

TORONTO CITY COUNCIL DECISION DOCUMENT MEETING ON NOVEMBER 24, 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.

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Deferred Reports:

Administration Committee Report 6

28c Court Service Agreement with GO Transit for Provincial Offences Fines

City Council on November 24, 2005, postponed consideration of this Clause to its next regular meeting on December 5, 2005.

Etobicoke York Community Council Report 6**8c Request for Approval of Variances from Chapter 215, Signs, of the Former City of Etobicoke Municipal Code for a First Party Ground Pylon Sign at 1025 The Queensway (Ward 5 - Etobicoke-Lakeshore)**

City Council on November 24, 2005, postponed consideration of this Clause to its next regular meeting on December 5, 2005.

Council also considered the following:

Communications:

- (September 27, 2005) from Greg Piccini [Communication 1(a)(1)];
- (September 27, 2005) from Juliet Palmer [Communication 1(a)(2)];
- (September 27, 2005) from Steve Mercer [Communication 1(a)(3)];
- (September 27, 2005) from Andrew Woodrow [Communication 1(a)(4)];
- (September 27, 2005) from Daniel Luciani [Communication 1(a)(5)];
- (September 27, 2005) from Albert Kwan [Communication 1(a)(6)];
- (September 27, 2005) from Scott Alic [Communication 1(a)(7)];
- Works Committee Report 6, Clause 6, headed “Human Factors Evaluation of Video Advertising Signs”, adopted, as amended, by City Council on July 22, 23 and 24, 2003, circulated at the request of Councillor Joe Mihevc, Ward 21, St. Paul’s [Communication 1(a)(8)];
- (September 28, 2005) from Gabriel Heti [Communication 1(a)(9)];
- (September 28, 2005) from Raj Bharati [Communication 1(a)(10)];
- (September 28, 2005) from Caroline Chan [Communication 1(a)(11)];
- (September 29, 2005) from Marilyn Hagerman [Communication 1(a)(12)];
- (November 21, 2005) from Alice Barton [Communication 1(a)(13)];
- (November 24, 2005) from Ashlee Cooper [Communication 1(a)(14)];
- (November 23, 2005) from Dana Salahub [Communication 1(a)(15)];

- (November 23, 2005) from Fraser McDonald [Communication 1(a)(16)];
- (November 23, 2005) from Heather McDonald [Communication 1(a)(17)];
- (November 22, 2005) from Rami Tabetlo [Communication 1(a)(18)]; and
- (November 24, 2005) from Joseph Clement [Communication 1(a)(19)].

North York Community Council Report 6

8c Community Safety Zone - Grandravine Drive (Ward 8 - York West and Ward 9 - York Centre)

City Council on November 24, 2005, postponed consideration of this Clause to its next regular meeting on December 5, 2005.

23c Encroachment Agreement - 21 De Vere Gardens (Ward 16 - Eglinton-Lawrence)

City Council on November 24, 2005, postponed consideration of this Clause to its next regular meeting on December 5, 2005.

Council also considered the following:

Communication:

- (November 17, 2005) from Kenneth G. Hare, Thomson Rogers, Barristers and Solicitors [Communication 7(a)].

Policy and Finance Committee Report 8

12b Toronto District School Board Application Requesting Debentures

City Council on November 24, 2005, postponed consideration of this Clause to its meeting on January 31, 2006, and requested the Provincial Government to issue this debt on behalf of the Toronto District School Board.

47b Parking Tag Revenue

City Council on November 24, 2005, postponed consideration of this Clause to its next regular meeting on December 5, 2005.

Economic Development and Parks Committee Report 8

18b Other Items Considered by the Committee

City Council on November 24, 2005, postponed consideration of this Clause to its next regular meeting on December 5, 2005.

Policy and Finance Committee Report 9

9a 2005 Sinking Fund Surplus

City Council on November 24, 2005, adopted this Clause without amendment.

31a Toronto Transit Commission - Streetcar Fleet Plan

City Council on November 24, 2005, postponed consideration of this Clause to its next regular meeting on December 5, 2005.

32a Meeting the Needs of School Aged Children through a Child Care and Recreation Service Model

City Council on November 24, 2005, amended this Clause by adding the following:

“That City Council request the Prime Minister of Canada to provide the City of Toronto with \$3.7 million for child care services, before the next federal election.”

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

Council also considered the following:

- (November 23, 2005) Toronto Star article, entitled “Textbooks and team tag”, submitted by Councillor Olivia Chow, Ward 20, Trinity-Niagara [Communication 9(a)].

