTRATION COMMITTEE REPORT 9

Clause 1 - “Improvement Initiative - Court Services Fine Collection”.

Clause 10 - “Extension of Purchase Order 6013270 related to Request for Quotation 1004-03-3394 for the Supply, Delivery and Installation of Artopex Imagine Series Workstations to Various Locations throughout the City of Toronto”.

Clause 11 - “Extension of Purchase Order 6013271 related to Request for Quotation 1004-03-3395 for the Supply, Delivery and Installation of Haworth Premise Series Workstations to Various Locations throughout the City of Toronto”.

Clause 22 - “Possible Acquisition of Toronto District School Board Property Located on Wanita Road for Stormwater Management Purposes (Ward 44 - Scarborough East)”.

COMMUNITY SERVICES COMMITTEE REPORT 8

- Clause 7 - "Allocation of Capital Grant to Woodgreen Red Door Shelter to Meet the Space Standards for Shelters (Ward 31)".

ECONOMIC DEVELOPMENT AND PARKS COMMITTEE REPORT 8

- Clause 12 - "Humanitas: Feasibility Study for a New Cultural Attraction on Toronto's Waterfront (Various Wards)".

PLANNING AND TRANSPORTATION COMMITTEE REPORT 9

- Clause 7 - "Removal of Fence at 7 Kingsgrove Boulevard, Ward 5 - Etobicoke Lakeshore".

POLICY AND FINANCE COMMITTEE REPORT 9

- Clause 20 - "Funding Approvals for the 2005 Redirection of Emergency Hostel Funding Initiative".
- Clause 21 - "Funding Approvals for the 2005 Community Partners Program".
- Clause 22 - "Funding Approvals for the 2005 Supports to Daily Living Program".
- Clause 37 - "Homes for the Aged - Community-Based Services Furnishings and Equipment".
- Clause 41 - "Operating Variance Report for the Nine Months Ended September 30, 2004".
- Clause 42 - "2004 Capital Variance Report for the Nine-Month Period Ended September 30, 2004".
- Clause 49 - "2005 Recommended Operating and Capital Budgets for Toronto Water".

WORKS COMMITTEE REPORT 10

- Clause 5 - "Toronto Water 2005 Multi-Year Business Plan".
- Clause 10 - "Contract 04WD-04RD, Tender Call 274-2004, Park Lawn Reverse Ramp (Ward 6 - Etobicoke-Lakeshore)".

ETOBICOKE YORK COMMUNITY COUNCIL REPORT 9

- Clause 1 - "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)".
- Clause 2 - "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)".

AUDIT COMMITTEE REPORT 6

- Clause 4 - "CLASS Recreation Registration and Permitting System Information Technology Review - Economic Development, Culture and Tourism Department".
- Clause 6 - "Hostel Operations Review - Community and Neighbourhood Services".

NOTICES OF MOTIONS

- J(33) - Moved by Councillor Pitfield, seconded by Deputy Mayor Bussin, respecting Harbour Remediation & Transfer Inc. Claim and related third party Claim concerning Fred Dominelli and 939923 Ontario Limited.
- J(38) - Moved by Councillor Lindsay Luby, seconded by Councillor Grimes, respecting an OMB Appeal – application for front yard parking at 1501 Islington Avenue.
- J(45) - Moved by Councillor Palacio, seconded by Councillor Nunziata, respecting a strategy to reduce and eliminate unsolicited junk E-mails.
- J(46) - Moved by Councillor Chow, seconded by Councillor Rae, respecting opposition to an application for a Liquor Licence at 499 King Street West.

BILLS AND BY-LAWS

Deputy Mayor Bussin in the Chair.

14.128 On November 30, 2004, at 7:31 p.m., Councillor Hall, seconded by Councillor Nunziata, 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. 1117	By-law No. 1008-2004	To confirm the proceedings of the Council at its meeting held on the 30th day of November, 2004,
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the vote upon which was taken as follows:

Yes - 25	
Mayor:	Miller
Councillors:	Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Feldman, Fletcher, Giambone, Hall, Holyday, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Soknacki
No - 3	
Councillors:	Grimes, Shiner, Watson

Carried by a majority of 22.

Mayor Miller in the Chair.

14.129 On December 1, 2004, at 8:05 p.m., Councillor Mihevc, seconded by Councillor Chow, 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. 1118	By-law No. 1009-2004	To confirm the proceedings of the Council at its meeting held on the 30th day of November, and the 1st day of December, 2004,
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the vote upon which was taken as follows:

Yes - 29	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Holyday, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Stintz, Walker
No - 1	
Councillor:	Ford

Carried by a majority of 28.

14.130 On December 2, 2004, at 2:08 p.m., Councillor Chow, seconded by Deputy Mayor Pantalone, 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. 1076	By-law No. 1010-2004	To amend Interim Control By-law No. 158-2004, affecting those lands generally bounded by Queen Street West, Spadina Avenue, Front Street West and Bathurst Street,
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the vote upon which was taken as follows:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Grimes, Holyday, Jenkins, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Nunziata, Pantalone, Pitfield, Saundercook, Soknacki, Watson
No - 0	

Carried, without dissent.

14.131 On December 2, 2004, at 5:58 p.m., Councillor Walker, seconded by Councillor Davis, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws, which carried:

Bill No. 1006	By-law No. 1011-2004	To amend further By-law No. 23503 of the
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		former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 1007	By-law No. 1012-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Joicey Boulevard.
Bill No. 1008	By-law No. 1013-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Secroft Crescent.
Bill No. 1009	By-law No. 1014-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding The Bridle Path.
Bill No. 1010	By-law No. 1015-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Avondale Avenue.
Bill No. 1011	By-law No. 1016-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Avondale Avenue.
Bill No. 1012	By-law No. 1017-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Avondale Avenue.
Bill No. 1013	By-law No. 1018-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Avondale Avenue, Everson Drive and Tradewind Avenue.
Bill No. 1014	By-law No. 1019-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Kinsdale Lane.
Bill No. 1015	By-law No. 1020-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Steinway Boulevard.

Bill No. 1016	By-law No. 1021-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Winterton Drive.
Bill No. 1017	By-law No. 1022-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II, regarding Stevenson Road.
Bill No. 1018	By-law No. 1023-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Sun Row Drive.
Bill No. 1019	By-law No. 1024-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Sun Row Drive.
Bill No. 1020	By-law No. 1025-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Sun Row Drive.
Bill No. 1021	By-law No. 1026-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Wincott Drive and Waterford Drive.
Bill No. 1022	By-law No. 1027-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Wincott Drive.
Bill No. 1023	By-law No. 1028-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Marlinton Crescent.
Bill No. 1024	By-law No. 1029-2004	To amend By-law No. 196-84 of the former City of York, being a by-law "To remove on-street parking space for persons with

		disabilities on City of York Roads”, regarding Morland Road.
Bill No. 1025	By-law No. 1030-2004	To amend By-law No. 2958-94 of the former City of York, being a by-law “To remove on-street parking space for persons with disabilities on City of York Roads”, regarding Morland Road.
Bill No. 1026	By-law No. 1031-2004	To amend former City of York Municipal Code Ch. 997, School Bus Loading Zone, respecting Earnscliffe Road and Glenholme Avenue.
Bill No. 1027	By-law No. 1032-2004	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 Earnscliffe Road.
Bill No. 1028	By-law No. 1033-2004	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 Earnscliffe Road.
Bill No. 1029	By-law No. 1034-2004	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 Alameda Avenue.
Bill No. 1030	By-law No. 1035-2004	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 Alameda Avenue.
Bill No. 1031	By-law No. 1036-2004	To adopt a new City of Toronto Municipal Code Chapter 9, Arts Centres, to change the composition of the Board of the North York Performing Arts Centre Corporation.

Bill No. 1032	By-law No. 1037-2004	To adopt Amendment No. 320 to the Official Plan for the former City of Toronto with respect to lands municipally known as 75 and 79 Oriole Road, and 73 Oriole Gardens.
Bill No. 1033	By-law No. 1038-2004	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. 1034	By-law No. 1039-2004	To establish a Taddle Creek Park Reserve Fund and to amend City of Toronto Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 1035	By-law No. 1040-2004	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 Greenwood Avenue.
Bill No. 1036	By-law No. 1041-2004	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 Barker Avenue.
Bill No. 1037	By-law No. 1042-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Markham Road.
Bill No. 1038	By-law No. 1043-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Richmond Street.
Bill No. 1039	By-law No. 1044-2004	To amend further Metropolitan By-law No. 107-86, respecting parking meters on

		former Metropolitan Roads, regarding Richmond Street West.
Bill No. 1040	By-law No. 1045-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Front Street West.
Bill No. 1041	By-law No. 1046-2004	To amend By-law No. 6752 of the former Borough of East York with respect to lands municipally known as 5 Everett Crescent.
Bill No. 1042	By-law No. 1047-2004	To amend City of Toronto Municipal Code Chapter 441, Fees, by adding fees for providing tax status verification and for adding municipal charges to the tax roll for collection purposes.
Bill No. 1043	By-law No. 1048-2004	To provide for the levy and collection of 2005 interim realty taxes and penalties for non-payment thereof.
Bill No. 1044	By-law No. 1049-2004	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the operation of pedicabs in the City of Toronto.
Bill No. 1045	By-law No. 1050-2004	To amend the Cliffside Community Zoning By-law No. 9364, as amended, with respect to the lands municipally known as 96 Highview Avenue, and 90 South Woodrow Boulevard.
Bill No. 1046	By-law No. 1051-2004	To adopt a Community Improvement Plan for the Community Improvement Project Area along Kingston Road from west of Danforth Avenue to Midland Avenue.
Bill No. 1047	By-law No. 1052-2004	To adopt Amendment No. 322 to the Official Plan for the former City of Toronto with respect to lands municipally known as 736 Dundas Street East.

Bill No. 1048	By-law No. 1053-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 736 Dundas Street East.
Bill No. 1049	By-law No. 1054-2004	To adopt Amendment No. 124-2004 to the Official Plan of the Etobicoke Planning Area in order to redesignate certain lands from Institutional and High Density Residential to Commercial-Residential Strip for the area located on the north and south side of Lake Shore Boulevard West between Etobicoke Creek and Twenty Third Street (Long Branch).
Bill No. 1050	By-law No. 1055-2004	To amend Chapter 330 of the Etobicoke Zoning Code with respect to certain lands fronting on the north and south side of Lake Shore Boulevard West, between Twenty Third Street and Etobicoke Creek (Long Branch) to introduce an Avenues zoning area and associated development standards.
Bill No. 1051	By-law No. 1056-2004	To amend former City of North York By-law No. 7625 with respect to lands municipally known as 426, 430, 434, 438, 440 and 442 Kenneth Avenue, 32 and 34 Holmes Avenue.
Bill No. 1052	By-law No. 1057-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Chaplin Crescent and Lascelles Boulevard.
Bill No. 1053	By-law No. 1058-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting McRoberts Avenue and Runnymede Road.

Bill No. 1054	By-law No. 1059-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Euclid Avenue and Temperance Street.
Bill No. 1055	By-law No. 1060-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Hanna Avenue, Rosehill Avenue, Shaw Street and Wright Avenue.
Bill No. 1056	By-law No. 1061-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 1057	By-law No. 1062-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Brighton Avenue, Duart Park Road, Galley Avenue, Hendrick Avenue, Macdonell Avenue, Parkdale Road, Robinson Street, Tacoma Avenue and Tiverton Avenue.
Bill No. 1058	By-law No. 1063-2004	To amend By-law No. 3387-79 of the former City of York, a by-law with respect to fire routes in the geographic area of the former City of York.
Bill No. 1059	By-law No. 1064-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bain Avenue, Hanson Street, Hickson Street, Lane first east of Davenport Road, Laxton Avenue, McMurrich Street and Victoria Street.
Bill No. 1060	By-law No. 1065-2004	To amend further By-law No. 34-93, a by-law "To provide for disabled person parking permit holders", being a by-law of the former Borough of East York, regarding Brenton Street.

Bill No. 1061	By-law No. 1066-2004	To exempt certain lands described as Lots 12, 27, 38 and Block 69 of Registered Plan 66M-2410 in the Land Titles Division of the Toronto Registry Office (No. 66) from Part Lot Control.
Bill No. 1062	By-law No. 1067-2004	To authorize the alteration of Brookside Drive, between Corley Avenue and Gerrard Street East, by the installation of speed humps.
Bill No. 1063	By-law No. 1068-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Finch Avenue West.
Bill No. 1064	By-law No. 1069-2004	To adopt Amendment No. 323 to the Official Plan for the former City of Toronto with respect to lands known municipally in the year 2004 as 50 and 56 Gerrard Street East and 380 Church Street.
Bill No. 1065	By-law No. 1070-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2004 as 50 and 56 Gerrard Street East and 380 Church Street.
Bill No. 1066	By-law No. 1071-2004	To amend City of Toronto Municipal Code Chapter 813, Trees, Article III, Tree Protection, by deleting the permit fee exemption for senior citizens and providing for a permit fee exemption for owners living below the Low Income Cut Off.
Bill No. 1067	By-law No. 1072-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Sheppard Avenue West.

Bill No. 1068	By-law No. 1073-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Davenport Road.
Bill No. 1069	By-law No. 1074-2004	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Davenport Road.
Bill No. 1070	By-law No. 1075-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Elm Avenue.
Bill No. 1071	By-law No. 1076-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to Algonquin and Ward's Islands.
Bill No. 1072	By-law No. 1077-2004	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. 1073	By-law No. 1078-2004	To amend the City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to include the new Beaches Business Improvement Area and to establish a Board of Management for the Beaches Business Improvement Area.
Bill No. 1074	By-law No. 1079-2004	To designate an area along Queens Quay between Bathurst Street and Yonge Street as an improvement area.
Bill No. 1075	By-law No. 1080-2004	To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to make changes to the size of the Upper Village (Toronto) Business Improvement Area Board of Management.
Bill No. 1077	By-law No. 1081-2004	To amend City of Toronto Municipal Code

		Chapter 693, Signs, Article II, Election Signs.
Bill No. 1078	By-law No. 1082-2004	To amend former City of York By-law Nos. 3491-80, 3425-79, former City of York Municipal Code Chapters 985 and 987 and former Borough of East York By-law No. 20-96 to eliminate the voluntary payment amount for all parking offences.
Bill No. 1079	By-law No. 1083-2004	To amend City of Toronto Municipal Code Chapter 849, Water and Sewage Services, respecting water rates and sewer service rates.
Bill No. 1080	By-law No. 1084-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Carlaw Avenue.
Bill No. 1081	By-law No. 1085-2004	To amend further Metropolitan Toronto By-law No. 108-86 designating certain locations on former Metropolitan Roads as Pedestrian Crossovers, regarding St. Clair Avenue West.
Bill No. 1082	By-law No. 1086-2004	To amend further Metropolitan Toronto By-law No. 108-86 designating certain locations on former Metropolitan Roads as Pedestrian Crossovers, regarding York Mills Road.
Bill No. 1083	By-law No. 1087-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Crossovers Street, Ted Reeve Drive, Whistle Post Street and William Hancox Avenue.
Bill No. 1084	By-law No. 1088-2004	To amend By-law No. 1011-2002, being "A By-law to authorize the payment of rebates for contributions to candidates for an office on the municipal council in the 2003 municipal election."

