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## TORONTO CITY COUNCIL DECISION DOCUMENT MEETING ON DECEMBER 5, 6 AND 7, 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 Clauses:****Administration Committee Report 6****28d Court Service Agreement with GO Transit for Provincial Offences Fines**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

**Audit Committee Report 3****12c Toronto Emergency Medical Services (EMS) Operational Support Review - Response to Auditor General Recommendations**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

**Etobicoke York Community Council Report 6****8d 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 December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

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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)];
- (November 24, 2005) from Joseph Clement [Communication 1(a)(19)];  
and
- (December 4, 2005) from Xzavier Onasis [Communication 1(a)(20)].

### **North York Community Council Report 6**

#### **8d Community Safety Zone - Grandravine Drive (Ward 8 - York West and Ward 9 - York Centre)**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

#### **23d Encroachment Agreement - 21 De Vere Gardens (Ward 16 - Eglinton-Lawrence)**

City Council on December 5, 6 and 7, 2005, received this Clause, as the application for encroachment has been withdrawn.

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Council also considered the following:

- Communication (November 17, 2005) from Kenneth G. Hare, Thomson Rogers, Barristers and Solicitors [Communication 3(a)].

### **Policy and Finance Committee Report 8**

#### **47c Parking Tag Revenue**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

### **Economic Development and Parks Committee Report 8**

#### **18c Other Items Considered by the Committee**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

### **Policy and Finance Committee Report 9**

#### **31b Toronto Transit Commission - Streetcar Fleet Plan**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

Council also adopted the following procedural motion:

“That all motions moved on this Clause be forwarded to the special meeting of Council on December 14, 2005, and these motions be deemed to be moved.”

#### **34b Update on Status of Discussions with Toronto Port Authority Concerning Payments in Lieu of Taxes**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

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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.

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Councillor Walker declared an interest in this Clause, in that his daughter is an employee of the Toronto Port Authority.

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

City Council on December 5, 6 and 7, 2005, amended this Clause by:

- (1) deleting staff Recommendation (3) contained in the Recommendations Section of the report (October 18, 2005) from the Toronto Police Services Board and inserting instead the following:

“(3) the Toronto Police Services Board be requested to hire the entire 250 Police Officers, including an additional 54 Police Officers, to bring the authorized strength of the Toronto Police Service to 5,510 Police Officers, effective as early as possible.”; and

- (2) adding the following:

“That the Toronto Police Services Board be requested to:

- (a) report to the next meeting of the Policy and Finance Committee on January 23, 2006, on:

- (i) how quickly the entire 250 Police Officers can be recruited and trained;
- (ii) the number of Police Officers specifically trained by the Police Training College in community policing, the maximum number of trainees in community policing that the Police Training College can accommodate per year, and a breakdown of the multicultural component of each trainee;
- (iii) a plan to return the complement of the Toronto Police Service to the same number of Police Officers as it had in 1992, such report to include all costs associated and the timetable to hire and train new Police Officers as expeditiously as possible; and

- (iv) the number of Police Officers in place at December 31, 2005, and the projected number of Police Officers to be in place at the end of each quarter in 2006 and 2007; and
- (b) report to City Council for its meeting on January 31, 2006, through the Policy and Finance Committee, on:
  - (i) the number of new Officers to be funded under this program that may be assigned to Scarborough Police Divisions 41, 42 and 43; and
  - (ii) where the 1,000 Police Officers, as they relate to the City of Toronto, will be deployed, the ratio between the number of Police Officers allocated per Police Division in the City, and the actual crime rates related to those Divisions.”

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

#### **46b Other Items Considered by the Committee**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

#### **Economic Development and Parks Committee Report 9**

##### **2b International Alliance Program (All Wards)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

#### **Works Committee Report 9**

##### **1b Bicycle Lane Guidelines and Royal York Road Pavement Marking Options (All Wards)**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

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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 2(a)].
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- Confidential report (September 27, 2005) from the City Solicitor [Confidential Communication C.2(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.

### **Etobicoke York Community Council Report 8**

#### **19a Amendments to the Existing Regulations in the Vicinity of Paulson Road, King Georges Drive and Trethewey Drive (Ward 12 - York South-Weston)**

City Council on December 5, 6 and 7, 2005, amended this Clause in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (November 28, 2005) from the General Manager, Transportation Services:

“It is recommended that:

- (1) the existing Clause 19a of Report 8, entitled ‘Amendments to the existing regulations in the vicinity of Paulson Road, King George’s Drive and Trethewey Drive (Ward 12 – York South – Weston)’, be received and the following recommendations be adopted:
  - ‘(a) the existing no southbound left turn regulations from 7:00 a.m. to 9:00 a.m., Monday to Friday, from Trethewey Drive to Paulson Road and from Trethewey Drive to King Georges Drive be amended to operate from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m., Monday to Friday;
  - (b) the existing yield control at the intersection of Paulson Road and Freeman Road at the westerly limit of Park Green Hills parkette on Paulson Road be replaced with an all-way stop control;
  - (c) southbound right turns be prohibited at King George’s Road and Keele Street from 3:30 p.m. to 6:30 p.m., Monday to Friday;
  - (d) southbound to northbound U-turns on Trethewey Drive, between Greenbrook Drive and Yorktown Drive/Irving Road, be prohibited at all times.’; and
- (2) the appropriate City officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that might be required.”



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

Council also considered the following:

- Report (November 28, 2005) from the General Manager, Transportation Services [Communication 18(a)].

### **North York Community Council Report 8**

#### **30b Request for Investigation of Breach of Procedure By-law and Council Code of Conduct**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause until the result of the investigation by the Integrity Commissioner regarding this issue is submitted to Council.

### **New Reports:**

#### **Policy and Finance Committee Report 10**

##### **1 Toronto Drug Strategy Report**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

Council also adopted the following procedural motion:

“That:

- (1) all motions moved on this Clause be forwarded to the special meeting of Council on December 14, 2005, and these motions be deemed to be moved; and
- (2) any speaker’s lists from the December 5, 6 and 7, 2005 meeting of City Council be carried forward to the next special meeting of City Council called to complete consideration of unfinished business, and be adopted for continuing the debate on this matter at that meeting, and that a provision be allowed for any Members who were not on a speaker’s list to add their names.”

Council also considered the following:

Communications:

- (November 21, 2005) from Paul Lapierre, Executive Director, Canadian AIDS Society, submitted by Mayor Miller [Communication 16(a)]; and

- (December 1, 2005) from Bonnie Easterbrook, Chair and Patrick Hogan, Co-Chair, John Innes Advisory Council [Communication 16(b)].

## **2 East Bayfront Precinct Plan and Class Environmental Assessment Master Plan**

City Council on December 5, 6 and 7, 2005, amended this Clause by:

- (1) amending staff Recommendation (3)(iii) contained in the Recommendations Section of the report (November 16, 2005) from Deputy City Manager Fareed Amin, by deleting the word “target” and inserting instead the word “commitment”, so that Recommendation (3)(iii) now reads as follows:

“(3) (iii) an agreement to exclude replacement social housing units and replacement affordable rental units secured in other Section 37 agreements from the calculation of new affordable rental units that meet the 20 percent affordable housing commitment;” and

- (2) adding the following:

“That:

- (a) the Toronto Waterfront Revitalization Corporation, in consultation with all relevant stakeholders, be requested to examine built form options(s) to address the impacts of adjacencies to the Gardiner Expressway and submit this analysis to the appropriate City officials, for report thereon to City Council, through the appropriate Standing Committee; and
- (b) the Chief Planner and Executive Director, City Planning, be requested to report to Council, through the appropriate Standing Committee, in conjunction with the comprehensive Zoning By-law for the East Bayfront Precinct Plan and Class EA Master Plan, on provisions to minimize the curb to curb distance within the Queens Quay East public right-of-way to improve pedestrian access and further, if Toronto City Council has not made a decision regarding the removal of the Gardiner Expressway by the time the Zoning By-law is presented to Council for adoption, staff be directed to exclude the lands fronting onto Lake Shore Boulevard from the zoning, where appropriate.”

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

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Council also considered the following:

- Report (December 5, 2005) from Deputy City Manager Fareed Amin [Communication 29(c)].
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Communications:

- (December 2, 2005) from Steven A. Zakem, Aird & Berlis, Barristers and Solicitors [Communication 29(a)]; and
- (December 2, 2005) from Murray E. Blankstein, Nuko Investments Limited [Communication 29(b)].

### **3 Implementation of the Recommendations of the Bellamy Inquiry**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

Council also adopted the following procedural motion:

“That all motions moved on this Clause be forwarded to the special meeting of Council on December 14, 2005, and these motions be deemed to be moved.”

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Council also considered the following:

- Report (December 1, 2005) from the City Manager [Communication 34(a)].

### **4 Enwave Reorganization and Income Trust**

City Council on December 5, 6 and 7, 2005, amended this Clause by adding the following:

“That the Deputy City Manager and Chief Financial Officer, in consultation with staff of Enwave Energy Corporation, be authorized to provide Enwave’s lenders with a copy of Policy and Finance Committee Report 10, Clause 4, headed ‘Enwave Reorganization and Income Trust’, or with portions of this report as may be deemed appropriate, as may be required by Enwave’s lenders.”

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

Council also considered the following:

- Confidential report (November 15, 2005) from the City Manager, the Deputy City Manager and Chief Financial Officer, and the City Solicitor [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 related to the security of the property of the Municipality.

#### **5 Remuneration for Citizen Appointees to Enwave Energy Corporation**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

#### **6 Membership in the Great Lakes and St. Lawrence Cities Initiative**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

#### **7 Investment Advisory Committee**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

#### **8 Confidential Communication from Toronto Hydro Corporation Respecting Street and Expressway Lighting**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

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Council also considered the following:

- Confidential report (November 10, 2005) from the Deputy City Manager and Chief Financial Officer [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 related to the security of the property of the municipality or local board.

#### **9 Property Taxes - 2006 Interim Levy By-law**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**10 Yonge/Dundas Redevelopment Project - Settlement of Costs - 285 Yonge Street (Ward 27 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Confidential report (October 25, 2005) from the Chief Corporate Officer [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 related to litigation or potential litigation.

**11 Legal Action in Response to Contamination of City Lands, Parkdale Railway Yard (Ward 14 - Parkdale-High Park)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Confidential report (November 8, 2005) from the City Solicitor [Confidential Communication C.6(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 related to litigation or potential litigation:

“It is recommended that:

- (1) the legal action commenced against Canada Colors and Chemicals Limited (‘CCCL’) and Canadian Pacific Railway Company (‘CPR’) be ratified and the City Solicitor be authorized to proceed with this litigation, if necessary, and to take any related steps, including appeals, that may arise from it;
- (2) the City Solicitor be authorized to settle any legal action, in consultation with the General Manager of Parks, Forestry and Recreation and the General Manager of Transportation Services, and to enter indemnity agreements, if appropriate, to protect the City’s interest in a form satisfactory to the City Solicitor in consultation with the General Managers;

- (3) funding in the amount of up to \$100,000.00 be made available to provide for consulting and expert witness services; and
- (4) that the appropriate City officials be authorized and directed to take the necessary action to give effect to these recommendations.”

## **12 Campaign for Beautiful Places - Implementation Plan**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

## **13 Sponsorship Agreement between Ricoh Canada Inc. and Exhibition Place**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Confidential report (November 6, 2005) from the General Manager and Chief Executive Officer, Exhibition Place [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 related to the security of the property of the municipality:

“It is recommended that, subject to the approval of City Council, the Board enter into a sponsorship agreement with Ricoh for a period of five years, from March 1, 2006, to February 28, 2011, to be the ‘Official Office Equipment Supplier’ and sponsor of Exhibition Place and The National Trade Centre, on the terms and conditions set out in this report and such other terms and conditions satisfactory to the General Manager and Chief Executive Officer and the City Solicitor.”