34a Update on Status of Discussions with Toronto Port Authority Concerning Payments in Lieu of Taxes

City Council on November 24, 2005, postponed consideration of this Clause to its next regular meeting on December 5, 2005.

Council also considered the following:

- Confidential report (October 17, 2005) from the Treasurer and the City Solicitor [Confidential Communication C.1(a)]. 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; and

- Confidential communication (October 26, 2005) from the President and Chief Executive Officer, Toronto Port Authority [Confidential Communication C.1(b)]. This communication 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.

40a Indemnification Policy for Members of Council and Management and Excluded Staff

City Council on November 24, 2005, amended this Clause:

- (1) in accordance with the following staff recommendation contained in the Recommendation Section of the supplementary report (October 25, 2005) from the City Solicitor [as contained in the Clause]:

“It is recommended that the amendments to the proposed Councillor policy set out in Appendix 1 to this report be adopted.”,

subject to amending Amendment 2 in Appendix 1 by:

- (a) adding the words “or when requested by the Councillor involved”, after the words “in appropriate circumstances”; and
- (b) deleting the words “may consult”, and inserting instead the words “shall consult”,

so that Amendment 2 in Appendix 1 now reads as follows:

“Where a request for reimbursement of legal expenses has been named under this policy, the City Solicitor shall provide a report and a recommendation to the Employee and Labour Relations Committee and to City Council for their consideration. In appropriate circumstances, or when requested by the Councillor involved, the City Solicitor shall consult with the Integrity Commissioner and/or external counsel in the preparation of the report.”; and

- (2) by adding the following:

“That:

- (a) the City of Toronto request the Province to include, as part of the *City of Toronto Act*, the parliamentary practice of being immune from prosecution for comments made in Chambers; and
- (b) the City Solicitor be requested to report to the Employee and Labour Relations Committee on similar provisions for legal representation for Councillors at Ontario Municipal Board hearings in instances where the Councillor determines that such representation is necessary in order to properly represent their community, or when the Councillor has been summoned to appear before the Board as a witness.”

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

43a Application Submission: Safer Communities - 1,000 Officers Partnership Program

City Council on November 24, 2005, postponed consideration of this Clause to its next regular meeting on December 5, 2005.

45a St. Clair Avenue West Transit Improvement Project

City Council on November 24, 2005, adopted this Clause without amendment.

Council also considered the following:

- Confidential report (October 19, 2005) from the City Solicitor [Confidential Communication C.2(a)]. This report remains confidential in accordance with the provisions of the *Municipal Act, 2001*, as it contains information that is subject to solicitor-client privilege, with the exception of a Notice of Motion filed with the Divisional Court referred to below;
- Notice of Motion filed with Divisional Court, October 19, 2005, between S.O.S. - Save Our St. Clair Inc., the City of Toronto and the Toronto Transit Commission attached to the confidential report (October 19, 2005) from the City Solicitor. This attachment is now public in its entirety and on file in the City Clerk’s Office; and
- Confidential report (November 22, 2005) from the City Solicitor [Confidential Communication C.2(b)]. 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.

46a Other Items Considered by the Committee

City Council on November 24, 2005, postponed consideration of this Clause to its next regular meeting on December 5, 2005.

Administration Committee Report 8

1a Union Station - Status Report on Station Lease With The Union Pearson Group (Ward 28 - Toronto Centre-Rosedale)

City Council on November 24, 2005, adopted the following:

“That City Council:

- (1) endorse the Negotiating Team’s position on the outstanding issues outlined in Appendix A to the report (September 27, 2005) from the Deputy City Manager and Chief Financial Officer;
- (2) concur with Union Pearson Group to set a due diligence date of December 15, 2005, and a closing deadline of May 31, 2006;
- (3) instruct the Deputy City Manager and Chief Financial Officer to advise Union Pearson Group that, in the event the parties fail to meet either of these deadlines, the transaction is to be terminated immediately without further instruction from City Council; and
- (4) authorize and direct the appropriate City staff to take all necessary actions to give effect thereto.”

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

Council also considered the following:

Communications:

- (October 24, 2005) from Janice Etter, Chair, Union Station Revitalization Public Advisory Group [Communication 5(a)];
- (October 24, 2005) from Ron Taylor, Project Director, Union Pearson Group Inc. [Communication 5(b)];
- (August 23, 2005) from Patricia H. Simpson, Project Co-ordinator, Union Station RFP, addressed to the Union Pearson Group, submitted by Councillor Sylvia Watson, Ward 14, Parkdale - High Park [Communication 5(c)];
- (November 23, 2005) from Ron Taylor, Project Director, Union Pearson

Group Inc. [Communication 5(d)];

- (November 21, 2005) from John Levitt, Partner, EDEV Inc., addressed to Councillor Sylvia Watson, submitted by Councillor Sylvia Watson, Ward 14, Parkdale - High Park [Communication 5(e)]; and
- (October 19, 2005) from John Sewell for Save Union Station, addressed to Councillor Sylvia Watson, submitted by Councillor Sylvia Watson, Ward 14, Parkdale - High Park [Communication 5(f)].