Bill No. 1085	By-law No. 1089-2004	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt a portion of the chain link swimming pool enclosure on the property municipally known as 7 Fifeshire Road from the maximum mesh size requirements.
Bill No. 1086	By-law No. 1090-2004	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt a portion of the chain link swimming pool enclosure on the property municipally known as 108 Arjay Crescent from the maximum mesh size and post spacing requirements.
Bill No. 1087	By-law No. 1091-2004	To designate an area along Bloor Street West between Markham Street and Montrose Avenue, as an improvement area.
Bill No. 1088	By-law No. 1092-2004	To authorize the alteration of Yorkdale Road at the north driveway access to Yorkdale Mall by roadway modifications.
Bill No. 1089	By-law No. 1093-2004	To alter Richmond Street West between Peter Street and Spadina Avenue by the narrowing of the roadway and the installation of curb stones to form a temporary sidewalk.
Bill No. 1090	By-law No. 1094-2004	To authorize the alteration of Tiago Avenue, between Victoria Park Avenue and Westview Boulevard, by the installation of speed humps.
Bill No. 1091	By-law No. 1095-2004	To layout and dedicate certain land on the south side of Weston Road, east of Glenvalley Drive, for public highway purposes to form part of the public highway Weston Road.
Bill No. 1092	By-law No. 1096-2004	To amend the former City of Toronto

		Municipal Code Ch. 400, Traffic and Parking, respecting Ontario Street.
Bill No. 1093	By-law No. 1097-2004	To amend further Metropolitan Toronto By-law No. 108-86, designating certain locations on former Metropolitan Roads as Pedestrian Crossovers.
Bill No. 1094	By-law No. 1098-2004	To authorize the alteration of Burgess Avenue, between Woodbine Avenue and Golfview Avenue, by the installation of speed humps.
Bill No. 1095	By-law No. 1099-2004	To authorize the alteration of Golfview Avenue, between Cassels Avenue and Gerrard Street East, by the installation of speed humps.
Bill No. 1096	By-law No. 1100-2004	To authorize the alteration of Malvern Avenue, between Kingston Road and Gerrard Street East, by the installation of speed humps.
Bill No. 1097	By-law No. 1101-2004	To layout and dedicate certain land on the south side of Sheppard Avenue West, west of Bartor Road, for public highway purposes to form part of the public highway Sheppard Avenue West.
Bill No. 1098	By-law No. 1102-2004	To layout and dedicate certain land on the west side of Weston Road, north of Clouston Avenue, for public highway purposes to form part of the public highway Weston Road.
Bill No. 1099	By-law No. 1103-2004	To layout and dedicate certain land on the north east side of Weston Road, north of Denarda Street, for public highway purposes to form part of the public highway Weston Road.

Bill No. 1100	By-law No. 1104-2004	To layout and dedicate certain land west of Weston Road, extending northerly from Clouston Avenue, for public lane purposes.
Bill No. 1101	By-law No. 1105-2004	To layout and dedicate certain land for public lane purposes to form part of the public lane St. James Court.
Bill No. 1102	By-law No. 1106-2004	To authorize the alteration of Hannaford Street, between Kingston Road and Gerrard Street East, by the installation of speed humps.
Bill No. 1103	By-law No. 1107-2004	To authorize the alteration of Yardley Avenue, between Victoria Park Avenue and Westview Boulevard, by the installation of speed humps.
Bill No. 1104	By-law No. 1108-2004	To adopt Amendment No. 312 to the Official Plan for the former City of Toronto with respect to lands municipally known in 2004 as 82, 86 and 90 Broadway Avenue.
Bill No. 1105	By-law No. 1109-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 82, 86 and 90 Broadway Avenue.
Bill No. 1106	By-law No. 1110-2004	To exempt parts of lands municipally known as 150 Cherry Street, 535 and 595/651 Commissioners Street, 12 and 12A Leslie Street and 600 Unwin Avenue from Part Lot Control.
Bill No. 1107	By-law No. 1111-2004	To exempt parts of lands municipally known as 150 Cherry Street, 206, 220 (also known as 200), 240, 400 and 440R Unwin Avenue, 95R Queens Quay East and 333R Lake Shore Boulevard East from Part Lot Control.

Bill No. 1108	By-law No. 1112-2004	To exempt parts of lands municipally known as 95R Queens Quay East, 333R Lakeshore Boulevard East and part of the vacant land adjoining Unwin Avenue from Part Lot Control.
Bill No. 1109	By-law No. 1113-2004	To name the proposed private lane at 4691 Bathurst Street, 500 Ellerslie Avenue and 45 to 51 Farrell Avenue as "Flook Lane".
Bill No. 1110	By-law No. 1114-2004	To layout and dedicate certain land on the north side of Sheppard Avenue East, east of Longmore Street, for public highway purposes to form part of the public highway Sheppard Avenue East.
Bill No. 1111	By-law No. 1115-2004	To layout and dedicate certain land for public lane purposes to form part of the public lane west of Maud Street extending southerly from Richmond Street West.
Bill No. 1112	By-law No. 1116-2004	To layout and dedicate certain land for public lane purposes to form part of the public lane east of Lisgar Street extending northerly from Sudbury Street.
Bill No. 1113	By-law No. 1117-2004	To layout and dedicate certain land on the east side of Yonge Street, south of Heath Street East, for public highway purposes to form part of the public highway Yonge Street.
Bill No. 1114	By-law No. 1118-2004	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting age of vehicle requirements for taxicabs.

Bill No. 1115 By-law No. 1119-2004 To amend former City of North York
By-law No. 7625 with respect to lands
municipally known as 2701 Keele Street,

the vote upon which was taken as follows:

Yes - 29 Mayor: Miller Councillors: Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Holyday, Jenkins, Li Preti, Lindsay Luby, Mihevc, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Watson
No - 1 Councillor: Kelly

Carried by a majority of 28.

14.132 On December 2, 2004, at 5:59 p.m., Councillor Saundercook, 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. 1119 By-law No. 1120-2004 To confirm the proceedings of the Council
at its meeting held on the 30th day of
November, and the 1st and 2nd days of
December, 2004,

the vote upon which was taken as follows:

Yes - 33 Mayor: Miller Councillors: Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Walker, Watson
No - 1 Councillor: Ford

Carried by a majority of 32.

OFFICIAL RECOGNITIONS:14.133 **Condolence Motions****November 30, 2004:**

Councillor Li Preti, seconded by Mayor Miller, moved that:

“WHEREAS the Members of City Council are deeply saddened to learn of the passing of Mr. Daniel Andrea Iannuzzi on Saturday, November 20, 2004; and

WHEREAS Mr. Iannuzzi was the founder of Corriere Canadese, the Italian newspaper, and was inducted into the Order of Ontario in 1989 and became a Member of the Order of Canada in 1990; and

WHEREAS Mr. Iannuzzi, who was born in Montreal, but lived in Toronto for the past 50 years, was the founder of the world’s first multilingual television station and the Ethnic Press Association of Ontario; and

WHEREAS Mr. Iannuzzi was a pioneer in multicultural communications and contributed greatly to Toronto’s Italian Community and all other ethnic communities; and

WHEREAS Mr. Iannuzzi will be greatly missed by and remembered forever by his friends and the many people whose lives he touched;

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 Elena Caprile, daughter Doreen, sons Michael and Derek, and all the staff at Corriere Canadese.”

Leave to introduce the Motion was granted and the Motion carried unanimously.

Council rose and observed a moment of silence in memory of the late Daniel Andrea Iannuzzi.

December 1, 2004:

Councillor Rae, seconded by Mayor Miller, moved that:

“WHEREAS the Members of City Council are deeply saddened to learn of the death of Pierre Berton on November 30, 2004, in his 85th year; and

WHEREAS Pierre Berton was Canada’s rebel historian, a man who successfully brought this country to life for the young and old alike, from coast to coast to coast; and

WHEREAS throughout his career as a journalist, historian and author, Mr. Berton's contributions to Canadian culture were without equal, with his strong-willed opinions and genuine love for his country being the fuel for his inexhaustible compositions; and

WHEREAS Pierre Berton was born in Whitehorse and grew up in Dawson City, entered the world of journalism at age twenty-one in Vancouver and, over the next sixty-three years of his career, wrote over fifty books and continued to reveal the lives of Canadians to those who have always needed the information most – Canadians; and

WHEREAS Mr. Berton will always be remembered in the hearts of the people of Canada as a man who would forever have had more convictions and words about our country than time could ever grant him the fortune of conveying;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our deepest sympathy to his wife, Janet, his children Penny, Pamela, Patricia, Peter, Paul, Peggy, Perri and Eric, and his many grandchildren.”

Leave to introduce the Motion was granted and the Motion carried unanimously.

Council rose and observed a moment of silence in memory of the late Pierre Berton.

December 2, 2004:

Mayor Miller, seconded by Councillor Carroll and Councillor Augimeri, moved that:

“**WHEREAS** the Members of Council are deeply saddened to learn of the passing of Mr. Harold Green, Principal of Greenwin Property Management and Chairman of Verdiroc Development; and

WHEREAS Mr. Green first learned the construction trade as a teenage bricklayer, building baking ovens in Toronto with his brothers Sam and Al; and

WHEREAS Mr. Green developed thousands of new rental housing units to address the growing needs of Toronto; and

WHEREAS Mr. Green lead the industry in the use of innovations such as ‘Flying Form’ building method, brought to Canada by the Italian community; and

WHEREAS Mr. Green moved aggressively and efficiently to increase Toronto's housing stock through private sector development, while always ensuring that the crucial role of the construction unions was respected through the hiring of skilled trades; and

WHEREAS Mr. Green leaves a legacy to the City in his practices of sound buildings, responsible property management and the kind of community building seen in the Neighbourhood Regeneration Project of San Romanoway; and

WHEREAS Mr. Green was known for his extensive charity work, for which he recently received a lifetime achievement award from Mount Sinai Hospital;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to his wife Miriam, his children Eric, Cary, Kevin and Robin as well as his ten grandchildren.”

Councillor Fletcher, seconded by Mayor Miller, moved that:

“**WHEREAS** the Members of City Council are very saddened to learn of the passing of Mrs. Rosanne O’Hearn, a respected friend of the City of Toronto; and

WHEREAS Mrs. O’Hearn was born in Peterborough in 1930 and then lived most of her life in Toronto, where she enjoyed a wide circle of friends who were drawn to her due to her immense charm, wit and love of reading; and

WHEREAS Mrs. O’Hearn, with a group of close friends in and around Toronto, participated in a reading group that met monthly for nearly 50 years; and

WHEREAS Mrs. O’Hearn, as an avid supporter of the Toronto Public Library, was most prominent in the successful campaign to save its City Hall branch, was part of the development team for the new design for the library, restaurant and community hall, and for many years helped select photos from the City Archives to hang in the community hall; and

WHEREAS Mrs. O’Hearn was a long-time volunteer as well as the Chair of the Volunteer Committee for the Textile Museum of Canada, and she was also a Board member of the Toronto Humane Society; and

WHEREAS believing that individuals can make a significant difference in their communities, Mrs. O’Hearn was dedicated to supporting community efforts to maintain Toronto on a livable scale; and

WHEREAS Mrs. O’Hearn will be remembered in the hearts of those in the Toronto community for her hard work and dedication over the past years, and she will also be remembered by her friends and neighbours 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 five children, Anne Pashley and her husband Nicholas, Susan McIlroy, Thad McIlroy, Marta McIlroy and Sara O'Hearn; her dear friend Ron Fitzgerald, her brother, Dr. Gordon Monahan and his family, and the many people she touched with love during her lifetime.”

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 Harold Green and Rosanne O'Hearn.

14.134 **Presentations/Introductions/Announcements:**

November 30, 2004:

Deputy Mayor Pantalone, during the morning session of the meeting, introduced the Grade 5 students of McKee Public School, present at the meeting.

Councillor Augimeri, during the morning session of the meeting, with the permission of Council, introduced the members of CAW Local 112, present at the meeting, and advised the Council that the members of CAW Locals 112 and 673 want Bombardier to bring to Ontario the final assembly work of the C-Series of jets and the 2,500 additional direct jobs that the work will create; that post cards had been distributed to Members of Council addressed to The Honourable Dalton McGuinty, requesting the Premier to ensure the Government of Ontario does all it can to bring final assembly work on the C-Series of jets to the City of Toronto; and urged Members of Council to sign the postcards and forward them to the Premier.

Mayor Miller addressed the Council and advised that the aerospace industry is critical to the future of the City of Toronto and commended Councillor Augimeri for her efforts in this regard.

Deputy Mayor Bussin, during the morning session of the meeting, with the permission of Council, introduced the following members of the Gerrard India Bazaar BIA, present at the meeting:

- Govind Mahtani, Chair;
- Balwant Jajj, Treasurer;
- B. Bhagat, Secretary;
- P.S. Bajaj, Director, Media and Public Relations;
- Gurnam Multani, Director; and
- Subbu Chintaluri, Co-ordinator.

Deputy Mayor Pantalone, during the morning session of the meeting, introduced Denato Leone, City Councillor, San Donato Val Camino, Italy, present at the meeting.

Mayor Miller, during the afternoon session of the meeting, introduced the students of McKee Public School, present at the meeting.

December 1, 2004:

Deputy Mayor Feldman, during the morning session of the meeting, introduced the Grade 5 students of St. Roberts Catholic School, present at the meeting.

Mayor Miller, during the morning session of the meeting, advised the Council that the City of Toronto's first integrated by-law enforcement team is graduating today and will be working together on stage one of Toronto's five-point action plan for a Clean and Beautiful City, and invited the Members of Council to the Members Lounge to held the team celebrate.

Mayor Miller, during the afternoon session of the meeting, introduced the students of Newtonbrook Collegiate Institute, present at the meeting.

Councillor Rae, during the afternoon session of the meeting, with the permission of Council, introduced Charles Landry, an international authority on the future of cities and the creative use of urban revitalization, and author of the book, entitled "The Creative City: A Toolkit for Urban Innovators", which seeks to inspire people to think, plan and act creatively in the City and to encourage an "ideas factory" that turns urban innovations into reality, present at the meeting.

December 2, 2004:

Mayor Miller, during the morning session of the meeting, introduced the Grade 10 students of Humberstone High School, present at the meeting.

Councillor Augimeri, during the morning session of the meeting, with the permission of Council, introduced the students of St. Conrad Catholic School, present at the meeting.

Councillor Watson, during the morning session of the meeting, with the permission of Council, introduced the students of Howard Public School, present at the meeting.

14.135 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE

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

November 30, 2004:

Councillor Soknacki, at 7:28 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. recess, and that Council continue in session to conclude the vote on Policy and Finance Committee Report 9, Clause 3, headed “Clean and Beautiful City - Five-Point City Action Plan to Make Toronto a Clean and Beautiful City - All Wards”, which carried, more than two-thirds of Members present having voted in the affirmative.

December 1, 2004:

Councillor Nunziata, at 7:28 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. recess, and that Council continue in session to conclude consideration of Policy and Finance Committee Report 9, Clause 58, headed “Measures Needed Respecting Homelessness Issues”, which carried, more than two-thirds of Members present having voted in the affirmative.

December 2, 2004:

Mayor Miller at 12:27 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 12:30 p.m. recess, and that Council continue in session until 12:45 p.m., to permit Members of Council to conclude their remarks on Administration Committee Report 9, Clause 24, headed “Improved Service to the Public through Introduction of ‘3-1-1’ (All Wards)”, the vote upon which was taken as follows:

Yes - 19	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Chow, Cowbourne, Fletcher, Giambrone, Grimes, Holyday, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Saundercook, Soknacki
No - 9	
Councillors:	Cho, Del Grande, Jenkins, Kelly, Li Preti, Pitfield, Stintz, Walker, Watson

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

Councillor Ford, at 4:38 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. adjournment, and that Council continue in session to conclude consideration of all matters remaining on the Order Paper for this meeting of Council, the vote upon which was taken as follows:

Yes - 11	
Councillors:	Augimeri, Chow, Davis, Del Grande, Ford, Holyday, Mihevc, Milczyn, Palacio, Soknacki, Walker
No - 24	
Mayor:	Miller
Councillors:	Ashton, Balkissoon, Bussin, Carroll, Cowbourne, De Baeremaeker, Feldman, Filion, Fletcher, Grimes, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Watson

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

Councillor Shiner, at 5:55 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. adjournment, and that Council continue in session to conclude consideration of the bills and any procedural motions required, which carried, more than two-thirds of Members present having voted in the affirmative.