## **14 Proposed Soccer Stadium at Exhibition Place, Designation as Municipal Capital Facility**

City Council on December 5, 6 and 7, 2005, amended this Clause by adding the following:

“That:

- (1) the Deputy City Manager and Chief Financial Officer be requested to report to the Policy and Finance Committee for its next meeting on January 23, 2006, on the value of the financial benefits to be bestowed upon the private sector as a consequence of declaring this facility a Municipal Capital Facility; and
- (2) the Deputy City Manager and Chief Financial Officer, in consultation with the Acting Executive Director, Economic Development, be requested to report to Council, through the Policy and Finance Committee, no later than May 2006, on specific costs which will be incurred by user groups across the City in their use of the soccer facility.”

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

**15 Request for Proposal 9105-05-7159 - Provision of Administrative and Underwriting Services for Employee Benefit Plans and Administration of the Ontario Works Dental Programs**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**16 Review of Accounts Receivable Collection and Credit Policies**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**17 User Fees: Parking Tag Operations**

City Council on December 5, 6 and 7, 2005, amended this Clause by adding the following:

“That the Treasurer be requested to report to the Administration Committee on the cost of administering receipt of payments by mail, and to bring forward options to encourage internet or IVR (telephone) payment methods.”

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

**18 Request for Quotation 6902-05-3261 - Gasoline, Diesel Fuels and Biodiesel Fuels - 2006**

City Council on December 5, 6 and 7, 2005, amended this Clause by amending the staff recommendations contained in the Recommendations Section of the report (October 22, 2005) from the Treasurer, the Chief Corporate Officer, and the Medical Officer of Health, by:

- (a) deleting from Recommendation (1), the words and figure “of \$11,211,655.45”, and inserting instead the words and figure “up to \$11,211,655.45”;
- (b) deleting from Recommendation (2), the words and figure “of \$439,406.30”, and inserting instead the words and figure “up to \$439,406.30”;
- (c) deleting from Recommendation (3), all of the words after the words “by the Corporation”, and inserting instead the words “including the tender of a contract for the purchase of biodiesel up to 2,000,000 litres in the first quarter of 2006, when economic and supply conditions improve, provided that the total expenditure for fuel in 2006 will not exceed \$11,651,061.75”;

so that the staff recommendations now read as follows:

“It is recommended that:

- (1) authority be granted to award a contract to Suncor Energy Products Inc. for Option B, for the supply and delivery of 87 Octane Unleaded Gasoline Ethanol and Low Sulphur Clear Diesel (for on-road use) for the period January 1, 2006 to December 31, 2006, at a total cost up to \$11,211,655.45, including all applicable taxes and charges;
- (2) authority be granted to award a contract to Shamrock Fuels Inc. for Option B, for the supply and delivery of Low Sulphur Coloured Diesel (for off-road use and generators) for the period January 1, 2006 to December 31, 2006, at a total cost up to \$439,406.30, including all applicable taxes and charges;
- (3) the Director of Fleet Services, in collaboration with the Chief Corporate Officer and the Medical Officer of Health be requested to continue to investigate cost-effective means of further reducing the air quality impacts of fuel purchased by the Corporation, including the tender of a contract for the purchase of biodiesel up to 2,000,000 litres in the first quarter of 2006, when economic and supply conditions improve, provided that the total expenditure for fuel in 2006 will not exceed \$11,651,061.75; and
- (4) 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.



**19 Regularizing a Minor Encroachment on City Easement by Owners of the Property at 201 Linden Avenue, Scarborough (Ward 35 - Scarborough Southwest)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**20 Lease of and Exemption of Taxes and Waiving of Municipal Charges and Fees for Part 1 of the City-Owned Property at the Southeast Corner of Ellesmere Road and Neilson Road to Rouge Valley Health System for the Development of Affordable Housing (Ward 43 - Scarborough East)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**21 Toronto Community Housing Corporation Update on Pre-development Work on the Railway Lands**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Communication (November 24, 2005) from the Board Secretary, Toronto Community Housing Corporation [Communication 17(a)].

**22 Chimney Reconstruction and Boiler Rental Services, Humber Treatment Plan (Ward 5 - Etobicoke-Lakeshore)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Report (November 29, 2005) from the Executive Director, Technical Services, and the General Manager, Toronto Water [Communication 23(a)].

**23 Contract 06TE-301WS, Tender Call 235-2005 - Installation of New Sewer and Water Service Connections in Toronto-East York District During 2006 and 2007 (Wards 14, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31 and 32)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**24 Contract 05FS-66WP, Tender Call 224-2005 - Ellis Avenue and Colborne Lodge Drive - Stormwater Treatment Facilities (Ward 13 - Parkdale-High Park)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**25 Contract 06EY-302WS, Tender Call 236-2005 – Installation of New Sewer and Water Service Connections in Etobicoke-York District During 2006 and 2007 (Wards 1, 2, 3, 4, 5, 6, 7, 11, 12, 13 and 17)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**26 Contract 06NY-303WS, Tender Call 237-2005 - Installation of New Sewer and Water Service Connections in North York District during 2006 and 2007 (Wards 8, 9, 10, 15, 16, 23, 24, 25, 26, 33 and 34)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**27 Contract 06SC-304WS, Tender Call 238-2005 - Installation of New Sewer and Water Service Connections in Scarborough District during 2006 and 2007 (Wards 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**28 Publication Dispensing Box Fees (All Wards)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**29 Funding Approvals for the 2006 Supports to Daily Living (SDL) Program**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Councillor McConnell declared an interest in this Clause, in that her husband is the Executive Director of the Riverdale Action Group, a housing provider for women at risk.

**30 2006 Funding Allocations for City of Toronto Homelessness Initiatives Fund and Ministry of Community and Social Services Housing and Homelessness Programs**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**31 Authority to Execute and Administer the Purchase of Service Contracts for Shelter Services, Personal Needs Allowance, Habitat Services, Motels and the Toronto Hostels Training Centre**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**32 Snow Shovelling and Lawn Care Program for Seniors and People with Disabilities**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

**33 Ward 37 Skateboard Park Fundraising (Ward 37 - Scarborough Centre)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**34 Mayor's Economic Competitiveness Advisory Committee (All Wards)**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

**35 1555 Jane Street – Status of Litigation (Ward 12 - York South-Western)**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

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Council also considered the following:

- Confidential communication (November 22, 2005) from the Policy and Finance Committee [Confidential Communication C.8(a)]. 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;

- Confidential report (November 16, 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 report (December 5, 2005) from the City Solicitor [Confidential Communication C.8(b)]. 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 (September 27, 2005) from Councillor Frank Di Giorgio, Ward 12, York South Weston [Confidential Communication C.8(c)]. 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
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- Communication (April 24, 2003) from Councillor Frank Di Giorgio, Ward 12 - York South Weston [Communication 37(a)].

**36 Additional \$20 Million from Social Housing Stabilization Reserve Fund for Toronto Community Housing Corporation (TCHC) and Update on Risk Mitigation Strategies in the Non-TCHC Social Housing Stock**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**37 Reserves and Reserve Funds Quarterly Variance Report - September 30, 2005**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

**38 Capital Variance Report for the Nine-Month Period Ended September 30, 2005**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**39 Operating Variance Report for the Nine Months Ended - September 30, 2005**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

**40 2006 Interim Operating Budget (Estimates)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**41 Sick Pay Gratuity Payments to Association for Community Centres (AOCCs)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Confidential communication (November 18, 2005) from the Budget Advisory Committee [Confidential Communication C.9(a)]. This communication is now public in its entirety, and contains the following recommendation of the Committee:

“The Budget Advisory Committee on November 18, 2005, recommended to the Policy and Finance Committee that City Council adopt the staff recommendations contained in the confidential report (November 9, 2005) from Deputy City Manager Sue Corke, and the Deputy City Manager and Chief Financial Officer, and because the advice involves personal matters about identifiable individuals, including municipal or local board employees, under the *Municipal Act, 2001*, discussions be held in-camera.”

- Confidential report (November 9, 2005) from Deputy City Manager Sue Corke, and the Deputy City Manager and Chief Financial Officer. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals.

**42 Boards and Committees of Management Continuance Under the Municipal Act, 2001, Until the Enactment of Local Board Powers in the Proposed *City of Toronto Act***

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

### **43 Other Items Considered by the Committee**

City Council on December 5, 6 and 7, 2005, referred the following Items, contained in this Clause, back to the Policy and Finance Committee for further consideration:

- Item (d), entitled “Request to Toronto Police Services Board to Expand Strategic Traffic Enforcement Measures (STEM) Team”; and
- Item (h), entitled “Lease of a Portion of City-owned property located at 76 Wychwood Avenue: Affordable Housing Component of Wychwood Green/Arts Barn Project Ward 21 - St. Paul’s West”.

The balance of this Clause was received for information.

### **Policy and Finance Committee Report 11**

#### **1 Report of the Governing Toronto Advisory Panel – “The City We Want – The Government We Need”**

City Council on December 5, 6 and 7, 2005, amended this Clause by:

- (1) amending Recommendation (II) of the Policy and Finance Committee to provide that:
  - (a) an Implementation Working Group, consisting of five Members of Council, be created to provide advice to staff in preparation of their report;
  - (b) the results of the consultations be forwarded to the Implementation Working Group for its consideration in giving advice to staff; and
  - (c) Members of the Working Group are to be recommended by the Striking Committee to Council, and the City Clerk be requested to poll Members of Council for their interest, for presentation to the next Striking Committee meeting; and
- (2) adding the following:

“That:

  - (a) City Council thank the members of the Governing Toronto Advisory Panel for their work on their report entitled, ‘The City We Want - The Government We Need’, for their commitment to City building and the community and for the several hundred hours of time they volunteered; and

- (b) the following proposed substantive amendments to the Governing Toronto Advisory Panel recommendations which were moved by Members of Council be referred to the City Manager, with the direction that they be compiled into an appendix to be circulated for public comment together with the Clause and be addressed in the report to be submitted to Council in May 2006:

Moved by Councillor Cho:

‘That the Clause be amended by adding the words “and intergovernmental affairs”, after the words “economic development”, in Recommendation (4)(iv) of the report (November 5, 2005) of the Governing Toronto Advisory Panel, so that the recommendation now reads as follows:

“(4)(iv) form a new Standing Committee focusing on economic development and competitiveness as well as intergovernmental affairs.”

Moved by Councillor Davis:

‘That the lead-in phrase to Recommendation (II) of the Policy and Finance Committee be amended by adding the following:

“such report to include options for creating more Community Councils and other community engagement structures at the community or neighbourhood level that involve residents in matters of local interest”,

so that the lead-in phrase to Recommendation (II), now reads as follows:

“request the City Manager to report by May 2006, on implementation details and any changes as required, in consultation with appropriate City officials and the Council Procedures and Meeting Management Working Group, such report to include options for creating more Community Councils and other community engagement structures at the community or neighbourhood level that involve residents in matters of local interest.” ’

Moved by Councillor Del Grande:

**‘WHEREAS** the City of Toronto has received the report of the Governing Toronto Advisory Panel “The City We Want - The Government We Need”; and

**WHEREAS** the recommendations advocate a strong Mayor system which will significantly change the composition and nature of the governing process;

**BE IT RESOLVED THAT** the question of a strong Mayor system be added to the municipal ballot, and the City Manager, in consultation with the City Clerk, be requested to report to the Policy and Finance Committee and City Council, in June 2006, on the wording of the question.’

Moved by Councillor Hall:

‘That the Clause be amended by amending Recommendation (9) of the Governing Toronto Advisory Panel to provide that a process be developed that will enable Councillors full input into the development of the budget prior to it reaching City Council.’