Council also considered the following:

- Confidential report (September 30, 2005) from the City Solicitor and the Deputy City Manager and Chief Financial Officer [Confidential Communication C.3(a)]. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to the security of the property of the municipality or local board and litigation or potential litigation.

5a Declaration as Surplus - 47 Terrace Avenue (Ward 23 - Willowdale)

City Council on November 24, 2005, referred this Clause back to the Administration Committee to allow the tenant an opportunity to appear before the Committee.

9a Indefinite Closure of the First Attendance Program in Toronto Provincial Offences Courts

City Council on November 24, 2005, amended this Clause by adding the following:

“That:

- (1) the Director of Court Services be requested to report to the January 5, 2006 meeting of the Administration Committee on the impact of the changes proposed by the Government of Ontario to the *Access to Justice Act*, in particular, the proposal to permit alternative methods to resolve municipal by-law disputes, such as parking infractions; and
- (2) a copy of this Clause be forwarded to the City of Toronto Act Negotiating Team, with a request that the Team explore legislative alternative court options.”

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

Council also considered the following:

- Communication (October 12, 2005) from the Attorney General [Communication 2(a)].

Economic Development and Parks Committee Report 9

2a International Alliance Program (All Wards)

City Council on November 24, 2005, postponed consideration of this Clause to its next regular meeting on December 5, 2005.

4a Toronto Arts Council 2004 Annual Allocations Report (All Wards)

City Council on November 24, 2005, amended this Clause by adding the following:

“That, in future, when the Toronto Arts Council’s name and logo is displayed or otherwise expressed as a funding source, the City of Toronto’s logo or name be likewise expressed.”

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

Works Committee Report 9

1a Bicycle Lane Guidelines and Royal York Road Pavement Marking Options (All Wards)

City Council on November 24, 2005, postponed consideration of this Clause to its next regular meeting on December 5, 2005.

Council also considered the following:

- Communication (October 24, 2005) from Stephen Targett, Advocacy for Respect for Cyclists forwarding a petition from approximately 2,181 individuals. [Communication 4(a)].

- Confidential report (September 27, 2005) from the City Solicitor [Confidential Communication C.4(a)]. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information which is subject to solicitor-client privilege.

3a Solid Waste Management Contractual Issues

City Council on November 24, 2005, amended this Clause by deleting the Recommendation of the Works Committee, and issuing confidential instructions to staff at the in-camera portion of its meeting. These instructions are to remain confidential in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they contain information that relates to the security of property of the Municipality.

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

Council also considered the following:

- Confidential report (October 3, 2005) from Acting General Manager, Solid Waste Management Services and the City Solicitor [Confidential Communication C.5(a)]. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to the security of the property of the municipality.

4a Biosolids Management Contractual Issues

City Council on November 24, 2005, adopted this Clause without amendment.

Council also considered the following:

- Confidential report (October 4, 2005) from the Acting General Manager, Toronto Water [Confidential Communication C.6(a)]. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to the security of the property of the municipality.

5a Claims of Harbour Remediation & Transfer Inc., Costa Trucking and Contracting Ltd. and Related Third Party Claim Arising from Fred Dominelli Action - Toronto-Danforth

City Council on November 24, 2005, adopted this Clause without amendment.

Council also considered the following:

- Report (November 10, 2005) from the City Solicitor [Communication 8(a)].
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- Confidential report (October 7, 2005) from the City Solicitor [Confidential Communication C.7(a)]. The following staff recommendations contained in the Recommendations Section of 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 pertaining to litigation or potential litigation:

“It is recommended that:

- (1) the City accept HR&T’s offer to settle its third party claim against the City for \$100,000.00 (inclusive of interest and costs). That offer also includes a release from HR&T, and the dismissal of the third party claim against the City without costs;
- (2) the appropriate City staff be authorized to take any action and sign any documents necessary to give effect to these recommendations; and
- (3) funding for this settlement be paid from Wastewater Reserve Fund (XR6004).”

6a Draft Terms of Reference for the Peer Review of the Biosolids and Residuals Master Plan Decision Making Model

City Council on November 24, 2005, referred this Clause to the Board of Health.