14.136 ATTENDANCE

November 30, 2004	9:43 a.m. to 12:30 p.m.*	2:10 p.m. to 7:32 p.m.*
Miller	x	x
Altobello	x	x
Ashton	x	x
Augimeri	x	x
Balkissoon	x	x
Bussin	x	x
Carroll	x	x
Cho	x	x
Chow	x	x

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November 30, 2004	9:43 a.m. to 12:30 p.m.*	2:10 p.m. to 7:32 p.m.*
Cowbourne	x	x
Davis	x	x
De Baeremaeker	x	x
Del Grande	x	x
Di Giorgio	x	x
Feldman	x	x
Filion	x	x
Fletcher	x	x
Ford	x	x
Giambrone	x	x
Grimes	x	x
Hall	x	x
Holyday	x	x
Jenkins	x	x
Kelly	x	x
Li Preti	x	x
Lindsay Luby	x	x
Mammoliti	x	x
McConnell	x	x
Mihevc	x	x
Milczyn	x	x
Minnan-Wong	x	x
Moscoe	x	x
Nunziata	x	x
Ootes	-	-
Palacio	x	x
Pantalone	x	x
Pitfield	x	x
Rae	x	x
Saundercook	x	x
Shiner	x	x
Soknacki	x	x

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November 30, 2004	9:43 a.m. to 12:30 p.m.*	2:10 p.m. to 7:32 p.m.*
Stintz	x	x
Thompson	x	x
Walker	x	x
Watson	x	x
Total	44	44

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

December 1, 2004	9:44 a.m. to 12:30 p.m.*	2:10 p.m. to 8:06 p.m.*	Roll Call 3:45 p.m.	Roll Call 4:23 p.m.	Roll Call 6:35 p.m.
Miller	x	x	-	x	x
Altobello	x	x	x	-	-
Ashton	x	x	x	-	-
Augimeri	x	x	x	x	x
Balkissoon	x	x	-	x	-
Bussin	x	x	-	x	-
Carroll	x	x	x	-	x
Cho	x	x	-	-	x
Chow	x	x	x	-	x
Cowbourne	x	x	-	x	x
Davis	x	x	x	x	x
De Baeremaeker	x	x	x	x	-
Del Grande	x	x	x	x	x
Di Giorgio	-	x	x	x	x
Feldman	x	x	x	x	x
Filion	x	x	x	x	-
Fletcher	x	x	x	x	x
Ford	x	x	x	x	-
Giambrone	x	x	-	-	-
Grimes	x	x	x	x	-
Hall	-	-	-	-	-
Holyday	x	x	x	x	x

Minutes of the Council of the City of Toronto
November 30, December 1 and 2, 2004

December 1, 2004	9:44 a.m. to 12:30 p.m.*	2:10 p.m. to 8:06 p.m.*	Roll Call 3:45 p.m.	Roll Call 4:23 p.m.	Roll Call 6:35 p.m.
Jenkins	x	x	x	-	x
Kelly	x	x	x	-	x
Li Preti	x	x	x	-	x
Lindsay Luby	x	x	x	x	-
Mammoliti	x	x	x	x	x
McConnell	x	x	x	x	-
Mihevc	x	x	x	-	-
Milczyn	x	x	x	x	-
Minnan-Wong	x	x	-	-	x
Moscoe	x	x	-	x	-
Nunziata	x	x	x	x	x
Ootes	-	x	-	-	-
Palacio	x	x	x	x	x
Pantalone	x	x	x	x	x
Pitfield	x	x	x	-	x
Rae	x	x	x	-	-
Saundercook	x	x	x	x	-
Shiner	-	x	x	x	-
Soknacki	x	x	x	-	x
Stintz	x	x	-	x	x
Thompson	-	-	-	-	-
Walker	x	x	x	x	x
Watson	x	x	x	x	x
Total	40	43	33	28	25

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

December 2, 2004	9:38 a.m. to 12:45 p.m.*	2:10 p.m. to 6:00 p.m.*	Roll Call 3:20 p.m.
Miller	x	x	x
Altobello	x	x	x
Ashton	x	x	x

Minutes of the Council of the City of Toronto
November 30, December 1 and 2, 2004

December 2, 2004	9:38 a.m. to 12:45 p.m.*	2:10 p.m. to 6:00 p.m.*	Roll Call 3:20 p.m.
Augimeri	x	x	x
Balkissoon	x	x	-
Bussin	x	x	x
Carroll	x	x	x
Cho	x	x	-
Chow	x	x	x
Cowbourne	x	x	x
Davis	x	x	x
De Baeremaeker	x	x	-
Del Grande	x	x	x
Di Giorgio	x	x	x
Feldman	x	x	x
Filion	x	x	-
Fletcher	x	x	x
Ford	x	x	-
Giambrone	x	x	x
Grimes	x	x	-
Hall	-	-	-
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	x
McConnell	-	-	-
Mihevc	x	x	-
Milczyn	x	x	x
Minnan-Wong	x	x	-
Moscoe	-	-	-
Nunziata	x	x	x
Ootes	x	-	-
Palacio	x	x	x

Minutes of the Council of the City of Toronto
November 30, December 1 and 2, 2004

December 2, 2004	9:38 a.m. to 12:45 p.m.*	2:10 p.m. to 6:00 p.m.*	Roll Call 3:20 p.m.
Pantalone	x	x	x
Pitfield	x	x	x
Rae	x	x	x
Saundercook	x	x	-
Shiner	x	x	-
Soknacki	x	x	-
Stintz	x	x	x
Thompson	-	-	-
Walker	x	x	-
Watson	x	x	-
Total	41	40	27

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

Council adjourned on December 2, 2004, at 6:00 p.m.

**DAVID R. MILLER,
Mayor**

**ULLI S. WATKISS,
City Clerk**

ATTACHMENT 1

Report dated November 24, 2004, from Mayor David Miller, entitled "Review of the City's Administrative Structure" (See Minute 14.22, Page 13):

The City's senior management structure was approved in 1998 with a focus on implementing amalgamation, maintaining public services, harmonizing service delivery methods and integrating systems and processes. This 1998 structure was recognized as a work in progress requiring periodic review and adjustment.

We have now turned the page on amalgamation and shifted our focus to City-building efforts. It is time to look at our senior management model to be sure that we have the right administrative structure to meet the City's challenges.

In May, 2004, I asked the Chief Administrative Officer to conduct a review of the City's departmental structure. Today I am making recommendations to move ahead with a new senior management model.

The recommended model places the focus on citizens – people will know who is responsible for the services being delivered and the leaders of those services will be able to work directly with the community and Council. This responds to concerns we have heard from the public during the past months.

The model also:

- increases emphasis and accountability on working together, across program areas to deliver Council's priorities;
- strengthens oversight capacity and supports the City as an order of government; and
- encourages City staff to focus on services to citizens, and sets the stage for a more innovative and nimble Toronto Public Service.

The recommended changes will be made within the following context:

- no disruption to day-to-day public service delivery;
- no change to program reporting relationships to Standing Committees at this time;
- continued focus on delivering Council's priorities;
- changes will be achieved with no upgrade in existing job classifications; and

- economies achieved in administrative, technical and other support areas will be maintained and further enhanced where possible.

Restructuring Goals

I identified six goals to guide the administrative review. These goals are based on several factors: input from citizens leading up to this term of Council and early in this term through the "Listening to Toronto" process, discussions I have had with other members of Council, and experience with the current structure.

I believe that the City needs a structure that:

- (1) facilitates residents' access to services and their engagement as citizens of Toronto;
- (2) supports the priorities of Council;
- (3) increases horizontal collaboration across the City's services and programs to implement Council's priorities;
- (4) encourages staff innovation and contribution to move to city-building;
- (5) strengthens the administration's ability to support the City as an order of government; and
- (6) gives people in charge of day to day operations the tools they need to effectively do their jobs.

Review Process

The firm of Western Management Consultants was retained to conduct two elements of the review:

- (a) Data Collection and Analysis:

Interviews were conducted with the Mayor, a sample of other Council members including some who chair a Standing Committee, Special Committee or Community Council, the CAO, six Commissioners, and a cross-section of approximately 60 staff members. All were assured anonymity to ensure they felt comfortable sharing their comments candidly. The key findings and conclusions from the interviews provided a diagnostic framework for the development of models.

Staff also conducted research into management models used in other jurisdictions including Vancouver, Montreal, Ottawa, Hamilton, Halifax, Chicago, the Province of Ontario and the Federal Government. This information was provided to the external consultants.

(b) Model Review and Validation:

The external consultants provided input on the development of models based on their extensive experience with reviews of this nature, their understanding of other jurisdictions (federal, provincial, municipal) and their expertise in organizational theory and design. The consultants also offered advice on the organizational principles and criteria used for assessment. Finally, the consultants carried out a validation process for the recommended model with an assessment of its qualities and risks in light of the City's current environment and the restructuring goals. This assessment is provided under separate cover.

The CAO and I also had an opportunity to speak to people from the business, labour, and academic sectors, and from other orders of government. Their comments and experience with large scale organizational change and their advice about the City's organizational challenges provided additional guidance to the recommendations I am making in this report.

Key Findings

The external consultants identified several key findings:

Functional Issues:

- The current structure does not provide for sufficient delegation to operating services, thus creating a bottleneck and reducing the effectiveness of service delivery.
- Delegation is hampered by the view that Commissioners are wholly accountable for their departments; Council has high expectations regarding Commissioner availability and a detailed level of expertise within their portfolios.
- Lack of delegation is perceived as a lack of trust in the ability of operating services to take on more authority for day-to-day operations.
- The structure does not promote strategic direction setting or collaboration on horizontal issues; departmental priorities compete with organization-wide or interdepartmental priorities.
- Better administrative governance and compliance capacity is required, i.e., the ability to create policies, standards and procedures necessary to operate the City in accordance with Council's direction, and exercise the necessary oversight to ensure that administrative governance is respected.
- Better separation of service and compliance components is required to reduce barriers to

innovation and improve service, i.e., in some areas excessive centralization is hindering innovation and service; in some areas insufficient centralization is impeding better governance.

- Affinities are in the eye of the beholder – service groupings that seem natural from one perspective may not make sense from another.
- Amalgamation has made Council/Staff relations more complex – the merging of services and cultures and the creation of a very large Council have resulted in difficult Council/Staff relations.

Findings from Jurisdictional Research:

Although size and service complexity differ among the cities examined, most have structural characteristics much like Toronto's:

- all have CAOs or City Managers; some have taken steps to strengthen that function;
- all use a clustering approach for management oversight, i.e., several programs reporting to a senior manager; there is no example of a totally flat structure;
- most cluster functions; none of the other jurisdictions reviewed have all public service operating functions reporting directly to the CAO;
- direct reporting relationships to the Mayor and Council are few;
- some cities have restructured internal (not direct service delivery) functions to separate governance and compliance components from transactional components; and
- some City Managers have governance and compliance functions (such as human resource policy functions, internal audit) reporting directly to them.

The Ontario Government has recently strengthened the governance capabilities of Cabinet Office by creating deputy minister positions responsible for policy, results-based planning, human resources/transformation and communications. To achieve the desired "horizontal" behaviours and to manage the Ontario Public Service as a single organization, the Ontario Government has strengthened compliance functions in central agencies.

Consultant's Summary Conclusions

The external consultants identified key improvements to achieve the City's restructuring goals. Key improvements identified are:

- ability to innovate and take initiative;
- ability to respond quickly to new priorities or directions;
- ability to work together (across departments) on City-wide initiatives;
- ability to exercise organizational governance and compliance and take a strategic view; and
- ability to apply appropriate levels of delegation and authority in the citizen-focused services for day to day operations.

Organizational Principles

Based on the review goals, findings and conclusions, four principles were identified to guide organizational change:

Chart 1: Organizational Principles

Goal	Organizational Principle and Assessment Criteria
<ul style="list-style-type: none"> • Access by residents and their engagement as citizens • Support Council priorities 	<p>CITIZEN FOCUSED</p> <ul style="list-style-type: none"> • Reflects the services that are important to citizens of Toronto • Is easily understood by the public • Supports the achievement of Council priorities • Has strong service delivery capacity for citizen focused services
<ul style="list-style-type: none"> • Support Council priorities • Support the City as an order of government • Increase horizontal collaboration • Give people in charge of day-to-day operations the tools to effectively do their jobs 	<p>EFFECTIVE BALANCE OF ADMINISTRATIVE GOVERNANCE, COMPLIANCE AND DELEGATION</p> <ul style="list-style-type: none"> • Develops and monitors management standards, systems of checks and balances • Develops and co-ordinates corporate and inter-program policy • Supports the effective balance of decentralization to enhance innovation and centralization to ensure good administrative governance • Supports the effective delegation for day-to-day provision of services
<ul style="list-style-type: none"> • Support Council priorities • Support the City as an order of government 	<p>STRATEGIC LEADERSHIP</p> <ul style="list-style-type: none"> • Enables the development of positive values, culture and behaviour • Promotes strategic planning and development of long term goals • Promotes co-ordination, collaboration and innovation across the organization
<ul style="list-style-type: none"> • Support Council Priorities • Increase horizontal collaboration • Encourage innovation and contribution 	<p>ADAPTABLE, FLEXIBLE, INNOVATIVE</p> <ul style="list-style-type: none"> • Promotes effective inter-program and cross-discipline collaboration • Adapts to changing public needs and service priorities • Reduces barriers to innovation • Rewards initiative and encourages the engagement of staff in their work • Encourages a working climate where employees know their work is valued

Recommended Model

In consultation with the CAO and with the help of the external consultant's findings and conclusions, I am recommending the model shown here (Chart 2).

Chart 2: Recommended Model

In the early stages of the review concern was expressed that restructuring should not destabilize the organization. At the same time, people clearly expressed an openness to change and improvement. The recommended model maintains stability in front line services, and increases stability through improvements to corporate oversight activities. It re-balances the organization by properly aligning corporate control and corporate support functions together to improve administrative governance, while strengthening service delivery capacity for citizen-focused services.

Management Roles and Responsibilities

The new model requires adjustments to roles and responsibilities in some cases; in other cases reporting relationships will change. New management decision-making forums and teams will be developed to support the new structure

Role of the City Manager

The CAO's title will be changed to City Manager to better communicate the function and reflect the new model. All of the responsibilities of the current CAO position will be maintained in the City Manager's role.

A Deputy City Manager/Chief Financial Officer, and two Deputy City Managers will assist in administrative governance and oversight activities. Together, these positions will focus on delivering Council's priorities and achieving corporate objectives.

Role of Deputy City Managers

The existing Commissioner positions will be deleted.

The Deputy City Managers will not be responsible for day to day operations or program advocacy as has been the case with the current Commissioner positions. Their primary responsibilities will be to assist the City Manager in administrative governance and oversight activities, and to ensure that programs and services are working together to deliver excellent services to citizens and achieve Council's priorities.

The Deputy City Managers will:

- promote collaboration and innovation across the organization and ensure horizontal integration between programs and services to achieve Council's priorities;
- lead city-wide initiatives and projects as assigned by the City Manager;
- co-ordinate and align budgets and resources for a group of programs, to achieve Council priorities;

- undertake performance management for a group of programs;
- manage administrative, technical and other support functions to ensure economic and efficient delivery of these services. These functions are currently organized on a departmental basis, but will report to a Deputy City Manager in the new model.

Each of the Deputy City Managers will be assigned performance management and budget co-ordination responsibilities for one of the following groups:

Group A

Solid Waste Management
Transportation Services
Toronto Water
Fire Services
City Planning
Building
Municipal Licensing and Standards

Group B

Homes for the Aged
Social Services
Children's Services
Shelter, Support & Housing Admin.
Parks and Recreation
Economic Development and Culture
Emergency Medical Services

Role of Deputy City Manager/Chief Financial Officer

Three large functions will move out of the current corporate services grouping in the recommended model: Human Resources will report directly to the City Manager; the City Clerk and the City Solicitor will continue to report directly to Council for statutory legislative and performance purposes, and will now report to the City Manager for administrative support.

These changes, and the move away from the current departmental structure, have prompted a realignment of the remaining corporate services and finance functions. The corporate services functions will report to the Deputy City Manager/Chief Financial Officer through a new position of Chief Corporate Officer. The financial transaction functions will report to the Deputy City Manager/CFO through a Treasurer position. The Treasurer will also be designated as "Treasurer" under the *Municipal Act, 2001*, S. 286(1).

In the new model, the Deputy City Manager/CFO will be freed up to focus on corporate finance, corporate financial planning and budget development. The Deputy City Manager/CFO's management team and their group of functions will be an important component of the organization's strengthened administrative governance and oversight capacity.

Role of General Managers

The Commissioner-led departmental structure will no longer be in place. The roles of the heads of citizen-focused services will be clarified. For public clarity and consistency, the nomenclature of General Manager will be used in position titles (with the exception of the Fire Chief). These positions will:

- represent their program areas at Standing Committees and Council and be responsible to Council for service objectives and results;
- sign reports to Council and answer service related questions at Standing Committees and Council;
- work with Council and the community on operational issues and be accountable for day to day operations;
- focus on operations and program stewardship;
- have delegated signing and spending authority within approved budgets, similar to that currently delegated to the General Manager, Toronto Water;
- be responsible for human resource and budget management within their programs; and
- work collaboratively together to achieve Council priorities.

A new position of General Manager of Economic Development and Culture is required because of the elimination of the departmental structure. This position will lead the current functions of economic development, tourism, and culture. Some degree of realignment will be required in the new structure.

Assessment of the Model

The model was assessed against the organizational principles set out in Section 7 (Chart 3).

