

TORONTO CITY COUNCIL DECISION DOCUMENT MEETING ON FEBRUARY 16, 2005

City Council's actions on each Clause in the following Reports and Notices of Motions considered at the meeting are contained in this Decision Document. Declarations of Interest, if any, are included and all additional material noted in this document is on file in the City Clerk's Office, Toronto City Hall. Please refer to the Council Minutes for the official record of Council's proceedings.

Deferred Clauses:

Policy and Finance Committee Report 8	1
Administration Committee Report 8.....	1
Board of Health Report 7	1
Scarborough Community Council Report 8	1
Toronto and East York Community Council Report 9	1
Policy and Finance Committee Report 9	4
Audit Committee Report 6.....	4
Works Committee Report 10	4
Etobicoke York Community Council Report 9	5
Policy and Finance Committee Report 2	7
Administration Committee Report 1.....	7
Audit Committee Report 1.....	8
Board of Health Report 1	8
Community Services Committee Report 1	9
Community Services Committee Report 2	9
Economic Development and Parks Committee Report 1	9
Economic Development and Parks Committee Report 2	10
Planning and Transportation Committee Report 1	13
Works Committee Report 2	13
Etobicoke York Community Council Report 1	14
North York Community Council Report 1	15
Scarborough Community Council Report 1	16
Toronto and East York Community Council Report 1	17

New Committee Reports:

Board of Health Report 2.....	20
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New Community Council Reports:

Etobicoke York Community Council Report 220
North York Community Council Report 226
Scarborough Community Council Report 231
Toronto and East York Community Council Report 234
Notices of Motions:46
Condolence Motion:71

Deferred Clauses:**Policy and Finance Committee Report 8****1d Capital Financing Strategy - 2004**

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

Administration Committee Report 8**8d Complaint Regarding Actions at Committee Meetings**

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

Board of Health Report 7**1d Shade Policy and Technical Considerations for the City of Toronto**

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

Council also considered the following:

Communication (February 15, 2005) from the Board of Health requesting that the recommendations on Shade Policy be dealt with, as a matter of urgency [Communication 12(a)].

Scarborough Community Council Report 8**7c Elimination of Sidewalks on Starry Crescent and Boulderbrook Drive (Ward 42 - Scarborough Rouge River)**

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

Toronto and East York Community Council Report 9**9b Final Report - Application to Amend the Official Plan and Zoning By-law – 40 The Esplanade (Toronto Centre-Rosedale, Ward 28)**

Council on February 16, 2005, adopted the following:

“That:

- (1) Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report dated February 1, 2005, from the Commissioner of Urban Development Services [as contained in the Clause]:

‘It is recommended that City Council:

- (1) adopt the November 1, 2004 Final Report and November 30, 2004 Supplementary Report from the Director of City Planning, South District [as contained in the Clause]; and
- (2) not require further notice to be given with respect to the proposed by-laws’; and
- (2) the proposal be subject to the following conditions:
 - (a) the draft zoning by-law amendment being further amended to:
 - (i) reduce the height of the west tower by a minimum of 3 metres so that it is a maximum of 101.3 metres and no higher than 25 The Esplanade, which is 102 metres including mechanical;
 - (ii) reduce the height of the east tower by one storey so that it is a maximum of 15 storeys and similar in height to the King George residential condominium on King Street East, which is 15 storeys;
 - (iii) reduce to zero the minimum required residential visitor parking spaces; and
 - (iv) the above-ground parking being eliminated;
 - (b) the site plan report to Toronto and East York Community Council addressing the following:
 - (i) require that a maximum number of residential parking spaces be provided as follows:

Bachelor	0.3 space/unit
1 Bedroom unit	0.5 space/unit
2 Bedroom unit	0.75 space/unit
3 or more Bedroom unit	1.2 space/unit;

- (ii) that the east wall of the podium above the ground floor have a minimum of 50 percent windows and active uses that create an appropriate facing condition for neighbouring buildings;
- (iii) that the north wall of the podium above the ground floor have a minimum of 30 percent windows and active uses that create an appropriate facing condition for neighbouring buildings;
- (iv) that the building have uses on all four walls that animate the neighbourhood at street level; and
- (v) require the indoor and outdoor recreational amenity space that meets the Zoning By-law requirements to be located and configured appropriately.”

This Clause, as amended, was adopted by City Council.

Council also considered the following:

Communications:

- (February 2, 2005) from Lorraine Greey, President, Greey Esplanade Limited [Communication 5(a)].
- (February 10, 2005) from Julie Beddoes, Vice-President, External, Gooderham & Worts Neighbourhood Association [Communication 5(b)(1)];
- (February 12, 2005) from Dorothy Creaser [Communication 5(b)(2)];
- (February 12, 2005) from Emma McBey [Communication 5(b)(3)];
- (February 12, 2005) from Joan Campbell, Director at Large (Communications) and Development Committee member, St. Lawrence Neighbourhood Association [Communication 5(b)(4)];
- (February 12, 2005) from Frank Touby [Communication 5(b)(5)];
- (February 13, 2005) from Michael Waring [Communication 5(b)(6)];
- (February 13, 2005) from Stuart and Aurelia Hensman [Communication 5(b)(7)];
- (February 13, 2005) from Sally Doulis [Communication 5(b)(8)];
- (February 13, 2005) from Hugh-Francis Burns, Vice President External and Chair of the Development Committee, St. Lawrence Neighbourhood Association [Communication 5(b)(9)];
- (February 14, 2005) from Dennis Glasgow [Communication 5(b)(10)];
- (February 14, 2005) from Dwight Peters [Communication 5(b)(11)];

- (February 14, 2005) from Renate Kozarov [Communication 5(b)(12)];
- (February 14, 2005) from Susan Mcleod [Communication 5(b)(13)];
- (February 14, 2005) from Ken Smith [Communication 5(b)(14)];
- (February 14, 2005) from Paul M.R. Smith, President, St. Lawrence Condominium Ratepayers Association [Communication 5(b)(15)];
- (February 14, 2005) from Christopher King [Communication 5(b)(16)];
- (February 14, 2005) from Ken Smith [Communication 5(b)(17)];
- (February 14, 2005) from Michael Comstock, Comstock Enterprises Inc. [Communication 5(b)(18)];
- (February 15, 2005) from Adam Parkin [Communication 5(b)(19)];
- (February 15, 2005) from Sybil Wa, Diamond and Schmitt Architects Incorporated [Communication 5(b)(20)];
- (February 15, 2005) from Lorraine Greey, President, Greey Esplanade Limited [Communication 5(b)(21)];
- (February 15, 2005) from Bob and Kate Parkin [Communication 5(b)(22)];
- (February 15, 2005) from Chris De Rosa [Communication 5(b)(23)];
- (February 16, 2005) from C.R. Shay [Communication 5(b)(24)];
- (February 16, 2005) from J. Fraser B. Mills [Communication 5(b)(25)];
- (February 16, 2005) from Marcus Little, 'Old Town' Toronto [Communication 5(b)(26)]; and
- (February 16, 2005) from Shaun Pearen [Communication 5(b)(27)].

Policy and Finance Committee Report 9

41c Operating Variance Report for the Nine Months Ended September 30, 2004

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

Audit Committee Report 6

6c Hostel Operations Review - Community and Neighbourhood Services

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

Works Committee Report 10

10c Contract 04WD-04RD, Tender Call 274-2004 Park Lawn Reverse Ramp (Ward 6 - Etobicoke-Lakeshore)

Council on February 16, 2005, amended this Clause in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report dated February 15, 2005, from the Acting Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer:

“It is recommended that:

- (1) the recommendation of the Works Committee set out in Works Committee Report 10, Clause 10c, currently before Council for consideration, be struck; and
- (2) Contract 04WD-04RD, Tender Call 274-2004, as amended by the deletion of ‘Part 3 – Bridge Rehabilitation’ for the Park Lawn Reverse Ramp project, be awarded to Pave-Tar Construction Ltd., in the adjusted amount of \$622,607.74, including all taxes and charges, being the lowest acceptable tender received.”

This Clause, as amended, was adopted by City Council.

Council also considered the following:

Report (February 15, 2005) from the Acting Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer [Communication 15(a)].

Etobicoke York Community Council Report 9

1c 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)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

Council also considered the following:

Communications:

- (undated) from P. Halford [Communication 1(a)(1)];
- (November 22, 2004) from Francesco Franco and Marianne Corigliano Franco [Communication 1(a)(2)];
- (November 16, 2004) from Domingos and Maria E. Cavalho [Communication 1(a)(3)];
- (November 22, 2004) from Domenico Paolo [Communication 1(a)(4)];
- (November 15, 2004) from Mr. and Mrs. Conforti [Communication 1(a)(5)];

- (November 22, 2004) from Mr. and Mrs. Fernando Costa [Communication 1(a)(6)];
- (November 22, 2004) from Jose C. Silva [Communication 1(a)(7)];
- (November 22, 2004) from Armando Almeida [Communication 1(a)(8)];
- (November 22, 2004) from Sonia Silva [Communication 1(a)(9)];
- (November 17, 2004) from Duarte Darcy [Communication 1(a)(10)];
- (November 22, 2004) from Mr. and Mrs. Antonio Cardoso [Communication 1(a)(11)];
- (December 6, 2004) from the Committee for a Safer Nairn of Corso Italia, attaching 43 individually signed letters [Communication 1(a)(12)]; and
- (February 16, 2005) from Councillor Cesar Palacio, Ward 17 - Davenport [(Communication 1(b)].

2c 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)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

Council also considered the following:

Communications:

- (undated) from P. Halford [Communication 1(a)(1)];
- (November 22, 2004) from Francesco Franco and Marianne Corigliano Franco [Communication 1(a)(2)];
- (November 16, 2004) from Domingos and Maria E. Cavalho [Communication 1(a)(3)];
- (November 22, 2004) from Domenico Paolo [Communication 1(a)(4)];
- (November 15, 2004) from Mr. and Mrs. Conforti [Communication 1(a)(5)];
- (November 22, 2004) from Mr. and Mrs. Fernando Costa [Communication 1(a)(6)];
- (November 22, 2004) from Jose C. Silva [Communication 1(a)(7)];
- (November 22, 2004) from Armando Almeida [Communication 1(a)(8)];
- (November 22, 2004) from Sonia Silva [Communication 1(a)(9)];
- (November 17, 2004) from Duarte Darcy [Communication 1(a)(10)];
- (November 22, 2004) from Mr. and Mrs. Antonio Cardoso [Communication 1(a)(11)];
- (December 6, 2004) from the Committee for a Safer Nairn of Corso Italia, attaching 43 individually signed letters [Communication 1(a)(12)]; and
- (February 16, 2005) from Councillor Cesar Palacio, Ward 17 - Davenport [(Communication 1(b)].

Policy and Finance Committee Report 2**6a Comprehensive Report on the City's Long-Term Fiscal Plan**

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

14a Ontario Water Works Association Conference 2005 and 2006

Council on February 16, 2005, adopted this Clause without amendment.

24a Status of Labour Negotiations

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

Council also considered the following:

Confidential report ((January 18, 2005) from Mayor David Miller. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to labour relations or employee negotiations. [Confidential Communication C.1(a)]

Administration Committee Report 1**2a Feasibility of Selling Parking Tag Receivables, or Increasing the Percentage of Remuneration, to the Canadian Bonded Credits Ltd.**

Council on February 16, 2005, amended this Clause by adding the following:

“That the Chief Financial Officer and Treasurer be requested to include a provision for a pre-qualification process in any future RFPs for collection agencies.”

This Clause, as amended, was adopted by City Council.

5a Access to Licence Plate Information City of Toronto Reference: 2004-S5-J(2)

Council on February 16, 2005, adopted this Clause without amendment.

Audit Committee Report 1**1a Toronto Emergency Medical Services Operational Support Review - Works and Emergency Services Department**

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

Board of Health Report 1**1a Further Issues Relating to the Implementation of the Pesticide By-law**

Council on February 16, 2005, amended this Clause by:

- (1) further amending staff Recommendation (3)(d) contained in the Recommendations Section of the report dated January 10, 2005, from the Medical Officer of Health, as amended by the Board of Health, by inserting the word “initial”, after the words “subject to”, so that staff Recommendation (3)(d) now reads as follows:

“(3)(d) endorse that golf courses, bowling greens, cemeteries, and transportation and utility rights of way be subject to initial proactive inspections on a regular basis, in addition to complaint response inspections by Toronto Public Health;” and

- (2) deleting the following staff Recommendation (2)(a) contained in the Recommendations Section of the report dated January 10, 2005, from the Medical Officer of Health, as it is now redundant:

“(2) the Board of Health and Council endorse that:

- (a) no properties within the municipal boundary of the City of Toronto be exempted from the Pesticide By-law;”.

This Clause, as amended, was adopted by City Council.

Council also considered the following:

Communications:

- (January 17, 2005) from Brad Hunter, President, Ontario Association of Cemetery and Funeral Professionals [Communication 2(a)(1)];

- (January 17, 2005) from Gary R. Carmichael, Vice-President, Government and Corporate Affairs, Arbor Memorial Services Inc. [Communication 2(a)(2)];
- (January 28, 2005) from Mike Christie [Communication 2(a)(3)];
- (January 29, 2005) from K. Jean Cottam [Communication 2(a)(4)];
- (January 30, 2005) from Judy Roberts, President, Judy Roberts & Associates/Associates Inc. [Communication 2(a)(5)]; and
- (January 30, 2005) from Lesley Forrester [Communication 2(a)(6)].

Confidential report (December 20, 2004) from the City Solicitor. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information that is subject to solicitor-client privilege. [Confidential Communication C.2(a)]

Community Services Committee Report 1

3a Toronto Social Services' Purchase of Employment Services Framework

Council on February 16, 2005, adopted this Clause without amendment.

Community Services Committee Report 2

1a Toronto EMS Hospital Offload Delays

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

Economic Development and Parks Committee Report 1

1a Toronto Pearson International Airport International Air Transport Association (IATA) and Air Transport Association of Canada (ATAC) (All Wards)

Council on February 16, 2005, adopted this Clause without amendment.