Council also considered the following:

- Confidential Appendix A to the report (September 28, 2005) from the Acting General Manager, Toronto Water and the Medical Officer of Health [Confidential Communication C.8(a)]. This Appendix remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to the security of the property of the municipality.

11a Contract 05SD-08RD - Tender Call 230-2005 Reconstruction of TTC Track Allowance, Pavement, Curb and Sidewalk on St. Clair Avenue West from Tweedsmuir Avenue to Avenue Road (Wards 21 and 22, St. Paul’s)

City Council on November 24, 2005, amended this Clause by adding the following:

“That:

- (1) Council adopt the staff recommendations contained in the Recommendations Section of the confidential joint report (October 25, 2005) from the City Solicitor, the Treasurer, the Executive Director, Technical Services, and the General Manager, Transportation Services, such report to remain confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to litigation or potential litigation, subject to adding to the end of staff Recommendation (1) the following words:

“and further, before any agreement is entered into, the appropriate staff report to City Council on the terms of the proposed agreement”;

- (2) all the costs associated with starting the St. Clair Avenue construction work in advance of the hearing of the judicial review be reported to City Council;
- (3) no further contracts be entered into by the City of Toronto respecting reconstruction of the TTC track allowance, pavement, curb and sidewalk, in connection with the St. Clair Avenue West streetcar line set out in this Clause, without approval by City Council; and
- (4) the City Manager, in consultation with the City Solicitor, be requested to report to the Policy and Finance Committee on a policy whereby the City or any of its agencies, boards and commissions would not enter into any contracts if notice of litigation has been served concerning the subject matter of the proposed contract.”

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

Council also considered the following:

Communications:

- (October 20, 2005) from Lois James, forwarding a communication (October 13, 2005) from Helen Riley and Joan Doiron, for Feet on the Street [Communication 6(a)]; and
 - (October 27, 2005) from Ida Vivacqua [Communication 6(b)].
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- Confidential report (November 22, 2005) from the City Solicitor [Confidential Communication C.2(b)]. 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 report (October 25, 2005) from the City Solicitor, the Treasurer, the Executive Director, Technical Services, and the General Manager, Transportation Services [Confidential Communication C.9(a)]. 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.

North York Community Council Report 8

30a Request for Investigation of Breach of Procedure By-law and Council Code of Conduct

City Council on November 24, 2005, postponed consideration of this Clause to its next regular meeting on December 5, 2005.

Toronto and East York Community Council Report 8

5a Final Report - Official Plan Amendment and Rezoning Application - 100 Spadina Road and 97 Walmer Road and Request for Authority to Enter into a Heritage Easement Agreement and Approval of Alterations to a Heritage Building - 100 Spadina Road (Ward 20 - Trinity-Spadina)

City Council on November 24, 2005, amended this Clause:

- (1) to provide that the sum of \$250,000.00, to be required as a Section 37 benefit, be increased to \$350,000.00 and be required prior to the issuance of the first building permit, such amount to be used for local park improvements, and further, that the first \$100,000.00 be made available after the Official Plan Amendment and zoning by-law is final and binding; the funds should be allocated as follows: 90 percent to Jean Sibelius Park and 10 percent to Park Walmer Road Circle;
- (2) by deleting Recommendation (8) contained in the report (May 17, 2005) from the Director, Community Planning, South District, and inserting instead the following:
 - “(8) require the owner to enter into a heritage easement agreement for the heritage building at 100 Spadina Road prior to introducing the necessary Bills to City Council for enactment, and such agreement is to be registered against the portion of the lands containing such heritage building within 30 days of the by-laws becoming final.”;

- (3) in accordance with the following staff recommendation contained in the Recommendation Section of the report (November 17, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that City Council adopt the further revised Conditions of Site Plan Approval document, attached as Attachment 1.”,

subject to the following amendments to Attachment 1, headed “Revised Conditions of Site Plan Approval”:

- (a) revising Section A 2.(c) by deleting the words “and register”, so that Part (c) now reads as follows:
- “(c) the Owner shall enter into, to the satisfaction of the City Solicitor, a Heritage Easement Agreement for the heritage building at 100 Spadina Road;”;
- (b) revising Section B 3.(k) to include the following matters:
- (i) the required letter of credit is to be increased to \$250,000.00, allocated as follows:
- Tree 50 - European Beach - \$100,000.00
 - Tree 52 - Honeylocust - \$20,000.00
 - Tree 53 - 7 Elms - (such amount to be allocated equally for each Elm) \$40,000.00
 - Tree 54 - Honeylocust \$20,000.00
 - Tree 55 - Green Ash \$50,000.00
 - Tree 60 - Tree of Heaven-\$20,000.00;
- (ii) in the case of the destruction, the balance of the Maximum Allocated Amount for the subject Impacted Tree, if any, after replacement of such tree, shall be drawn down on the City for the purposed of capital improvements to Jean Sibelius Park, only in the case where the Impacted Tree is removed and replaced, and such destruction was caused by the construction of the proposed development; and
- (iii) in the case of a dispute with respect to the cause of destruction, the matter can be referred to an independent arborist satisfactory to Urban Forestry Services and the owner, for a final determination;