Chart 3: Assessment of the Model

Principle	Attributes of Recommended Model
Citizen Focused	<ul style="list-style-type: none"> • Highlights the importance of citizen focused services through General Managers' reporting relationship to Council for service objectives and results. • Titles and functions easily understood by the public especially for front line services • Facilitates the General Manager level working directly with the community and Council on issues that are important to the public • Clearly identifies citizen focused services apart from those that are primarily internal service driven
Effective Balance of Administrative Governance, Compliance and Delegation	<p>Effective delegation through:</p> <ul style="list-style-type: none"> • Enabling General Managers to report on and speak to service issues at committee and Council • Delegating appropriate signing and spending authority within approved budgets to General Managers (devolution of a degree of signing and spending authorities currently assigned to Commissioners) • General Managers will be the senior staff persons responsible for managing the delivery of programs <p>Stronger administrative governance capacity through:</p> <ul style="list-style-type: none"> • Deputy City Manager/CFO focus on corporate finance, financial planning and budgeting rather than on transactional matters • Deputy City Managers and Deputy City Manager/CFO to assist the City Manager in oversight responsibilities and the implementation of management standards, checks and balances in program areas • Frees up Deputy City Managers to focus on oversight and inter-program co-ordination and integration to achieve Council's priorities, instead of day to day operations and program advocacy • Direct reporting relationship for key corporate functions of Human Resources and Human Rights
Strategic Leadership	<ul style="list-style-type: none"> • Creates capacity to support the City as an order of government by establishing an administrative governance team separate from day to day operations • Ability to pull together different combinations of people required for strategic thinking, long term planning and decision making • Encourages input and ideas from all levels of management through de-layering and delegation of responsibility and accountability
Adaptable, Flexible, Innovative	<ul style="list-style-type: none"> • Deputy City Managers and General Managers will be accountable for working horizontally to achieve Council's priorities • Flatter organization at programs is more adaptable to changing public needs • Encourages openness to innovation by making General Managers directly responsible for effective and nimble service delivery

Other Organizational Issues

During the review several additional organizational issues were raised that require further study and action. I am recommending that the Chief Administrative Officer undertake these further reviews.

Human Resources: the Human Resources function is responsible for such major issues as labour relations and the need for increased investment in staff training and development. The review pointed to the need for a more direct reporting relationship for this function to the CAO and that change is part of the recommended model. A further review of the Human Resources function is required, including the potential for separation of policy/compliance and service functions.

Human Rights Office: Earlier this year, City Council approved the Auditor General's recommendation for the Human Rights Office to report to the CAO. The Auditor General stated that "the current placement of the Human Rights Office within Human Resources Division is not commensurate with the degree of importance of this particular function, nor is it conducive to the perception of independence. In our view, locating the Human Rights Office in the Chief Administrator's Office would be more appropriate". This reporting relationship change for the Human Rights Office is part of the recommended model. The process for dealing with human rights matters will need to be adjusted to reflect this direct reporting relationship and administrative support will continue to be provided from Human Resources during the implementation phase.

Corporate Communications: the review pointed to the need for improved strategic communications and issues management capacity and I am recommending a review of the role and responsibilities of the corporate communications function with a focus on establishing this capacity in the City Manager's Office.

Affordable housing programs: Council has established a range of housing policies and programs over the past few years. More recently the federal and provincial governments have introduced new initiatives and are seeking partnership opportunities with the City of Toronto. In light of these and other developments it is appropriate for the City to develop a more integrated and results-based approach to the implementation of affordable housing policies and programs. I am recommending a review of the roles, responsibilities, and organizational location of the City's affordable housing programs including recommendations for an integrated set of affordable housing goals and administrative adjustments required to achieve the goals. The outcome of this review is to be reported to Council prior to the end of March, 2005.

Internal Corporate Services and Finance functions: One of the first priorities for the Deputy City Manager/CFO and the new management team in this area will be to align the grouping effectively. In light of the external consultant's findings, the separation of service and compliance components within the functions is essential to reduce barriers to innovation and improve service delivery.

Administrative, technical and other support functions: Administrative support and technical services are currently organized on a departmental basis as are some policy development and co-ordination functions. This model has achieved economies which must be maintained in the future. These functions will report to a Deputy City Manager in the new model, however further review is required on the provision of support and other centralized services within the new management model.

Council/Staff Relations: I am mindful that a new structure on its own will not address concerns about Council/staff relations. However, the new model presents us with an opportunity to build a mutually effective, respectful, and trusting relationship and to work together with staff to achieve our mutual goals for the City.

Employment Contracts: During the review concern was raised about the form of the employment contracts that the City uses for senior executives. I am recommending that I be authorized to retain an external legal firm to provide advice on this issue and that I report to Council with any recommended changes to the use and form of employment contracts.

Conclusions

I believe that the recommended model strengthens the City's ability to deliver public services to the citizens of Toronto and deliver on Council's priorities. It positions the administration to support the City as an order of government, and sets in motion improvements to create a better working climate for employees. I look forward to working together with all members of Council and staff to make the City an excellent and professional public service organization.

Recommendations:

It is recommended that:

- (1) the new senior management model (Chart 2), and the senior management roles and responsibilities outlined in this report be approved effective April 15, 2005;
- (2) the two positions of Deputy City Manager be filled through an open, internal/external, competitive process, administered by the Chief Administrative Officer;
- (3) the Employee and Labour Relations Committee be responsible for making recommendations to Council on the outcome of the Deputy City Manager competition, with the advice and support of the Chief Administrative Officer during the competition process;
- (4) the Chief Administrative Officer recommend to Council appropriate delegation of signing and spending authority within approved budgets to the existing General Manager level positions shown under Citizen Focused Services in Chart 2, and that these authorities be effective April 15, 2005;
- (5) responsibility be devolved to the existing General Manager level positions shown under Citizen Focused Services in Chart 2 for signing reports and representing their program areas at Standing Committees and Council, effective April 15, 2005;
- (6) the title of Chief Administrative Officer be changed to City Manager, effective April 15,

2005;

- (7) the Chief Administrative Officer be directed to review the role, responsibilities and organizational location of the City's affordable housing programs including recommendations for an integrated set of affordable housing goals and administrative adjustments required to achieve the goals and to improve the City's capacity to facilitate affordable housing opportunities for the residents of Toronto, and that the outcome of the review be reported to Council prior to the end of March, 2005;
- (8) the Chief Administrative Officer be directed to undertake reviews in the following areas and implement any resulting changes:
 - (a) Human Resources, including the potential for separation of policy/compliance and service functions;
 - (b) Corporate Communications, with a focus on establishing strategic communications and issues management capacity;
 - (c) Corporate services and finance functions, to ensure effective alignment in the new model and the separation of service and compliance components to reduce barriers to innovation and improve service delivery;
 - (d) Administrative, technical and other support services, to rationalize the provision of these services in the new model; and
 - (e) Economic Development, Culture and Tourism, functional realignment, prior to recruiting a General Manager of Economic Development and Culture;
- (9) the Mayor be authorized to retain an external legal firm to provide advice on the form and use of employment contracts used for senior staff and report back to Council on any recommended changes;
- (10) the City Solicitor be authorized to introduce the necessary bills in Council; and
- (11) the appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.

ATTACHMENT 2

Communication dated November 25, 2004, from Leo Gotlieb and Mary Baetz, Directors, Western Management Consultants (See Minute 14.22, Page 13):

Dear Mayor Miller and Ms. Hoy,

As part of our mandate to assist with the review of the City's departmental structure, we have been requested to comment on the Mayor's report to Council. This letter contains our assessment, under four categories:

- General
- Risks and Challenges
- Considerations for Implementation
- Other Considerations

General

We find that in both spirit and content, the report and its recommendations are consistent with the conclusions from our work and with the strategy for restructuring that we recommended in our discussions with you. In particular, we are a strong advocate of the principle-based approach taken in this report. A set of well-founded principles creates the rationale for recommendations and the legitimacy needed for any successful change effort. As questions and issues arise during implementation, the principles form the basis for understanding, interpretation and ultimately, acceptance. We note the care taken to clearly link the principles to the Mayor's restructuring objectives (in Chart 1) and to demonstrate how they are realized by the recommendations in Chart 3.

We agree that these recommendations are the right ones for the City at this time and the report has made a solid case for them. In particular, we strongly believe in the need to adjust the balance of authorities and responsibilities among the first three levels of the administration (that is, the Chief Administrative Officer, the Commissioners and the General Manager/Executive Director level). The purpose of such a rebalancing would be twofold. First, it would strengthen the ability of the senior management team to act more strategically in support of Mayor and Council priorities and to exercise administrative oversight of the City's day-to-day operations. Second, it would enable the Divisions to deliver citizen-focused services with greater autonomy and innovative capacity. We concluded that such an approach was both necessary and desirable if the Mayor's restructuring goals (enunciated on page two and also Chart 1 of the review document) were to be realized.

Risks and Challenges

A casual observer of the organization diagram in Chart 2 might not appreciate the true nature of the change that is being advocated in this report. The lines of responsibility and authority are now clearly drawn between a group of more autonomous Divisions and a strengthened senior management team.

However, insofar as it represents a significant departure from the current organization, it does contain a number of risks and challenges that will have to be addressed. In particular:

- While the citizen-focused divisions will be more autonomous, particularly with their dealings with committees and Council, it must remain clear that their accountability to Council is through the Chief Administrative Officer and the senior management team. Since the CAO alone cannot exercise the required degree of governance and management of this group, the task will by necessity fall in large part to the Deputy City Managers, even though they are no longer formally heads of Departments. We are pleased to see the report recommending that the Deputies be assigned groups of Divisions, and that they are given responsibilities for oversight and performance management in these areas (on page 7). This concept can be further developed as the recommendations are given more definition, for example, in the form of job descriptions. The roles can be clearly and explicitly stated, and then communicated so that they are understood by all stakeholders, particularly the Deputies, Division heads and Councillors.
- The new structure consolidates many of the existing Corporate Services functions under a Deputy City Manager who is also the CFO. We appreciate the rationale for this move, given that several key corporate services have moved up to the City Manager level, and note that there will be a Chief Corporate Officer dedicated to the corporate services that remain under the Deputy. We are also reminded of the original amalgamation proposal in which Corporate Services and Finance were combined as a single department (albeit under a Corporate Services Commissioner). What we wish to point out is that from a senior management team perspective, the Deputy/CFO will still be ultimately responsible for the corporate services file. This should not become an issue as long as the incumbent is someone who can exercise proper leadership and oversight of both Finance and Corporate Services portfolios.
- While the large impact of the reorganization is to increase the autonomy of the level that current reports to Commissioners, there are groups (under the Treasurer and Chief Corporate Officer) that will be an additional layer removed from the City Manager. This is more the result of the consolidation referred to in the previous point than an intention to weaken their positions. To ensure that this does not impair the ability of such groups to carry out their responsibilities in areas for which they have a corporate mandate, we recommend that the Deputy/CFO make a conscious effort to support their continued authority and counter any perception of diminished status.

- There will be a natural tendency of more autonomous Divisions to build up their administrative, technical and support functions. We note with approval that the report addresses this by assigning responsibility for such functions to the Deputies, and simply want to reinforce the point that where real economies have been achieved in these areas, they should be preserved or even expanded.

Considerations for Implementation

The need for a change management program to support this restructuring should not be underestimated. If the new structure is to be successful in achieving the goals set out by the Mayor, culture and behaviour must also change. This change would be very well supported by the following.

- *The development of a new relationship between the CAO's office and the Divisions.* This is essential or the now more autonomous Divisions will have a natural tendency to go their own way, even they have well-defined accountabilities to the level above them. It will not be enough for the Deputies to intervene periodically, for example, at budget time. The mechanisms for engagement between them and the Divisions must be meaningful and ongoing, and realistically, much of the initiative will need to come from the Deputies themselves.
- *The evolution of appropriate working relationships between the Divisions and Committees and individual Councillors.* Such relationships should not conflict with the Divisions' accountability to Council as a whole, which flows through the CAO's office. There will be a natural tendency for Councillors to work closely with certain Divisions where they have a strong interest, and conversely for Division heads to seek out Councillors where they feel they have the most support. Strong backing from Council as a whole will be required, to establish the norms for behaviour by individual Councillors and to support the role of the CAO's office in exercising proper governance over the Divisions.
- *The breakdown of barriers between Divisions.* It is possible that more autonomous Divisions could lead to an even greater silo culture than currently exists in the Departments. This can be offset by insistence from Council on cross-Division co-operation in pursuit of Mayor and Council priorities, by effective performance of Deputies in their integrating roles and by elimination of systemic barriers to horizontal co-operation (see next section).

Other Considerations

In our discussions and presentations to both of you, we identified a number of factors in the current environment that should be addressed independently of any reorganization. To the extent that any or all of them can be resolved in the course of implementing the recommendations on pages 12 and 13, the outcome would greatly contribute to the success of the overall effort. They include the following:

- The shortage of resources in policy and implementation functions – these have been cut back repeatedly since amalgamation and we agree that most Divisions now have little reserve capacity to undertake or participate in new City-wide initiatives. A persistent lack of management development and training has also greatly reduced capacity in this area.
- The “chill” effect of MFP – this and the consequent emphasis on regulatory mechanisms (auditors, fraud line) have created an organizational culture that is very risk-averse, and thus not conducive to innovation.
- A barrier to cross-divisional co-operation that is perhaps more economic than structural or behavioural is the fact that Divisions can find themselves effectively penalized for “going corporate” – that is, when they contribute resources towards corporate objectives, they are too often diminishing their ability to achieve their own objectives and service levels.
- Some way must be found to satisfy Councillors’ need for access to (and information from) staff while not diverting staff too much from their tasks. As it stands, intervention by Councillors and demands for new reports continually pull senior management from the Divisions into the details of day-to-day operations. This in turn makes it very difficult for them to devote attention to the more strategic priorities established by the Mayor and Council and to ensure that their Divisions are fulfilling their overall mandates to the public. A similar drain on senior staff capacity occurs as a result of the consuming and ongoing nature of the budget process.

Conclusion

In summary, we believe that the recommendations in this report are ones that the City needs to make in order to create a renewed and positive organizational climate for the organization. With strong Council and staff support, you should be able to achieve the goals that were set out at the start of this exercise. We have enjoyed working with you and feel privileged to have been participants in an exciting process. Please feel free to call us if you wish to discuss any aspect of the above comments.

Sincerely,

Western Management Consultants of Ontario

ATTACHMENT 3

Communication (undated) from Councillor Case Ootes, Toronto-Danforth (See Minute 14.22, Page 13):

Dear Mayor Miller:

I am writing with respect to today's Council meeting on the administrative review of the City of Toronto. I am unable to attend since I am recovering at home from an operation.

I trust that you will respect all members of Council, the bureaucracy and the electorate you represent by being true to your platform of transparency at City Hall.

Most citizens are probably not interested in the specifics of the current or proposed organizational structure, but do want to ensure delivery of their services and value for their tax dollar. On the other hand, all stakeholders in the City should have an opportunity to discuss or comment on what is being proposed, especially since the report was prepared "behind closed doors".

The report should be referred to the Administration Committee for depositions and full discussion.

There should also be a full disclosure of the consultant's report. Members of Council should be fully apprised of what that report says and who was involved in the unfolding of the report, who was consulted and what comments from the "Listening to Toronto" session resulted in these specific recommendations. An initiative as important as this should involve all Members of Council.

Mr. Mayor, you ran on a platform of open government. This report has been shrouded in secrecy since you asked for it. The "finished product" was released late Wednesday at a press conference before Councillors were aware of the report.

You are also on record as to the issue of treating our employees with respect. You have not demonstrated respect for our employees, respect for other members of Council, nor stakeholders of this City, whether they be residents, business owners, organizations, etc.

Above all else, you have not demonstrated transparency which was paramount to you being elected Mayor of this City.

In your letter of May 26, 2004 you state:

"Of course final approval lies with Council and discussion of the review will be processed through the Policy and Finance Committee as part of its existing mandate to make recommendations on governance matters."

I hope you will do the right thing and support a referral of the review to the Administration Committee (and/or other appropriate committees), distribute the consultant's report to all Members of Council and allow for the opportunity of a healthy and open debate. As your report indicates, this is the first step to a lot of changes. I think that all members of Council and stakeholders have an interest in ensuring that the first step is done right.

Sincerely,

Case Ootes

ATTACHMENT 4 [Notice of Motion I(1)]

Communication dated November 17, 2004, from Councillor Howard Moscoe, entitled “Legion Halls” (See Minute 14.80, Page 108):

In view of the fact that Minister Smitherman has announced he intends to enact legislation that will prohibit smoking in all clubs, it is unnecessary for me to table the attached Motion.