9a Tourism Action Plan: Year One Implementation and Year Two Directions (All Wards)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

Economic Development and Parks Committee Report 2**6a Supplementary Information Re: Toronto Pearson International Airport, International Air Transport Association (IATA) and Air Transport Association of Canada (ATAC) (All Wards)**

Council on February 16, 2005, amended this Clause by:

- (1) adding to the end of Recommendation (1) of the Economic Development and Parks Committee, the words “and that preference be given to residents of the Etobicoke York Community Council area, provided they meet the skills requirements”, so that Recommendation (1) now reads as follows:

“(1) amending Recommendation 3 to provide that the appointment of resident representatives to both the GTAA Consultative Committee and Noise Management Committee be on a City-wide basis and through the City’s Nominating Committee process, and that preference be given to residents of the Etobicoke York Community Council area, provided they meet the skills requirements;”;
- (2) amending Recommendation (2)(a) of the Economic Development and Parks Committee by inserting the words “for the Greater Toronto Airports Authority Board of Directors” after the words “nominating agencies”, so that Recommendation (2)(a) now reads as follows:

“(2)(a)the nominating agencies for the Greater Toronto Airports Authority Board of Directors be requested to balance the range of skills, placing special emphasis on candidates with skills and experience in high tech communications, construction management, environmental assessments, air transportation industry management and labour relations; and”;
- (3) deleting Recommendation (2)(b) of the Economic Development and Parks Committee, and inserting instead the following:

“(2)(b) the nominating agencies for the GTAA Consultative Committee and the Noise Management Committee be requested to balance the range of skills, placing special emphasis on candidates with knowledge of aviation, airport operations, air transportation industry management and noise management;”.
- (4) deleting staff Recommendation (1) contained in the Recommendations Section of the report dated December 22, 2004, from the Commissioner of Economic Development, Culture and Tourism; waiving Council’s procedure in the Policy for Nominations for nominations to the Greater Toronto Airports Authority (GTAA) Board; and adopting the following motion:

“WHEREAS Toronto Pearson International Airport (TPIA) is the largest and busiest airport in Canada and ranks among the top 30 world airports in terms of passenger traffic and aircraft movements facilitating 400,000 flights annually by over 82 scheduled and charter airlines that provide direct links to 26 Canadian and 45 United States destinations and 52 other international cities in South America, Asia, Australia, Caribbean, and Europe; and

WHEREAS Toronto Pearson International Airport is a vital component of the economic infrastructure serving the region and a major economic generator for the City accounting for about \$14 billion in revenue for local businesses, 138,000 jobs, \$3.9 billion in personal income and \$2.8 billion in tax revenue; and

WHEREAS in 2003, 24.7 million passengers and more than 300,000 tonnes of cargo moved through TPIA and by the year 2020, total passenger volume is expected to reach 50 million and cargo shipments to increase to 675,000 tonnes; and

WHEREAS about 75 percent of TPIA passengers have an origin or destination within the Toronto region; and

WHEREAS the efficient and effective movement of business travellers, tourists and cargo to and from destinations around the world is an increasingly important competitive advantage to sustain and enhance economic growth, cultural attractions and tourism in today’s global economy; and

WHEREAS TPIA is governed by the GTAA Board of Directors, a 15 member Board responsible for overseeing the conduct of the business of the GTAA and supervising management to ensure that the long-term goals and the strategies necessary to achieve them are established and are consistent with the GTAA’s objective of developing a regional network of airports that are operated in a safe, efficient and cost-effective manner; and

WHEREAS one of the 15 members of the GTAA Board of Directors must be nominated by Toronto City Council; and

WHEREAS the term of office for the current City of Toronto nominee on the GTAA Board of Directors is about to expire and the GTAA, by letter dated December 17, 2004 to Mayor Miller, has requested the City of Toronto to submit candidate names to fill this position for the term of office commencing in May 2005; and

WHEREAS Toronto City Council, like the federal and provincial governments, is a duly elected order of government that represents the will of its constituents and must therefore be recognized as a distinct and equally legitimate government; and

WHEREAS the GTAA Board appointment process discriminates against the City of Toronto and other municipal governments by providing for the federal and provincial governments to directly appoint their respective nominees to the Board but requires the City and other municipal governments to nominate 3 candidates from which the GTAA Board will select one Member; and

WHEREAS, Joe Halstead through his service to the City as Commissioner Economic Development, Culture and Tourism, and as a member of the Board of Directors – TEDCO, Board of Directors – Tourism Toronto, as well as Board of Directors – Toronto Community Foundation, and Board of Directors – Raptors Foundation and his leadership in World Youth Days (Papal visit), SARS Recovery, two Olympic Bids, World Expo Bids, and other major national and international projects, and his service as an Assistant Deputy Minister in the Ministry of Tourism (Ontario) has the requisite skills, experience and knowledge of economic development, culture and tourism as well as management and labour relations issues that will be of tremendous benefit go the GTAA, TPIA and the City;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council nominate one candidate, Mr. Joe Halstead, to become a Member of the Greater Toronto Airports Authority and request GTAA Board to appoint Mr. Halstead as a Member;

AND BE IT FURTHER RESOLVED THAT the Greater Toronto Airports Authority be requested to waive the provisions of Article 4, Section 4.3 I(ii) and Section 4.4b of the Greater Toronto Airports Authority General Operating By-law 14, in that regard.”; and

(5) by adding the following:

“That the Chief Administrative Officer be requested to report to the Economic Development and Parks Committee on how the City’s appointees to the Greater Toronto Airports Authority can be made accountable to the City of Toronto.”

This Clause, as amended, was adopted by City Council.

Planning and Transportation Committee Report 1**1a Proposed Graffiti Abatement Strategy**

Council on February 16, 2005, adopted this Clause without amendment.

2a Comprehensive Review of Fees in Urban Development Services

Council on February 16, 2005, amended this Clause by amending the staff recommendations contained in the Recommendations Section of the report dated November 29, 2004, from the Commissioner of Urban Development Services, by:

- (1) amending Recommendation (2) so that it now reads as follows:
 - “(2) Community Planning application fees be increased on February 21, 2005, in order to recover 100 percent of the current cost of processing development applications in the Urban Development Services department and to fund the continuation of the full-time staff required in 2005 in the Works and Emergency Services and Economic Development Culture and Tourism departments for the ongoing design, co-ordination and implementation of improvements to the planning application review process;” and
- (2) deleting from Recommendation (5) the date “February 1, 2005”, and inserting instead the date “February 21, 2005”, so that Recommendation (5) now reads as follows:
 - “(5) the City Solicitor be directed to prepare the necessary bill to give effect to these recommendations, to be effective February 21, 2005.”

This Clause, as amended, was adopted by City Council.

Works Committee Report 2**3a Drain Grant Appeal - 3 Morningside Avenue (Ward 13)**

Council on February 16, 2005, amended this Clause by:

- (1) amending the Recommendation of the Works Committee:
 - (a) by deleting the amount of “\$2,000.00” and inserting instead the amount “\$1,500.00”; and

- (b) in accordance with the following staff recommendation contained in the Recommendation Section of the supplementary report dated January 21, 2005, from the City Solicitor [as contained in the Clause]:

“It is recommended that should Council determine that the provision of a drain grant with respect to the property at 3 Morningside Avenue is in the interests of the municipality in accordance with section 107 of the *Municipal Act, 2001*, Council amend the Works Committee recommendation by including the following words, ‘and that Council consider such grant to be in the interests of the municipality’.”,

so that the Recommendation of the Works Committee now reads as follows:

“The Works Committee recommends that City Council approve an exception to the Drain Grant Policy with respect to the property at 3 Morningside Avenue, and that a Drain Grant in the amount of \$1,500.00 be paid to Mr. Robert Bilich, owner of the property, and that Council consider such grant to be in the interests of the municipality.”; and

- (2) adding the following:

“That the Acting Commissioner of Works and Emergency Services be requested to report to the Works Committee on the feasibility and financial impact of amending the City of Toronto Drain Grant Policy to expand the qualification criteria to include all 4-plex, 5-plex and 6-plex properties to bring these criteria in line with the provincial definition of a ‘residential property’.”

Etobicoke York Community Council Report 1

5a Request for All-Way Stop Controls - The Kingsway at Prince George Drive and The Kingsway at Twyford Road (Ward 4 - Etobicoke Centre)

Council on February 16, 2005, adopted this Clause without amendment.

Council also considered the following:

Communications:

- (undated) from Stephen Thiele [Communication 3(a)(1)];
- (January 31, 2005) from Doretta Wilson [Communication 3(a)(2)]; and
- petition containing approximately 99 signatures, submitted by Councillor Gloria Lindsay Luby, Ward 4, Etobicoke Centre [Communication 3(a)(3)].

6a Request for All-Way Stop Controls - The Kingsway at Edenbridge Drive/Wimbledon Road (Ward 4 - Etobicoke Centre)

Council on February 16, 2005, adopted this Clause without amendment.

Council also considered the following:

Communications:

- (undated) from Stephen Thiele [Communication 3(a)(1)];
- (January 31, 2005) from Doretta Wilson [Communication 3(a)(2)]; and
- petition containing approximately 99 signatures, submitted by Councillor Gloria Lindsay Luby, Ward 4, Etobicoke Centre [Communication 3(a)(3)].

25a Application for Variance from Sign By-law No. 3369-79 of the former City of York Southwest Quadrant of Canadian Pacific Railway Overpass at Black Creek Drive (Ward 11 - York South-Weston)

Council on February 16, 2005, adopted the following:

“That:

- (1) the application for relief from the provisions of Sign By-law No. 3369-79, as amended, to permit a single-sided, off premise billboard poster panel sign at the Southwest quadrant of the CPR overpass at Black Creek Drive (0 Mactier Subdivision) be approved as a variance to the Sign By-law, subject to a building permit being obtained and the sign being installed substantially in accordance with the application plans on file with the Building Division, West District; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

This Clause, as amended, was adopted by City Council.

North York Community Council Report 1

10a Feasibility to Extend the Concrete Median - Keele Street north of Highway 401 (Ward 9 - York Centre)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

Council also considered the following:

Communications:

- (February 15, 2005) from Michael Melling, Davies Howe Partners [Communication 16(a)];
- (February 15, 2005) from Michael Melling, Davies Howe Partners [Communication 16(b)]; and
- (February 15, 2005) from J. Pitman Patterson, Borden Ladner Gervais LLP [Communication 16(c)].

30a All Way Stop Control - Brentcliffe Road at Fairland Road (Ward 26 - Don Valley West)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

35a Request for Poll - Speed Hump Plan - Hillhurst Blvd., west of Bathurst Street (Ward 15 - Eglinton-Lawrence)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

Council also considered the following:

Communication:

- a Toronto Sun article dated January 24, 2005, entitled “Yes, speed kills – but so do speed humps”, submitted by Councillor Rob Ford, Ward 2, Etobicoke North [Communication 4(a)].

Scarborough Community Council Report 1

1a Removal of Seven Privately-owned Trees 5 and 6 Falcon Lane (Ward 44 - Scarborough East)

Council on February 16, 2005, adopted this Clause without amendment.

16a Supplementary Report - Site Plan Control Application 03 035259 ESC 40 SA, 1554177 Ontario Limited – Holt/Architect, 170 Ellesmere Road, Maryvale Community (Ward 40 - Scarborough Agincourt)

Council on February 16, 2005, adopted this Clause without amendment.

Council also considered the following:

- Submission by Councillor Norm Kelly, Ward 40, Scarborough-Agincourt, [Communication 19(a)]:
 - drawing of the intersection of Ellesmere Road and White Abbey Road; and
 - excerpt from Jane Jacobs, Dark Age Ahead, Random House Canada, 2004, pp. 72-75.

Toronto and East York Community Council Report 1

27a Request for an Exemption from Chapter 400 of the former City of Toronto Municipal Code to Permit Front Yard Parking - 533 St. Clarens Avenue (Davenport, Ward 18)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

28a Request for Exemption from Chapter 248 of the former City of Toronto Municipal Code to Permit Driveway Widening for Two Vehicles – 319 Glenayr Road (St. Paul’s, Ward 21)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

31a Request for Exemption from Chapter 248 of the Former City of Toronto Municipal Code to Permit Driveway Widening - 26 Tarlton Road (St. Paul’s, Ward 22)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

41a Installation of Speed Humps – Bank Street, between Dufferin Street and Sheridan Avenue (Davenport, Ward 18)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

42a Installation of Speed Humps – Waterloo Avenue, between Dufferin Street and Gladstone Avenue (Davenport, Ward 18)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

43a Installation of Speed Humps – Gordon Street, between Dufferin Street and Sheridan Avenue (Davenport, Ward 18)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

45a Installation of Speed Humps – Poplar Plains Road, between Cottingham Street and Poplar Plains Crescent and Russell Hill Road, between Clarendon Avenue and Boulton Drive (St. Paul's, Ward 22)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

46a Speed Hump Poll Results – Laing Street, between Queen Street East and Eastern Avenue (Beaches-East York, Ward 32)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

86a Status Report - Site Plan Approval Application - 45 Eastern Avenue (Toronto Centre-Rosedale, Ward 28)

Council on February 16, 2005, adopted the following:

“That the following staff recommendations contained in the Recommendations Section of the confidential report (February 16, 2005) from the Commissioner of Urban Development Services, be adopted, such recommendations, together with Attachment 4 to the report, are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information that is subject to solicitor-client privilege:

‘It is recommended that City Council:

- (1) instruct the City Solicitor and appropriate staff to appear at the Ontario Municipal Board hearing in respect of the site plan application for 45 Eastern Avenue in support of the application, provided it is revised in accordance with the principles in Attachment 4 to this report;

- (2) authorize the City Solicitor to support an amendment to the Zoning By-law at the Ontario Municipal Board further removing the Holding Symbol (“h”) from the lands known as 45 Eastern Avenue to a maximum of approximately 144 metres east of Trinity Street measured at the Front Street East streetline to facilitate the revised site plan as outlined in this report;
- (3) authorize the City Solicitor to advise the Municipal Board, in the event the Toronto Waterfront Revitalization Corporation seeks party status, that the City supports that status given the unique circumstances of this matter;
- (4) re-impose the Holding Symbol (“h”) on 45 Eastern Avenue if the Ontario Realty Corporation does not, within six (6) months after the date of Council’s decision respecting this matter, convey 45 Eastern Avenue to the applicant for the purpose of a car dealership and take that portion of the First Parliament Site known municipally as 265 Front Street into public ownership;
- (5) direct the owner of 265 Front Street East to address outstanding requirements of the Site Plan Control Application ATS 20000060 for that premise to complete the sidewalk on Berkeley Street and Front Street East to City standards; and
- (6) direct staff and the owner of 64-70 Parliament Street to use the City Council approved Auto-Related Land Uses in King-Parliament design guidelines to revise the recently filed site plan submission for that property (file 04 203219 STE 28 SA).’ ”

This Clause, as amended, was adopted by City Council.