Moved by Councillor Holyday:

‘That the Clause be amended by deleting the following Recommendation (1)(v) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:

“(1)(v) appoint a full-time Speaker and a Deputy Speaker to preside over City Council meetings and protect the dignity of City Council’s deliberations through the enforcement of procedural and behavioural rules;” ’

Further moved by Councillor Holyday:

‘That the Clause be amended by amending the preamble to Recommendation (2) to read as follows:

“(2) Elect an Executive Committee chaired by the Mayor and elected by district with responsibility for furthering the City’s agenda:” ’



Further moved by Councillor Holyday:

‘That the motion by Councillor Walker pertaining to Recommendation (2)(i) be amended by adding at the end of his revised Recommendation (2)(i) the words “by selecting from the Chairs of the Community Councils”.’

Further moved by Councillor Holyday:

‘That the Clause be amended by deleting the following Recommendation (4)(ii) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:

“(4)(ii) committee chairs would be expected to champion the recommendations of their Standing Committees at City Council;” ’

Further moved by Councillor Holyday:

‘That the Clause be amended by deleting the following Recommendation (4)(iv) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:

“(4)(iv) form a new Standing Committee focusing on economic development and competitiveness.” ’

Further moved by Councillor Holyday:

‘That the Clause be amended by amending Recommendation (7)(i) of the report (November 5, 2005) of the Governing Toronto Advisory Panel, to read as follows:

“(7)(i) City Council change the Wards to reflect the Federal/Provincial boundaries and reject at-large election of Councillors to help ensure that marginalized communities are not further disadvantaged;”.’

Further moved by Councillor Holyday:

‘That the Clause be amended by deleting the following Recommendation (10)(i) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:

“(10)(i) City Council must act immediately to create a new Standing Committee, the Economic Development and Competitiveness Committee; and”.’

Further moved by Councillor Holyday:

‘That the Clause be amended by amending Recommendation 5(iv) of the report (November 5, 2005) of the Governing Toronto Advisory Panel, to read as follows:

“(5)(iv) meet in the evening, when necessary;”.’

Moved by Councillor Jenkins:

‘That Part (2) of the motion by Councillor Minnan-Wong pertaining to Recommendation (8) be amended by adding the following words:

“save and except Recommendation (8)(iii), which reads as follows:

‘(8)(iii)in anticipation of the Ontario Municipal Board Reform, establish a Toronto Appeal Board for Committee of Adjustment decisions;’,

and that such recommendation be adopted.” ’

Moved by Councillor Kelly:

‘That the Budget Advisory Committee be abolished.’

Moved by Councillor Mammoliti:

‘That the City Manager, in consultation with the City Clerk, be requested to report to the Policy and Finance Committee, on a critic system for all Standing Committees, Community Councils, City Council and the Toronto Transit Commission.’

Moved by Councillor Minnan-Wong:

‘That the Clause be amended by deleting the following Recommendation (2)(iv) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:

“(2)(iv) receive advice and analytical support from a dedicated office consisting of professional, non-partisan staff, free of obligations to individual programs;”.’

Further moved by Councillor Minnan-Wong:

‘That the Clause be amended by amending Recommendation (3)(iv) of the report (November 5, 2005) of the Governing Toronto Advisory Panel, as follows:

- (1) by deleting the word “remove”, after the word, “and”; and
- (2) by deleting the words “Community Councils”, after the words “Standing Committees”,

so that Recommendation (3)(iv) now reads as follows:

“(3)(iv) appoint the Chairs and Vice-Chairs of Standing Committees, the Toronto Transit Commission and the Deputy Mayor.”’

Further moved by Councillor Minnan-Wong:

‘That:

- (1) Chapter 27 of the Municipal Code, Council Procedures, be varied so that consideration of Recommendation (8) of the Governing Toronto Advisory Panel be removed from the Policy and Finance Committee and taken up by City Council; and
- (2) subject to Part (1) carrying, that Recommendation (8) of the Governing Toronto Advisory Panel be received.

Moved by Councillor Nunziata:

‘That all motions moved by Members of Council during the debate of this Clause at City Council be forwarded to the Community Councils.’

Moved by Councillor Ootes:

‘That the Clause be amended by deleting Recommendation (2)(i) of the report (November 5, 2005) of the Governing Toronto Advisory Panel and inserting instead the following:

“2(i) appointed and chaired by the Mayor with membership comprising the Chairs of the Standing Committees, the Toronto Transit Commission, the Deputy Mayor, as well as the Chairs of the Community Councils who are to be elected by the Members of the Community Council.”’

Moved by Councillor Palacio:

‘That the Clause be amended by deleting Recommendation (2)(i) of the report (November 5, 2005) of the Governing Toronto Advisory Panel and inserting the following:

“(2)(i) appointed and chaired by the Mayor with membership comprising the Chairs of Standing Committees, the Toronto Transit Commission, the Deputy Mayor, and one member from each Community Council area who has been elected by the most popular vote, and who would also act as Chair of the respective Community Council;”.’

Moved by Councillor Soknacki:

‘That Recommendation (2)(i) of the report (November 5, 2005) of the Governing Toronto Advisory Panel be amended by deleting the words “Chair of the Toronto Transit Commission”, and inserting instead the words “representative from each of the Toronto Transit Commission and the Toronto Police Services Board”.’.

Further moved by Councillor Soknacki:

‘That Recommendation (1)(i) of the report (November 5, 2005) of the Governing Toronto Advisory Panel be amended by adding the words “and that the Province be requested to establish term limits of a maximum of three consecutive terms for Members of Council as a Councillor or Mayor, to commence after the enactment of the legislation.’

Moved by Councillor Thompson:

‘That the City Manager include in her report on implementation details, the possibility of establishing political parties in the City of Toronto.’

Moved by Councillor Walker:

‘That the Clause be amended by deleting the following Recommendation (1)(i) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:

“(1)(i) increase City Council’s term of office from three years to four years;”,

and reaffirm City Council’s current 3-year Term of Office.’

Further moved by Councillor Walker:

‘That the Clause be amended by deleting the following Recommendation (2)(i) of the report (November 5, 2005) of the Governing Toronto Advisory Panel respecting the establishment of an Executive Committee:

“(2)(i) appointed and chaired by the Mayor with membership comprising the chairs of Standing Committees, Community Councils (to ensure geographic representation), the Toronto Transit Commission, and the Deputy Mayor;”,

and inserting instead the following new Recommendation (2)(i):

“(2)(i) chaired by the Mayor with membership comprising only the Chairs and the Vice-Chairs of Community Councils who are to be publicly elected at-large from within their respective Community Council districts, and the Deputy Mayors appointed by the Mayor;”.’

Further moved by Councillor Walker:

‘That the Clause be amended by deleting the following Recommendation (2)(iii) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:

“(2)(iii) salaries of Councillors serving on the Executive Committee should be raised to recognize their increased responsibilities. The amount of this increase should be determined following a review of practices used in other cities and orders of government;”.’

Further moved by Councillor Walker:

‘That the Clause be amended by deleting the following Recommendation (3)(iv) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:

“(3)(iv) appoint and remove the Chairs and Vice-Chairs of Standing Committees, Community Councils, the Toronto Transit Commission, and the Deputy Mayor;”’,

and that City Council reaffirm its present practice of allowing the position of Deputy Mayor to be appointed by the Mayor, and allowing the Chairs of Standing Committees to be elected by the members of the respective Standing Committees.’

Further moved by Councillor Walker:

‘That the Clause be amended by deleting the following Recommendation (3)(x) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:

“(3)(x) direct, appoint and dismiss the City Manager;”’,

and that City Council reaffirm its present practice of directing, appointing and dismissing the City Manager and all other senior management positions.’

Further moved by Councillor Walker:

‘That the Clause be amended by deleting the following Recommendation (7)(i) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:

“(7)(i) City Council maintain wards and reject at-large election of Councillors to help ensure that marginalized communities are not further disadvantaged;”’,

and inserting instead the following:

“(7)(i) City Council maintain wards and allow for at-large election of two Councillors within each Community Council district boundary to serve as the Chair and Vice-Chair of the respective Community Council, with the Chair as the candidate receiving the largest number of votes and the Vice-Chair as the candidate receiving the second largest number of votes;”.

Moved by Councillor Watson:

‘That, in the public consultations and implementation report, the City Manager consider the following alternatives:

- (1) that all Councillors (except the Mayor), receive the same compensation and there not be increased salaries for members of the Executive Committee;
- (2) that part or all of the Executive Committee be elected by Council, rather than being appointed by the Mayor;
- (3) that the Executive Committee be elected and/or appointed for a half-term only and that at mid term at least half of the members of the Executive Committee be changed; and
- (4) that there be mechanisms in place to enable all Councillors to receive important policy documents well in advance of their introduction to Committees or Council so that they can adequately consider and research the issues prior to debating the matter at Council.’ ”

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

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Council also considered the following:

Communications:

- (December 4, 2005) from David and Nadine Nowlan [Communication 31(a)];
- (December 5, 2005) from Matthias Schlaepfer [Communication 31(b)];
- (December 6, 2005) from John Sewell for Direct City Action [Communication 31(c)];
- (undated) from Karen Buck [Communication 31(d)]; and
- (December 7, 2005) from Graeme Gibson [Communication 31(e)].

### **Administration Committee Report 9**

#### **1 Works and Emergency Services Yard Consolidation Pilot Project - Status of Project and Proposed Changes to the Study Methodology**

City Council on December 5, 6 and 7, 2005, amended this Clause by adding the following:

“That:

- (1) the study specifically review the feasibility of declaring all or a portion of the Castlefield Yard, which is currently under-utilized, to be surplus, so that it can be made available for development as a part of the design district;
- (2) the Design District Charette include a review of the Castlefield Yard with particular attention to its proximity to the new Caledonia/Roselawn walking trail as a pedestrian gateway to the design district from the west;
- (3) the study be co-ordinated with the Charette through the City Planning Division; and
- (4) where a Yard is adjacent to or near a district boundary, the Ward Councillor in the adjacent Ward be included in the consultation process even if his/her Ward is outside the West District.”

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

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Council also considered the following:

- Communication (November 9, 2005) from the Works Committee [Communication 4(a)].



**2 Corporate Warehouse/Stores Rationalization Project**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**3 Request for Proposal (RFP) Best Practices Within the Greater Toronto Area (GTA) and the Toronto Transit Commission (TTC)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**4 Tax Adjustment - Municipal Act, 2001 Sections 357 and 358**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**5 Apportionment of Property Taxes**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**6 Advertising Open Order Contract Limits**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**7 Software Licence Usage – Oracle Corporation Canada Inc.**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**8 Authority to Extend Purchasing of Wireless Telecommunications Services through Existing Management Board Secretariat of Ontario Vendor of Record Agreements from December 19, 2005 to June 19, 2006**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

**9 Interim Energy and Environmental Efficiency Guidelines for City-Owned Buildings**

City Council on December 5, 6 and 7, 2005, amended this Clause by adding the following:

“That:

- (1) the Manager, Energy and Waste Management Office, in consultation with the Deputy City Managers, be requested to report to the Administration Committee providing options for the establishment and achievement of short-, medium- and long-term goals for City agencies, boards and commissions, that:
  - (a) addresses the feasibility of utilizing the energy cost savings from energy efficiency and conservation initiatives to maintain energy budgets at current levels;
  - (b) promotes energy efficiency and conservation planning and that requires City agencies, boards, commissions and divisions to report annually on energy conservation targets and measures planned and progress in achieving targets established;
  - (c) facilitates energy efficiency and conservation co-operation agreements between City agencies, boards, commissions and divisions and other organizations, through collaboration in areas such as benchmarking, financing, investments, measuring, monitoring and reporting of energy and emissions reductions;
  - (d) encourages energy efficiency and conservation actions by City agencies, boards, commissions and divisions through the identification and minimization of barriers that may exist in current policies, codes or by-laws; and
  - (e) demonstrates conservation leadership in the operations of City agencies, boards, commissions and divisions by adopting energy efficiency and conservation factors in their procurement and capital investment decisions;

such report to include comments on:

- (i) a plan for the possibility of cutting energy use through energy efficiency programs that would be delivered in partnership with Toronto Hydro, the Energy Efficiency Office, the Better Buildings Partnership, Enwave and the Toronto Atmospheric Fund; and
- (ii) the potential to convert stand-by generators in City buildings into suppliers of peak energy and the development of co-generation in those buildings; and

- (2) the Chief Corporate Officer be requested to report to the Administration Committee on the trackflow demand side management pilot project currently underway at the new Scarborough Midtown Arena and report on the feasibility of incorporating demand side management into the checklist for those building/renovation projects and for other City capital facilities.”