Please consider it my request that it be withdrawn.

ATTACHMENT 5 [Notice of Motion J(14)]

Report dated November 29, 2004, from the City Clerk, entitled "Poll Results-Proposed Designation of the Korea Town Business Improvement Area, Wards 19 and 20 Trinity-Spadina" (See Minute 14.94, Page 128):

Purpose:

To report on the results of the poll for the proposed designation of the Korea Town Business Improvement Area.

Financial Implications and Impact Statement:

The operating resources necessary to provide for the formation of two new BIAs have been accommodated in the Year 2004 Economic Development Operating Budget. Capital budgets may be impacted in future years should streetscape or other capital improvements be undertaken by the Korea Town BIA. These capital improvements are cost-shared equally between the BIA and the City.

Recommendations:

It is recommended that:

- (1) based upon the results of the poll, Council pass a by-law to designate the area described by Attachment 1 (Maps 1 to 3), as a Business Improvement Area (BIA), under Section 204 of the *Municipal Act*; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect hereto.

Background:

On September 28, 29, 30 and October 1, 2004, City Council adopted, as amended, Clause No. 7 contained in Report No. 6 of the Economic Development and Parks Committee, headed "Intention to Designate the Korea Town Business Improvement Area (BIA) (Wards 19 and 20 Trinity-Spadina)".

The *Municipal Act, 2001*, S.O. 2001, c. 25 provides that an Improvement Area may be designated by by-law in order to oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality and to promote the area as a business or shopping area.

Before passing a by-law to designate an Improvement Area, notice of the proposed by-law is sent by prepaid mail to the board of management of the improvement area, if any, and to every person who, on the last returned assessment roll, is assessed for rateable property that is in a prescribed business property class which is located in the proposed improvement area.

Any person who receives a notice of the proposed by-law, must, within 30 days, give a copy of the notice to each tenant of the property to which the notice relates who is required to pay all or part of the taxes on the property and they must also give the Clerk of the municipality a list of every tenant and their share of the taxes paid.

A municipality shall not pass a by-law to designate an Improvement Area if written objections are received by the City Clerk of the municipality within 60 days after mailing the notices and if the objections have been signed by at least one-third of the total number of persons entitled to notice and, the objectors are responsible for at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area.

The City Clerk shall determine whether all conditions have been met and, if they are, shall issue a certificate affirming that fact.

Comments:

The statutory role that the City Clerk through Legislative Services plays in the process of establishing a new Business Improvement Area, is to issue the notices of intention to designate a BIA to every assessed property owner in the prescribed area that is described as business property class.

On September 29, 2004, the City Clerk mailed 125 Notices of Intention to Designate to all persons assessed with respect to rateable property within the specified proposed Korea Town Business Improvement Area, to determine whether or not this area could become a Business Improvement Area.

Within 30 days after the notice was mailed, 22 tenant lists were returned to the City Clerk by the owners. Forty-one commercial tenants were identified from the lists and added to the 125 to receive notices. The total number of identified persons entitled to receive notice is 166. The full amount of taxes levied on the rateable property that is in the prescribed business property class in the specified Korea Town Business Improvement Area totals \$1,591,563.00.

As provided above, the written objections received must have been signed by at least one-third of the total number of persons entitled to notice.

No petitions of objection to the proposed designation of the Korea Town as a Business Improvement Area were received and verified by the City Clerk, by November 29, 2004, the end of the full notice period.

Conclusions:

The number of objecting petitions does not meet the sufficiency benchmarks required by s.210 (3) of the *Municipal Act*. Based upon the results, Council may, if it wishes, pass a by-law to designate Korea Town Business Area as a Business Improvement Area.

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Attachments: Maps 1 to 3 of Proposed Korea Town Business Improvement Area

(The Attachments are on file in the City Clerk's Office.)

ATTACHMENT 6 [Notice of Motion J(15)]

Report dated November 26, 2004, from the City Clerk, entitled "Poll Results-Proposed Designation of the Queens Quay Harbourfront Business Improvement Area, Ward 20 Trinity-Spadina" (See Minute 14.95, Page 130):

Purpose:

To report on the results of the poll for the proposed designation of the Queens Quay Harbourfront Business Improvement Area.

Financial Implications and Impact Statement:

The operating resources necessary to provide for the formation of two new BIAs have been accommodated in the Year 2004 Economic Development Operating Budget. Capital budgets may be impacted in future years should streetscape or other capital improvements be undertaken by the Queens Quay Harbourfront BIA. These capital improvements are cost-shared equally between the BIA and the City.

Recommendations:

It is recommended that:

- (1) based upon the results of the poll, Council pass a by-law to designate the area described by Attachment 1 (Maps 1 to 4), as a Business Improvement Area (BIA), under Section 204 of the *Municipal Act*; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect hereto.

Background:

On September 28, 29, 30 and October 1, 2004, City Council adopted, without amendment, Clause No. 6 contained in Report No. 6 of the Economic Development and Parks Committee, headed "Intention to Designate the Queens Quay Harbourfront Business Improvement Area (BIA) (Ward 20 Trinity-Spadina)".

The *Municipal Act, 2001*, S.O. 2001, c. 25 provides that an Improvement Area may be designated by by-law in order to oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality and, to promote the area as a business or shopping area.

Before passing a by-law to designate an Improvement Area, notice of the proposed by-law is sent by prepaid mail to the board of management of the improvement area, if any, and to every person who, on the last returned assessment roll, is assessed for rateable property that is in a prescribed business property class which is located in the proposed improvement area.

Any person who receives a notice of the proposed by-law, must, within 30 days, give a copy of the notice to each tenant of the property to which the notice relates who is required to pay all or part of the taxes on the property and they must also give the Clerk of the municipality a list of every tenant and their share of the taxes paid.

A municipality shall not pass a by-law to designate an Improvement Area if written objections are received by the City Clerk of the municipality within 60 days after mailing the notices and if the objections have been signed by at least one-third of the total number of persons entitled to notice and, the objectors are responsible for at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area.

The City Clerk shall determine whether all conditions have been met and, if they are, shall issue a certificate affirming that fact.

Comments:

The statutory role that the City Clerk through Legislative Services plays in the process of establishing a new Business Improvement Area, is to issue the notices of intention to designate a BIA to every assessed property owner in the prescribed area that is described as business property class.

The City Clerk mailed 47 Notices of Intention to Designate to all persons assessed with respect to rateable property within the specified proposed Queens Quay Harbourfront Business Improvement Area, to determine whether or not this area could become a Business Improvement Area.

Within 30 days after the notice was mailed, 7 tenant lists were returned to the City Clerk by the owners. Fifty-five commercial tenants were identified from the lists and added to the 47 to receive notices. The total number of identified persons entitled to receive notice is 102. The full amount of taxes levied on the rateable property that is in the prescribed business property class in the specified Queens Quay Harbourfront Business Improvement Area totals \$9,298,432.67.

As provided above, the written objections received must have been signed by at least one-third of the total number of persons entitled to notice.

Four petitions of objection to the proposed designation of the Queens Quay Harbourfront as a Business Improvement Area were received and verified by the City Clerk, by November 13, 2004, the end of the full notice period.

Conclusions:

The number of objecting petitions does not meet the sufficiency benchmarks required by s.210 (3) of the *Municipal Act*. Based upon the results, Council may, if it wishes, pass a by-law to designate Queens Quay Harbourfront Business Area as a business improvement area.

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Attachments: Maps 1 to 4 of Proposed Queens Quay Harbourfront Business Improvement Area

(The Attachments are on file in the City Clerk's Office.)

ATTACHMENT 7 [Notice of Motion J(20)]

Report dated November 30, 2004, from the Acting Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, entitled "Supply and Delivery of Medical Grade Oxygen Cylinder Refilling – Extension of 2004 Contract and Award of New Contract, Quotation Request No. 6613-04-3291" (See Minute 14.100, Page 138):

Purpose:

To obtain Council approval for an extension of Contract No. 47000934 to December 15, 2004 to MagGas Medical Inc. and to award the new contract to Gas Pro, A Division of Professional Respiratory Home Care Services Corp.

Financial Implications and Impact Statement:

The existing Contract No. 47000934 with MagGas Medical Inc. expired on October 31, 2004. Funds in the amount of \$90,000.00 for the 2004 extension requirement are available in the approved 2004 Emergency Medical Services Operating Budget Account No. B46700 and Fire Services Operating Budget Account No. FR0045.

Approval of a new contract for oxygen delivery with the lowest bidder, Gas Pro, A Division of Professional Respiratory Home Care Service Corp., will result in anticipated expenditures approximating \$744,956.88 over four years consisting of the following amounts: \$197,641.62 for the period December 2, 2004 to December 31, 2005, \$182,438.42 for 2006, 2007 and 2008. The funds required will be included in the appropriate Emergency Medical Services and Fire Services operating budget submissions.

Recommendations:

It is recommended that:

- (1) the existing Contract No. 47000934 with MagGas Medical Inc. ("MagGas") be extended to December 15, 2004, and the total contract amount be increased by \$90,000.00 from a previous Council-approved contract amount of \$1,348,000.00, including all taxes and charges;
- (2) Request for Quotation No. 6613-04-3291, issued for the Supply and Delivery of Medical Grade Oxygen, be awarded to Gas Pro, A Division of Professional Respiratory Home Care Services Corp. ("Gas Pro"), for the period of December 2, 2004 to December 31, 2008, in an estimated total contract amount of \$744,956.88 over four years; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give

effect thereto.

Background:

At its meeting of May 18, 19 and 20, 2004, City Council adopted Clause 24 of Administration Committee Report 3, which provided for adjustment to a number of the City's blanket contracts.

One of the contracts approved was for MagGas, for an extended amount of \$1,248,000. This amount was intended to provide for the ongoing purchase of medical grade oxygen until approximately the end of June 2004, at which time a new contract for oxygen was expected to be in place.

Due to delays in the issuance of the Quotation Request as a result of an extensive review of the specifications by City staff to address issues raised in the past with regard to the Drug Identification Number and related legal challenges, Toronto Emergency Medical Services requested an extension to October 31, 2004 and a further increase of \$100,000. The existing Contract No. 47000934 with MagGas was extended to October 31, 2004 by the adoption of Clause 1 of Community Services Committee Report 5 by Council at its meeting of July 20, 21 and 22, 2004.

Five firms were invited to submit bids on Quotation Request No. 6613-04-3291. This requirement was advertised on the City of Toronto's Internet Website. The Quotations were opened on October 15, 2004. Two bids were received, from Gas Pro and MagGas.

<u>Company Name</u>	Estimated Total Cost to Deliver to Multiple Locations, including G.S.T.				
	<u>Dec. 2/2004 to Dec. 31/2005</u>	<u>Jan.-Dec. 2006</u>	<u>Jan.-Dec. 2007</u>	<u>Jan.-Dec. 2008</u>	<u>Grand Total</u>
Gas Pro	\$197,641.62	\$182,438.42	\$182,438.42	\$182,438.42	\$744,956.88
MagGas	\$262,544.30	\$242,348.58	\$242,348.58	\$242,348.58	\$989,590.04

Note:

- Year 1 is calculated over 13 months based on a start date of December 2, 2004 through December 31, 2005.
- Years 2, 3 and 4 are calculated over 12 months based on a start date of January 1st inclusive to December 31st.

The bids along with summary of prices were reviewed and a letter recommending the lowest bidder, Gas Pro, was prepared. Subsequently, a letter dated November 9, 2004 was received from the legal firm of MacDonald Ticker & Associates, representing MagGas, objecting to the award of the contract to Gas Pro on the basis of an assertion that there were predatory pricing practices involved in Gas Pro's bid submission, as well as an allegation that Gas Pro did not submit a valid signed drug establishment licence.

Comments:

The City's Purchasing By-law, Municipal Code, Chapter 195, requires all matters be referred to Council for consideration where there is an objection to the award of a contract. The City Solicitor has reviewed the objections of MagGas as set out in the letter from its solicitor and has provided the following advice: The allegation of predatory pricing is a matter which is subject to federal jurisdiction under the *Competition Act*. Should MagGas feel that it has a valid claim, it will have to make an application to the Competition Bureau for an investigation and ruling. With respect to the allegation that Gas Pro submitted an unsigned and invalid drug establishment licence from Health Canada, City staff have confirmed with Health Canada that Gas Pro's licence is in good standing. Valid licences may be unsigned resulting from Health Canada administrative practices. There do not appear to be any legal impediments to awarding the contract, provided Purchasing and Materials Management and Emergency Medical Services are satisfied that this bid meets the City's specifications.

Based on the review of the bids submitted, Purchasing and Emergency Medical Services are satisfied that the low bid of Gas Pro has met the City's specifications and recommend that the contract for Quotation No. 6613-04-3291 for the Supply and Delivery of Medical Grade Oxygen be awarded to Gas Pro, despite the objection received from MagGas. The Quotation Request was issued for a one-year period with an option to renew for three one-year periods. It is recommended that the contract be awarded to Gas Pro, A division of Professional Respiratory Home Care Services Corp., for the period of December 2, 2004 to December 31, 2008, in an estimated total contract amount of \$744,956.88 over four years, with the periods January 1, 2006 to December 31, 2006, January 1, 2007 to December 31, 2007 and January 1, 2008 to December 31, 2008 being subject to an option to renew to be exercised by the Commissioner of Works and Emergency Services, or his successor, being the lead City staff person in charge of Emergency Medical Services.

Due to the legal objection presented by the legal firm of MacDonald Ticker & Associates, representing MagGas, an amendment is required to the existing contract to increase it by an amount of \$90,000.00 and extend the expiry date to December 15, 2004, to continue the provision of service by MagGas until Council approves the awarding of the new contract to the new vendor, Gas Pro.

Conclusions:

This report requests authority to extend the existing Contract No. 47000934 with MagGas Medical Inc. from October 31, 2004 to December 15, 2004 and to increase the contract amount by \$90,000.00 from a previous Council approved contract amount of \$1,348,000.00, including all taxes and charges.

Due to the legal objection presented by the legal firm of MacDonald Ticker & Associates, representing MagGas, the award of the contract has been delayed. An amendment is required to continue the provision of service by MagGas until Council approves the awarding of the new contract to the new vendor, Gas Pro. The cost for providing this service has exceeded the original contract value because of the legal objection.

This report also requests authority to award Quotation No. 6613-04-3291 for the Supply and Delivery of Medical Grade Oxygen Cylinder Refilling for the use by Toronto Emergency Medical Services (Ambulance Services) and Toronto Fire Services to Gas Pro, A Division of Professional Respiratory Home Care Service Corp., being the lowest quotation received.

The City Solicitor has been consulted regarding the objections presented by MagGas and has advised that there is no legal impediment to awarding the contract to Gas Pro, provided the bidder has met all City specifications.

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ATTACHMENT 8 [Notice of Motion J(22)]

Report dated November 25, 2004, from the City Solicitor, entitled "44 and 46 Bernard Avenue, Trinity-Spadina Ward 20" (See Minute 14.102, Page 142):

Purpose:

To report upon the results of an Ontario Municipal Board ("OMB") decision and to obtain authority to enter into the associated implementing agreement regarding 44 and 46 Bernard Avenue.

Financial Implications and Impact Statement:

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

Recommendation:

That the City enter into an agreement to secure the conditions imposed by the OMB upon the severance and variance appeals regarding 44 and 46 Bernard Avenue.

Background:

At its meeting held on June 22, 23 and 24, 2004, City Council adopted the Motion found at Item J(30), and thereby authorized the City Solicitor to attend at the OMB in opposition to an application by the owner of 44 and 46 Bernard Avenue to sever the site into two parcels. The basis for that direction was the advice of staff of Urban Development Services that a rezoning application would have better addressed and secured various issues. The owner had also appealed an associated minor variance application, which had been sought instead of a rezoning.

Comments:

Staff of Urban Development Services continued to work with the owner and by the time of the OMB hearing, staff was satisfied that the severances and variances were appropriate provided the owner agreed to certain conditions. The conditions are those set out in Appendix "A" attached to this report.

Accordingly, the OMB at the hearing held on October 19, 2004, approved the appeals subject to the condition that the owner enter into an agreement to satisfy these conditions. It is therefore appropriate for the City to enter into the agreement required to secure these conditions.

Conclusions:

It is appropriate for City Council to grant authority for the City to enter into an agreement to secure the conditions imposed by the OMB upon the severance and variance appeals regarding 44 and 46 Bernard Avenue.