Council also considered the following:

Confidential report (February 16, 2005) from the Commissioner of Urban Development Services. The staff recommendations contained in the Recommendations Section of the report and Attachment 4 to the report are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information that is subject to solicitor-client privilege. [Confidential Communication C.7(a)]

New Committee Reports:**Board of Health Report 2****1 Contracts for Physician Services to Toronto Public Health**

Council on February 16, 2005, adopted this Clause without amendment

New Community Council Reports:**Etobicoke York Community Council Report 2****1 Final Report - Application to Amend the Etobicoke Zoning Code Applicant: Shangara Mand and Jaswant Dass 2045 Codlin Crescent (Ward 1 - Etobicoke North)**

Council on February 16, 2005, adopted this Clause without amendment.

2 Final Report - Official Plan Amendment and Rezoning Application, Applicant: 1265161 Ontario Ltd.; Architect: Fernando Fabiani 515 Royal York Road (Ward 5 - Etobicoke-Lakeshore)

Council on February 16, 2005, adopted this Clause without amendment.

3 Final Report - Official Plan Amendment and Rezoning Application, Applicant: Cy Armstrong; Architect: James H. Christie Architects 66 Trethewey Drive (Ward 12 - York South-Weston)

Council on February 16, 2005, amended this Clause by deleting the following Part (a) of staff Recommendation (4) contained in the Recommendations Section of the report dated January 19, 2005, from the Acting Director, Community Planning, West District, and renumbering the remaining recommendations accordingly:

“(4)(a) submit a Record of Site Condition that has been acknowledged by the Ministry of the Environment (MOE), all environmental site assessment reports, and a Statement from a Professional Engineer (sealed and dated) certifying that, based on all necessary supporting environmental documents:

- (i) the land to be conveyed to the City is suitable for its intended use; and

- (ii) it is unlikely that there is any off-site contamination, resulting from past land uses on the land to be conveyed, that has migrated to the adjacent right-of-ways that would exceed applicable MOE Guideline objectives or regulations;”.

This Clause, as amended, was adopted by City Council.

4 Final Report - Official Plan Amendment and Rezoning Application, Applicant: First Pro Shopping Centres 98 Index Road (Ward 5 - Etobicoke-Lakeshore)

Council on February 16, 2005, amended this Clause by deleting from the final paragraph in Recommendation (2) of the Etobicoke York Community Council, which adds a new Recommendation (5) to the staff report (February 2, 2005) from the Acting Director, Community Planning, West District, the words “through the entering into a financially secured agreement with the City to secure such work”, so that the paragraph now reads as follows:

“be secured at the cost of the applicant to the satisfaction of the Commissioner, Works and Emergency Services, and that the bills not be introduced until such agreement entered into is satisfactory to the City Solicitor.”

This Clause, as amended, was adopted by City Council.

5 Final Report - Official Plan Amendment and Rezoning Application, Applicant: Steve Hilditch - 60 Bergamot Avenue (Ward 2 - Etobicoke North)

Council on February 16, 2005, adopted this Clause without amendment.

6 Alterations to a Heritage Property 89 The Kingsway Crescent (Isaac Scott House) (Ward 5 - Etobicoke-Lakeshore)

Council on February 16, 2005, adopted the staff recommendations in the Recommendations Section of the report (December 3, 2004) from the Commissioner of Economic Development, Culture and Tourism, as contained in the Clause, subject to the following conditions contained in the communication (January 14, 2005) from the Toronto Preservation Board:

“Subject to the applicant:

- (1) altering the mass and location of the front of the proposed new structure to be consistent with the existing streetscape of Kingsway Crescent;

- (2) altering the proposed new structure to be consistent with the spirit and intent of the preservative zoning by-law for the district; and
- (3) meeting with the local Councillor and immediate neighbours to discuss the impact of the proposed new structure on the abutting properties.”

This Clause, as amended, was adopted by City Council.

7 Proposed Amendments to an Existing Encroachment Agreement, Isaac Scott House - 89 Kingsway Crescent (Ward 5 - Etobicoke-Lakeshore)

Council on February 16, 2005, amended this Clause in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report dated February 15, 2005, from the City Solicitor:

“It is recommended that:

- (1) in addition to the amendments to the existing encroachment agreement for 89 Kingsway Crescent recommended by Etobicoke York Community Council in Clause 7 of its Report 2, Recommendation (2)(a) of that Clause be amended by City Council to read as follows:
 - ‘(2)(a) the municipality will permit the existing building encroachment to remain undisturbed at its current location and with its existing dimensions for as long as the property remains designated as an historic property under Part IV of the *Ontario Heritage Act*, or, in the event City Council should remove the heritage designation of the building without the concurrence of the owner, for so long as the owner continues to maintain the existing building encroachment in good repair and in accordance with the other terms and conditions of the encroachment agreement;’; and
- (2) City Council authorize and direct the appropriate City officials to take the necessary action to give effect thereto.”

This Clause, as amended, was adopted by City Council.

Council also considered the following:

Report (February 15, 2005) from the City Solicitor [Communication 17(a)].

8 Request for Authority to Enter into a Heritage Easement Agreement and Approval of Alterations to a Heritage Building 515 Royal York Road (Ward 5 - Etobicoke-Lakeshore)

Council on February 16, 2005, adopted this Clause without amendment.

9 Inclusion on the City of Toronto Inventory of Heritage Properties, 399 The West Mall (Etobicoke Civic Centre) (Ward 3 - Etobicoke Centre)

Council on February 16, 2005, adopted this Clause without amendment.

10 Request for Approval of Variances from By-law No. 280-1998 and Chapter 215, Signs, of the former City of Etobicoke Code for a Third Party Roof Sign at 839 Oxford Street (Ward 6 - Etobicoke-Lakeshore)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

11 Request for Approval of Variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code for Illuminated First Party and Incidental Fascia Signs at 2267 Islington Avenue (Scotiabank) (Ward 2 - Etobicoke North)

Council on February 16, 2005, did not adopt this Clause.

Council also considered the following:

Report (February 14, 2005) from the Commissioner of Urban Development Services [Communication 14(a)].

12 Request for Approval of Variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code 1407 Royal York Road (Ward 4 - Etobicoke Centre)

Council on February 16, 2005, adopted this Clause without amendment.

13 Request for approval of Variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code for First Party Illuminated Fascia Signs, a Canopy Sign Band and Two (2) Incidental Ground Signs at 1580 The Queensway (Ward 5 - Etobicoke-Lakeshore)

Council on February 16, 2005, referred this Clause back to the Etobicoke York Community Council for further consideration at its meeting on March 30, 2005, to allow for further recommendations from the Commissioner of Urban Development Services with respect to modifications to the proposed signs, in order to reduce the extent of variance from the provisions of the by-law based on discussion between the applicant and staff with respect to the potential impacts of the signs on the community.

Council also adopted the following:

“That the Commissioner of Urban Development Services be requested to report to the Planning and Transportation Committee, as soon as possible, on the feasibility of introducing amendments to the Sign By-laws applying to the former municipalities, now in the City of Toronto, that will provide for an additional fee where the signs have been installed in contravention of the by-law and without obtaining the appropriate permits, similar to the fee for work without a building permit under the Municipal Code Chapter 363, Building Construction and Demolition.”

Council also considered the following:

Report (February 14, 2005) from the Commissioner of Urban Development Services [Communication 14(a)].

14 Request for Traffic Calming (Speed Humps) on Bankfield Drive (Ward 1 - Etobicoke North)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

15 Installation/Removal of On-Street Parking Spaces for Persons with Disabilities (Ward 11 - York-South Weston and Ward 17 - Davenport)

Council on February 16, 2005, adopted this Clause without amendment.

16 Naming of Proposed Private Lane located West of Kipling Avenue and South of Dundas Street West (Ward 5 - Etobicoke-Lakeshore)

Council on February 16, 2005, adopted this Clause without amendment.

17 Application for Exemption to Toronto Municipal Code, Chapter 447, Fences - 10, 22 and 26 Willowridge Road (Ward 4 - Etobicoke Centre)

Council on February 16, 2005, adopted this Clause without amendment.

18 Application for Exemption to Toronto Municipal Code Chapter 447, Fences at 3699 Bloor Street West (Ward 5 - Etobicoke-Lakeshore)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

Council also considered the following:

Report (February 16, 2005) from Commissioner of Urban Development Services [Communication 20(a)].

19 Extension to Exemption from Part-Lot Control Hyde Park Home (Royal York) Limited, 445-449 Royal York Road (Ward 6 - Etobicoke-Lakeshore)

Council on February 16, 2005, adopted this Clause without amendment.

20 Designation of the Toronto Fiesta as a Community Event (Ward 17 - Davenport)

Council on February 16, 2005, adopted this Clause without amendment.

21 Designation of the Junction Arts Festival as a Community Event (Ward 13 - Parkdale-High Park)

Council on February 16, 2005, adopted this Clause without amendment.

22 Designation of the Grass Music Festival as a Community Event, Assembly Hall and Colonel Samuel Smith Park (Ward 6 - Etobicoke-Lakeshore)

Council on February 16, 2005, adopted this Clause without amendment.

23 Sale of Surplus Land - Parcels of Vacant Land Adjacent to 275 Norseman Street (Ward 5 - Etobicoke-Lakeshore)

Council on February 16, 2005, adopted this Clause without amendment.

24 Status and Ontario Municipal Board Recommendation Report Site Plan Approval Application Applicant: Calvin Lantz, McCarthy Tetrault Architect: Dutra Architect Inc., 2600 Eglinton Avenue West (Ward 12 - York South-Weston)

Council on February 16, 2005, adopted this Clause without amendment.

25 Request for Direction Report - Applications to Amend the former Etobicoke Official Plan and Zoning Code and for Site Plan Control Approval - Manfred & Eleanore Jaenish 4325 Bloor Street West (at Mill Road) (Ward 3 - Etobicoke-Centre)

Council on February 16, 2005, adopted this Clause without amendment.

26 Other Items Considered by the Community Council

Council on February 16, 2005, received this Clause for information.

North York Community Council Report 2

1 Request to Remove One City-owned Tree - 967 Briar Hill Avenue (Ward 15 - Eglinton-Lawrence)

Council on February 16, 2005, adopted this Clause without amendment.

2 Renewal of Patio Cafe Licence - 1678 Avenue Road - The Bistro On Avenue (Ward 16 - Eglinton-Lawrence)

Council on February 16, 2005, referred this Clause back to the North York Community Council for further consideration.

Council also adopted the following:

“That:

- (1) the Acting Commissioner of Works and Emergency Services, in consultation with the Commissioner of Urban Development Services, be requested to report to the North York Community Council, no later than May 2005, identifying the physical alterations recommended to be made to the structure enclosing the licensed boulevard cafe adjacent 1678 Avenue Road;
- (2) the applicant be advised of all alterations recommended by staff, including identifying any costs required to be paid to the Corporation of the City of Toronto, public utility companies, etc., in conjunction with such recommendations;

- (3) the applicants response to staff recommendations be reflected in the report to Community Council; and
- (4) the boulevard cafe licence continue to operate until such time as the disposition of this matter is determined by City Council.”

3 Request for Variances from the former City of North York Sign By-law No. 30788, as amended, for the erection of a third party advertising roof sign at 1811 Avenue Road (Ward 16 - Eglinton-Lawrence)

Council on February 16, 2005, adopted this Clause without amendment.

4 Request for Variances from the former City of North York Sign By-law No. 30788, as amended, for the erection of illuminated identification ground sign - 1100 Sheppard Avenue West (Ward 8 - York West)

Council on February 16, 2005, adopted this Clause without amendment.

5 Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to permit angled driveway widening at 94 Wanless Avenue (Ward 25 - Don Valley West)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

6 Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to permit angled driveway widening at 96 Wanless Avenue (Ward 25 - Don Valley West)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

7 Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to permit angled driveway widening at 98 Wanless Avenue (Ward 25 - Don Valley West)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

8 Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to permit angled driveway widening at 100 Wanless Avenue (Ward 25 - Don Valley West)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

9 All Way Stop Control - Edith Drive and Montgomery Avenue (Ward 16 - Eglinton-Lawrence)

Council on February 16, 2005, adopted this Clause without amendment.

10 Request for Driveway Entrance Side Yard Variance - 61 Stuart Avenue (Ward 23 - Willowdale)

Council on February 16, 2005, adopted this Clause without amendment.

11 Special Occasion Beer Garden Permit Requests for Community Events (Ward 23 - Willowdale and Ward 26 - Don Valley West)

Council on February 16, 2005, adopted this Clause without amendment.

12 Final Report - Part Lot Control Application - 04 103266 NMI 34 PL - Ghasem Ghods English Lane Homes Inc. - 212-240, 265-281 and 285-299 David Dunlap Circle (Ward 34 - Don Valley East)

Council on February 16, 2005, adopted this Clause without amendment.