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

**10 Declaration as Surplus Close Road Allowance and Reserve Strip between 65 and 67 Ellington Drive (Ward 37 - Scarborough Centre)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**11 Sale of Surplus Property - Portions of 2756 Old Leslie Street (Ward 24 - Willowdale)**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

**12 Sale of Surplus Portion of a City-owned Property at 3301 Markham Road (Ward 42 - Scarborough-Rouge River)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**13 Lease of a Portion of the City-owned Property Located at 76 Wychwood Avenue: Non-Residential Component of Wychwood Green/Arts Barn Project (Ward 21 - St. Paul's West)**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its next regular meeting on January 31, 2006.

**14 Repeal of Former City of York Municipal Code Chapter 670, the Codified Version of By-law Number 73-67, and Former Township of Scarborough By-law Number 4756**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**15 Duplex/Berwick Corner of Yonge-Eglinton Site - Potential TTC Transaction (Ward 22 - St. Paul's)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

Council also considered the following:

- Confidential report (November 2, 2005) from the Chief Corporate Officer and 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 regarding the acquisition of land for municipal or local board purposes.

## **16 Other Items Considered by the Committee**

City Council on December 5, 6 and 7, 2005, postponed consideration of Item (b), entitled “Certification of Ironworkers, Local 721”, contained in this Clause, to its special meeting on December 14, 2005.

The balance of the Clause was received for information.

### **Audit Committee Report 4**

#### **1 Maintenance and Administrative Controls Review – Facilities and Real Estate**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

#### **2 Recovery of Social Assistance Overpayments, Toronto Social Services**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

#### **3 Let’s Build Program – 3810 Bathurst Street and 1555 Jane Street**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

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Council also considered the following:

- Report (November 29, 2005) from the Auditor General [Communication 24(a)].
- Report (December 5, 2005) from the Chief Planner and Executive Director, City Planning Division [Communication 24(b)].

**4 2004 Audited Financial Statements of Business Improvement Areas**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**5 City of Toronto Audit Planning - Year Ended December 31, 2005**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**6 Toronto Hydro Corporation - "2003 THC Audit Observations and Recommendations" (Management Letter)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Confidential communication (November 16, 2004) from the Chief Financial Officer and Treasurer [Confidential Communication C.15(a)]. This communication 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 or local board.

**7 Toronto Centre for the Arts 2004 Financial Statements**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**8 Other Items Considered by the Audit Committee**

City Council on December 5, 6 and 7, 2005, received this Clause, for information.

**Board of Health Report 8****1 Provincial Funding for the Development of Tuberculosis Air Quality Guidelines and Site Assessment at Toronto Shelters**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**2 Provision of Animal Services to the Town of Markham and the City of Pickering**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

**Community Services Committee Report 9****1 Toronto Emergency Medical Services (TEMS) Uniform Policy**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**2 Toronto EMS Staff Psychologist Services**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**3 Motorola Smartzone Equipment Sole Source Purchase Request**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**4 Toronto Emergency Medical Services - Ministry of Health and Long-Term Care Ambulance Service Review**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Report (November 22, 2005) from the Chief and General Manager, Toronto EMS [Communication 5(a)].

**5 Fire Routes By-law Amendment**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**6 Long-Term Care Home Funding Increase**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**7 Continuing Erosion of Ontario Works Benefit Rates**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Communication (November 29, 2005) from the Board of Health [Communication 21(a)].

## **8 Ontario Works Special Diet Allowance Update**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

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Council also considered the following:

- Communication (November 29, 2005) from the Board of Health [Communication 21(a)].

## **9 Harm Reduction Programs in Shelters**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

## **10 Find Help Information Services (Community Information Toronto) - 2006 Service Agreement**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

## **11 Community Services Grant Program - 2005 Appeals Recommendations**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

## **12 Food Security Investment Program - 2005 Allocations**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Report (November 22, 2005) from the Executive Director, Social Development and Administration [Communication 20(a)].

**13 Service Development Investment Program - 2005 Allocations**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**14 Provision of Transit Costs for Participants in a Youth Employment and Training Program**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**15 Appointment to Advisory Committee on Homes for the Aged**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**16 Other Items Considered by the Committee**

City Council on December 5, 6 and 7, 2005, received this Clause, for information.

**Economic Development and Parks Committee Report 10****1 Fort York: Adding New Buildings (Ward 19 Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**2 Future Plans for Celebrate Toronto Street Festival Produced by Toronto Special Events (All Wards)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**3 Business Improvement Area (BIA) 2003 to 2006 Boards of Management Additions, Deletions and Nominees (All Wards)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**4 Consideration of Requests for Additional City-to-City Relationships Under the International Alliance Program (All Wards)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.



**5 Growing Toronto's Food Sector: Status Report on the Economic Development Division/TEDCO International Food Processing Innovation Centre (IFPIC) Study and Best Practices in Human Resources and Skills Development Initiative (All Wards)**

City Council on December 5, 6 and 7, 2005, amended this Clause by adding the following:

“That in addition to traditional food processing business incubation activities, the Economic Development Division consider including alternative and innovative methods of food production during the implementation of the Food Innovation Centre.”

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

**6 Dovercourt Boys' and Girls' Club 180 Westmoreland Avenue Renewal Lease Agreement (Ward 18 Davenport)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**7 Western Beaches Watercourse Potential for Staging Other Major Events; Operating Budget Impact; Opportunities to Extend the Course to its Full 1,000 Metre Length (Ward 14 Parkdale-High Park)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**8 Agreement for Advancing Tourism in Toronto Between the City of Toronto and Tourism Toronto (All Wards)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**9 2006 Business Improvement Area Operating Budgets Report 1 (All Wards)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**10 Lakeshore Lions Arena and the Toronto District School Board Negotiations for the Development of a New Arena Complex (Ward 6 Etobicoke-Lakeshore)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**11 Canadian National Exhibition Association (“CNEA”) Appointments to The Board of Governors of Exhibition Place**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**12 Other Items Considered by the Committee**

City Council on December 5, 6 and 7, 2005, received this Clause, for information.

**Planning and Transportation Committee Report 10**

**1 Final Report - Scarborough Centre Secondary Plan Review Scarborough Centre Secondary Plan (Official Plan Amendment No. 1146), North of Ellesmere Road, South of Highway 401, West of Bellamy Road and East (including properties on or near the west side) of Brimley Road (Wards 37 & 38 - Scarborough Centre)**

City Council on December 5, 6 and 7, 2005, amended this Clause in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (December 5, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that City Council:

- (1) authorize adjustments to the proposed Official Plan and Zoning By-law amendments and to the Parkland Dedication By-law to address the concerns raised by Urban Strategies Inc., representing the owners of 111 Grangeway Avenue, Oxford Properties Group, representing the owners of the Scarborough Town Centre Mall, Kentridge Johnson Limited Planning Consultants, representing Kraft Canada Inc. (Dads Cookies Bakery) and Transmetro Properties Ltd., and, accordingly, to adopt the recommendations of this report in place of the recommendations set out in the report of the Chief Planner and Executive Director, City Planning dated October 24, 2005;
- (2) amend the Official Plan (City Centre Secondary Plan) for the former City of Scarborough Official Plan substantially in accordance with the revised draft Official Plan Amendment No. 1146 attached as Attachment No. 1;
- (3) amend the Employment Districts Zoning By-law No. 24982 (Progress), as amended, for the former City of Scarborough substantially in accordance with the revised draft Zoning By-law Amendment attached as Attachment No. 2;

- (4) enact an Alternative Parkland Dedication By-law for the Scarborough Centre which implements an alternative parkland rate of 0.4 hectares per 300 dwelling units for residential development but not less than 5 percent of the land area, substantially in accordance with the draft By-law attached as Attachment No. 3 and further the taking of cash in lieu of parkland shall be discouraged and wherever possible the City will insist on actual parkland dedication;
- (5) direct the City Solicitor to request the Ontario Municipal Board to modify the Official Plan of the City of Toronto to incorporate the proposed Scarborough Centre Secondary Plan (attached as Attachment No. 1) with appropriate amendments;
- (6) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment, the draft Zoning By-law Amendment and the draft Alternative Parkland Dedication By-law, as may be required; and
- (7) determine that pursuant to Section 34(17) of the *Planning Act*, no further public notice regarding the proposed amendments to the Official Plan and Zoning By-law is necessary.”

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

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Council also considered the following:

- Report (December 5, 2005) from the Chief Planner and Executive Director, City Planning [Communication 33(a)].

**2 Designation of Community Improvement Project Areas to Implement the BIA Commercial Facade Improvement Program**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**3 Further Report on the West Don Lands Applications (Ward 28 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Confidential report (December 1, 2005) from the City Solicitor [Confidential Communication C.22(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.

#### **4 Design Review Panel Pilot Project**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

#### **5 Proposed Modifications to the Toronto Official Plan Housing Policies**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Confidential report (October 24, 2005) from the Chief Planner and Executive Director, City Planning [Confidential Communication C.16(a)]. The following staff recommendations contained in the Recommendations Section of the report, together with Attachment 1 appended 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 relating to litigation or potential litigation:

“It is recommended that City Council:

- (1) direct the City Solicitor to request the Ontario Municipal Board to modify the Housing Policies and Definitions of the new Official Plan for the City of Toronto substantially in accordance with Attachment 1; and
- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft modification as may be required.”

[Attachment 1 will be noted at the end of the Clause.]

#### **6 Proposed Amendments to the City of Toronto Municipal Code, Chapter 545, Licensing Regarding Hours of Operation for Body Rub Parlours**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**7 Proposed Amendments to the City of Toronto Municipal Code, Chapter 545, Licensing Regarding Hours of Operation for Holistic and Traditional Medicine Establishments**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**8 Proposed Amendments to the City of Toronto Municipal Code, Chapter 545, Licensing Regarding the Regulation of Entertainment Facilities**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

Council also adopted the following procedural motion:

“That all motions moved on this Clause be forwarded to the special meeting of Council on December 14, 2005, and these motions be deemed to be moved.”

**9 Qualified Professional Holistic Associations whose Members may be Licensed as City of Toronto Holistic Practitioners and Owners**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**10 Toronto Heritage Grant Program - 2005 Grant Awards**

City Council on December 5, 6 and 7, 2005, amended this Clause to provide that the heritage property listed at 252-264 Adelaide Street East, Bank of Upper Canada, 1825-27 be removed from the list of properties awarded the 2005 Toronto Heritage Grant Program, as it is now eligible for the Heritage Tax Incentive Programme since it is a nationally designated heritage site, and the \$9,000.00 be reallocated to the 2006 Toronto Heritage Grant Program.

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

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Council also considered the following:

- Report (November 28, 2005) from the Chief Planner and Executive Director, City Planning [Communication 19(a)].

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Councillor Shiner declared an interest in this Clause, in that his family owns property that is being considered for designation as a heritage property.