- (c) deleting from Section B 3.(l) the words “but in no case shall the height when planted exceed 15 feet”, and inserting instead the words “but in no case shall the height when planted be less than 15 feet or greater than 20 feet, for the first replacement if required by Urban Forestry Services, and thereafter such replacement shall be less than 15 feet if required by Urban Forestry Services”, so that Part (l) now reads as follows:

“(l) the Owner shall install and maintain trees, shrubs and other vegetation in accordance with the Landscape Plan L2 date stamped April 28, 2005, Planting Plan L4 date stamped September 14, 2005, Planting Plan Sections L-4A, date stamped, April 28, 2005, and Landscape Details Sheet L5, date stamped April 28, 2005 (the ‘Landscape Plan’) and shall thereafter maintain the trees, shrubs and other vegetation shown on the Landscape Plan for so long as the proposed building exists, subject to the following. Any tree, shrub or vegetation which dies, is no longer viable, is potentially hazardous or is hazardous, or which in the opinion of the General Manager of Parks, Forestry and Recreation should be removed, shall be removed by the Owner at its expense. Such tree, shrub and vegetation shall be replaced by the Owner forthwith, at the expense of the Owner, with a new tree, shrub or vegetation meeting or exceeding the original specification, unless the General Manager of Parks, Forestry and Recreation determines otherwise. If a white cedar required in Section 3(w), and which was originally planted at the height of 20-25 feet requires replacement as determined by the General Manager of Parks, Forestry and Recreation, the height of such replacement white cedar trees shall be determined by the General Manager of Parks, Forestry and Recreation, but in no case shall the height when planted be less than 15 feet or greater than 20 feet, for the first replacement if required by Urban Forestry Services, and thereafter such replacement shall be less than 15 feet if required by Urban Forestry Services;”;

- (d) adding to the end of Section B 3.(u), the sentence “On or before one week following any pruning, a further report documenting the size and quantity of the branches that

were pruned shall be submitted from a qualified tree expert.”, so that Part (u) now reads as follows:

“(u) the Owner shall complete on its property, pruning of the branches of private trees in accordance with the report of Bruce Tree Expert Company Ltd., dated May 5, 2005. Pruning of the subject private trees on the property of the adjacent property owners shall be offered in writing, at the Owner’s expense, to the adjacent owners if such pruning is recommended by the Owner’s arborist, at the time of the aforementioned pruning to provide for holistic pruning, however, such additional pruning is not required, if the subject adjacent property owner does not consent in writing within ten days of receiving such offer. The Owner shall not otherwise, in connection with or for purposes of construction, prune or damage any branches on a tree which is to be protected unless permission is granted by the General Manager of Parks, Forestry and Recreation. The Owner shall notify the two residents’ representatives at least one week prior to any pruning on its property or on the adjacent properties. A written report setting out the size and quantity of branches pruned shall be submitted not less than one week in advance of any pruning by the Owner’s arborist to the General Manager of Parks, Forestry and Recreation, with a copy in writing to the local resident’ representatives. On or before one week following any pruning, a further report documenting the size and quantity of the branches that were pruned shall be submitted from a qualified tree expert;”;

(e) deleting from Section B 3.(gg), the word “building” and inserting instead the word “buildings”, so that Part (gg) now reads as follows:

“(gg) the Owner shall not provide any documentation to residents of the existing and/or proposed buildings that would assist such residents in obtaining on-street permit parking;”;

(4) by adding the following:

“That the bills and the agreements for this development be approved by the December 5, 6 and 7, 2005, City Council meeting.”

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

Council also considered the following:

- Report (November 17, 2005) from the Chief Planner and Executive Director, City Planning Division [Communication 3(c)].

Communications:

- (October 21, 2005) from the City Clerk, Toronto and East York Community Council [Communication 3(a)]; and
- (October 27, 2005) from Cynthia A. MacDougall, McCarthy Tétrault LLP, Barristers and Solicitors [Communication 3(b)].

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- Confidential report (November 18, 2005) from the City Solicitor [Confidential Communication C.10(a)]. 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.