13 Final Report - Draft Plan of Subdivision - 04 175091 NNY 33 SB - Monarch Construction Limited - 2025-2045 Sheppard Avenue East (Ward 33 - Don Valley East)

Council on February 16, 2005, adopted this Clause without amendment.

Council also considered the following:

Report (February 15, 2005) from the Commissioner of Urban Development Services [Communication 22(a)].

14 Refusal Report - OPA & Rezoning Application - 04 194214 NNY 33 OZ - 2041098 Ontario Ltd. - (El-Ad Group Canada Inc.) – 25, 100, 110 & 125, Parkway Forest Drive, 120 & 130 George Henry Blvd., 32-50, 65 & 80 Forest Manor Road (Ward 33 – Don Valley East)

Council on February 16, 2005, adopted this Clause without amendment.

Council also considered the following:

Communication:

- (January 28, 2005) from Grace Frappier [Communication 10(a)].

15 Final Report - Applications to Amend the Zoning By-law and Approve a Draft Plan of Subdivision - UDZ-97-36 and UDSB-1233 - Elderbrook Developments Ltd. - Rafael + Bigauskas, Architects - Northwest Corner of Finch Avenue West and York Gate Boulevard (Ward 8 - York West)

Council on February 16, 2005, amended this Clause:

- (1) by deleting from Recommendation (5) of the North York Community Council, the words “legal and”, so that it now reads as follows:
“(5) if the applicant is not in agreement with the recommendations outlined above, Council authorize the retention of outside planning support to attend the Ontario Municipal Board to uphold Council’s decision.”;
- (2) to provide that, as part of the conditions of draft plan approval to be satisfied by the applicant prior to registration, the applicant provide a Letter of Credit to cover the costs of future signalization of the intersection of Finch Avenue West and Pelican Court when warranted and that the Acting Commissioner of Works and Emergency Services be directed to initiate a traffic signals warrants study in the spring of 2005; and
- (3) in accordance with the following staff recommendation contained in the Recommendations Section of the supplementary report (February 14, 2005) from the Commissioner of Urban Development Services:
“It is recommended that City Council amend Recommendation (7) in the Final Report of January 17, 2005, to read:
‘(7) be advised that the Chief Planner, who has been delegated authority to approve conditions of draft plan of subdivision approval, proposes to approve the application subject to the conditions as requested in the correspondence of Enbridge Pipelines Inc. of January 25, 2005:
 - (a) any proposed crossing of the right-of-way by roads, laneways, bike/walking paths, services and utilities are permitted in accordance with the regulations of the *National Energy Board (NEB) Act* and subject to approval by Enbridge’s Crossing Co-ordinator, Ann Newman at (519) 339-0503. The applicant will be required to enter Enbridge’s Standard Crossing Agreement;

- (b) Enbridge is regulated by the *National Energy Board (NEB) Act*. Section 112 of the Act requires any excavation using power operated equipment or explosives, within 30 meters of Enbridge's right-of-way be approved by Enbridge;
- (c) the south limit of the Enbridge right-of-way shall be separated from the construction area with a temporary fence or alternative, approved by Enbridge, for the duration of construction;
- (d) no grading or placing fill on Enbridge's right-of-way will be permitted without prior approval of Enbridge;
- (e) no work shall take place on Enbridge's right-of-way without the presence of an Enbridge inspector; and
- (f) no heavy machinery will be permitted to cross Enbridge's right-of-way without prior approval.' "

This Clause, as amended, was adopted by City Council.

Council also considered the following:

Report (February 14, 2005) from the Commissioner of Urban Development Services [Communication 11(b)].

Report (February 15, 2005) from the Commissioner of Urban Development Services [Communication 11(c)].

Communication:

- (February 14, 2005) from John M. Alati, Davies Howe Partners [Communication 11(a)].

16 Cafe Demetre - Boulevard Cafe - 518 Eglinton Avenue West (Ward 16 - Eglinton-Lawrence)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

Council also considered the following:

Communication:

- (February 15, 2005) from Danny Tzogas, Michael Tzogas and Jim Christakos [Communication 18(a)].

17 Parking Restrictions - Leacrest Road (Ward 26 - Don Valley West)

Council on February 16, 2005, adopted this Clause without amendment.

18 Site Plan Control Application - TB SPC 2001 0077 - Revival Time Tabernacle - 4340 Dufferin Street (Ward 8 - York West)

Council on February 16, 2005, adopted this Clause without amendment.

19 Other Items Considered by the Community Council

Council on February 16, 2005, received this Clause for information.

Scarborough Community Council Report 2

1 Provision of a Municipal Road for New Developments at 671 and 675 Warden Avenue Planning Application Numbers 04 196831 ESC 35 OZ and 04 196850 ESC 35 SA and 04 166027 ESC 35 SA (Ward 35 - Scarborough Southwest)

Council on February 16, 2005, adopted this Clause without amendment.

2 Final Report (Refusal) Official Plan and Rezoning Application 04 198313 ESC 35 OZ Toronto Central Baptist Church (Architect: Simon Ng) 25 Civic Road (Ward 35 - Scarborough Southwest)

Council on February 16, 2005, adopted this Clause without amendment.

3 Final Report City Initiated Technical Zoning By-law Amendments 02 035546 ESC 93 TM - Various Properties (Wards 35, 38, 41, 42, 43 and 44)

Council on February 16, 2005, adopted this Clause without amendment.

4 Final Report Rezoning Application 03 161902 ESC 41 OZ Read-Eastern Capital Offshore (Canror) Inc. (Architect: Socia Engineering Limited) Northeast Corner of Ashcott Street and Cascaden Street (Ward 41 - Scarborough Rouge River)

Council on February 16, 2005, adopted this Clause without amendment.

5 Final Report Zoning By-law Amendment Application 02 035475 ESC 42 OZ Plan of Subdivision Application 02 035476 ESC 42 SB 2031430 Ontario Inc., 1841 Neilson Road (Ward 42 - Scarborough Rouge River)

Council on February 16, 2005, amended this Clause:

- (1) by amending the recommendation of the Scarborough Community Council, by deleting from Condition 32, the word “minimum”, so that Condition 32 now reads as follows:

“32. Prior to the release of tree removal permits, the owner agrees to pay the required permit fees, and to provide the requirement of 3 replacement trees for every healthy tree subject to regulation under the Private Tree By-law to be removed. Replacement trees will be planted on site in accordance with Urban Forestry Services requirements, or may be planted off site if it is determined that a suitable location on site cannot be provided. The owner agrees that, at the discretion of the Commissioner of Economic Development, Culture and Tourism, replacement planting within natural areas or off site may be completed by the City, funded by the owner;” and

- (2) to provide that the 5 percent cash in lieu of parkland dedication from 1841 Neilson Road be used for parkland improvements within the Morningside Heights Community, and that the use of such funds is to be at the discretion of the Commissioner of Economic Development, Culture and Tourism, in consultation with the local Councillor.”

This Clause, as amended, was adopted by City Council.

Council also considered the following:

Report (February 15, 2005) from the Commissioner of Economic Development, Culture and Tourism [Communication 13(a)].

6 Final Report City-Initiated Zoning By-law Amendment Application 05 100287 ESC 43 TM Clifton Park Investments Limited, 2848-2900 Ellesmere Road (Ward 43 - Scarborough East)

Council on February 16, 2005, adopted this Clause without amendment.

- 7 Final Report Rezoning Application 03 196121 ESC 43 OZ Brydale Developments Inc. (Architect: Tony Dicarlo, Hunt Design Associates Inc.) 232-234 Galloway Road (Ward 43 - Scarborough East)**

Council on February 16, 2005, adopted this Clause without amendment.

- 8 Final Report Rezoning Application 04 124229 ESC 44 OZ Plan of Subdivision Application 04 124282 ESC 44 SB Tanis Woods Development 6233, 6241, 6249, 6255 and 6267 Kingston Road (Ward 44 - Scarborough East)**

Council on February 16, 2005, adopted this Clause without amendment.

- 9 Naming of Proposed Private Lane Extending Westerly from Brimley Road South of Lawrence Avenue "Corner Lane" (Ward 37 - Scarborough Centre)**

Council on February 16, 2005, adopted this Clause without amendment.

- 10 Preliminary Report Rezoning Application 04 203779 ESC 42 OZ Draft Plan of Subdivision Application 04 203790 ESC 42 SB Mattamy (Jefferson Forest) Limited 9310 Sheppard Avenue East (Ward 42 - Scarborough Rouge River)**

Council on February 16, 2005, adopted this Clause without amendment.

- 11 Final Report Rezoning Application 04 203776 ESC 37 OZ Lifting of Holding Provision 1920 Eglinton Avenue East Holdings Ltd. 1920 and 1940 Eglinton Avenue East, 20 Ashtonbee Road (Ward 37 - Scarborough Centre)**

Council on February 16, 2005, adopted this Clause without amendment.

- 12 Request for Direction - File Number 05 106102 EPS 36 TM Revitalization Study of Kingston Road in the Birchcliff Community (Ward 36 - Scarborough Southwest)**

Council on February 16, 2005, adopted this Clause without amendment.

- 13 Renaming of Midwest Park to West Birkdale Park (Ward 37 - Scarborough Centre)**

Council on February 16, 2005, adopted this Clause without amendment.

- 14 Request for Direction OPA and Rezoning Application 01 036249 ESC 40 OZ Plan of Subdivision Application 02 035523 ESC 40 SB Site Plan Control Application 02 035533 ESC 40 SA 1309230 Ontario Limited (Canderel Stoneridge Limited) 2055 Kennedy Road (Ward 40 - Scarborough Agincourt)**

Council on February 16, 2005, adopted this Clause without amendment.

15 Disposition of Surplus Property, 3 Kenworthy Avenue (Ward 35 - Scarborough Southwest)

Council on February 16, 2005, adopted this Clause without amendment.

Council also considered the following:

Confidential report (February 3, 2005) from the Commissioner of Corporate Services. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the security of the property of the Municipality. [Confidential Communication C.3(a)]

16 Highland Creek Heritage Day and Taste of Lawrence Festival

Council on February 16, 2005, adopted this Clause without amendment.

17 Amendments to the Condominium Act

Council on February 16, 2005, referred this Clause to the Planning and Transportation Committee for consideration with the forthcoming report from the Committee on Development, Infrastructure, Policy and Standards (DIPS).

18 Other Items Considered by the Community Council

Council on February 16, 2005, received this Clause for information.

Toronto and East York Community Council Report 2

1 Final Report - Rezoning Application - 301 Cedarvale Avenue (Beaches-East York, Ward 31)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

Council also considered the following:

Communication:

- (February 8, 2005) from Miodrag Stojakovic, Andjelka Stojakovic and Mike Stojakovic [Communication 6(a)].

2 Final Report - Application to Amend the Official Plan and Zoning By-law - 363 Sorauren Avenue (Parkdale-High Park, Ward 14)

Council on February 16, 2005, adopted this Clause without amendment.

3 Status Report and Request for Directions - Rezoning and Official Plan Amendment - 730 Dovercourt Road; 323 and 357 Rusholme Road (Davenport, Ward 18)

Council on February 16, 2005, adopted this Clause without amendment.

Council also considered the following:

Report (February 15, 2005) from the Commissioner of Urban Development Services [Communication 7(b)].

Communication:

- (February 7, 2005) from Cheryl Hawkes [Communication 7(a)].

Councillor Giambrone declared an interest in this Clause, in that his parents live across the street from the property.

4 Final Report - Naming of Streets and Parks in the Fort York Neighbourhood (Trinity-Spadina, Ward 19)

Council on February 16, 2005, adopted this Clause without amendment.

5 Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code - 855 Broadview Avenue (Toronto-Danforth, Ward 20)

Council on February 16, 2005, adopted this Clause without amendment.

6 Proposed Closing of Southerly Portion of Public Lane known as Stanley Terrace - Rear of 720 Wellington Street West and 17-21 Stafford Street (Trinity-Spadina, Ward 19)

Council on February 16, 2005, adopted this Clause without amendment.

Council also considered the following:

Confidential report (December 21, 2004) from the City Solicitor. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to litigation or potential litigation. [Confidential Communication C.4(a)]

7 Designation under Part V of the Ontario Heritage Act – Harbord Village Heritage Conservation District (Trinity-Spadina, Ward 20)

Council on February 16, 2005, adopted this Clause without amendment.

8 Application for Demolition under Part IV of the Ontario Heritage Act - 500 Lake Shore Boulevard West (Trinity-Spadina, Ward 20)

Council on February 16, 2005, adopted this Clause without amendment.

9 Application for Demolition under Part IV of the Ontario Heritage Act - 40 Kingswood Road (Beaches-East York, Ward 32)

Council on February 16, 2005, adopted this Clause without amendment.

10 Heritage Easement Agreement and Inclusion on the City of Toronto Inventory of Heritage Properties - 150 St. George Street (William Crowther House) (Trinity-Spadina, Ward 20)

Council on February 16, 2005, adopted this Clause without amendment.

11 Transfer of Boulevard Café Licence - Philthy McNastys - 130 Eglinton Avenue East (St. Paul's, Ward 22)

Council on February 16, 2005, adopted this Clause without amendment.

12 Request to Remove One City Owned Tree - 54 Maughan Crescent (Beaches-East York, Ward 32)

Council on February 16, 2005, adopted this Clause without amendment.

13 Request to Remove One City Owned Tree - 114 Lee Avenue (Beaches-East York, Ward 32) and Moratorium of Front Yard Parking and Driveway Widening Applications for the Toronto and East York Community Council area

Council on February 16, 2005:

- (1) adopted the following Recommendations (1) and (2) of the Toronto and East York Community Council:

- “(1) the request for a permit for tree removal at 114 Lee Avenue be denied;
- (2) the Commissioner of Economic Development, Culture and Tourism be directed to prune the lower branches of the City owned tree at this address;” and
- (2) received the following Recommendations (3) and (4) of the Toronto and East York Community Council, as they were ruled out of order by the Chair of Council:
- “(3) a temporary freeze be imposed on accepting new Front Yard Parking and Driveway Widening applications for the geographic area of the Toronto and East York Community Council until such time that a consolidated Front Yard Parking Policy has been adopted by City Council; and
- (4) the Commissioner of Works and Emergency Services be requested to report to the Works Committee with a report on the Wet Weather Flow Master Plan and the impact of front yard parking on the watershed and water quality.”