**11 Partial Settlement of Appeals of the new Official Plan with the Urban Development Institute, the Greater Toronto Homebuilders' Association the Confederation of Resident and Ratepayer Associations and Five Willowdale Area Residents Associations**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

Council also considered the following:

- Confidential report (November 2, 2005) from the Chief Planner and Executive Director, City Planning, and the City Solicitor [Confidential Communication C.17(a)]. The following staff recommendations contained in the Recommendations Section of the report, together with Appendix A appended 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 related to litigation or potential litigation:

“It is recommended that:

- (1) Council approve the proposed settlement of specific appeals of the Official Plan, in the form of modifications as substantially set out in Appendix A;
- (2) the City Solicitor be authorized to take any necessary actions at the upcoming Ontario Municipal Board hearing to give effect to the proposed settlement; and
- (3) the appropriate City officials be authorized to execute any necessary documentation including Minutes of Settlement in relation thereto, in a form satisfactory to the City Solicitor.”

[Appendix A will be noted at the end of the Clause.]

**12 Other Items Considered by the Committee**

City Council on December 5, 6 and 7, 2005, received this Clause, for information.

**Planning and Transportation Committee Report 11**

**1 Appointments to the Toronto Licensing Tribunal**

City Council on December 5, 6 and 7, 2005, amended this Clause by referring the following Recommendation (3) of the Sub-Committee Respecting the Toronto Licensing Tribunal, back to the Planning and Transportation Committee for further consideration:

- “(3) the citizens in the confidential communication be held as alternates to be appointed by Council should vacancies arise during the term, and that their names remain confidential until appointed;”.

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

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Council also considered the following:

- Confidential communication (November 24, 2005) from the Sub-Committee Respecting the Toronto Licensing Tribunal [Confidential Communication C.18(a)]. The following Recommendations (i) and (ii) of the Sub-Committee are now public, and the balance of the communication remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals:

“(i) Council appoint Carol Shirliff-Hinds to replace Heidi Rubin, who resigned, and David Horrox to replace Mark Gannage, who resigned;

(ii) Council appoint William Weissglas as Chair;”.

## **2 Further Modification to the New Official Plan Regarding the Neighbourhood Policies**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Confidential communication (November 30, 2005) from the Planning and Transportation Committee [Confidential Communication C.19(a)]. The following recommendation of the Planning and Transportation Committee is now public, and the balance of the communication remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation:

“The Planning and Transportation Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the confidential report (November 23, 2005) from the Chief Planner and Executive Director, City Planning and the City Solicitor, [subject to] amending Sub-section 1(c) in Appendix ‘A’: Proposed Modifications to Section 4.1, by deleting the word ‘major’ and replacing it with the word ‘local’, where it appears as the second last word of the last sentence being added to the sidebar on page 70 in Section 4.1, so that it reads as follows:

‘1(c) While most Neighbourhoods will have one prevailing building type, some may have more. For example, multiples may prevail at the edge, along major streets, while singles prevail in the interior, along local roads.’ ”

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- Confidential report (November 23, 2005) from the Chief Planner and Executive Director, City Planning, and the City Solicitor. The following staff recommendations contained in the Recommendations Section of the report, together with Appendix A [as amended] and the communications (November 24, 2005) from William H. Roberts, Barrister and Solicitor, and (November 24, 2005) from George S. Belza, Analogica, which were appended 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 related to litigation or potential litigation:

“It is recommended that:

- (1) Council approve the proposed modifications to the new Official Plan substantially as set out in Appendix ‘A’; and
- (2) the City Solicitor be authorized to take any necessary actions at the upcoming Ontario Municipal Board hearing to give effect to the proposed modifications.”

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- Confidential report (December 2, 2005) from the Chief Planner and Executive Director, City Planning [Confidential Communication C.19(b)]. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation.

[Appendix A, as amended, will be noted at the end of this Clause.]

### **Striking Committee Report 5**

#### **1 Appointment of Member of Council to the Toronto Transit Commission to Replace Pending Vacancy**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.



**Works Committee Report 10****1 Other Item Considered by the Committee**

City Council on December 5, 6 and 7, 2005, received this Clause, for information.

**Works Committee Report 11****1 Proposed Reduction in Speed Limit to 40 Km/h on Avenue Road Between Chaplin Crescent and Oxtan Avenue and on Oxtan Avenue Between Avenue Road and Oriole Parkway (Ward 22, St. Paul's)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**2 Snow Disposal Challenge: Replacing Lost Capacity**

City Council on December 5, 6 and 7, 2005, amended this Clause by adding the following:

“That the Executive Director, Facilities and Real Estate, in consultation with appropriate City officials, be requested to undertake all redevelopment related studies of the Bloor/Kipling site, on the assumption that the snow storage facility will be relocated from this location in the future.”

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

**3 Port Lands Secondary Plan - Bicycle Infrastructure**

City Council on December 5, 6 and 7, 2005, amended this Clause by adding the following:

“That the General Manager, Transportation Services report to the Works Committee on a mechanism for enabling cyclists to safely cross the Martin Goodman Trail at Cherry Street and Commissioners Street, and to access the Lake Shore Bicycle Trail from Commissioners Street safely and expeditiously.”

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

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Councillor Walker declared an interest in this Clause, in that his daughter is an employee of the Toronto Port Authority.

#### **4 Appointments to the Toronto Cycling Committee**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Confidential list (undated) of candidates recommended for appointment to the Toronto Cycling Committee [Confidential Communication C.11(a)]. This list is now public in its entirety, as follows:

“List of Candidates recommended for appointment:

- (1) Joe Hendry;
- (2) Paulette Blais; and
- (3) Hamish Wilson.

List of Alternate Candidates, in sequential order, recommended for appointment:

- Alternate (1) Charles O’Hara; and  
Alternate (2) Colin J. Biggin.”

#### **5 Renewal of Mandate of the Clean Streets Working Group**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

#### **6 Negotiations of Long-Term Mixed Broken Glass Contract Resulting from Stewardship Ontario’s Glass Market Development Fund Request for Proposals for the Provision of Processing Capacity for Mixed Broken Glass**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Confidential report (October 27, 2005) from the Acting General Manager, Solid Waste Management, and the Treasurer [Confidential Communication C.12(a)]. The following staff recommendation contained in the Recommendation Section of the report is now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the security of the property of the Municipality:

“It is recommended that this report be received for information to supplement the report, entitled ‘Negotiation of Long-Term Mixed Broken Glass Contract - Glass Market Development Fund Request for Proposals (RFP) for the Provision of Processing Capacity for Mixed Broken Glass’ (the ‘main report’), by providing confidential pricing.”

**7 Environment Days Date Selection Discussion Results and Increasing the Number and Hours of Operation of Environment Day Events**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

Council also adopted the following procedural motion:

“That all motions moved on this Clause be forwarded to the special meeting of Council on December 14, 2005, and these motions be deemed to be moved.”

**8 Request for Direction on Conveyance of Land Not Environmentally Remediated - 38 Niagara Street**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**9 Regent Park Redevelopment - Acceptance of Lands for Road Purposes Prior to Remediation**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**10 Amendments to Contract Nos. 47008325, 47008356, 47008367, 47008854 - Contracted Professional Services for District Transportation and Toronto Water Capital Projects - Request for Proposals 9117-03-7232**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**11 Legal Proceedings to Recover Damages - Failure of the Tipping Floor Slab at the Commissioners Street Transfer Station**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Confidential report (November 1, 2005) from the City Solicitor, the Executive Director of Technical Services, and the Acting General Manager, Solid Waste Management [Confidential Communication C.13(a)]. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation.

**12 Drain Grant Appeal - 113 Hove Street (Ward 10)**

City Council on December 5, 6 and 7, 2005, referred this Clause back to the Works Committee for consideration after the policy on drain grants is brought forward.

**13 Drain Grant Appeal - 202 Waverley Road (Ward 32)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**14 On-Site Water Meter Testing (All Wards)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**15 Community Program for Stormwater Management - Selection of Application**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**16 Other Items Considered by the Committee**

City Council on December 5, 6 and 7, 2005, postponed consideration of Item (f), entitled "Outcome of Meeting With Representatives of the Toronto Civic Employees' Union, Local 416 – Recycling Collection Operations in Former York and Etobicoke", contained in this Clause, to its special meeting on December 14, 2005.

The balance of the Clause was received for information.

**Joint Administration Committee and Planning and Transportation Committee Report 1**

**1 Other Items Considered by the Committees**

City Council on December 5, 6 and 7, 2005, received this Clause, for information.

## **Joint Planning and Transportation Committee and Works Committee Report 2**

### **1 Spadina Subway Extension Environmental Assessment Study**

City Council on December 5, 6 and 7, 2005, amended this Clause by adding the following:

“That Council adopt the following staff recommendation contained in the Recommendation Section of the supplementary report (December 5, 2005) from the Chief Planner and Executive Director, City Planning:

‘It is recommended that City Council direct the Chief Planner and Executive Director, City Planning, in consultation with the Chief General Manager of the Toronto Transit Commission (TTC), to report further to Council on the order of magnitude costs associated with expanding the City’s transit system including subways, streetcars and buses.’ ”

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

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Council also considered the following:

- Report (December 5, 2005) from the Chief Planner and Executive Director, City Planning [Communication 28(c)].

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Communications:

- (December 2, 2005) from Mayor Michael Di Biase, City of Vaughan [Communication 28(a)];
- (December 2, 2005) from the Chief Administrative Officer, Toronto and Region Conservation Authority [Communication 28(b)];
- (December 5, 2005) from Brian Shifman, Executive Director, Smart Commute - North Toronto, Vaughan [Communication 28(d)];
- (November 29, 2005) from Tony Genco, President and CEO, Parc Downsview Park Inc. [Communication 28(e)];
- (December 5, 2005) from Mayor Rob Hamilton, City of Barrie [Communication 28(f)]; and
- (December 6, 2005) from Bill Fisch, Regional Chair and CEO, The Regional Municipality of York [Communication 28(g)].

## **2 Development Infrastructure Policy and Standards - Phase 2 Report**

City Council on December 5, 6 and 7, 2005, amended this Clause by striking out and referring the following Joint Recommendations (2) and (5) of the Planning and Transportation Committee and Works Committee, to the Works Committee for further consideration:

- “(2) require all new streets to contain ducts for the installation of fibre optic cable and co-axial cable, and that the Technical Services Division develop a standard design and installation protocol to make provision for a cabling system including ‘to the property line provisions’ analogous to a municipal water or sewer system; and
- (5) require developers of new subdivisions to contribute an amount to the traffic calming reserve to be used to fund future traffic calming installations, if and when required.”

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

Council also considered the following:

- Communication (undated) from Dylan Reid, Member, Toronto Pedestrian Committee [Communication 30(a)].

## **3 Adjustments to Building Permit Fees and Resources Related to the Implementation of the *Brownfields Statute Law Amendment Act***

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

## **4 Status Report - Development Application Review Project (All Wards)**

City Council on December 5, 6 and 7, 2005, amended this Clause by adding to Recommendation (2) contained in the report (November 18, 2005) from Deputy City Manager Fareed Amin, the words “and that the collection of fees for trees on private property and other forestry matters be part of this one-window approach”, so that Recommendation (2) now reads as follows:

- “(2) the first priority in 2006 be the review of processes associated with development application fees and related securities with the goal of developing, where appropriate, a one-window approach to the collection fees, and that the collection of fees for trees on private property and other forestry matters be part of this one-window approach.”

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

## **5 Other Items Considered by the Committees**

City Council on December 5, 6 and 7, 2005, received this Clause, for information.

### **Etobicoke York Community Council Report 9**

#### **1 Draft By-law to Name Private Lane at 165 Dixon Road as “Tamarack Circle” (Ward 4 - Etobicoke Centre)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

#### **2 Draft By-law to Name Private Lane at 7 Holmesdale Road as “Dhir Mews” (Ward 17 - Davenport)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

#### **3 Application for an Exemption from the City of Toronto Municipal Code, Chapter 447, Fences - 74 Elmcrest Road (Ward 13 - Etobicoke Centre)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

#### **4 Removal of One Privately Owned Tree - 65 Avonhurst Road (Ward 5 - Etobicoke-Lakeshore)**

City Council on December 5, 6 and 7, 2005, referred this Clause back to the Etobicoke York Community Council.