Additional Matter

Council received a petition, submitted by Councillor Paula Fletcher, from approximately 1,414 individuals requesting further information on the proposal for supportive housing at 795 Gerrard Street East, and forwarded the petition to the City Manager, with a request that she, or the proponent, respond to the petitioners regarding the proposal for supportive housing at 795 Gerrard Street East in Ward 30.

Notices of Motions

F(1) Harmonized Permit Rates (All Wards)

Moved by Councillor Augimeri, seconded by Councillor Mammoliti

“**WHEREAS** the City of Toronto at its meeting of May 17, 18 and 19, 2005, adopted Economic Development and Parks Committee Report 5, Clause 2, headed ‘Harmonized Permit Rates (All Wards)’, which implemented harmonized rates for certain Recreation facilities across the City of Toronto; and

WHEREAS the Harmonization Policy is due to come into effect in January 2006; and

WHEREAS a number of community groups are not financially prepared to afford the new rates; and

WHEREAS the harmonization of permit fees is revenue neutral and, if the implementation were to be delayed, it would have no financial impact on the City of Toronto's budget; and

WHEREAS there is currently no appeal process in place that provides due consideration for groups that cannot afford to pay; and

WHEREAS certain permits have already been assured for user groups for the 2006 year, with no fees attached;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Economic Development and Parks Committee Report 5, Clause 2, headed 'Harmonized Permit Rates', be reopened for further consideration, only as it pertains to the implementation of the harmonized permit rates for January 2006;

AND BE IT FURTHER RESOLVED THAT the implementation of the harmonized rates be delayed for six months and instead be implemented in May of 2006;

AND BE IT FURTHER RESOLVED THAT the General Manager of Parks, Forestry and Recreation be requested to report to the January 16, 2006 meeting of the Economic Development and Parks Committee on a fee reduction process to give consideration to groups that cannot afford the new harmonized rates, such report to outline policies and requirements to ensure fairness and transparency."

Disposition:

City Council on November 24, 2005, postponed consideration of this Motion to its next regular meeting on December 5, 2005.

Council also considered the following:

- Fiscal Impact Statement (October 27, 2005) from the Deputy City Manager and Chief Financial Officer.

F(2) Funding of New Year's Eve Fireworks Display

Moved by Councillor Shiner, seconded by Councillor Stintz

“WHEREAS City TV holds an annual New Year's Eve event at Toronto City Hall's Nathan Phillips Square; and

WHEREAS City TV funds the musical portion of the evening but does not have sufficient funding to produce a New Year's Eve fireworks display for the event; and

WHEREAS this year, City TV will have national coverage for the event and would like to secure funding to support a fireworks spectacle to mark the occasion;

NOW THEREFORE BE IT RESOLVED THAT City Council authorize \$50,000.00 of funding through a reallocation of funds from projected 2005 under expenditures in the Council operating budget, for the 2005 New Year's Eve fireworks display, for the purposes of highlighting the event to be held in Toronto and ensuring that our New Year's Eve fireworks display will be a success nationally;

AND BE IT FURTHER RESOLVED THAT funding for the 2006 New Year's Eve fireworks be referred for consideration during the 2006 operating budget discussion, and in the interim, the Executive Director, Tourism, work with City TV, to seek private-sector sponsorship opportunities to fund the fireworks for 2006 and future years, and report back to the Budget Advisory Committee prior to the end of the 2006 budget deliberations."

Disposition:

City Council on November 24, 2005, postponed consideration of this Motion to its next regular meeting on December 5, 2005.

Council also considered the following:

- Fiscal Impact Statement (October 27, 2005) from the Deputy City Manager and Chief Financial Officer.

J(1) 386 and 388 Dundas Street East - Minor Variance Appeals to the Ontario Municipal Board

Moved by Councillor McConnell, seconded by Councillor Jenkins

“WHEREAS the owner of 386 and 388 Dundas Street East (the ‘subject lands’) submitted applications for minor variances to permit an increase in density in both buildings so as to reconfigure the dwelling rooms and provide each dwelling room with its own washroom; and

WHEREAS the Toronto and East York Panel of the Committee of Adjustment refused the applications by decisions dated May 26, 2005; and

WHEREAS the owner appealed the Committee's refusals to the Ontario Municipal Board; and

WHEREAS the Ontario Municipal Board has scheduled a hearing in this matter for November 29, 2005; and

WHEREAS the owner is now prepared to make changes to his applications and accept certain conditions, in order to settle the outstanding appeals, which are set out in the report by the City Solicitor attached to this motion;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the staff recommendations contained in the Recommendations Section of the attached confidential report (November 21, 2005) from the City Solicitor.”