This Clause, as amended, was adopted by City Council.

14 Site Plan Approval Application - 5 Everett Crescent (Beaches-East York, Ward 31)

Council on February 16, 2005, adopted this Clause without amendment.

15 Application to Exempt Part of Lots Y, X, W, V and U on Registered Plan 704 – 456-460 Shaw Street (Trinity-Spadina, Ward 19)

Council on February 16, 2005, adopted this Clause without amendment.

16 Extension of Interim Control By-law to prohibit Entertainment facilities, restaurants and clubs west of Spadina Avenue in the King-Spadina Part II Plan Area (Trinity-Spadina, Ward 20)

Council on February 16, 2005, amended this Clause in accordance with the following Motion:

“**WHEREAS** Le Select Bistro has been operating as a bistro style restaurant for approximately 25 years at 328 Queen Street West (the ‘current premises’);

WHEREAS the building at 432 Wellington Street West (the ‘new premises’), located in the King –Spadina Part II Area west of Spadina, has previously been used as a restaurant and still retains the fixtures of a restaurant;

WHEREAS the owner of Le Select Bistro had prior to the December 2, 2004 amendment to the Interim Control By-law (restricting entertainment facilities) which added a prohibition on restaurants greater than 200 square metres in size (‘the Amendment’), been actively engaged in relocating this bistro style restaurant for some time to the new premises and to effect such relocation amongst other things:

- applied for and in July, 2004, received approval from the Committee of Adjustment for variances to permit an addition to the existing building at the new premises to accommodate the relocating restaurant;
- gave notice that it will not renew the lease at its current premises, which lease expires in September, 2005, and purchased the new premises;
- on December 1, 2004, submitted a complete building permit application for the required renovations and addition at the new premises;

WHEREAS the Committee of Adjustment approval was not appealed and includes a condition that the owner retain a noise consultant to design a noise buffer to mitigate the effect of the patio on adjoining properties and that the installation of the buffer be certified by the noise consultant to the satisfaction of the Commissioner of Urban Development Services;

WHEREAS the owner advises that it is his intention to continue the long time bistro type restaurant at the new premises, including that the new Le Select will essentially be the same layout and capacity as the existing one, except for its boulevard patio which will be slightly larger, and its garden at the rear which is a new feature;

WHEREAS the owner has provided his written agreement in consideration of such exception that any liquor licence issued by the AGCO and any restaurant licence issued by the City of Toronto shall have attached the conditions set out on Schedule “A” attached to this motion;

WHEREAS the owner advises and it is evident that any further delay in issuing the building permit which has occurred because of the Amendment would have devastating consequences for this long time fixture on Toronto’s restaurant scene;

NOW THEREFORE BE IT RESOLVED THAT Section 1 of the Draft By-law Amendment being Attachment 4 to the January 25, 2005, report of the Director, Community Planning, South District respecting the extension of the Interim Control By-law west of Spadina in the King-Spadina Part II Plan Area, be revised to read as follows and that the report be adopted as so amended:

- '1. By-law No. 158-2004, as amended by By-law No. 1010-2004, to effect interim control in the RA district on those lands generally bounded by Queen Street West, Spadina Avenue, Front Street West and Bathurst Street, is further amended by,
 - (1). Adding Section 2A as follows,
 - “2A. Despite Section 2 of this By-law, a restaurant not exceeding a total non-residential gross floor area of 485 square metres together with,
 - (1) an associated rear yard patio not exceeding 85 square metres in floor area, and
 - (2) associated second floor limited to the following,
 - (a) office,
 - (b) storage, and
 - (c) staff areas, including staff washrooms,
 - shall be permitted on the lands municipally known in the year 2004 as 432 Wellington Street West.”;
 - and
- (2) deleting from Section 4, the words “one year” and substituting the words “two years”.’

Schedule A

1. The establishment will not have a dance floor with the exception of December 31st.
2. There will be no live, amplified music on the licensed premises with the exception of during the official dates of the Toronto Downtown Jazz Festival and December 31st.

3. There will be no live or amplified music or other entertainment on the outdoor facilities between the following times, with the exception of during the official dates of the Toronto Downtown Jazz Festival:

Sunday 10:00 pm to Monday 10:00 am
Monday 10:00 pm to Tuesday 10:00 am
Tuesday 10:00 pm to Wednesday 10:00 am
Wednesday 10:00 pm to Thursday 10:00 am
Thursday 11:00 pm to Friday 10:00 am
Friday 11:00 pm to Saturday 10:00 am
Saturday 11:00 pm to Sunday 10:00 am

4. There will be no sale or service of alcohol on the outdoor facilities between the following times:

Sunday 11:15 pm to Monday 10:00 am
Monday 11:15 pm to Tuesday 10:00 am
Tuesday 11:15 pm to Wednesday 10:00 am
Wednesday 11:15 pm to Thursday 10:00 am
Friday 12:15 am to Friday 10:00 am
Saturday 12:15 am to Saturday 10:00 am
Sunday 12:15 am to Sunday 10:00 am

In addition, all signs of service of alcohol on the outdoor facilities will be cleared no later than 45 minutes after the time when the sale or service of alcohol on the outdoor facilities is no longer permitted.

5. There will be no ticketed event or coverage charge permitted for entrance into the licensed establishment with the exception of during the official dates of the Toronto Downtown Jazz Festival and December 31st.
6. The establishment agrees to maintain the noise buffering measures required by the Committee of Adjustment (A0284/04TEY) in good condition.”

This Clause, as amended, was adopted by City Council.

Councillor Shiner declared an interest in this Clause, in that his family owns property within the subject area.

17 Prohibition of Large Vehicles - Laneway system bounded by Westminster Avenue, Sorauren Avenue, Fermanagh Avenue and Roncesvalles Avenue (Parkdale-High Park, Ward 14)

Council on February 16, 2005, adopted this Clause without amendment.

18 Installation/removal of On-Street Parking Spaces for Persons with Disabilities (Trinity-Spadina, Ward 19; Toronto-Danforth, Ward 30)

Council on February 16, 2005, adopted this Clause without amendment.

19 Introduction of additional Parking Spaces – Heath Street West, south side west of Tweedsmuir Avenue (St. Paul’s, Ward 21)

Council on February 16, 2005, adopted this Clause without amendment.

20 Prohibition of Parking - Avondale Road and Rosedale Road (Toronto Centre-Rosedale, Ward 27)

Council on February 16, 2005, adopted this Clause without amendment.

21 Rescindment of the existing one-hour maximum 8:00 a.m. to 6:00 p.m., Monday to Friday Parking Regulation – Millwood Road, north side, from Harwood Road to Forman Avenue (St. Paul’s, Ward 22)

Council on February 16, 2005, adopted this Clause without amendment.

22 Implementation of Alternate Side Parking Regulations - Sumach Street, from King Street East to Shuter Street (Toronto Centre-Rosedale, Ward 28)

Council on February 16, 2005, adopted this Clause without amendment.

23 Adjustments to traffic regulations on Aldwych Avenue - Pape Avenue and Aldwych Avenue (Toronto-Danforth, Ward 29)

Council on February 16, 2005, adopted this Clause without amendment.

24 Rescindment of the 15-minute Maximum Parking Regulations - Jackman Avenue, west side, between Danforth Avenue and Hurndale Avenue (Toronto-Danforth, Ward 29)

Council on February 16, 2005, adopted this Clause without amendment.

25 Installation of Speed Humps - Edwin Avenue, between Ruskin Avenue and a point 119 metres north of Edith Avenue (Davenport, Ward 18)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

26 Installation of Traffic Control Signals and Speed Humps - Spadina Road and Kilbarry Road/Burton Road, Kilbarry Road and Burton Road, between Vesta Drive and Dunloe Road (St. Paul's, Ward 21 and St. Paul's, Ward 22)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

Council also considered the following:

Communications:

- (February 9, 2005) from Andrew Diamond and Linda Pincott Kitchen [Communication 8(a)(1)]; and
- (February 9, 2005) from Michael and Judy Hatch [Communication 8(a)(2)].

27 Proposed Installation of Speed Bumps in Public Lane first east of Church Street, between Charles Street East and Isabella Street (Toronto Centre-Rosedale, Ward 27)

Council on February 16, 2005, deferred consideration of this Clause to its next regular meeting on April 12, 2005.

28 Variance from Chapter 297, Signs, of the former City of Toronto Municipal Code - 1500 Bathurst Street (St. Paul's, Ward 21)

Council on February 16, 2005, adopted this Clause without amendment.

29 Variance from Chapter 297, Signs, of the former City of Toronto Municipal Code – 740/742 Dundas Street East (Toronto Centre-Rosedale, Ward 28)

Council on February 16, 2005, adopted this Clause without amendment.

30 Variance from Chapter 297, Signs, of the former City of Toronto Municipal Code - 99 Queen Street East (Toronto Centre-Rosedale, Ward 28)

Council on February 16, 2005, adopted this Clause without amendment.

31 Variance from Chapter 297, Signs, of the former City of Toronto Municipal Code - 375-379 University Avenue (Toronto Centre-Rosedale, Ward 28)

Council on February 16, 2005, adopted this Clause without amendment.

32 Sale of Surplus Property - Parcel of Vacant Land at the Rear of 197 Forest Hill Road (St. Paul's, Ward 22)

Council on February 16, 2005, adopted this Clause without amendment.

33 Cabbagetown South Heritage Conservation District Study (Toronto Centre-Rosedale, Ward 28)

Council on February 16, 2005, adopted this Clause without amendment.

34 Naming of the New Park at 18 Yorkville Avenue to Town Hall Square (Toronto Centre-Rosedale, Ward 27)

Council on February 16, 2005, adopted this Clause without amendment.

35 Naming of Public Lane - East of Jones Avenue, Extending southerly from Sproat Avenue (Toronto-Danforth, Ward 30)

Council on February 16, 2005, adopted this Clause without amendment.

36 Request for Endorsement of Events for Liquor Licensing Purposes

Council on February 16, 2005, amended this Clause by adding the following Part (4) to the Recommendation of the Toronto and East York Community Council:

- “(4) Canadian Music Week, to be held at the following establishments, which require a one hour extension of their liquor licences to 3:00 a.m. from Wednesday, March 2 to Saturday, March 5, 2005:
- Royal York Hotel – Pipers, 100 Front Street West;
 - Flow Restaurant and Lounge, 133 Yorkville Avenue;
 - Drake Hotel, 1150 Queen Street West;
 - Bovine Club, 542 Queen Street West;
 - Shanghai Cowgirl, 538 Queen Street West; and
 - Lobby Lounge Restaurant, 192 Bloor Street West.”

This Clause, as amended, was adopted by City Council.

37 Amendments to Parking Regulations - Sterling Road, both sides, between Perth Avenue and Bloor Street West (Davenport, Ward 18)

Council on February 16, 2005, adopted this Clause without amendment.

38 Amendments to the On-street Parking Regulations - Inglewood Drive, between St. Clair Avenue East and Rose Park Crescent (Toronto Centre-Rosedale, Ward 27)

Council on February 16, 2005, amended staff Recommendations (3), (4) and (5) contained in the Recommendations Section of the report dated February 2, 2005, from the Director, Transportation Services, South District, by deleting the street name “St. Clair Avenue West”, and inserting instead the street name “St. Clair Avenue East”, so that staff Recommendations (3), (4) and (5) now read as follows:

- “(3) the “No Parking Except by Permit, 12:01 a.m. to 7:00 a.m.” regulation on both sides of Inglewood Drive, between St. Clair Avenue East and Rose Park Crescent be rescinded;
- (4) the “No Parking Except by Permit, 2:01 a.m. to 10:00 a.m., except no parking from 7:00 a.m. to 9:00 a.m. and no parking from 4:00 p.m. to 6:00 p.m. except Saturdays, Sundays, and Public Holidays” regulation on the west side of Inglewood Drive, between St. Clair Avenue East and Rose Park Crescent, be rescinded;
- (5) the “No Parking Except by Permit, 2:01 a.m. to 10:00 a.m., except no parking from 8:30 a.m. to 5:00 p.m., Monday to Friday” regulation on the east side of Inglewood Drive, between St. Clair Avenue East and Rose Park Crescent, be rescinded;”.

This Clause, as amended, was adopted by City Council.

39 Appointment - Board of Management - 192 Carlton Street (Toronto Centre-Rosedale, Ward 28)

Council on February 16, 2005, adopted this Clause without amendment.

40 Art Gallery of Ontario Agreement Settlement - Grange Park Waterplay Research Facility (Trinity-Spadina, Ward 20)

Council on February 16, 2005, adopted this Clause without amendment.

41 Sale of Closed Lane - Rear of 99 Maitland Street (Toronto Centre-Rosedale, Ward 27)

Council on February 16, 2005, amended this Clause by adding the following:

“That, in the event the property is redeveloped and/or sold for a use other than the National Ballet School, the National Ballet School be required to pay the City the market value at that time, and that this requirement be registered as a clause on the title of this property.”

This Clause, as amended, was adopted by City Council.

Council also considered the following:

- Site Map of the subject property submitted by Councillor Kyle Rae, Ward 27, Toronto Centre-Rosedale [Communication 21(a)].

42 Decision of the Agnes Macphail Recognition Committee

Council on February 16, 2005, adopted this Clause without amendment.

Council also considered the following:

Communication:

- (February 10, 2005) from the North York Community Council forwarding the recommendation from its meeting of February 8, 2005 [Communication 9(a)].

Confidential communication (February 7, 2005) from the Agnes Macphail Award Selection Committee. This communication remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals [Confidential Communication C.5(a)].