#### **5 Installation of Traffic Control Signals to Replace the Split Pedestrian Crossover on Albion Road and Shendale Drive (Ward 2 - Etobicoke North)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

#### **6 Reduction of Speed Limit from 50km/h to 40 km/h on Roads in the Community bounded by Rathburn Road, Kipling Avenue Bywood Drive and Islington Avenue (Ward 4 - Etobicoke Centre)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**7 Proposed Parking Prohibition Amendment on the south side of Fieldway Road between Shires Lane (private road) and Van Dusen Boulevard (private road) (Ward 5 - Etobicoke-Lakeshore)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**8 Proposed Short Term Parking on Wendover Road between King Georges Road and The Kingsway (Ward 5 - Etobicoke-Lakeshore)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**9 Proposed Designated On-Street Parking for the Disabled on Foch Avenue (Ward 6 - Etobicoke-Lakeshore)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**10 Proposed Installation of Traffic Control Signals - Weston Road and Cardell Avenue/Private Access (Loblaws Supermarket) (Ward 11 - York South-Weston)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**11 Amendments to the Existing Parking Regulations on Cayuga Avenue (Ward 11 - York South-Weston)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**12 Installation of Speed Humps - East Drive, between Brendwin Road and Bexley Crescent (Ward 11 - York South-Weston)**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

**13 Installation/Removal of On-Street Parking Spaces for Persons with Disabilities (Ward 13 - Parkdale-High Park, Ward 17 - Davenport)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.



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- 14 Front Yard Parking Survey Results - 78 Carrick Avenue (Ward 17 - Davenport)**  
City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.
- 15 Survey Results for Front Yard Parking - 69 McFarland Avenue (Ward 17 - Davenport)**  
City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.
- 16 Poll Results - One Way Operation Northbound on Gilbert Avenue between Innes Avenue and Rogers Road; and oneway Operation Southbound on Gilbert Avenue Between Innes Avenue and Norman Avenue (Ward 17 - Davenport)**  
City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.
- 17 Poll Results - One-Way Operation northbound on McRoberts Avenue between Keith Avenue and Eglinton Avenue West (Ward 17 - Davenport)**  
City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.
- 18 Poll Results - One-Way Operation eastbound on Rutland Street between Laughton Avenue and Wiltshire Avenue; and One-way Operation southbound on Wiltshire Avenue between Rutland Street and Davenport Road (Ward 17 - Davenport)**  
City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.
- 19 Approval Under the Cemeteries Act (Revised) Site Plan Approval Application; Applicant: Park Lawn Company Limited, Architect: Donald J. Caunter Architect Limited 2845 Bloor Street West (Park Lawn Cemetery - Mausoleum) (Ward 5 - Etobicoke-Lakeshore)**  
City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.
- 20 Final Report - Rezoning Application; Applicant: Allan Leibel Goodmans LLP, Architect: Page and Steele Architects Planners, 3415 Weston Road and 2345 Finch Avenue West (Phase 1 - Part of 3415 Weston Road) (Ward 7 - York West)**  
City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**21 Request for Approval of Variance from Chapter 215, Signs, of the former City of Etobicoke Municipal Code for a First Party Business Identification Fascia Sign at 2267 Islington Avenue (Ward 2 - Etobicoke North)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**22 Request for Approval of Variance from Chapter 215, Signs, of the former City of Etobicoke Municipal Code for a First Party Business Identification Ground Sign (Tenant Directory) at 2267 Islington Avenue (Ward 2 - Etobicoke North)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**23 Request for Approval of Variance from Chapter 215, Signs, of the former City of Etobicoke Municipal Code for an Illuminated Vertical Sign on the Second Floor of 3077 Bloor Street West (Ward 5 - Etobicoke-Lakeshore)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**24 Final Report and Supplementary Report - Official Plan Amendment and Rezoning Application; Applicant: Reza Nasab, York Development Co., 1759 and 1761 Lawrence Avenue West (Ward 12 - York South-Weston)**

City Council on December 5, 6 and 7, 2005, amended this Clause by adding the following:

“That:

- (1) the Director, Community Planning, Etobicoke York District, be requested to prepare a revised draft Official Plan amendment and a revised Zoning By-law amendment in support of the approval;
- (2) the City Solicitor be authorized to make such stylistic and technical changes to the draft Official Plan amendment and draft Zoning By-law amendment as may be required; and
- (3) prior to the introduction of the necessary Bills in Council for enactment:

- (a) a dedication of lands for a 5.0 metre right-of-way radius at the southwest corner of Lawrence Avenue West and Renfield Street, for future intersection improvement purposes, be required; and
- (b) fulfillment of all the Notice of Approval Conditions for Site Plan Approval be required.”

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

**25 Applications for a Sign By-law Exemption and an Encroachment Agreement - 1630 Lawrence Avenue West (Ward 12 - York South-Weston)**

City Council on December 5, 6 and 7, 2005, approved the applications for an exemption to the former North York Sign By-law and to enter into an encroachment agreement with the City for the purposes of erecting a double-sided illuminated sign.

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

**26 Bloor West Village Business Improvement Area Decorative Gas Streetlights, Bloor Street West, between Beresford Avenue and Windermere Avenue (Ward 13 - Parkdale-High Park)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**27 Payment-In-Lieu of Parking - Y&Y Resources Corporation 2230 Lake Shore Boulevard West (Ward 6 - Etobicoke-Lakeshore)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**28 Motion - Application for Site Plan Approval 302 Dwight Avenue (Ward 6 - Etobicoke-Lakeshore)**

City Council on December 5, 6 and 7, 2005, referred this Clause back to the Director of Community Planning, Etobicoke York District, as it is a delegated site plan approval.

**29 Application for Site Plan Approval - 115 Torbarrie Road (Ward 7 - York West)**

City Council on December 5, 6 and 7, 2005, amended this Clause by adding the following:

“That Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report (December 6, 2005) from the Chief Planner and Executive Director, City Planning:

‘Pursuant to Report 9, Clause 29 of the Etobicoke York Community Council meeting, it is recommended that City Council:

(1) approve in principle, the proposal for the 413-unit townhouse development on Blocks 151 and 152 of the draft plan of subdivision for 115 Torbarrie Road having 74,189 square metres of gross floor area, as indicated on the drawings entitled:

- Siting and Grading Plan -1 of 2 date stamped November 2, 2004;
- Siting and Grading Plan -2 of 2, date stamped November 2, 2004;
- Unit 1501 Floor Plans and Partial, date stamped November 2, 2004;
- Unit 1502 Floor Plans and Partial, date stamped November 2, 2004;
- Unit 1503 Floor Plans and Partial, date stamped November 2, 2004;
- Unit 1504 Elevations, date stamped November 2, 2004;
- Unit 1505 Floor Plans and Partial, date stamped November 2, 2004;
- Unit 1505 Elevations, date stamped November 2, 2004;
- Unit 1506 Floor Plans and Partial, date stamped November 2, 2004;
- Unit 1506 Elevations, date stamped November 2, 2004;
- Unit 1507 Floor Plans and Partial, date stamped November 2, 2004;
- 8 Unit Block Plan, date stamped November 2, 2004;
- 10 Unit Block Plan, date stamped November 2, 2004; and
- 12 unit Block Plan, date stamped November 2, 2004;

subject to any changes made to the drawings by the owner and subsequent submission of a revised set of drawings which address staff’s comments and/or satisfy the conditions listed below in Recommendation (2) and subject to the owner fulfilling the Notice of Approval Conditions as set out in Recommendation (2) of this report;

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- (2) require the owner to fulfill the following conditions prior to the final approval of the site plan:
- (a) the Owner must obtain the required final and binding relief from the former City of North York Zoning By-law No. 7625 to permit the townhouse development as proposed or revise the application to comply with the current zoning standards for the site;
  - (b) the Owner must enter into a subdivision agreement with the City of Toronto and submit the required financial securities, to the satisfaction of the City and the City Solicitor. The developer must design and construct all proposed public roadways and transportation-related improvements to the satisfaction of Technical Services and at no cost to the City of Toronto;
  - (c) that if this application is not exempted from City Council's April 12, 2005 directions related to the Development Infrastructure and Standards Review (DIPS) Report, that staff be directed to ensure that all streets in new townhouse developments and subdivisions be public, the Owner shall redesign the proposed site plan so that all streets are public and meet City standards;
  - (d) the Owner sign a Site Plan Control Agreement and pay the necessary fees associated with the preparation, execution and registration of same;
  - (e) the proposed development, including all landscaping, shall be undertaken and maintained substantially in accordance with the drawings referred to above and additional drawings to be submitted;
  - (f) the Owner shall submit a landscape plan satisfactory to the Director of Community Planning, Etobicoke York District;
  - (g) if the proposed development will contain private streets, the owner submit revised plans to the satisfaction of the Director of Community Planning, Etobicoke York District, which provides for appropriate building set backs from the private street in order to permit the planting of trees;

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- (h) the Owner submit financial securities in the form of a Letter of Credit or certified cheque to guarantee the provision of landscape development works as detailed on the Landscape Plan referred to above;
  - (i) the Owner submit a streetscape plan for the Torbarrie Road frontage to the satisfaction to the Urban Forestry Services, with respect to tree protection and street planting;
  - (j) the Owner provide confirmation that the requirements of Urban Forestry Services, with respect to tree protection and street tree planting, have been satisfied;
  - (k) the Owner file a completed “Arborist Report for Development Applications” form and a corresponding tree location plan to the satisfaction of Urban Forestry Services;
  - (l) the Owner submit a lighting plan satisfactory to the Community Planning, Technical Services, Ministry of Transportation and Toronto Hydro;
  - (m) the Owner agrees to provide and maintain lighting facilities on the lands in accordance with the lighting plan;
  - (n) the Owner shall designate on the Site Plan “as public access walkways” those walkways required by the Director of Community Planning, Etobicoke York District for public access easement purposes;
  - (o) the Owner shall designate on the Site Plan “as public accessible open space” those open spaces areas required by the Director of Community Planning, Etobicoke York District;
  - (p) the Owner shall make satisfactory arrangements with the City Solicitor to convey an easement to the City for public access over the public access walkway(s) and publicly accessible open space areas as shown on the approved plans and drawings all to the satisfaction of the Director of Community Planning Etobicoke York District. Such easement

- shall be provided at no expense to the City and shall include provision for minimum illumination, maintenance to municipal standards and indemnification of the City, among other matters;
- (q) the Owner submit a draft reference Plan of Survey, in metric units and integrated with the Ontario Co-ordinate System, showing as separate PARTS thereof the lands (for public access-walkways and or other area) to be conveyed to the City and the remainder of the site including any appurtenant right-of-way to the Director of Community Planning for review and approval prior to depositing in the Land Registry office;
  - (r) the Owner agrees to submit confirmation from the Ministry of Transportation of Ontario (MTO) to the Director of Community Planning that arrangements have been made to satisfy the requirements of the MTO for the site plan application and for the plan of subdivision application (TB SUB 2001 0003);
  - (s) the Owner agrees to submit confirmation from Toronto Hydro Electric Commission to the Director of Community Planning, Etobicoke York District that arrangements have been made to satisfy the requirements of the Commission for the site plan application and the plan of subdivision application (TB SUB 2001 0003);
  - (t) the Owner agrees to submit confirmation from the Bell Canada to the Director of Community Planning, Etobicoke York District that arrangements have been made to satisfy the requirements of the Bell Canada for the site plan application and for the plan of subdivision application (TB SUB 2001 0003);
  - (u) the Owner agrees to submit confirmation from the Toronto and Region Conservation Authority (TRCA) to the Director of Community Planning Etobicoke, York District that arrangements have been made to satisfy the requirements of the TRCA for the site plan application and for the plan of subdivision application (TB SUB 2001 0003);