Contact:

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Attachment – Appendix “A”, Draft Conditions of Approval

Appendix “A”

Draft Conditions of Approval

44 – 46 Bernard Avenue

W H E R E A S:

- A. The Owner, being Bernard Place Corporation, is currently the registered owner of the lands at 44 – 46 Bernard Avenue in the City of Toronto (the “Site”);
- B. The Site currently contains,
 - (a) a residential building (the “Main Building”) on the portion of the Site herein referred to as the Retained Lot, and
 - (b) a former coach house (the “Coach House”), on the portion of the Site herein referred to as the Severed Lot;
- C. Currently, within the Site,
 - (a) the Main Building contains three dwelling units,
 - (b) the Coach House contains one dwelling unit and parking for two vehicles, and

- (c) the Site also has one surface parking space provided at the front of the Main Building;
- D. The Owner has proposed to sever the Site into two parcels consisting of the Retained Lot and the Severed Lot and to redevelop the Site by,
- (a) replacing, with two enlarged dwelling units, the three dwelling units currently located within Main Building,
 - (b) replacing, with one enlarged dwelling unit, the dwelling unit and parking for two vehicles currently contained within the Coach House,
 - (c) providing parking for the three proposed replacement dwelling units by means of surface parking,
 - (d) providing pedestrian and vehicular access to the Coach House from Bernard Avenue by way of a driveway (the “Driveway”) located within the Retained Lot, and
 - (e) providing storm, sanitary and water services for the replacement dwelling unit to be located within the Coach House, by way of services to be located underneath the surface of the Driveway;
- E. To permit the proposed re-development of the Site, the Owner applied to the Committee of Adjustment for the City of Toronto for,
- (a) a consent to convey the Severed Lot, containing the Coach House, from the Site and retain the Retained Lot, containing the Main Building (Committee of Adjustment file B-011/04TEY),
 - (b) variances from the provisions of City of Toronto Zoning By-law No. 438-86, as amended, in respect of the Retained Lot (Committee of Adjustment file A-65/04TEY), and
 - (c) variances from the provisions of City of Toronto Zoning By-law No. 438-86, as amended, in respect of the Severed Lot (Committee of Adjustment file A-66/04TEY);
- F. The Committee of Adjustment refused the above noted applications;
- G. The Owner has appealed the decisions of the Committee of Adjustment to the Ontario Municipal Board pursuant to Sections 45(12) and 53(19) of the *Planning Act* (the “Appeals”);

- H. It is proposed that as a condition of allowing the Appeals and granting the applications, the Ontario Municipal Board shall grant the applications subject to the conditions set out herein pursuant to Sections 45(9), 45(18), 53(12) and 53(34) of the *Planning Act*, to be secured by an Agreement between the City and the Owner, which the City may register against the Site and be entitled to enforce against the Owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the Site or any portion thereof.

The owner of the Site is required to enter into an agreement with the City pursuant to Sections 45(9), 45(18), 53(12) and 53(34) of the *Planning Act*, to secure the conditions listed below, which agreement is to be in a form satisfactory to the City with conditions providing for indexed escalation of financial contributions, no credit for development charges, indemnity, insurance, GST, and registration and priority of agreement:

1. The proposed re-development of the Site, including all landscaping related thereto, shall be undertaken and maintained substantially in accordance with Plans [description of plans to be inserted upon submission to and acceptance by UDS].
2. The Owner shall submit to the Commissioner of Works and Emergency Services (“WES”) for review and acceptance prior to any building permit being issued in respect of either the Retained Lot or the Severed Lot,
 - (a) site servicing plans,
 - (b) a grading and drainage plan, and
 - (c) a storm water management plan,for the entire Site.
4. The Owner shall comply with any requirements of WES in respect of release for construction of services.
5. The Owner shall pay for the City engineering fees and inspection fees in respect of plan review and on site inspections.
6. Prior to any building permit being issued in respect of either the Retained Lot or the Severed Lot, the Owner shall either,
 - (a) submit to the Commissioner of Works and Emergency Services, a verification that the Coach House is within 90 metres of an existing fire hydrant, or

- (b) pay to the City the cost of installing a new hydrant to meet the 90-metre requirement.
7. The Owner shall agree that the Driveway, located within the Retained Lot as shown on Plans [description of plans showing location of Driveway to be inserted], shall serve to connect the Severed Lot to Bernard Avenue.
8. The Owner agrees to install, within the Driveway, below-grade sanitary and storm services and water services for the Coach House (the "Coach House Services") and, at the Owner's sole cost, provide all required municipal storm water connections, water service connections and sanitary sewer connections in respect of the Coach House Services.
9. The Owner agrees that provision of the Driveway, in accordance with the Plans, and the installation of the Coach House Services and associated municipal connections shall be completed, in accordance with such plans as are accepted by WES, prior to or, at the latest, concurrent with the proposed re-development of the Coach House and that no occupancy of the proposed new dwelling unit to be located within the Coach House shall be permitted until the said work is completed.
10. The Owner shall provide, if requested by WES, as constructed drawings of all work required to be done hereunder and, also if requested by WES, a certificate from a consulting engineer retained by the Owner, confirming that all such work has been completed in accordance with the drawings accepted by WES and in accordance with applicable City standards and specifications.
11. The Owner agrees that the owner of the Retained Lot shall permit the owner and occupants of the Severed Lot and the respective visitors and invitees, to have common vehicular and pedestrian access over the Driveway and will grant such easements and rights-of-way as are appropriate to secure such common access.
12. The Owner also agrees that the owner of the Severed Lot shall permit the owner and occupants of the Retained Lot and the respective visitors and invitees, to have common vehicular and pedestrian access over the Driveway.
13. The Owner agrees that owners from time to time of the Site shall maintain in perpetuity the Driveway and the Coach House Services and that the owner(s) of the Retained Lot shall permit the owners and occupants of the Severed Lot to have such access to the Driveway and the Coach House Services as may be necessary for the purpose of maintaining the same.
14. The Owner shall plant one new tree within the City road allowance as shown on the Landscape Plan, date stamped _____, 2004, at a time and to the satisfaction of the

Commissioner of Economic Development, Culture and Tourism (“EDC & T”) and in accordance with the following details:

- (a) Street Trees in Turf – in accordance with Planting Detail No. 101 for Balled and Burlapped Trees in Turf Areas, dated June 2002,
- (b) the owner shall ensure that the tree planted on City property is 70 mm caliper minimum,
- (c) the owner shall ensure a clearance of 1.2 metres from the edge of the tree’s root ball to the edge of the underground utility(s), provided that a clearance of less than 1.2 metres but greater than or equal to 0.6 metres may be permitted provided a root deflector satisfactory to EDC & T is installed in the tree pit between the tree’s root ball and the utility(ies),
- (d) the owner shall provide a two-year renewable guarantee for all new tree plantings within the City road allowance and shall notify the Supervisor of Urban Forestry Planning and Protection, in writing of the planting date prior to planting, which date shall be used to establish the anniversary date of the required two-year renewable guarantee,
- (e) the owner shall maintain all new tree plantings within the City road allowance in good condition,
- (f) the tree will be inspected during and prior to the end of the renewable guarantee period and provided the tree is in good condition at the end of the renewable guarantee period, the City will assume maintenance and ownership of the trees,
- (g) the owner shall be responsible for the maintenance or replacement of the new tree planting within the City road allowance if during or at the end of the renewable guarantee period the tree is not in good condition and requires maintenance or requires replacement,
- (h) the owner will be responsible for rectifying any problem as determined by and to the satisfaction of the Commissioner of Economic Development, Culture and Tourism,
- (i) in the event the installed tree is not acceptable, the owner shall plant a replacement tree and shall maintain such tree within the City road allowance in good condition and shall provide an additional two-year renewable guarantee,

- (j) the owner shall, prior to the issuance of a Landscape Permit (by Works and Emergency Services, Transportation Services, Right of Way Management) and prior to any building permit being issued in respect of either the Retained Lot or the Severed Lot, provide a tree planting security deposit in the form of an irrevocable Letter of Credit or certified cheque payable to the Treasurer, City of Toronto, in the amount of \$588.00 for new tree planting within the City Road allowance,
- (k) the tree planting security deposit must be submitted to the attention of the Supervisor of Urban Forestry Planning and Protection and the security deposit will be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the tree is planted and kept in a healthy and vigorous state during the two-year guarantee period, and
- (l) the owner shall agree that the Commissioner of Economic Development, Culture and Tourism shall hold the tree planting security deposit for the duration of the renewable guarantee period.

ATTACHMENT 9 [Notice of Motion J(28)]

Report dated November 29, 2004, from the Commissioner of Urban Development Services, entitled “Authority to Amend the Section 37 Agreement Site Plan Approval Application 03 035080 STE 28 SA, Applicant: Goodman and Carr, Architect: Page + Steele 33 Bay Street” (See Minute 14.108, Page 151):

Purpose:

To recommend changes to the existing Section 37 Agreement related to the deletion of a requirement for a Harbour Street overhead walkway and replacement with a funding requirement from the owner of 33 Bay Street for streetscaping improvements on the east side of Yonge Street between the south curb of Harbour Street and north curb of Lake Shore Boulevard East, and in the Yonge Street railway underpass south of The Esplanade.

Financial Implications and Impact Statement:

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

Recommendation:

It is recommended that Council’s actions of June 24, 25, and 26, 2003 (Toronto and East York Community Council Report 6, Clause 18) be amended to change the Section 37 Agreement to delete the requirement for a Harbour Street overhead walkway and add a requirement for a financial payment from the owner to the City, paid prior to the issuance of an above grade permit, for \$550,000 indexed to 2003 dollars for streetscaping improvements to the east side of Yonge Street between the south curb of Harbour Street and north curb of Lake Shore Boulevard East, and sidewalk lighting in the Yonge Street railway underpass south of The Esplanade to be completed by the Commissioner of Works and Emergency Services, and that the appropriate City officials execute such Agreement.



Background:

33 Bay Street is the site of a multi-phase 1,771 unit condominium project approved in 2003 and currently under construction.

The existing Section 37 Agreement requires the owner of 33 Bay Street to construct and maintain a Harbour Street overhead walkway connecting the City owned Conference Centre at 11 Bay Street to parking for the conference centre located at 33 Bay Street. Through community consultation and staff review, it was determined that the overhead walkway is no longer considered to be desirable or appropriate. A staff report dated May 22, 2003 recommending, among other things, the deletion of the overhead walkway, the substitution of other streetscape improvements and other amendments to the Section 37 Agreement was approved by City Council on June 24 to 26, 2003.

In 2004, Urban Development Services and Works and Emergency Services staff continued development of the Lower Yonge Street and Lower Bay Street Pedestrian Promenade Plan for the area bordered by Front Street on the north and Queens Quay on the south. This plan will guide streetscape improvements to be secured through Section 37 Agreements and development agreements for sites in the area. Included in the plan are improvements for City owned lands on the east side of Yonge Street between the railway south of The Esplanade and Harbour Street. The improvements in the vicinity of 33 Bay Street on the east side of Yonge Street are to be secured through an amendment to the Section 37 Agreement for 33 Bay Street. The technical review of the Promenade Plan is ongoing and will include consideration of the type of streetscaping for the east side of Yonge Street.

Below grade construction on the first phase of the building at 33 Bay Street is underway. An above grade permit is expected by the end of 2004. The owner is required to have an amended and executed Section 37 Agreement, and site plan approval in place prior to an above grade permit being issued.

Comments:

In 2003, staff determined that the replacement value of the construction and maintenance of the overhead walkway was \$550,000. The owner has requested that since the design of the Promenade Plan has not received final approval, that a financial payment of \$550,000 made to the City prior to the issuance of an above grade permit, for the streetscape improvements on the east side of Yonge Street and in the Yonge Street railway underpass south of The Esplanade. The funds would be deposited into the appropriate Works and Emergency Services account. Staff recommend that the contribution be indexed to 2003 dollars.

Conclusions:

Staff recommend that the Section 37 Agreement amendments previously authorized by Council related to the deletion of a Harbour Street overhead walkway be further amended to provide for a

financial payment from the owner to the City prior to the issuance of an above grade permit, for \$550,000 indexed to 2003 dollars for streetscaping improvements to the east side of Yonge Street between the south curb of Harbour Street and north curb of Lake Shore Boulevard East, and sidewalk lighting in the Yonge Street railway underpass south of The Esplanade, to be completed by the Commissioner of Works and Emergency Services.

Contact:

Al Rezoski, Senior Planner - Downtown Section

Ph: (416) 392-0481

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Email: arezosk@toronto.ca

ATTACHMENT 10 [Notice of Motion J(34)]

Report dated November 30, 2004, from the Commissioner of Economic Development, Culture and Tourism, entitled "Shared Use Agreement with Toronto French School Board for use of Outdoor Green Space at Pierre Elliot Trudeau School, Ward 19, Trinity-Spadina" (See Minute 14.114, Page 160).

Purpose:

This report seeks delegated authority for the Commissioner of Economic Development, Culture and Tourism and the City Solicitor in consultation with the Ward Councillor, to enter into a nominal sum agreement with the Conseil Scolaire Public de District du Centre-Sud-Quest (CSDCSO) for the use of greenspace at the TDSB property located at 65 Grace Street.

Financial Implications and Impact Statement:

This is a nominal sum lease and carries no financial implications for the City of Toronto.

Recommendations:

It is recommended that:

- (1) Council authorize the City to enter into a 999 year nominal sum Shared Use Agreement with the CSDCSO, effective upon the date of registration of the transfer of the land from the TDSB to the CSDCSO, for the use of the playing fields as parkland and a playground for the community and the construction of fences at Ecole Pierre Elliot Trudeau School in accordance with terms and conditions deemed necessary by the Commissioner of Economic Development, Culture and Tourism, and the City Solicitor in consultation with the Ward Councillor; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The Toronto District School Board (TDSB) currently owns the school site located at 65 Grace Street which consists of a Junior School and related outdoor amenity area and greenspace, which is a park deficient area. The facility has been closed and been offered for sale to other school boards and interest was expressed by the Conseil Scolaire Public de District du Centre-Sud-Quest (CSDCSO). The City had previously requested that the use of outdoor greenspace for the use of the community in perpetuity be protected within the sale of the property. The TDSB has concluded negotiations with the CSDCSO and agreed to a sale of the property subject to an agreement being reached with the City of Toronto regarding the ongoing use of the playground and greenspace. The

TDSB has set a deadline of December 15, 2004, for the completion of the agreement.

Comments:

The negotiations with the CSDCSO are close to being completed. The preliminary negotiations have embodied the principle that a permanent shared use agreement, at a nominal sum, be entered into between the City of Toronto and the CSDCSO which protects the use of the playing fields and playground for the community outside of the normal operating times of the school. Further, there will be conditions placed on the erection of fences on the property in order to protect the use of the site by the community.

The remaining terms and conditions are being finalized. Delegated authority is required to the Commissioner of Economic Development, Culture and Tourism and the City Solicitor in consultation with the Local Ward Councillor to finalize negotiations and execute this agreement in order to meet the December 15, 2004, timeline set by the TDSB. There will be no ongoing operating costs, or other financial impacts on the City of this agreement.

Conclusions:

This report seeks delegated authority to finalize an agreement with the CDSCSO to protect the community interest in the use of the greenspace associated with the sale of the property by the TDSB. There are no financial implications and this delegated authority is required in order to allow the sale of the property by the TDSB to proceed by December 15, 2004.