43 Decision of AGCO and Request for Direction - Application to Appeal to Divisional Court - 172 Main Street "Down on the Main Bar & Grill" (Beaches-East York, Ward 32)

Council on February 16, 2005, adopted this Clause without amendment.

Council also considered the following:

Confidential report (February 7, 2005) from the City Solicitor. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to litigation or potential litigation [Confidential Communication C.6(a)].

44 Ontario Municipal Board Hearing - 263-265 Davenport Road (Trinity-Spadina, Ward 20)

Council on February 16, 2005, adopted this Clause without amendment.

45 Other Items Considered by the Community Council

Council on February 16, 2005, received this Clause for information.

Notices of Motions:

F(1) Consolidating the Naming of the Community Council Boundaries with the Service Districts of the City of Toronto

Moved by Councillor Milczyn, seconded by Councillor Holyday

“**WHEREAS** City Council at its special meeting on July 30, 31 and August 1, 2002, adopted, as amended, Administration Committee Report 10, Clause 2, headed ‘Four District Model for City Public Services (All Wards)’; and

WHEREAS Council amended Recommendation (2) contained in the report dated June 17, 2002, from the Chief Administrative Officer and, in so doing, adopted the recommendations of the Administration Committee to implement the four new service district boundaries; and

WHEREAS these service districts were named North, South, East and West Districts; and

WHEREAS City Council at its meeting on May 18, 19 and 20, 2004, adopted Policy and Finance Committee Report 1, Clause 2b, headed ‘Naming of Community Councils’, and renamed the Toronto West Community Council, the ‘Etobicoke York Community Council’; and

WHEREAS the Toronto South Community Council was renamed the ‘Toronto and East York Community Council’; and

WHEREAS the Toronto East Community Council was renamed the ‘Scarborough Community Council’; and

WHEREAS the Toronto North Community Council was renamed the ‘North York Community Council’; and

WHEREAS citizens of Toronto have raised a number of concerns about the confusion that exists by having two different names for identical City boundaries, one political and one bureaucratic; and

WHEREAS further consideration of this matter is warranted in order to simplify and clarify the City of Toronto's administration to the citizens of Toronto;

NOW THEREFORE BE IT RESOLVED THAT City Council rename the four service districts to align with the four Community Council boundary names that have been approved by Council, so that the names of the service districts shall be as follows:

Etobicoke York District;
North York District;
Scarborough District; and
Toronto and East York District;

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

Disposition:

Council on February 16, 2005, deferred consideration of this Motion to its next regular meeting on April 12, 2005.

F(2) Request to Renew the Facade Program for York Eglinton Business Improvement Area

Moved by Councillor Moscoe, seconded by Councillor Palacio

"**WHEREAS** the City of Toronto has, for a considerable period of time, operated a Facade Program to encourage businesses to renovate the fronts of their properties; and

WHEREAS by way of establishing the Clean and Beautiful City Program the City has made a commitment to improving its public face; and

WHEREAS the Facade Program has, in the past, improved the appearance of our retail strips and has proved its value;

NOW THEREFORE BE IT RESOLVED THAT the City renew the Facade Program to apply to the York Eglinton Business Improvement Area."

Disposition:

Council on February 16, 2005, deferred consideration of this Motion to its next regular meeting on April 12, 2005.

Council also considered a Fiscal Impact Statement (February 2, 2005) from the Chief Financial Officer and Treasurer.

F(3) Waiving of fees for Community Festivals on St. Clair Avenue West

Moved by Councillor Mihevc, seconded by Councillor Moscoe

“**WHEREAS** City Council at its meeting on September 28, 29, 30 and October 1, 2004, approved Policy and Finance Committee Report 7, Clause 1, headed ‘St. Clair Avenue West Transit Improvements Environmental Assessment – Yonge Street to Gunns Road (just west of Keele Street) (St. Paul’s, Davenport, York South-Weston)’; and

WHEREAS the report resolved that ‘City departments waive fees related to hosting community festivals on St. Clair Avenue West from 2005 to 2007 (the construction period and immediately thereafter)’; and

WHEREAS City staff interpretation of the wording contained in the aforementioned report limits the waiving of fees and charges to City departments; and

WHEREAS the revitalization of St. Clair Avenue West and the strengthening of the local small business community, including supporting community events and festivals on the street, remain high priorities of the City of Toronto; and

WHEREAS City staff have been consulted in writing this Motion;

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 7, Clause 1, headed ‘St. Clair Avenue West Transit Improvements Environmental Assessment – Yonge Street to Gunns Road (just west of Keele Street) (St. Paul’s, Davenport, York South-Weston)’, be re-opened for further consideration, only as it pertains to the waiving of fees for Community Festivals on St. Clair Avenue West;

AND BE IT FURTHER RESOLVED THAT City Council clarify the intent of Policy and Finance Committee Report 7, Clause 1, headed ‘St. Clair West Transit Improvements Environmental Assessment – Yonge Street to Gunns Road (just west of Keele Street) (St. Paul’s, Davenport, York South-Weston)’, only as it pertains to the waiving of fees and costs for community festivals on St. Clair West from 2005 to 2007, by approving that all necessary barricades, non-departmental permit fees for community festivals on St. Clair Avenue West from 2005 to 2007 are to paid for by the City;

AND BE IT FURTHER RESOLVED THAT City Council request that the Toronto Transit Commission and the Toronto Police Service waive costs for Community Festivals on St. Clair Avenue West, from 2005 to 2007;

AND BE IT FURTHER RESOLVED THAT this Resolution be forwarded to the Toronto Transit Commission and Toronto Police Services Board for their consideration and endorsement.”

Disposition:

Council on February 16, 2005, deferred consideration of this Motion to its next regular meeting on April 12, 2005.

Council also considered a Fiscal Impact Statement (February 2, 2005) from the Chief Financial Officer and Treasurer.

I(1) Support for International Car Free Day

Moved by Councillor Giambrone, seconded by Councillor Fletcher

“**WHEREAS** International Car Free Day is an annual event celebrated by 100 million people on every continent and supported by the European Union, the United Nations, the Government of Canada and the leaders of 1,500 Cities around the world; and

WHEREAS Car Free Day street events and forums highlight the many problems caused by our dependence on the private automobile, including air pollution, global warming, stress and safety issues; and

WHEREAS it emphasizes the rights of pedestrians and cyclists, the need for more and better public transit, and helps people rediscover their local community, outside the confines of their vehicle; and

WHEREAS Car Free Day began in Canada on September 22, 2001, when Toronto became the first Canadian and North American City to officially host a Car Free Day; and

WHEREAS in July 2004, Dr. Barbara Yaffe, Toronto’s Acting Medical Officer of Health, released a study estimating that five common air pollutants contribute to about 1,700 premature deaths and 6,000 hospital admissions in Toronto each year;

NOW THEREFORE BE IT RESOLVED THAT City Council express its support for International Car Free Day;

AND BE IT FURTHER RESOLVED THAT City Council strongly affirm its support for Car Free Day festivities in Toronto.”

Disposition:

Council on February 16, 2005, deferred consideration of this Motion to its next regular meeting on April 12, 2005.

J(1) Proposed Naming of the Unopened Section of Bremner Boulevard, between Spadina Avenue and Bathurst Street, “Fort York Boulevard” and Rescinding Prior Approval to Name This Unopened Section “Nelson Mandela Boulevard”

Moved by Deputy Mayor Pantalone, seconded by Councillor Rae

“**WHEREAS** City Council at its meeting of October 1 and 2, 1998, adopted Motion J(7) to name the unopened section of Bremner Boulevard, between Spadina Avenue and Bathurst Street, ‘Nelson Mandela Boulevard’; and

WHEREAS Council enacted By-law No. 461-1999, being ‘A By-law to adopt an amendment to Section 19.46 of the Official Plan for the former City of Toronto respecting the Bathurst/Strachan Area’; and

WHEREAS by Decision No. 0386 of the Ontario Municipal Board, By-law No. 461-1999 was ordered amended to delete the references to ‘Nelson Mandela Boulevard’ on the unopened section of Bremner Boulevard, between Bathurst Street and Spadina Avenue; and

WHEREAS Council enacted By-law No. 563-2002, being ‘A By-law to layout and dedicate certain land between Bathurst Street and Lake Shore Boulevard for public highway purposes to form part of the public highway Fort York Boulevard’; and

WHEREAS the Friends of Fort York and Garrison Common, as well as Concord Adex Development Corporation and Wittington Properties Limited, the current owners of land fronting the unopened section of Bremner Boulevard, between Spadina Avenue and Bathurst Street, desire to name this unopened section ‘Fort York Boulevard’ to form part of the public highway ‘Fort York Boulevard’; and

WHEREAS any proposed naming will be subject to *Municipal Act, 2001* and Municipal Code, Chapter 162, Public Notice compliance;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) Motion J(7) adopted by City Council on October 1 and 2, 1998, to name the unopened section of Bremner Boulevard, between Spadina Avenue and Bathurst Street, ‘Nelson Mandela Boulevard’, be rescinded;

- (2) subject to *Municipal Act, 2001* and Municipal Code, Chapter 162, Public Notice compliance, the unopened section of Bremner Boulevard, between Spadina Avenue and Bathurst Street, be named 'Fort York Boulevard' to form part of the public highway 'Fort York Boulevard'; and
- (3) another suitable location be found to recognize the accomplishments of Nelson Mandela and the Commissioner of Economic Development, Culture and Tourism and the Acting Commissioner of Works and Emergency Services be requested to report back to the Toronto East York Community Council in this regard;

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

Disposition:

City Council on February 16, 2005, adopted this Motion, without amendment.

J(2) Committee of Adjustment Decision Regarding 116 Barton Avenue
Moved by Councillor Rae, seconded by Deputy Mayor Pantalone

“**WHEREAS** at the January 26, 2005 hearing of the Committee of Adjustment (Toronto East York Panel), despite strong opposition from surrounding neighbours, the Committee allowed an application for a consent (File Number B0054/04T) and applications for variances (File Numbers A0299/04T and A0300/04T) to 116 Barton Avenue; and

WHEREAS this decision has been appealed by local neighbours to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council direct the City Solicitor to provide assistance at the Ontario Municipal Board in support of the surrounding neighbours.”

Disposition:

City Council on February 16, 2005, adopted this Motion, subject to amending the Operative Paragraph to read as follows:

“NOW THEREFORE BE IT RESOLVED THAT Toronto City Council direct the City Solicitor to provide assistance at the Ontario Municipal Board in opposition to the Committee of Adjustment.”

Council also considered the following:

- a Notice of Decision, Minor Variance/Permission (January 27, 2005) from the Manager and Deputy Secretary, Committee of Adjustment, Toronto and East York Panel, for Lot 1 (West) and Lot 2 (East);
- a Notice of Decision, Minor Variance/Permission (January 27, 2005) from the Manager and Deputy Secretary, Committee of Adjustment, Toronto and East York Panel, for Lot 1 and Lot 2; and
- a Notice of Decision, Consent (January 27, 2005) from the Manager and Deputy Secretary, Committee of Adjustment, Toronto and East York Panel.

J(3) Creating an Aerospace Cluster in the Downsview Area

Moved by Councillor Augimeri, seconded by Councillor Minnan-Wong

“**WHEREAS** City Council at its meeting held on February 1, 2 and 3, 2005, requested the Commissioner of Economic Development, Culture and Tourism to report to the February 16, 2005 meeting of Council on what further incentives the City may be able to offer with respect to creating an Aerospace Cluster in the Downsview Area;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the attached report dated February 15, 2005, from the Commissioner of Economic Development, Culture and Tourism, and that such report be received for information.”

Disposition:

City Council on February 16, 2005, adopted this Motion, without amendment, and, in so doing, received the report dated February 15, 2005, from the Commissioner of Economic Development, Culture and Tourism, for information.

Council also considered a report (February 15, 2005) from the Commissioner of Economic Development, Culture and Tourism.

J(4) Disclosure of Proponents' Responses to Certain Sections of Request for Proposal (RFP) 3401-04-3216 - Supply, Delivery and Installation of Desktop and Notebook Computers and Related Products and Services

Moved by Councillor Milczyn, seconded by Councillor Del Grande

“**WHEREAS** the e-City Committee on February 14, 2005, considered a report dated February 2, 2005, from the Chief Financial Officer and Treasurer and the Commissioner of Corporate Services responding to the e-City Committee’s request to provide copies of the responses from the eight proponents to Request for Proposal 3401-04-3216, Sections 5.5, 6, 8, 9, 10 and 12; and

WHEREAS the e-City Committee on February 14, 2005, requested that Council direct that the documents referred to in the staff report dated February 2, 2005, from the Chief Financial Officer and Treasurer and Commissioner of Corporate Services, be made available to the April 4, 2005 meeting of the e-City Committee, and that the documents will only be available during the in-camera session; and

WHEREAS the Administration Committee will meet on March 8, 2005, for subsequent report to City Council on April 12, 13 and 14, 2005; and

WHEREAS in order to comply with the e-City Committee’s request for the information to be available at its April 4, 2005 meeting, it is necessary for City Council to consider this request at its February 16, 2005 meeting;

NOW THEREFORE BE IT RESOLVED THAT City Council direct that the documents referred to in the attached staff report dated February 2, 2005, from the Chief Financial Officer and Treasurer and Commissioner of Corporate Services, be made available to the April 4, 2005 meeting of the e-City Committee, and that the documents will only be available during the in camera session.”

Disposition:

Council on February 16, 2005, deferred consideration of this Motion to its next regular meeting on April 12, 2005.

Council also considered a report (February 2, 2005) from the Chief Financial Officer and Treasurer and Commissioner of Corporate Services.