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- (v) the Owner submit revised site plan drawings and/or studies to the satisfaction of Director of Community Planning, Etobicoke York District in consultation with the Executive Director of Technical Services addressing the following:
- (i) municipal sidewalks must be designed according to City of Toronto Engineering Standard Drawing No.T-310.010-2;
  - (ii) pedestrian ramps at the intersections of Torbarrie Road and the proposed public roadways must be constructed according to City of Toronto Design Standard No. T-310.030-1;
  - (iii) to ensure that the proposed sidewalks adjacent to the curb lanes of the proposed private roads are sufficient to accommodate pedestrians, snow storage, traffic signage and solid waste containers, a minimum width of 2.0 metre measured from the face of curb is required. These sidewalks must extend across the proposed private roads/laneways, reflecting the specifications described in City of Toronto Design Standard No.T-310.010-4;
  - (iv) the applicant is required to properly grade and asphalt the proposed access driveways, internal private roads, laneways and surface visitor parking areas. Access driveways, internal private roads, laneways, and visitor parking areas must be bordered with continuous poured raised concrete curb constructed according to City of Toronto Design Standard No. T-600.11-1;
  - (v) the depressed curbs at the proposed private road entrances to the proposed public roadways must be provided according to City of Toronto Design Standard No. T-600.05-1;



- (vi) the applicant is required to restore the sections of the Torbarrie Road rights-of-way, where there are existing curb cuts, with continuous poured raised concrete curb and appropriate landscaping, to the satisfaction of the Executive Director of Technical Services;
- (vii) the applicant must satisfy the Technical Services Division that all intersections within the proposed internal public and private road system provide the minimum turning sight distances recommended by either the Transportation Association of Canada or the American Association of State Highway and Transportation Officials for an operating speed of 50 km/hr. To provide the minimum turning sight distance at the intersection of the first east/west lane immediately south of Street 'C' and the north/south private road requires that relocate parking stall No. 1. Similarly, to provide the minimum intersection turning sight distance at the intersection of the first east/west lane north of Street 'E' and the proposed north/south private road requires the applicant to relocate parking stall Nos. 38 to 42. Lastly, the applicant is required to relocate the parking stall shown as stall No. 35, at the southeast corner of the intersection of the easternmost north/south lane and the proposed east/west private road that connects with Torbarrie Road;
- (viii) to accommodate the minimum turning path requirements of single-unit service/delivery vehicles, including solid waste collection vehicles, the corner radii at the intersections of the proposed laneways with private roadways/laneways must be increased to a minimum of 5.0 metres. The inside turning radii within the 'bends' of the proposed laneways must be at least 7.0 metres;
- (ix) the proposed parking bay widths be reduced from 2.8 metres to 2.4 metres;

- (x) hydrants are to be shown on the Site Plan such that the principle entrance of each dwelling is no more than 90 metres from a hydrant;
- (xi) the townhouse blocks that face the park may be required to have their access changed if they are not designed as part 9 buildings under the OBC. Information was not sufficient to determine the classification of the buildings;
- (w) this site must be revised to allow for City of Toronto waste collection services. Solid Waste Management Services requires a more detailed site plan showing all measurements including pavement width and turning radii. the Owner must design all facilities necessary to permit the City to provide curbside collection of solid waste and recyclable materials in accordance with By-law No. 235-2001, Waste Collection for Residential Properties and meet the requirements published in City of Toronto Requirements for Garbage and Recycling Collection from Developments and Redevelopments, as amended;
- (x) the Owner submit a Stormwater Management Report, Servicing and Grading Drawing(s) to the satisfaction of the Executive Director of Technical Services. The servicing of this Site Plan is to be designed in accordance with the accepted Stormwater Management report for the Oakdale Village Subdivision by G M Sernas and Associates dated November 2004;
- (y) excluding the intersections of the proposed public and private road connections to Torbarrie Road, the applicant is required to dedicate a 0.3 metre reserve along the entire Torbarrie Road and Jethro Road frontages of the subject site;
- (z) the Owner must post securities of \$100,000.00 as per Condition 8 of Clause 23 contained in Report 3 of North York Community Council, as approved by City of Toronto Council at its meeting of April 14,

15 and 16, 2003. This Clause requires that: 'the Developer be responsible for the traffic calming measures and lights at the intersection of Jethro Road and Torbarrie Road to a maximum cost of \$100,000.00 in consultation with the Ward Councillor and the Traffic Sub-Committee of the Oakdale Ratepayers Association.' City Council at its meeting of May 17, 18 and 19, 2005 (Clause 3, Report 4 of the Etobicoke Community Council) required these funds prior to the registration of the plan of subdivision;

- (aa) the Owner submit a functional road drawing at a 1:200 metric scale and detailed cost estimate for the required southbound to eastbound left-turn storage lanes on Torbarrie Road. The functional road drawing and cost estimate must be provided to the satisfaction of this Technical Services;
- (bb) the Owner sign a Letter of Undertaking for Work on the City's ROW and provide financial security and insurance as required in the Undertaking; and
- (cc) the owner enter into a Site Plan Agreement containing clauses pertaining to the construction and maintenance of stormwater management facilities and/or measures, site servicing and grading, to the satisfaction of the Executive Director of Technical Services;

(If these conditions are not fulfilled within two years of the date of Council's approval of the Notice Conditions as set out above, then this notice is no longer valid and a new submission is required.)

- (3) require the owner to fulfill the following conditions following site plan approval and which will be incorporated into a site plan agreement:
  - (a) this approval is valid for a period of three years from the date of the approval;
  - (b) the owner shall construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted Stormwater Management and Servicing and Grading plans;

- (c) the owner shall construct and maintain site servicing indicated on the accepted Site Servicing drawings;
- (d) the owner shall provide certification to the Executive Director of Technical Services by the Professional Engineer who supervised the construction that the stormwater management facilities and site grading have been constructed in accordance with the approved Stormwater Management Report and the concurred in Grading Plans;
- (e) the owner shall provide certification to the Executive Director of Technical Services by the Professional Engineer who supervised the construction, that the site servicing facilities have been constructed in accordance with the concurred in drawings;
- (f) the Owner must register the proposed internal private road system on-title for mutual use under common elements condominium status, to the satisfaction of the City Solicitor. The Applicant is required to provide notification on-title to each dwelling unit stating that all internal roads are under private ownership, and that the municipality will not maintain these private roads, including road and sidewalk snow clearing;
- (g) the proposed visitor parking stalls must be registered on-title for mutual use, and provided to the satisfaction of the City Solicitor;
- (h) the proposed visitor parking areas must be striped with pavement markings reflecting the layout and dimensions illustrated in the ultimately approved site plan;
- (i) all proposed visitor parking stalls must be individually signed for the exclusive use of visitors;
- (j) the Applicant's site plan agreement and condominium documents must include clauses that are registered on-title advising owners that visitor parking stalls are not to be used by owners/tenants;

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- (k) the owner agrees to retain a Noise Control Consulting Engineer to submit to the Director, Community Planning, Etobicoke York and the Deputy Chief Building Official for review and acceptance, a Noise Impact Report recommending any abatement measures necessary to achieve the maximum level limits set by the MOE;
  - (l) the Owner, prior to the issuance of a building permit, provide certification in writing from the Noise Control Consulting Engineer to the Director, Community Planning, Etobicoke York and the Deputy Chief Building Official that all plans filed as part of an application for a Building Permit in respect of the proposed Development are in accordance with and incorporates such measures recommended in the Noise Impact Report;
  - (m) the Owner provide certification in writing from the Noise Control Consulting Engineer to the Director, Community Planning, Etobicoke York and the Deputy Chief Building Official, prior to the earlier of occupancy or registration of the plan of condominium in respect of such Development, that it has been designed and constructed in accordance with the mitigation measures recommended in the accepted Noise Impact Report;
  - (n) the owner agrees with the City not to sell or lease any portion of the Lands without requiring the proposed purchaser or lessee, its respective successors and assigns, as the case may be, to insert in all offers to purchase and agreements of purchase and sale or lease of each dwelling unit the warning clauses, as applicable, for surrounding land uses and noise sources (Industrial Uses), road noise and aircraft noise to satisfaction of the Director of Community Planning, Etobicoke York District;
  - (o) the owner shall maintain the completed noise mitigation measures, subject to any amendment as approved by the City designate;

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- (p) that the Chief Building Official or designate for the City, in case of amendments necessary to satisfy the requirements of the Ontario Building Code, be authorized to consent to minor variations to the approved plans and drawings, and conditions of approval, provided that the general intent of the plans and drawings are maintained; and
  - (q) notwithstanding this approval, the lands shall be developed in accordance with the applicable Zoning By-law(s) and that it is the responsibility of the Owner to ensure that the development is in conformity with the applicable Zoning By-law(s) to the satisfaction of the Chief Building Official;
- (4) advise the owner of the following other City approvals and requirements:
- (a) landscaping treatments proposed within public rights-of-way must be limited to street trees and sod. Special landscape treatments are permitted, but only on condition that the developer enters into encroachment or site plan agreements with the City. Under such agreements, the developer/property owner is financially responsible for installing and maintaining any special landscape features, including tree irrigation systems that they propose within the public rights-of-way;
  - (b) the applicant is responsible for obtaining the necessary permits and clearances. Our Right-of-Way Management Section can be contacted at (416) 394-8422 regarding site specific permit/license requirements. The applicant must submit a construction management plan for each stage of the construction process. Use of the abutting public roads/boulevards for material storage, and construction vehicle/employee parking purposes, is not permitted;
  - (c) authorization must be obtained from the Street and Expressway Lighting Section (416-392-5243) before any utility with attached municipal street lighting is removed and/or relocated;

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- (d) the applicant is required to provide vehicle parking according to the minimum requirements of North York Zoning Bylaw No. 7625;
  - (e) a comprehensive construction management plan for each stage of the construction process must be provided to the satisfaction of this Division. The use of any municipal right-of-way for the storage of construction materials/equipment, and/or for employee parking purposes, is not permitted;
  - (f) any streetscape design proposed within the public right-of-way, including tree irrigation systems, must be provided to the satisfaction of this Division. It is emphasized that any treatment other than street trees, municipal sidewalks, sod and impressed concrete feature strips are encroachments that must be recognized in the applicant's site plan agreement;
  - (g) the owner is advised to contact the Building Division to confirm the loading requirements for the subject site;
  - (h) the owner is financially responsible for all costs associated with removing and/or relocating any above- or below-grade utilities that are required to construct this development; and
  - (i) to provide for adequate storage of typical household materials, it is strongly suggested that the proposed attached garages provide minimum internal length dimensions of 7.0 metres. In addition, it is recommended that any door entrance within the garages open internal to the townhouse;
- (5) authorize the Chief Planner or his designate to give final approval to the site plan when the conditions to be satisfied prior to site plan approval as set out in Recommendation 2 to this report have been fulfilled;
  - (6) direct the City Solicitor to prepare and register any necessary site plan agreement(s); and
  - (7) authorize the District Director, Community Planning to execute the agreement.' "

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

Council also considered the following:

- Report (December 6, 2005) from the Chief Planner and Executive Director, City Planning [Communication 36(a)].

### **30 Other Items Considered by the Community Council**

City Council on December 5, 6 and 7, 2005, received this Clause, for information.