Disposition:

City Council on November 24, 2005, adopted this Motion without amendment.

In adopting Motion J(1), without amendment, Council adopted, without amendment, the confidential report (November 21, 2005) from the City Solicitor. The following staff recommendations contained in the Recommendations Section of the report and Schedule “A” 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:

- (1) the Minor Variances for 386 Dundas Street East consisting of a proposed gross floor area of approximately 439.06 m² and a window setback of 1.39 metres from the west lot line be approved in principle, subject to the conditions as set out in Schedule ‘A’ attached to this report;*
- (2) the Minor Variances for 388 Dundas Street East consisting of a proposed gross floor area of approximately 444.05 m² and a window setback of 1.26 metres from the east lot line be approved in principle, subject to the conditions as set out in Schedule ‘A’ attached to this report; and*
- (3) City staff be authorized to appear at the Ontario Municipal Board (‘OMB’) hearing scheduled for November 29, 2005, in support of the variances and conditions described in Recommendations (1) and (2) above, and be directed to take the necessary actions to give effect thereto.”*

Council also considered the following:

- Notice of Decision (May 26, 2005) from the Acting Manager and Deputy Secretary Treasurer, Toronto and East York Panel, respecting 386 Dundas Street East; and
 - Notice of Decision (May 26, 2005) from the Acting Manager and Deputy Secretary Treasurer, Toronto and East York Panel, respecting 388 Dundas Street East.
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- Confidential report (November 21, 2005) from the City Solicitor [Confidential Communication C.11(a)]. The above-noted staff recommendations contained in the Recommendations Section of the report and the following Schedule “A” 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:

Schedule “A”

1. The owner shall be required to:
 - (a) reduce the length of the third floor additions by 1.83 m for each building so that the gross floor area for 386 Dundas Street East would be reduced to approximately 439.06 m² (density of 1.79 x lot area) and 388 Dundas Street East would be reduced to approximately 444.05 m² (density of 1.83 x lot area). Both additions would feature a sloped roofline;
 - (b) construct the dwelling rooms and fence substantially in accordance with the plans and drawings submitted to and approved by the Director of Community Planning, Toronto and East York District, which will be attached to the Decision/Order of the OMB;
 - (c) relocate a window from the west elevation at 386 Dundas Street East and relocate a window from the east elevation at 388 Dundas Street East to the rear or northerly elevations of both buildings to reduce overlook;
 - (d) add a common room with kitchen facilities with an area of at least 9.29 m² in 388 Dundas Street East and reinstate the common room with kitchen facilities in 386 Dundas Street East in accordance with the 2001 OMB settlement basement plan A-1;

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- (e) add laundry facilities at both 386 and 388 Dundas Street East;
 - (f) ensure that the occupancy of the Subject Lands shall be limited to not more than one person per dwelling room. Further, the owner shall, prior to the entering into of a lease, advise a returning or prospective tenant that occupancy of the dwelling room is limited to not more than one person and shall require the tenant to acknowledge same in writing;
 - (g) ensure that the Subject Lands will never be used as a tourist home or guest home;
 - (h) provide a full-time on-site superintendent for 386 Dundas Street East and 388 Dundas Street East and the telephone number of the superintendents shall be provided to the Ward Councillor;
 - (i) install window wells on the Subject Lands so that they are not accessible to any person except the appropriate tenant;
 - (j) ensure that the front doors of the Subject Lands are locked at all times and to install and maintain in proper working order, a voice intercom system at the front entrance of 386 and 388 Dundas Street East so as to enable visitors to contact each tenant of the Subject Lands;
 - (k) erect a fence along the perimeter of the rear of 382, 386 and 388 Dundas Street East so as to enclose the back yards of all three properties and create a common back yard, existing garages to be considered part of the fence;
 - (l) ensure that the building and landscape plans are built substantially in accordance with the 2001 OMB settlement with respect to 382 and 386 Dundas Street East, specifically pertaining to the front porch, tree planting and landscape designs;
 - (m) ensure that there are no kitchen facilities installed or permitted in any of the dwelling rooms of the Subject Lands. This would include, but not limited to kitchen sinks, stoves and hot plates. Refrigerators and microwave ovens would be permitted;
 - (n) ensure that no rear decks or balconies be built on the north

elevations of the third floor additions to the Subject Lands;

- (o) provide rear access for the tenants of the Subject Lands from each building so that the tenants can access the back yard. The rear entrances of the Subject Lands shall be locked at all times and only accessible by the tenants;
- (p) provide Toronto Police Service with a master key and permission to enter the Subject Lands at any time; and
- (q) enter into an agreement, to be registered on title and binding on successors in title, agreeing to the foregoing conditions.