J(5) 204 Stibbard Avenue – Parking Pad

Moved by Councillor Jenkins, seconded by Councillor Stintz

“**WHEREAS** on August 26, 2004, the Midtown Committee of Adjustment approved application A366/04M to permit the alteration and expansion of the existing second floor and the construction of a new third floor addition above the existing dwelling; and

WHEREAS this approval was conditional upon the applicant obtaining approval for front yard parking to satisfy a concern from the Works and Emergency Services Department, Transportation Services Division, with regard to the existing illegal parking pad which had been installed by a previous owner of the property; and

WHEREAS the applicant applied immediately after the Committee of Adjustment hearing for permission to maintain the existing pad; and

WHEREAS because of changes in service districts and staffing, a review of this application has taken an extremely long time, through no fault of the applicant; and

WHEREAS the applicant has only now been advised that the existing concrete pad does not comply and that semi-permeable material is required under the by-law; and

WHEREAS it is impossible for the applicant to remove the pad because it would damage the root system of a large tree that has co-existed with the pad for the past 15 years; and

WHEREAS the applicant has made every effort to protect the streetscape by providing a landscape plan that shows the extent of bushes, perennials and annuals in the front yard; and

WHEREAS the applicant never expected such a delay and is now placed in a difficult position as, having retained a contractor to start on April 1, 2005, the family's temporary accommodations are in jeopardy;

NOW THEREFORE BE IT RESOLVED THAT the applicant be permitted to maintain the pad but, should the tree be removed or replaced in the future, the pad will be replaced with semi-permeable material.”

Disposition:

City Council on February 16, 2005, adopted this Motion, without amendment.

Council also considered a copy of photographs of the subject site, submitted by Councillor Cliff Jenkins, Ward 25, Don Valley West.

J(6) Event of Community Significance for Liquor Licensing Purposes - Eglinton Way Business Improvement Area (BIA) – Street Festival (Ward 16 and Ward 22)

Moved by Councillor Stintz, seconded by Councillor Walker

“**WHEREAS** the Eglinton Way BIA was officially designated by the City of Toronto in 1987; and

WHEREAS the BIA is located along Eglinton Avenue West, between Chaplin Crescent and Oriole Parkway, in Ward 16 and Ward 22; and

WHEREAS the Eglinton Way BIA is holding a street festival, called ‘Festival Style on the Streets’, on June 18, 2005, between the hours of 12:00 noon and 8:00 p.m.; and

WHEREAS the BIA has hired Eventure Productions to co-ordinate the event; and

WHEREAS Eventure Productions has worked with several BIAs in Toronto on special events; and

WHEREAS the BIA is requesting an endorsement from Toronto City Council to deem the ‘Festival Style on the Streets’, which is being held June 18, 2005, to be an event of municipal significance for liquor licensing purposes, as required by the Alcohol and Gaming Commission of Ontario; and

WHEREAS by designating the event of municipal significance, licensed establishments will be permitted to serve spirits in designated areas between 12:00 noon and 8:00 p.m. on the day of the event;

NOW THEREFORE BE IT RESOLVED THAT City Council, for liquor licensing purposes, declare the Eglinton Way BIA’s ‘Festival Style on the Street’, which is scheduled to be held on June 18, 2005, to be an event of municipal/community significance and advise the Alcohol and Gaming Commission of Ontario that it has no objection to its taking place or to permitting the extension of the liquor licence to designated areas between 12:00 noon to 8:00 p.m.”

Disposition:

City Council on February 16, 2005, adopted this Motion, without amendment.

J(7) Amendment to Starting Time for Turn Prohibition on Lawrence Avenue West at Rosewell Avenue from 4:00 p.m. to 3:00 p.m. (Ward 16)
Moved by Councillor Stintz, seconded by Councillor Jenkins

“**WHEREAS** City Council on February 1, 2 and 3, 2005, adopted North York Community Council Report 1, Clause 26, headed ‘Turn Prohibitions - Lawrence Avenue West at Rosewell Avenue (Ward 16 - Eglinton-Lawrence)’, without amendment; and

WHEREAS the staff recommendations contained in the Recommendations Section of the report dated December 10, 2004, from the Director, Transportation Services, North District, Works and Emergency Services, sought approval to implement two turn prohibitions on Lawrence Avenue West at Rosewell Avenue; and

WHEREAS staff Recommendation (2) read as follows:

- ‘(2) westbound left turns be prohibited from 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., Monday to Friday, from the first driveway on the east side of Rosewell Avenue, south of Lawrence Avenue West;’; and

WHEREAS a number of local residents have raised concerns that the afternoon time period should be changed from ‘4:00 p.m. to 6:00 p.m.’, to ‘3:00 p.m. to 6:00 p.m.’, to cover the end of day for local schools; and

WHEREAS the change in time will reduce traffic into the local community during the end of day for local schools, thereby increasing pedestrian safety;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, North York Community Council Report 1, Clause 26, headed ‘Turn Prohibitions - Lawrence Avenue West at Rosewell Avenue (Ward 16 - Eglinton-Lawrence)’, be re-opened for further consideration, only as it pertains to staff Recommendation (2) contained in the Recommendations Section of the report dated December 10, 2004, from the Director, Transportation Services, North District, Works and Emergency Services;

AND BE IT FURTHER RESOLVED THAT the afternoon turn prohibition time period be changed from ‘4:00 p.m. to 6:00 p.m.’, to ‘3:00 p.m. to 6:00 p.m.’, so that staff Recommendation (2) now reads as follows:

- ‘(2) westbound left turns be prohibited from 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m., Monday to Friday, from the first driveway on the east side of Rosewell Avenue, south of Lawrence Avenue West;’;

AND BE IT FURTHER RESOLVED THAT authority be granted for the introduction of the necessary bill in Council to give effect thereto.”

Disposition:

City Council on February 16, 2005, re-opened North York Community Council Report 1, Clause 26, headed “Turn Prohibitions - Lawrence Avenue West at Rosewell Avenue (Ward 16 - Eglinton-Lawrence)”, for further consideration, only as it pertains to staff Recommendation (2) contained in the Recommendations Section of the report dated December 10, 2004, from the Director, Transportation Services, North District, Works and Emergency Services, and adopted the balance of this Motion, without amendment.

J(8) 121 Industry Street – Application for Demolition Approval (Ward 12 - York South-Weston)

Moved by Councillor Di Giorgio, seconded by Councillor Nunziata

“**WHEREAS** a demolition permit application has been submitted to the City to demolish industrial buildings located at 121 Industry Street in the former City of York; and

WHEREAS the entire area of the former City of York is designated as an area of demolition control by By-law No. 3102-95 which was passed pursuant to the *City of York Act 1994* (Bill PR147); and

WHEREAS the *City of York Act, 1994* provides the authority for the Council of the former City of York to enact special demolition control legislation for the purpose of securing beautification measures on the lands and abutting municipal boulevards, where appropriate, as a condition of the approval of demolition permit applications; and

WHEREAS attached to this Motion, for Council’s consideration, is a report dated February 14, 2005, from the Commissioner of Urban Development Services, recommending that City Council approve the demolition permit application for 121 Industry Street with no conditions of approval related to beautification;

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached report dated February 14, 2005, from the Commissioner of Urban Development Services, and that the staff recommendations contained in the Recommendations Section of the report be adopted.”

Disposition:

City Council on February 16, 2005, adopted this Motion, without amendment.

In adopting Motion J(8), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated February 14, 2005, from the Commissioner of Urban Development Services:

“It is recommended that:

- (1) City Council approve the application to demolish the buildings as shown on the Plan attached as Attachment 1 to this report, pursuant to By-law No. 3102-95, with no conditions of approval related to beautification; and*
- (2) the owner be advised of the following:*
 - (a) the requirement to submit to the Commissioner of Works and Emergency Services, for review and acceptance, a storm water management report and grading drawing showing how stormwater within the site is to be handled, prior to commencement of demolition work;*
 - (b) the requirement to apply to the Commissioner of Works and Emergency Services for the abandonment of any existing drain or water service connections, prior to issuance of a demolition permit; and*
 - (c) of the need to make separate application to the Commissioner of Works and Emergency Services for permits to carry out any works involving construction in, or occupancy of, the abutting public right-of-way.”*

Council also considered a report (February 14, 2005) from the Commissioner of Urban Development Services.

J(9) Sole Source Contract for Processing of Source Separated Organics

Moved by Councillor Pitfield, seconded by Councillor Giambrone

“WHEREAS the City is currently collecting source separated organic material (SSO) at an annualized rate of approximately 93,000 tonnes per year, through the Yellow Bag and Green Bin Programs; and

WHEREAS the City’s existing City-owned and contracted processing capacity is not sufficient to meet the City’s needs and new long-term processing capacity resulting from contracts awarded through RFP No. 9155-03-5280 will not begin to come into effect until between September 2005 and January 2007; and

WHEREAS Groupe Conporec Inc. (Conporec) is prepared to provide haulage and processing services for the City's excess SSO; and

WHEREAS the need for SSO haulage and processing is immediate and it is, therefore, necessary to consider this issue at the February 16, 2005 meeting of Council;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached report dated February 15, 2005, from the Acting Commissioner of Works and Emergency Services, and the staff recommendations contained in the Recommendations Section of the report be adopted."

Disposition:

City Council on February 16, 2005, adopted this Motion, without amendment.

In adopting Motion J(9), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated February 15, 2005, from the Acting Commissioner of Works and Emergency Services:

"It is recommended that:

- (1) the Acting Commissioner of Works and Emergency Services be authorized to issue a sole source purchase order to Groupe Conporec Inc. to provide source separated organic material processing services, including haulage, in accordance with their proposal dated February 7, 2005, for a term of three years commencing on April 15, 2005, plus up to two additional one-year extensions to haul and process up to 35,000 tonnes per year of source separated organic material at their facility located at 3125 rue Joseph-Simard, Sorel-Tracey, Quebec, at a per tonne fee of \$130.00 plus GST, indexed for inflation as described in this report, such purchase order to be on the terms and conditions described in this report and otherwise on terms and conditions consistent with this report and satisfactory to the Acting Commissioner of Works and Emergency Services; and*
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."*

Council also considered the following:

- report (February 15, 2005) from the Commissioner of Urban Development Services; and
- Fiscal Impact Statement (February 16, 2005) from the Chief Financial Officer and Treasurer.

J(10) Request for Direction Report - 53 Kenhatch Boulevard

Moved by Councillor Balkissoon, seconded by Councillor Altobello

“**WHEREAS** the Committee of Adjustment (Scarborough Panel) refused an application to permit front yard parking (on an existing circular driveway) at the residential property located at 53 Kenhatch Boulevard; and

WHEREAS the applicant in this matter has appealed the decision of the Committee of Adjustment;

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached report dated February 15, 2005, from the Commissioner of Urban Development Services, and the staff recommendation contained in the Recommendation Section of the report be adopted.”

Disposition:

City Council on February 16, 2005, adopted this Motion, without amendment.

In adopting Motion J(10), without amendment, Council adopted, without amendment, the following staff recommendation contained in the Recommendation Section of the report dated February 15, 2005, from the Commissioner of Urban Development Services:

“It is recommended that the City Solicitor and Planning staff be directed to attend any Ontario Municipal Board Hearing in support of the Committee of Adjustment, East District Panel's decision to refuse minor variance application #A245/04SC.”

Council also considered a report (February 15, 2005) from the Commissioner of Urban Development Services.

J(11) New City of Toronto Act – Governance Changes

Moved by Councillor Holyday, seconded by Councillor Ford

“**WHEREAS** it is generally accepted that the City of Toronto budget process is flawed; and

WHEREAS it is abundantly clear that it cannot be corrected under the present system of governance; and

WHEREAS it is similarly proven that Toronto cannot balance its budget without financial assistance from the Province and/or through onerous property tax rate increases; and

WHEREAS even with tax revenues from gas consumption, the Capital Budget continually suffers from a revenue shortfall; and

WHEREAS growth projections indicate that the responsibilities of administering City finances and programs will increase exponentially as time marches on; and

WHEREAS the two senior levels of government are reluctant to provide new methods of taxation or agree to 'uploading' of either capital or service responsibilities; and

WHEREAS the Mayor's Office is powerless to unilaterally set the required tax rate increase to balance the budget; and

WHEREAS it is incumbent upon the Province and/or the federal government to find a solution to this conundrum, either through new forms of direct funding or the creation of new city taxation powers; and

WHEREAS the commercial well-being of the City is undergoing serious impairment because of the erosions of fiscal prudence and funding shortages; and

WHEREAS cutbacks to social service programs, along with incremental curtailment of grants to community groups, is shattering the safety net infrastructure; and

WHEREAS transportation gridlock produces emission pollution and hinders the movement of goods; and

WHEREAS the Province has no long-term plan to accommodate population growth;

NOW THEREFORE BE IT RESOLVED THAT the Province of Ontario be requested to include the following provisions in the proposed new *City of Toronto Act*:

- (1) provisions be written into the proposed new *Act* that would create a protocol for the annual setting of the City budget;

- (2) new *Act* should dictate that Toronto form an Executive Committee composed of the Mayor and the leading vote-getting Councillors from the four geographical components of the City;
- (3) the new *Act* should call for the said Executive Committee to be responsible for arbitrarily setting the yearly budget;
- (4) the new *Act* require that the budget be then delivered balanced or unbalanced to a provincial committee consisting of the Ministers of Finance, Infrastructure and Municipal Affairs for their comments and approval;
- (5) the new *Act* stipulate that, if the Provincial Ministers agree to an unbalanced budget that the shortfall be resolved by assistance from the provincial treasury and/or that the Province sets the City tax rate increase required in order to balance, or that a combination of the two be formulated to achieve a satisfactory result;
- (6) the new *Act* provide that the three Provincial Ministers also have the power to remove items from the budget at their discretion but cannot add new budget items or alter the allocation of City tax revenues as presented in the budget document; and
- (7) the new *Act* direct that the Toronto Transit Commission budget follow a similar procedure that requires provincial approval to cover capital expenditures and/or dictate fare increases if so required.”

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on April 12, 2005.