Contact:

Brenda Librecz, Acting General Manager, Parks and Recreation Division
(416) 392-8182
(416) 392-8565 FAX
blibrec@toronto.ca

ATTACHMENT 11 [NOTICE OF MOTION J(40)]

Appendices A and B to Notice of Motion J(40) (See Minute 14.120, Page 170):

Appendix A**Purchase of Service Per Diem Payments Based upon 100% Bed Occupancy**

Purchase of Service Shelter Provider	Number of Beds	2004 October Outstanding Per Diem Payments	2004 November Per Diem Payments (Maximum)	2004 December Per Diem Payments (Maximum)	2005 January Per Diem Payments (Maximum)
Beatrice House	80		\$124,800	\$128,960	\$128,960
Central Neighbourhood House – Met Church	50		\$67,500	\$69,750	\$69,750
Christie Ossington -Men's Shelter	45		\$70,200	\$72,540	\$72,540
Christie Ossington Centre – Women's Shelter	17		\$30,600	\$31,620	\$31,620
Cornerstone Tabernacle	50		\$49,500	\$51,500	\$51,500
COSTI – Reception Centre	16		\$14,400	\$14,880	\$14,880
Council Fire	61		\$82,350	\$85,095	\$85,095
Covenant House	94	\$151,528	\$146,640	\$151,528	\$151,528
Covenant House – Second Stage	28	\$45,136	\$43,680	\$45,136	\$45,136
Dixon Hall – 60 Richmond	70	\$108,500	\$105,000	\$108,500	\$108,500
Dixon Hall – Heyworth House	70	\$112,840	\$109,200	\$112,840	\$112,840
Dixon Hall – Schoolhouse	55		\$41,250	\$42,625	\$42,625
Dixon Hall – Out of the Cold	110 (nightly average)		\$166,112	\$166,112	\$166,112
Eva's Initiatives – Phoenix	50		\$79,500	\$82,150	\$82,150
Eva's Initiatives – Place	32		\$50,880	\$52,576	\$52,576
Eva's Initiatives – Satellite	30		\$65,556	\$67,741.20	\$67,741.20
Fife House – Denison	5		\$2,400	\$2,480	\$2,480

Purchase of Service Shelter Provider	Number of Beds	2004 October Outstanding Per Diem Payments	2004 November Per Diem Payments (Maximum)	2004 December Per Diem Payments (Maximum)	2005 January Per Diem Payments (Maximum)
Fife House – Gladstone	6		\$2,880	\$2,976	\$2,976
Fife House – Hastings	5		\$2,400	\$2,480	\$2,480
Fred Victor Centre	40		\$63,600	\$65,720	\$65,720
Good Shepherd Refuge	91	\$111,429.50	\$107,835	\$111,429.50	\$111,429.50
Good Shepherd Refuge – Barrett House	5	\$3,255	\$3,150	\$3,255	\$3,255
Homes First Society – Savard’s	30		\$57,150	\$59,055	\$59,055
Homes First Society – Strachan	76		\$63,000	\$63,000	\$63,000
Horizons for Youth	35		\$55,650	\$57,505	\$57,505
Native Men’s Residence -	63		\$98,280	\$101,556	\$101,556
Native Men’s Residence – Tumivut	52		\$82,680	\$85,436	\$85,436
Native Child & Family Services	12		\$18,720	\$19,344	\$19,344
Nellie’s	20		\$31,800	\$32,860	\$32,860
Salvation Army – Evangeline Residence	77		\$122,430	\$126,511	\$126,511
Salvation Army – Florence Booth	60		\$95,400	\$98,580	\$98,580
Salvation Army – Gateway	108		\$129,600	\$133,920	\$133,920
Salvation Army – Hope Shelter	108		\$118,260	\$122,202	\$122,202
Salvation Army – Maxwell Meighen	260		\$234,000	\$241,800	\$241,800
Salvation Army – Riverdale	60		\$66,600	\$68,820	\$68,820
Scarborough Hope	60		\$85,860	\$88,722	\$88,722
Scott Mission	45		\$47,250	\$48,825	\$48,825
Second Base Youth Shelter	56		\$89,040	\$92,008	\$92,008
Sojourn House	50		\$72,000	\$74,400	\$74,400
St. Mathias House	10		\$4,800	\$4,960	\$4,960

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Purchase of Service Shelter Provider	Number of Beds	2004 October Outstanding Per Diem Payments	2004 November Per Diem Payments (Maximum)	2004 December Per Diem Payments (Maximum)	2005 January Per Diem Payments (Maximum)
- Bellwoods					
St. Simon's Shelter	60		\$81,000	\$83,700	\$83,700
Street Haven	30		\$47,700	\$49,290	\$49,290
St. Vincent DePaul - Amelie	20		\$45,000	\$46,500	\$46,500
St. Vincent DePaul - Elisa House	40		\$63,600	\$65,720	\$65,720
St. Vincent DePaul - Mary's Home	38		\$60,420	\$62,434	\$62,434
St. Vincent DePaul - St. Clare's Residence	28		\$29,400	\$30,380	\$30,380
Treasure House	48		\$67,680	\$69,936	\$69,936
Toronto Community Hostel	24		\$37,440	\$38,688	\$38,688
Toronto Recovery House	24		\$28,188	\$29,127.60	\$29,127.60
Touchstone Youth Shelter	33		\$59,400	\$61,380	\$61,380
Turning Point	50		\$79,500	\$82,150	\$82,150
University Settlement	65		\$66,300	\$68,510	\$68,510
Woodgreen - Lawrence	75	\$141,825	\$137,250	\$141,825	\$141,825
Woodgreen - Queen	70	\$132,370	\$128,100	\$132,370	\$132,370
Woodgreen - Woverleigh	50	\$94,550	\$91,500	\$94,550	\$94,550
World Vision	80		\$100,800	\$104,160	\$104,160
YMCA House	50		\$79,500	\$82,150	\$82,150
Youth Without Shelter	30		\$47,700	\$49,290	\$49,290
YWCA - First Stop Woodlawn	55		\$87,450	\$90,365	\$90,365
Extreme Weather/ Cold Alert Beds for various agencies	107	\$51,800	\$51,800	\$51,800	\$51,800

Purchase of Service Shelter Provider	Number of Beds	2004 October Outstanding Per Diem Payments	2004 November Per Diem Payments (Maximum)	2004 December Per Diem Payments (Maximum)	2005 January Per Diem Payments (Maximum)
Motels (Lido Motel, Maple Leaf Motel, Gateway Motel and Roycroft Motel)	Max.325, capacity fluctuates	\$292,000	\$292,000	\$292,000	\$292,000
Habitat Housing	931	\$585,000	\$585,000	\$585,000	\$585,000

Appendix B
Personal Needs Allowance Payments Based upon 100% Bed Occupancy Eligibility

Purchase of Service Shelter Provider	Number of Beds	2004 October Outstanding Personal Needs Allowance Payment	2004 November Personal Needs Allowance Payment (Maximum)	2004 December Personal Needs Allowance Payment (Maximum)	2005 January Personal Needs Allowance Payment (Maximum)
Beatrice House	80		\$9,000	\$9,300	\$9,300
Central Neighbourhood House – Met Church	50		\$5,625	\$5,812.50	\$5,812.50
Christie Ossington –Men’s Shelter	45		\$5,062.50	\$5,231.25	\$5,231.25
Christie Ossington Centre – Women’s Shelter	17		\$1,912.50	\$1,976.50	\$1,976.50
Cornerstone Tabernacle	50		\$5,625	\$5,812.50	\$5,812.50
COSTI – Reception Centre	16		\$1,800	\$1,860	\$1,860
Covenant House	122	\$10,927.50	\$10,575	\$10,927.50	\$10,927.50
Dixon Hall – 60 Richmond	70	\$8,137.50	\$7,875	\$8,137.50	\$8,137.50
Dixon Hall – Heyworth House	70	\$8,137.50	\$7,875	\$8,137.50	\$8,137.50
Eva’s Initiatives – Phoenix	50		\$5,625	\$5,812.20	\$5,812.20
Eva’s Initiatives – Place	32		\$3,600	\$3,720	\$3,720
Eva’s Initiatives – Satellite	30		\$3,375	\$3,487.50	\$3,487.50
Fred Victor Centre	40		\$4,500	\$4,650	\$4,650
Good Shepherd Refuge	91		\$10,237.50	\$10,578.75	\$10,578.75
Homes First Society – Savard’s	30		\$3,375	\$3,487.50	\$3,487.50
Homes First Society – Strachan	76		\$850	\$900	\$900
Horizons for Youth	35		\$3,937.50	\$4,068.75	\$4,068.75
Native Men’s Residence -	63		\$7,087.50	\$7,323.75	\$7,323.75
Native Men’s Residence – Tumivut	52		\$5,850	\$6,045	\$6,045

Purchase of Service Shelter Provider	Number of Beds	2004 October Outstanding Personal Needs Allowance Payment	2004 November Personal Needs Allowance Payment (Maximum)	2004 December Personal Needs Allowance Payment (Maximum)	2005 January Personal Needs Allowance Payment (Maximum)
Native Child & Family Services	12		\$1,350	\$1,395	\$1,395
Nellie's	20		\$2,250	\$2,325	\$2,325
Salvation Army – Evangeline Residence	77		\$8,437.50	\$8,718.75	\$8,718.75
Salvation Army – Florence Booth	60		\$6,750	\$6,975	\$6,975
Salvation Army – Gateway	108		\$12,150	\$12,555	\$12,555
Salvation Army – Hope Shelter	108		\$12,150	\$12,555	\$12,555
Salvation Army – Maxwell Meighen	260		\$29,250	\$30,225	\$30,225
Salvation Army – Riverdale	60		\$6,750	\$6,975	\$6,975
Scarborough Hope	60		\$6,750	\$6,975	\$6,975
Scott Mission	45		\$5,062	\$5,231.25	\$5,231.25
Second Base Youth Shelter	56		\$6,300	\$6,510	\$6,510
Sojourn House	50		\$5,625	\$5,812.50	\$5,812.50
St. Simon's Shelter	60		\$6,750	\$6,975	\$6,975
Street Haven	30		\$3,375	\$3,487.50	\$3,487.50
St. Vincent DePaul – Amelie	20		\$2,250	\$2,325	\$2,325
St. Vincent DePaul – Elisa House	40		\$4,500	\$4,650	\$4,650
St. Vincent DePaul – Mary's Home	38		\$4,275	\$4,417.50	\$4,417.50
Treasure House	48		\$5,400	\$5,580	\$5,580
Toronto Community Hostel	24		\$2,700	\$2,790	\$2,790
Toronto Recovery House	24		\$2,700	\$2,790	\$2,790
Touchstone Youth Shelter	33		\$3,712.50	\$3,836.25	\$3,836.25
Turning Point	50		\$5,625	\$5,812.50	\$5,812.50

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Purchase of Service Shelter Provider	Number of Beds	2004 October Outstanding Personal Needs Allowance Payment	2004 November Personal Needs Allowance Payment (Maximum)	2004 December Personal Needs Allowance Payment (Maximum)	2005 January Personal Needs Allowance Payment (Maximum)
Woodgreen – Lawrence	75	\$8,718.75	\$8,437.50	\$8,718.75	\$8,718.75
Woodgreen – Queen	70	\$8,137.50	\$7,875	\$8,137.50	\$8,137.50
Woodgreen – Woverleigh	50	\$5,812.50	\$5,625	\$5,812.50	\$5,812.50
World Vision	80		\$9,000	\$9,300	\$9,300
YMCA House	50		\$5,625	\$5,812.50	\$5,812.50
Youth Without Shelter	30		\$3,375	\$3,487.50	\$3,487.50
YWCA – First Stop Woodlawn	55		\$6,187.50	\$6,393.75	\$6,393.75

ATTACHMENT 12 [NOTICE OF MOTION J(41)]

Report dated December 1, 2004, from the Commissioner of Urban Development Services, entitled “Proposed Amendment to Interim Control By-law No. 158-2004 to Prohibit Large Restaurants and Clubs in the King-Spadina Part II Area, Rezoning 04 119456 000 00 OZ, Ward 20 – Trinity-Spadina” (See Minute 14.121, Page 172)

Purpose:

To amend the in-force Interim Control By-law No. 158-2004 on lands west of Spadina Avenue in the King-Spadina Part II Plan area to prohibit the development, addition, and/or conversion of new and/or existing restaurants or clubs with a “non-residential gross floor area” greater than 200 square metres.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) amend Interim Control By-law No. 158-2004 to include a restriction on the size of all new restaurants and clubs within the lands west of Spadina Avenue in the King-Spadina Part II Plan to 200 square metres in accordance with the Zoning By-law Amendment attached as Attachment 1; and
- (2) request the Commissioner of Urban Development Services to expand the review of entertainment facilities to include restaurants and clubs for those lands west of Spadina Avenue in the King-Spadina Part II Plan area that are identified on Attachment 2.

Background:

King-Spadina Part II Plan

City Council adopted the King-Spadina Part II Plan in April 1996 to encourage revitalization of the King-Spadina area, bounded generally by Queen Street West, Simcoe Street, Front Street West, and Bathurst Street. The area had seen a decline in its traditional manufacturing base. This Part II Plan was established to encourage flexible development of a very wide variety of residential, retail, entertainment, office and light industrial uses, and it has been highly successful. The Reinvestment Area (RA) designation of the Part II Plan applies to most of the Plan area and is the most permissive designation, allowing almost any modern, legal urban activity. Between 1996 and 2001 alone, over

4,400 residential units were developed and employment in the area increased by approximately 3,500 jobs.

Interim Control By-law

City Council adopted Interim Control By-law No. 158-2004 to prohibit entertainment facilities on lands west of Spadina Avenue between Front Street West, Queen Street, and Bathurst Street for a period of one year to review potential conflicts between residential and entertainment uses. Notice of adoption of the Interim Control By-law was issued by the City Clerk on March 31, 2004.

Comments:

Restaurant and Club Uses

Restaurant and Club uses are permitted in the Reinvestment Area (RA) zone as per the Toronto Zoning By-law No. 438-86, but the use definition does not distinguish between a restaurant and a lounge, which may serve food and beverages, but may also provide a dance floor and music. The zoning definition of restaurant, which also includes bars, requires that a total of no more than 6 percent or 47 square metres of the floor area be used for entertainment, that is, for the purposes of a dance floor, stage, teletheatre gambling, disc jockey space, sound room, etc.

Rationale for the further restriction of Interim Control By-law 158-2004

Since the adoption of the Interim Control By-law at City Council's meeting of March 3, 2004, no new or additions to entertainment facilities, which includes nightclubs, are permitted in the western portion of the King-Spadina Part II Plan area. The ICBL applies to the lands encompassed by Front Street, Simcoe Street, Spadina Avenue and Bathurst Street. This area saw a significant increase in the number of entertainment facilities prior to the adoption of the Interim Control By-law.

Of late, the area appears to be experiencing an increase in the number of restaurants which are operating as lounges/clubs. Due to the absence of a size restriction on restaurants, lounges/clubs circumvent the Interim Control By-law restrictions and are operating in the King-Spadina Interim Control By-law area. The establishment of lounges/clubs throughout the restaurant permission and during the study period is of concern as it may jeopardize the outcome of the study.

To prevent new restaurants/clubs from opening and "operating" as entertainment facilities, staff are recommending a restriction on their size through an amendment to the existing Interim Control By-law. The proposal to amend the Interim Control By-law 458-2004 to include a restriction on restaurants larger than 200 square metres would allow City Planning to prevent new lounges/clubs from situating and operating under the guise of a restaurant in the King-Spadina area until such time as they can adequately be studied and determined to be suitable or unsuitable for the area.

Given the conflicts with residential uses, a planning study should be undertaken for the area west of Spadina Avenue between Front Street and Queen Street before the area sees a marked increase in the number of restaurants situating there. The study would review the issues and concerns expressed by area residents, as well as those issues and concerns associated with large restaurants and would come to a conclusion about whether or not their size should be restricted as per an amending By-law.

The Interim Control By-law would not prevent lawfully existing entertainment facilities, restaurants, or clubs from continuing to operate.

Conclusions:

The amendment of Interim Control By-law 158-2004 for the lands identified in Attachment 2 will allow the City to undertake the necessary review of the land use policies as they apply to restaurants and clubs in the area west of Spadina Avenue in the King-Spadina Part II Plan area. Given the impacts associated with entertainment facilities and use of restaurants as lounges, the amendment of the existing Interim Control By-law authorized under Section 38 of the *Planning Act* is appropriate.

Contact:

Heather Hood, Planner, East Section
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Fax: 416-392-1330
E-mail: hhood@toronto.ca

List of Attachments:

Attachment 1: Zoning By-law Amendment
Attachment 2: Study Area Map

Attachment 1: Zoning By-law Amendment

CITY OF TORONTO

BY-LAW NO.

To amend interim control By-law No. 158-2004, affecting those lands generally bounded by Queen Street, Spadina Avenue, Front Street West, and Bathurst Street.