J(2) Agreement Between City of Toronto and CP Rail - Cavalcade of Lights Festival

Moved by Councillor Rae, seconded by Councillor Walker

“**WHEREAS** Toronto’s Cavalcade of Lights Festival commenced on November 16, 2005; and

WHEREAS an agreement between the City of Toronto and CP Rail is required for the lighting display installed on the railway overpass near Yonge and Summerhill; and

WHEREAS the agreement requires the City of Toronto to indemnify CP Rail and to assume all liability associated with the installation, maintenance and removal of the display;

NOW THEREFORE BE IT RESOLVED THAT the Executive Director of Economic Development be authorized to enter into the said agreement.”

Disposition:

City Council on November 24, 2005, adopted this Motion without amendment.

Condolence Motions

(1) **Moved by:** Mayor Miller

Seconded by: Councillor McConnell

“**WHEREAS** the Mayor and Members of Toronto City Council are saddened to learn of the passing of John J. Bussin, Q.C., beloved husband of the late

June Bussin, suddenly at North York General Hospital on Thursday, November 3, 2005, in the presence of his family; and

WHEREAS as a passionate lifelong sailor, John, with other prominent members of the Toronto Jewish Community, established in the early 1950's the Island Yacht Club on Toronto Island; and

WHEREAS as a founding member and past Commodore of the Island Yacht Club, John helped establish an important symbol of achievement and hope for the Toronto Jewish Community, only a few years after the European Holocaust and sadly in a social context where anti-Semitism still persisted; and

WHEREAS John showed similar qualities of leadership and commitment in the establishment of a successful law firm in Toronto, attaining in his career the distinction of Queen's Counsel;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to his sons and daughters in law, Mitchell and Helene Bussin, Bruce and Toronto City Councillor and Deputy Mayor Sandra Bussin and David and Jocie Bussin, and to his grandchildren James, Naomi, Audra and Gary, Ashley, Sam, Isaac, Rachel and Erin and great-grandchildren Jordana, Samantha, Sarah, Brian and Jack, brother to Jeanette Conway and Larry Bussin."

Disposition:

City Council on November 24, 2005, adopted this Motion unanimously.

(2) **Moved by:** Councillor Giambrone

Seconded by: Councillor Chow

“WHEREAS the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Mr. Ryan Carriere; and

WHEREAS Ryan Carriere was a devoted father and husband; and

WHEREAS Ryan Carriere was a committed cyclist; and

WHEREAS Ryan Carriere was killed in a cycling collision with an automobile, as he rode home to be with his family on Halloween; and

WHEREAS, with passing of Mr. Carriere, Toronto's cycling community has lost a friend and advocate;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to Mr. Carriere’s family members and Toronto’s Cycling Community.”

Disposition:

City Council on November 24, 2005, adopted this Motion unanimously.

(3) **Moved by:** Mayor Miller

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Beland Honderich on November 8, 2005, in his 86th year; and

WHEREAS Beland Honderich built the Toronto Star into Canada’s largest newspaper, devoting 52 years, including 22 as publisher and 11 as Board Chairman of the paper and its parent company, Torstar Corp; and

WHEREAS Mr. Honderich will be remembered as a great journalist with a passion for social justice; and

WHEREAS he was elected into the 1986 News Hall of Fame by journalists across the country for leading ‘Canadian newspapers into a new direction – taking readers backstage to explore and explain the current events that shaped their lives’; and

WHEREAS Mr. Honderich received the Order of Canada in 1986 for his contributions to the news business; and

WHEREAS he made an indelible mark on the City of Toronto and the country;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Mayor and Members of Toronto City Council, our sincere sympathy to his family.”

Disposition:

City Council on November 24, 2005, adopted this Motion unanimously.

(4) **Moved by:** Councillor Nunziata

Seconded by: Councillor Watson

“WHEREAS Maria Teresa Milczyn passed away on Wednesday, November 9, 2005; and

WHEREAS Maria Milczyn was the beloved mother of Councillor Peter Milczyn; and

WHEREAS Maria Milczyn provided love, valuable support, insight and determination to her family; and

WHEREAS Maria Milczyn had a career in journalism and experienced hardships and joy in her life, combined with good work ethics, interest in culture and history, and provided a solid background for her son, Peter, throughout his life and career;

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 son, Peter Milczyn.”

Disposition:

City Council on November 24, 2005, adopted this Motion unanimously.

Issued: November 28, 2005