J(12) Planning Review Principles and Request for Direction for 430 King Street West - King Spadina Part II Plan Area – East of Spadina Avenue (Trinity-Spadina – Ward 20)

Moved by Councillor Rae, seconded by Deputy Mayor Pantalone

“**WHEREAS** since the approval of the King Spadina Part II Plan and implementing Reinvestment Area (RA) zoning in 1996, the planning area has undergone significant activity and investment, particularly the east side of the Plan area bounded by Spadina Avenue, John and Simcoe Streets, Front Street and Adelaide Street; and

WHEREAS most of the development activity in the area east of Spadina Avenue since 1996 has been for new residential construction, and in many cases for buildings with heights substantially in excess of the 30 metres permitted by the RA zoning;

WHEREAS the physical character and image of the King Spadina area is largely rooted in its manufacturing history and remaining historic warehouse buildings;

WHEREAS the King Spadina Part II Plan acknowledge that the policies of the Plan should be monitored and, if appropriate, modified;

WHEREAS a planning framework review, including an urban design study focussing on built form and public realm, is necessary and appropriate to consider the changes in the area east of Spadina Avenue since the approval of the King Spadina Part II Plan;

WHEREAS it is relevant to set out key principles regarding built form and the public realm to guide a review and to apply these key principles to the evaluation of development applications in the area until the planning framework review has been completed; and

WHEREAS it is relevant that these key principles form part of the Issues List for the Ontario Municipal Board pre-hearing for the development application for a residential high-rise building for 430 King Street West scheduled for March 30, 2005;

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached report dated February 15, 2005, from the Commissioner of Urban Development Services, entitled ‘Planning Review Principles and Request for Direction for 430 King Street West for King Spadina Part II Plan Area east of Spadina Avenue (Trinity-Spadina, Ward 20)’, and the staff recommendations contained in the Recommendations Section of the report be adopted.”

Disposition:

City Council on February 16, 2005, adopted this Motion, without amendment.

In adopting Motion J(12), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated February 15, 2005, from the Commissioner of Urban Development Services:

“It is recommended that the principles set out in this report be used:

- (1) *to inform and direct a review of land use policies for that portion of the King Spadina Part II Plan and Community Improvement Plan located east of Spadina Avenue;*
- (2) *as input to the Terms of Reference for the Urban Design study to be undertaken for the area in 2005;*
- (3) *to guide the review and evaluation of development applications in the area during the review period; and*
- (4) *to form part of the Issues List required for the pre-hearing meeting related to the appeal to the Ontario Municipal Board of application 04 115402 STE 2003 for 430 King Street West which is scheduled for March 30, 2005.”*

Council also considered a report (February 15, 2005) from the Commissioner of Urban Development Services.

Councillor Shiner declared an interest in Motion J(12), in that his family owns property within the subject area.

J(13) Ontario Municipal Board Hearing – 124 Dowling Avenue

Moved by Councillor Watson, seconded by Councillor Rae

“**WHEREAS** the Committee of Adjustment held a public meeting on January 26, 2005, to consider a request for the granting of minor variances at 124 Dowling Avenue; and

WHEREAS the Committee heard from a number of area residents and resident organizations opposed to the granting of these variances; and

WHEREAS the Committee of Adjustment refused to grant the requested variances on the basis that the general intent and purpose of the Official Plan and Zoning By-law is not maintained, the variances were not minor in nature nor were they considered desirable for the appropriate development of the land; and

WHEREAS the proposal would convert the existing use of the property from a nursing home to a rooming house; and

WHEREAS rooming houses have been prohibited in South Parkdale since 1978; and

WHEREAS when City Council approved the Parkdale Pilot Project, it also decided to oppose any Committee of Adjustment or rezoning applications seeking to establish new rooming house use that is contrary to the Zoning By-law; and

WHEREAS the applicant has now appealed this decision to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be directed to attend the Ontario Municipal Board hearing in defence of the City's Committee of Adjustment decision."

Disposition:

City Council on February 16, 2005, adopted this Motion, without amendment.

Council also considered a Notice of Decision, Minor Variance/Permission (January 28, 2005) from the Manager and Deputy Secretary, Committee of Adjustment, Toronto and East York Panel.

J(14) 650-672 Sheppard Avenue East - Ontario Municipal Board Decision/Order No. 0150 Granting Exclusions to Gross Floor Area Definition – Appeal to Divisional Court – Offer to Settle

Moved by Councillor Shiner, seconded by Deputy Mayor Feldman

“WHEREAS the Ontario Municipal Board (OMB) issued its Decision/Order No. 0150 on January 25, 2005, with respect to a proposed development at 650-672 Sheppard Avenue East; and

WHEREAS at its meeting held on February 1, 2 and 3, 2005, City Council, by its adoption of Motion J(33), without amendment, adopted the City Solicitor's in camera report dated January 31, 2005, thereby authorizing the City Solicitor to seek leave to appeal the OMB Decision/Order to Divisional Court; and

WHEREAS the developer has made an offer to settle the appeal; and

WHEREAS this is a 'time sensitive' matter, since the offer to settle expires if it is not accepted at the February 16, 2005 City Council meeting;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached confidential report dated February 15, 2005, from the City Solicitor."

Disposition:

City Council on February 16, 2005, adopted this Motion, subject to adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the staff recommendations contained in the Recommendations Section of the attached confidential report dated February 15, 2005, from the City Solicitor, be adopted, subject to amending Recommendation (1)(b) to read as follows:

‘(1)(b) the maximum number of parking spaces shall be based on the following ratios:

- (i) a maximum of 1.40 parking spaces per apartment house dwelling unit, of which 0.25 parking spaces per dwelling unit shall be for the use of visitors;***
- (ii) a maximum of 2.20 parking spaces per multiple attached dwelling unit, of which 0.25 parking spaces per dwelling unit shall be for the use of visitors;***
- (iii) a maximum of 0.42 parking spaces per retirement home dwelling rooms, of which 0.25 spaces per dwelling room shall be for the use of visitors;***
- (iv) parking for a Nursing Home shall not exceed a maximum of 43 parking spaces; and***
- (v) parking for commercial uses shall be provided at a rate of one (1) space per 28 square metres of gross floor area, of which up to 50 percent of the required parking spaces may be shared with the required visitor parking spaces for dwelling units and dwelling rooms up to a maximum of 18 spaces;’.”***

In adopting Motion J(14), as amended, Council adopted, as amended, the staff recommendations contained in the Recommendations Section of the confidential report dated February 15, 2005, from the City Solicitor. These recommendations, as amended by Council, are now public, and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, 2001, as it contains information that is subject to solicitor-client privilege:

“It is recommended that City Council:

- (1) direct the City Solicitor to settle the City’s appeal to the Divisional Court of Ontario Municipal Board Decision/Order No. 0150 on the following terms:***
 - (a) the maximum number of dwelling units in the proposed development be reduced by 240 units from 827 units to 587 units;***
 - (b) the maximum number of parking spaces shall be based on the following ratios:***
 - (i) a maximum of 1.40 parking spaces per apartment house dwelling unit, of which 0.25 parking spaces per dwelling unit shall be for the use of visitors;***
 - (ii) a maximum of 2.20 parking spaces per multiple attached dwelling unit, of which 0.25 parking spaces per dwelling unit shall be for the use of visitors;***
 - (iii) a maximum of 0.42 parking spaces per retirement home dwelling rooms, of which 0.25 spaces per dwelling room shall be for the use of visitors;***
 - (iv) parking for a Nursing Home shall not exceed a maximum of 43 parking spaces; and***
 - (v) parking for commercial uses shall be provided at a rate of one (1) space per 28 square metres of gross floor area, of which up to 50 percent of the required parking spaces may be shared with the required visitor parking spaces for dwelling units and dwelling rooms up to a maximum of 18 spaces;***
 - (c) the Section 37 community benefits for the project be increased by \$50,000.00 from \$400,000.00 to \$450,000.00;***
 - (d) the Ontario Municipal Board concur with and secure the settlement terms in paragraphs 1(a), (b) and (c) above by amending its Decision, the draft Official Plan Amendment, the Zoning By-law Amendment and other related documentation in a manner consistent with this settlement; and***

- (e) *the appeal be settled on a without cost basis; and*
- (2) *authorize and direct the appropriate City officials to take the necessary action to give effect thereto.”*
-

Council also considered the following:

- confidential report (February 15, 2005) from the City Solicitor [Confidential Communication C.8(a)]; and
- confidential Fiscal Impact Statement (February 16, 2005) from the Chief Financial Officer and Treasurer.

J(15) Ontario Municipal Board Hearing Regarding 136 Silver Birch

Moved by Deputy Mayor Bussin, seconded by Councillor Rae

“**WHEREAS** the Ontario Municipal Board (the ‘OMB’) has set March 8, 2005, for the continuation of an appeal by the owner (the ‘Owner’) of 136 Silver Birch Avenue (the ‘Site’) for a permit (the ‘2004 Tree Permit’), under the City’s Private Tree By-law, to build a replacement driveway in the vicinity of two red oak trees located on the Site; and

WHEREAS a potential settlement has been reached among the various interested parties and residents; and

WHEREAS it is necessary for Council to provide the City Solicitor with instructions regarding this matter during the Council meeting scheduled for February 16, 2005; and

WHEREAS the City Solicitor has provided a report to City Council dated February 16, 2005, to be considered in camera;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached confidential report dated February 16, 2005, from the City Solicitor, and the staff recommendations contained in the Recommendations Section of the report be adopted;

AND BE IT FURTHER RESOLVED THAT the report be considered in camera, as it relates to matters of solicitor-client privilege.”

Disposition:

City Council on February 16, 2005, adopted this Motion, without amendment.

In adopting Motion J(15), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated February 16, 2005, from the City Solicitor. These recommendations are now public, and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, 2001, as it contains information pertaining to litigation or potential litigation:

“It is recommended that:

- (1) authority be granted for the City to enter into Minutes of Settlement and an implementing settlement agreement, substantially as set out in the Appendix to the report of the City Solicitor dated February 16, 2005, with Mr. Andrew Trickett, (the ‘Owner’) being the owner of 136 Silver Birch Avenue (the ‘Site’); and*
- (2) upon the execution of the Minutes of Settlement, the City Solicitor be authorized to advise the OMB that the City consents to the OMB allowing the appeal by the Owner upon the conditions set out in the Appendix to the report of the City Solicitor dated February 16, 2005.”*

Council also considered the following:

- a confidential report (February 16, 2005) from the City Solicitor [Confidential Communication C.9(a)]; and
- a confidential Fiscal Impact Statement (February 16, 2005) from the Chief Financial Officer and Treasurer.

J(16) Decision of the Superior Court of Justice to Quash By-law No. 906-2003, in the Case of Toronto Taxi Alliance v. City of Toronto
Moved by Councillor Altobello, seconded by Councillor Watson

“WHEREAS on November 25, 26 and 27, 1998, City Council adopted, as amended, Emergency and Protective Services Committee Report. 13, Clause 1, headed ‘Response to the Emergency and Protective Services Committee Respecting the Report on the Review of the Taxicab Industry’; and

WHEREAS City Council enacted By-law No. 386-2003 on May 23, 2003, amending § 545-142A(1) of Toronto Municipal Code Chapter 545, Licensing, in accordance with the adopted recommendations; and

WHEREAS City Council enacted By-law No. 906-2003 on September 24, 2003, effective January 1, 2004, deleting and replacing the amended § 545-142A(1), in accordance with the adopted recommendations; and

WHEREAS the Toronto Taxi Alliance issued a Notice of Application in the Superior Court of Justice to quash By-laws Nos. 386-2003 and 906-2003 in September 2003; and

WHEREAS the application was heard on November 10, 2004, and a decision was released on February 1, 2005, quashing By-law No. 906-2003; and

WHEREAS as this was an application brought before the Superior Court of Justice, the City may appeal to the Ontario Court of Appeal as of right, and does not require leave of the Court to do so; and

WHEREAS this matter must be considered at this meeting of Council, as the appeal must be filed by March 3, 2005;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached confidential report dated February 15, 2005, from the City Solicitor, and the staff recommendations contained in the Recommendations Section of the report be adopted.”

Disposition:

City Council on February 16, 2005, adopted this Motion, without amendment.

In adopting Motion J(16), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated February 15, 2005, from the City Solicitor. This report remains confidential, in its entirety, in accordance with the provisions of the Municipal Act, 2001, as it contains information pertaining to litigation.

Council also considered the following:

- confidential report (February 15, 2005) from the City Solicitor [Confidential Communication C.10(a)]; and
- confidential Fiscal Impact Statement (February 16, 2005) from the Chief Financial Officer and Treasurer.

J(17) Promoting Environmentally-Friendly Buildings in Toronto

Moved by Councillor Moscoe, seconded by Councillor De Baeremaeker

“**WHEREAS** February 16, 2005, is the date of implementation for the Kyoto Protocol; and

WHEREAS local governments have a vital role to play in promoting environmentally sustainable practices in communities; and

WHEREAS the City of Toronto has been a leader in environmental initiatives; and

WHEREAS City staff are currently developing Green Building Guidelines, as well as participating on the Green Roofs Taskforce;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Development Services be requested to report to the Planning and Transportation Committee on ways in which the City can further promote environmentally sustainable development.”

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on April 12, 2005.

Condolence Motion:

Moved by: Councillor Minnan-Wong

Seconded by: Councillor Stintz

“**WHEREAS** the Members of City Council are deeply saddened to learn of the tragic death of Szilvia Veres, on February 11, 2005; and

WHEREAS her husband was also injured while trying to protect her; and

WHEREAS the community at-large is mourning the loss of this woman; and

WHEREAS it is of grave concern to the Members of Council and the citizens of our City that violent crimes, using weapons, is on the rise and that all efforts to reduce these violent acts should be encouraged and supported; and

WHEREAS domestic violence continues to affect the lives of so many women and all efforts to increase the safety of women should also be encouraged and supported;

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 her husband Miklos Kemenczy and family.”

Disposition:

Council on February 16, 2005, adopted this Motion unanimously.

Issued: February 18, 2005