WHEREAS Council, at its meeting of November 30, December 1 and 2, 2004 adopted a report from the Commissioner of Urban Development Services dated November 30, 2004 directing that Interim Control By-law No. 158-2004 be amended to include provisions to introduce additional restrictions on land use within the lands west of Spadina within the King-Spadina Part II Plan area

and directed that the review of entertainment facilities in this area be expanded to include restaurants and clubs;

WHEREAS Section 38 of the *Planning Act* permits the Council of a municipality to pass a by-law prohibiting the use of land, buildings or structures within the defined area under review for, or except for, such purposes as are set out in the by-law;

THEREFORE, the Council of the City of Toronto enacts as follows:

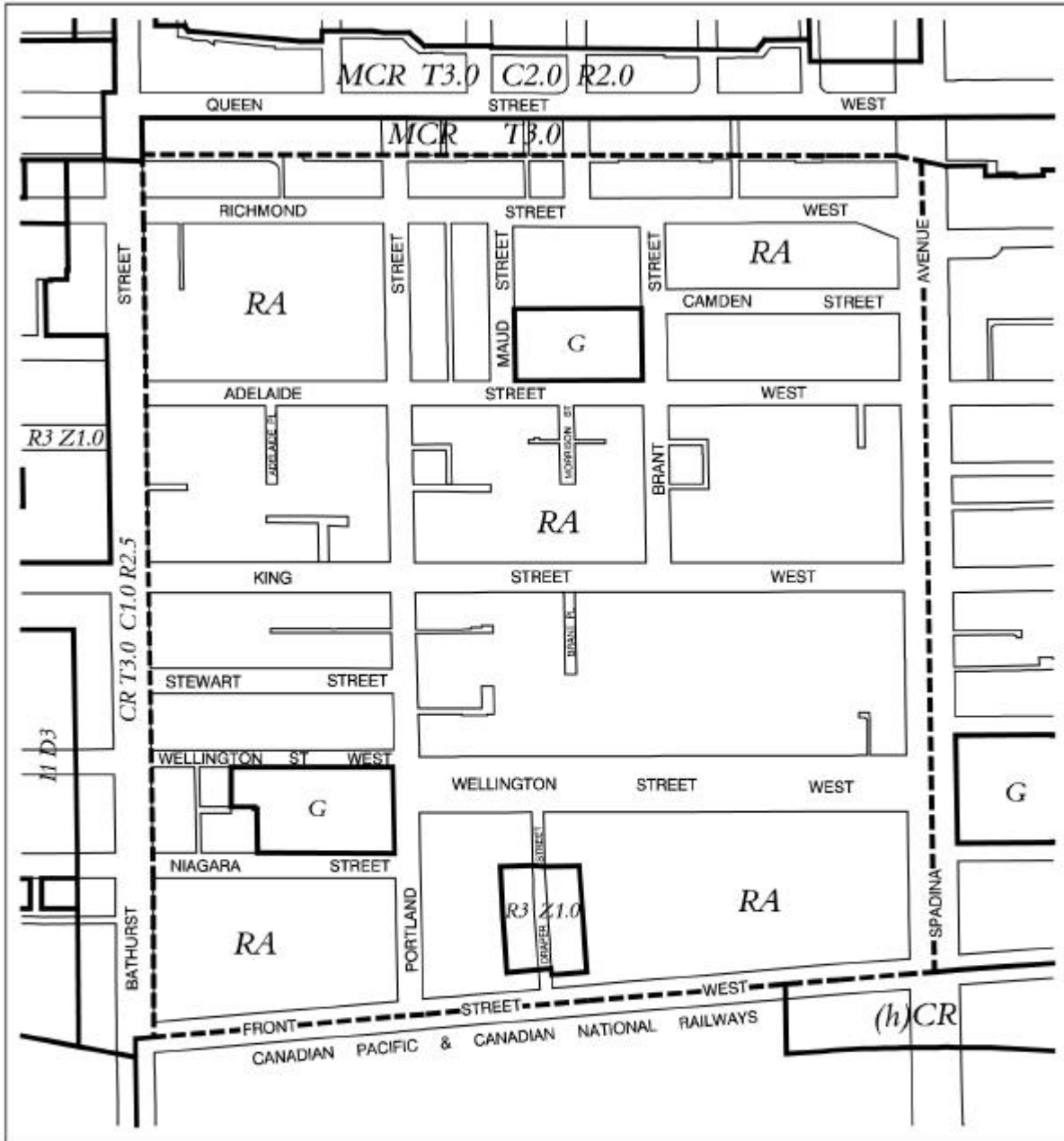
1. By-law No. 158-2004, being “A By-law to effect interim control on those lands generally bounded by Queen Street West, Spadina Avenue, Front Street West and Bathurst Street” is hereby amended by renumbering Sections 2 and 3 as Sections 3 and 4 respectively, and by inserting a new Section 2 as follows:
2. “No person shall within the lands shown within the heavy lines on the map attached to this By-law, use any land or erect or use any building or structure or any addition to any building or structure for the purpose of a *restaurant* or a *club* unless the total of the *non-residential gross floor area* used for the *restaurant* or *club* or any combination of such uses does not exceed 200 square metres.”

ENACTED AND PASSED this day of , A.D. 2004.

DAVID R. MILLER
Mayor
(Corporate Seal)

ULLI S. WATKISS
City Clerk

Attachment 2: Study Area Map



Proposed Interim Control By - Law Study Area

Study Area

- | | | | |
|-----|----------------------|-----|--------------------|
| G | Parks District | RA | Mixed-Use District |
| R3 | Residential District | (h) | Holding District |
| MCR | Mixed-Use District | | |

Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 02/10/04 - DR



ATTACHMENT 13 [NOTICE OF MOTION J(42)]

Appendices 1 and 2 to the confidential report dated December 1, 2004, from the City Solicitor, which are now public (See Minute 14.122, Page 173):

Appendix 1

The conditions below formed part of the Ontario Municipal Board decision number 1617 of Vice Chair Lee dated October 7, 2004. The content also formed Exhibit 23 in the hearing record.

1. All garbage shall be stored inside the building within a refrigerated room;
2. A new screen shall be constructed on the roof, in accordance with the recommendations of the Noise Report submitted by Mr. Mihalj, to ensure that there will be no adverse noise impacts to the surrounding neighbours from the proposed HVAC system to be installed upon the roof or the existing one-storey building.
3. The owner of the lands will install a mechanical system to ensure that there are no adverse odour conditions resulting from the operation of a restaurant use, which system shall be constructed and installed in accordance with the standards and conditions recommended by the owner's air quality consultant as contained in the October 2003 report of Environmetrex, which mechanical equipment will be located on the south-east portion of the existing roof structure; and
4. The owner of the lands will ensure that the odour control mechanism is maintained in accordance with the specifications of the system and further, that the City shall be permitted to inspect such system once a year, so long as the City and the Owner co-ordinate a reasonable inspection time which does not conflict with the ordinary operation of the restaurant use.

Appendix 2

The City Solicitor be authorized to request the OMB to amend its decision such that:

- A. Conditions 1, 2, and 3 remain the same and condition 4 be amended to read as follows:
 4. The owner of the lands will ensure that the odour control mechanism is maintained in accordance with the specifications of the system. Further, that the owner will provide the City with a certificate at the time of application for a restaurant licence and every renewal thereof, from a recognized air quality consultant confirming that the mechanical system referred to above, continues to be operating in accordance with the standards and conditions recommended in the October 2003 report of Environmetrex (and filed with the City). No issuance or renewal of the restaurant

licence will occur without the provision of such certificate.

FISCAL IMPACT STATEMENT SUMMARY
Notices of Motion
Submitted by the Chief Financial Officer and Treasurer
Council Meeting – November 30, December 1 and 2, 2004

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(1)	The Corporal Fred Topham, Victoria Cross Fundraising Project	\$25,000	\$0	See FIS. Consider.
J(2)	Request for Report - Insurance against Acts of Terrorism	\$0	\$0	Consider
J(3)	Protection and Preservation of East York History and Heritage	\$2,000	\$0	See FIS. Consider.
J(4)	Request to Waive Sign Variance and Permit Fees for a First Party Sign at 33 Hahn Place	\$(625,46)	\$0	See FIS. Consider.
J(5)	Installation of Communication Towers - Regulation and Community Input	\$0	\$0	Consider.
J(6)	Indemnity Agreements for Using Donated Venues/Vehicles for Fire Fighters' Toy Drive	\$0	\$0	Consider.
J(7)	Request to Install a Temporary Sidewalk - Richmond Street West, south side, between Peter Street and Spadina Avenue	\$1,500	\$0	See FIS. Consider.
J(8)	Acquisition of Easement for Operation of Bloor-Danforth Subway – 130 Bloor Street West			<i>Confidential. See FIS.</i>
J(9)	Request for Poll - Speed Hump Plan - Golfdown Drive (Ward 2 - Etobicoke North)	\$0	\$0	Consider.
J(10)	Clarification of the Implementation of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> (The Act) - Requests for Information by Members of Council	\$0	\$0	Consider.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(11)	Licensing Issues – Traditional Chinese Medicine and Acupuncture Practitioners	\$0	\$0	Consider.
J(12)	Terms of Reference for the Roundtable on Access, Equity and Human Rights	\$0	\$0	Consider.
J(13)	Appointment to the Roundtable on Arts and Culture	\$0	\$0	Consider.
J(14)	Designation of Korea Town Business Improvement Area	\$0	\$0	Consider.
J(15)	Designation of Queens Quay Harbourfront Business Improvement Area	\$0	\$0	Consider.
J(16)	City of Toronto v. Allstream Corp. – Settlement Offer			<i>Confidential. See FIS</i>
J(17)	City Council Support for the “West-Toronto Railpath” Initiative in CN Weston Subdivision and Related Transportation Projects	\$0	\$0	Consider.
J(18)	Instructions to request a Review of an Ontario Municipal Board Decision – 151, 153, 165 and 169 St. Clair Avenue West	\$0	\$0	Consider.
J(19)	Instructions to request a Review of an Ontario Municipal Board Decision – 151, 153, 165 and 169 St. Clair Avenue West	\$0	\$0	Consider.
J(20)	Supply and Delivery of Medical Grade Oxygen – Extension of 2004 Contract to MagGas Medical Inc. and Award of Quotation Request No. 6613-04-3291 to Gas Pro, a Division of Professional Respiratory Home Care Services Corp.	\$90,000	\$0	See FIS. Consider.
J(21)	Support for the Efforts of the Undocumented Workers Committee	\$0	\$0	Consider.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(22)	Ontario Municipal Board Hearing - 44 and 46 Bernard Avenue	\$0	\$0	Consider.
J(23)	1200 Weston Road – Opposition to Application for a Liquor Licence	\$0	\$0	Consider.
J(24)	1501 Yonge Street – Toronto Parking Authority Parking Lot Amendment to Turn Prohibitions	\$0	\$0	Consider.
J(25)	Authority to Enter Into Agreements with the Owners of 438 King Street West, 23 Brant Street and 38 Niagara Street under Section 45(9) of <i>The Planning Act</i>	\$435,000	\$0	See FIS. Consider.
J(26)	By-law to Regulate Vibrations Caused by Construction Activity	\$40,000	\$0	See FIS. Consider.
J(27)	Labour Negotiations	\$0	\$0	Consider.
J(28)	Authority to Amend the Section 37 Agreement – 33 Bay Street	\$550,000	\$0	See FIS. Consider.
J(29)	Ontario Municipal Board Appeals – 3025 Finch Avenue West			Confidential. See FIS
J(30)	Naming of Fountain in Honour of Alex Ling	\$0	\$0	Consider.
J(31)	Ontario Municipal Board Hearing – 169 John Street			Confidential. See FIS.
J(32)	Information Pillar Pilot Project – Inclusion of Business Improvement Areas in Pilot Project	\$0	\$0	Consider.
J(33)	Harbour Remediation & Transfer Inc. Claim and Related Third Party Claim Concerning Fred Dominelli and 939923 Ontario Limited			Confidential. See FIS.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(34)	Approval to Enter into a Shared Use Agreement with the Conseil Scolaire Public de District du Centre-Sud-Ouest (CSDCSO), for the Use of the Playing Fields at Pierre Elliot Trudeau School	\$0	\$0	Consider.
J(35)	Parking Regulations on Ted Reeve Drive, Whistle Post Street, William Hancox Avenue and Crossovers Street – “One Hour Maximum, 8:00 a.m. to 6:00 p.m., Monday to Friday ”	\$0	\$0	See FIS. Consider.
J(36)	Licence Fees for Private Parking Enforcement Agencies			Refer to Standing Cttee.
J(37)	Audit of the Let’s Build Project Funding Agreements	\$0	\$0	Consider.
J(38)	OMB Appeal – Application for Front Yard Parking at 1501 Islington Avenue	\$0	\$0	Consider.

FISCAL IMPACT STATEMENT 2 [NOTICE OF MOTION J(3)]
(See Minute 14.83, Page 112)

Financial Implications:

Operating

Current year impacts: \$ 2,000 (Net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

Accommodation within approved operating budget Third party funding
 New revenues Tax rate impact
 Balance Sheet Liability Other

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

Accommodation within approved capital budget Third party funding
 New revenues Debt
 Reserve/Reserve Fund contributions Other

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)
 Debt service costs: \$ _____ (net)

Impacts/Other Comments:

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

Notice of Motion – J(3) – Funding for the Signage will be made available within the existing Facilities and Real Estate 2004 Operating Budget. However, this contradicts the City’s Corporate Identity Program, which was approved in 2000 by City Council. This is a policy issue.

- Consider Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: December 1, 2004

FISCAL IMPACT STATEMENT 3 [NOTICE OF MOTION J(4)]
(See Minute 14.84, Page 113)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>(625.46)</u> (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

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

Impacts/Other Comments:

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

Notice of Motion – J(4) – Lost revenue of \$625.26
--

- Consider
- Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date:

FISCAL IMPACT STATEMENT 4 [NOTICE OF MOTION J(7)]
(See Minute 14.87, Page 117)

Financial Implications:

Operating

Current year impacts: \$ 1,500 (net) Future year impacts: \$ 0 (net)

Following year
 Future years

Funding sources (specify):

<input checked="" type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Impact on staffing levels: 0 (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)

Debt service costs: \$ _____ (net)

Impacts/Other Comments:

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

Notice of Motion – J(7) – 4th Whereas indicates cost is \$1,500 and program will absorb.

- Consider Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: December 1, 2004

FISCAL IMPACT STATEMENT 5 [NOTICE OF MOTION J(20)]
(See Minute 14.100, Page 138)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>90,000</u> (net)	<input checked="" type="checkbox"/> Future year impacts: \$ <u>744,957</u> (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input checked="" type="checkbox"/> Funding sources (specify):	
<input checked="" type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input checked="" type="checkbox"/> Impact on staffing levels: <u>0</u> (positions)	

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

Impacts/Other Comments:

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

Notice of Motion – J(20) – Financial Impacts in attached report.

- Consider
- Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: December 1, 2004

FISCAL IMPACT STATEMENT 6 [NOTICE OF MOTION J(25)]
(See Minute 14.105, Page 146)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$435,000 (net)	<input type="checkbox"/> Future year impacts: \$_____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$_____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

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

Impacts/Other Comments:

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

Notice of Motion – J(25) – By granting the variance, the operating revenue is \$435,000 under Section 45(9) of the <i>Planning Act</i> .
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- Consider
- Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: December 1, 2004

FISCAL IMPACT STATEMENT 7 [NOTICE OF MOTION J(26)]
(See Minute 14.106, Page 148)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input type="checkbox"/> Current year impacts: \$_____ (net)	<input checked="" type="checkbox"/> Future year impacts: \$40,000_____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$_____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

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

Impacts/Other Comments:

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

Notice of Motion – J(26) – The department reports that no funding has been provided in 2005 Budget Request. The funding issue to be referred to Budget Advisory Committee for consideration with UDS 2005 Operating Budget.

- Consider
- Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: December 1, 2004

FISCAL IMPACT STATEMENT 8 [NOTICE OF MOTION J(28)]
(See Minute 14.108, Page 151)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$550,000 (net)	<input type="checkbox"/> Future year impacts: \$_____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$_____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

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

Impacts/Other Comments:

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

Notice of Motion – J(28) – Revised agreement results in \$550,000 in revenue for Street Scope Improvements.

- Consider
- Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: December 1, 2004

FISCAL IMPACT STATEMENT 9 [NOTICE OF MOTION J(35)]
(See Minute 14.115, Page 162)

Financial Implications:

Operating

Current year impacts: \$ 1,000 (net) Future year impacts: \$ 0 (net)

Following year
 Future years

Funding sources (specify):

Accommodation within approved operating budget Third party funding
 New revenues Tax rate impact
 Reserve/Reserve Fund contributions Other

Budget adjustments: \$ _____ (net)

Impact on staffing levels: 0 (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

Accommodation within approved capital budget Third party funding
 New revenues Debt
 Reserve/Reserve Fund contributions Other

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)
 Debt service costs: \$ _____ (net)

Impacts/Other Comments:

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

Notice of Motion – J(35) – 4th Whereas indicates cost is \$1,000 and program will absorb.

Consider Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: December 1, 2004