#### **North York Community Council Report 9**

##### **1 Request for Approval of Variance from the former City of Toronto Sign By-law No. 297, as amended, for the erection of a double faced, illuminated, off-premise billboard roof sign at 2464 - 2468 Yonge Street (Ward 16 - Eglinton-Lawrence)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

##### **2 Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to Permit Driveway Widening for a Second Parking Space at 349 Briar Hill Avenue (Ward 16 - Eglinton-Lawrence)**

City Council on December 5, 6 and 7, 2005, amended this Clause in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (December 5, 2005) from the City Solicitor:

“It is recommended that, should Council adopt the recommendations contained in North York Community Council Report 9, Clause 2 and, require specific notification to future purchasers of the parking conditions, Recommendation (1) of the Clause be amended by adding the following condition as subsection (g):

- ‘(g) the applicant acknowledging in writing in the agreement required to be entered into with the City of Toronto that he/she will notify any future purchaser and mortgagee of 349 Briar Hill Avenue, that the driveway widening for a second parking space was permitted by the City of Toronto pursuant to certain conditions, that the permit cannot automatically be transferred to the new owner or mortgagee, and that the new owner of the property must contact the City of Toronto, Transportation Services, to



ascertain the legal status and validity of the second parking space, whether there are any unpaid fees and charges, and, if applicable, apply for a permit to maintain and use the second parking space.’ ”

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

Council also considered the following:

- Report (December 5, 2005) from the City Solicitor [Communication 32(a)].

**3 Introduction of Permit Parking on the east side of Greer Road, between Old Orchard Grove and Roe Avenue (Ward 16 - Eglinton-Lawrence)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**4 40 km/h Speed Limit - Brooke Avenue, Avenue Road to Elm Road (Ward 16 - Eglinton-Lawrence)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**5 Through Traffic Restriction - Cactus Avenue/Palm Gate Boulevard and Steeles Avenue West (Ward 23 - Willowdale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**6 All Way Stop Control - Lilywood Road at Times Road (Ward 15 - Eglinton-Lawrence)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**7 40 km/h Speed Limit - Craigmere Crescent (Ward 23 - Willowdale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**8 Prohibited U Turn - Rockford Road (Ward 10 - York Centre)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**9 On-Street Parking Machines - West side of Yonge Street, between Drewry Avenue and Patricia Avenue (Ward 23 - Willowdale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**10 Turn Restrictions - Campbell Crescent (Ward 25 - Don Valley West)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**11 Prohibited 'U' Turns - Sheppard Avenue East, west of Bayview Avenue (Ward 23 - Willowdale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**12 Turn Prohibitions - Avenue Road and Brookdale Avenue (Ward 16 - Eglinton-Lawrence)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**13 Assumption of Services - Subdivision owned by NY Towers Inc. - Plan 66M 2364, Subdivision File UDSB-1248 - Rean Drive (Ward 24 - Willowdale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**14 Assumption of Services - Subdivision owned by Tigix Investments - Plan 66M-2335, Subdivision File UDSB-1226 - Ballyconnor Court (Ward 24 - Willowdale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**15 Assumption of Services - Downsview Lands Secondary Plan - Block H owned by Costco Canada Inc. - Plan 64R-16745 – Billy Bishop Way (Ward 9 - York Centre)**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

**16 Naming of Proposed Public Street - 2701 Keele Street (Ward 9 - York Centre)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**17 Designation of Fire Routes in the City of Toronto - North York Community Council Area**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**18 Final Report - Official Plan Amendment & Rezoning Application - 05 132072 NNY 10 OZ - Nick Sampogna, 2007564 Ontario Ltd. - Thomas Brown Architect - 920-922 Sheppard Avenue West (Ward 10 - York Centre)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**19 Status Report and Request for Direction Report - OPA & Rezoning Application - 04 102559 NNY 23 OZ - Farshad Kehtari - 2924 Bayview Avenue (Ward 23 - Willowdale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**20 Request for Directions Report - Rezoning Application - 2003 035114 SMI 26 OZ - Application to Amend the Zoning By-law 1916 of the former Borough of East York - Sherman Brown Dryer Karol - 851 Millwood Road (Ward 26 - Don Valley West)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**21 Final Report - OPA & Rezoning Application - 04 176174 NNY 23 OZ - Cityzen Development Group - Rafael + Bigauskas - 25 Buchan Court (Ward 33 - Don Valley East)**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

Council also adopted the following procedural motion:

“That all motions moved on this Clause be forwarded to the special meeting of Council on December 14, 2005, and these motions be deemed to be moved.”

Council also considered the following:

Communications:

- (November 21, 2005) from M. Reimann for and on behalf of the Committee of Three [Communication 6(a)];
- (December 2, 2005) from Raymond Naismith [Communication 6(b)]; and
- (December 4, 2005) from Brian V. Ralph [Communication 6(c)].

**22 Spenvalley Drive and Yatescastle Drive - Blessed Margherita of Citta Di Castello Catholic School (Ward 9 - York Centre)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**23 All Way Stop Control - John Lindsay Court and Sawmill Road (Ward 9 - York Centre)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**24 40 km/h Speed Limit - John Lindsay Court (Ward 9 - York Centre)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**25 Traffic Control Signal Installation - Yonge Street at the GO/York Region Transit Terminal (Ward 23 - Willowdale) (Ward 24 - Willowdale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**26 Payment-in-Lieu of Parking - Quiznos Canada Inc. - 4922 Yonge Street (Ward 23 - Willowdale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**27 Other Items Considered by the Community Council**

City Council on December 5, 6 and 7, 2005, received this Clause, for information.

**Scarborough Community Council Report 9****1 Permanent Closure of a Portion of the Schick Court Road Allowance at the North East Corner of Progress Avenue and Schick Court (Ward 37 - Scarborough Centre)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**2 Proposed Minor Street Stop Sign on Indian Mound Crescent and Rochman Boulevard (Ward 38 - Scarborough Centre)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**3 Final Report Site Plan Control Application 05 191372 EPS 35 TM Warden Woods Community East Side of Warden Avenue North and South of St. Clair Avenue East (Ward 35 - Scarborough Southwest)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**4 Final Report Part Lot Control Exemption Application 05 160355 ESC 37 PL Sundance (Treewood) Developments Inc. 1 Treewood Street (Ward 37 - Scarborough Centre)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**5 Request for Direction Site Plan Control Application 04 150629 ESE 43 SA Greencrest Investments Inc. 4314 Kingston Road (Ward 43 - Scarborough East)**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its next regular meeting on January 31, 2006, and requested the Acting General Manager, Solid Waste Management, to submit a further report on the issues raised at Scarborough Community Council.

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Council also considered the following:

- Report (November 30, 2005) from the Acting General Manager, Solid Waste Management [Communication 25(a)].

**6 Final Report OPA & Rezoning Application 04 178040 ESC 43 OZ 985198 Ontario Inc. (George Popper, Architect) 952-976 Brimorton Drive (at Orton Park Road) Woburn Community (Ward 43 - Scarborough East)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**7 Final Report OPA & Rezoning Application 05 102824 ESC 44 OZ 313 Port Union Road Limited (John Beresford, Architect) 313-367 Port Union Road, Centennial Community (Ward 44 - Scarborough East)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**8 Request for Direction City Initiated Review File No. 05 169679 ESC 41 TM Town of Markham Official Plan Amendment Number 144 Milliken Mills Main Street Secondary Plan and Implementing By-laws (Ward 39 - Scarborough Agincourt and (Ward 41 - Scarborough Rouge River)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Confidential report (November 8, 2005) from the Director, Community Planning, Scarborough District [Confidential Communication C.14(a)]. The following staff recommendations contained in the Recommendations Section of the report, together with Attachments 1, 2 and 3, 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 related to litigation or potential litigation:

“It is recommended that City Council:

- (1) advise the Region of York that City Council supports the approval of Town of Markham Official Plan Amendment No. 144 – Milliken Mills Main Street Secondary Plan in principle, but objects to certain policy and implementation areas;
- (2) direct the City Solicitor and appropriate staff to work with the Town of Markham and the Region of York to resolve staff’s concerns as summarized below and discussed in more detailed in the report:

- (a) the conditions for lifting the Holding (H) zones should be strengthened to provide for improvements to the transportation system to the satisfaction of the City of Toronto including appropriate provisions in the Plan respecting Steeles Avenue;
  - (b) the May 2005 transportation study should be amended to address staff concerns with its assumptions and methodology; and
  - (c) the Community Improvement Plan should be prepared in consultation with the City to ensure adequate funding will be forthcoming for local transportation system improvements;
- (3) direct the City Solicitor to attend the Ontario Municipal Board, in the event staff are not able to resolve the issues as set out in Recommendation (2) above by the time an Ontario Municipal Board hearing has been scheduled to hear the Town's OPA No. 144 and implementing Zoning By-laws, to:
- (a) oppose Town of Markham Official Plan Amendment No. 144 – Milliken Mills Main Street Secondary Plan; and
  - (b) oppose Zoning By-law 2005-250 on the grounds that the Holding provision (H) does not afford the City of Toronto sufficient opportunity to satisfactorily address development which may adversely affect transportation, including transit operations, on Steeles Avenue and the surrounding network;
- (4) direct the City Solicitor to withdraw the City's previous appeal of By-laws 2005-248 and 2005-249; and
- (5) request the Town of Markham to initiate a comprehensive monitoring programme for the Milliken Main Street Secondary Plan lands and the surrounding transportation system."

[Attachments 1, 2 and 3 will be noted at the end of the Clause.]

## **9 Other Items Considered by the Community Council**

City Council on December 5, 6 and 7, 2005, received this Clause, for information.

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**Toronto and East York Community Council Report 9****1 Request for Endorsement of Event for Liquor Licensing Purposes (Ward 28 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**2 Naming of Public Lane - Gerrard Street East to Dundas Street East, between Sherbourne Street and Seaton Street as "Oskenonton Lane" (Ward 28 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**3 Permanent Closing of Six Public Highways Located in Regent Park South - Portion of Bartholomew Street and all of St. David Walk, Sackville Green, Belshaw Place, Whiteside Place and Nicholas Avenue (Ward 28 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**4 Final Report - Official Plan Amendment and Rezoning Application - 590 Jarvis Street (Ward 27 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**5 Final Report - Official Plan Amendment and Rezoning Application - 500 Sherbourne Street (former Princess Margaret Hospital) (Ward 27 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**6 Final Report - Official Plan Amendment and Rezoning Application - 40 Bay Street (Ward 28 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.



**7 Final Report - Official Plan Amendment and Rezoning Application - 1042-1048 Broadview Avenue (Ward 29 - Toronto-Danforth)**

City Council on December 5, 6 and 7, 2005, amended this Clause by adding to staff Recommendation (7) contained in the report (November 2, 2005) from the Director, Community Planning, Toronto and East York District, the words “which agreement shall secure payment of all cash contributions required at the time of execution of the agreement, and shall provide that the same are payable upon the implementing zoning by-law coming into force and effect”, so that staff Recommendation (7) now reads as follows:

“(7) before introducing the Official Plan and Zoning Bills to City Council for enactment, require the owner to enter into a Section 37 Agreement satisfactory in form to the City Solicitor and have same registered on title, which agreement shall secure payment of all cash contributions required at the time of execution of the agreement, and shall provide that the same are payable upon the implementing zoning by-law coming into force and effect; and”.

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

**8 Final Report - Official Plan Amendment and Rezoning Application - 508 Eastern Avenue (Ward 28 - Toronto-Danforth)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**9 Supplementary Report - 2195 Yonge Street (St. Paul's, Ward 22)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**10 Request for Further Direction – Application to Amend the Official Plan and Zoning By-law; Alteration to a Building Designated under Part IV of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement; and Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code – 500 Lake Shore Boulevard West (Ward 20 - Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, amended this Clause in accordance with the following staff recommendations contained in the Recommendations Section of the report (December 5, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that City Council:

- (1) authorize and direct the City Solicitor and necessary staff to attend at the Ontario Municipal Board in support of the pre-conditions to Site Plan Approval set out in Attachment 1 to this report;
- (2) replace Attachment 7 referred to in Recommendation (4) of the Planning Report dated October 28, 2005, with Attachment 2 to this report;
- (3) authorize and direct the City Solicitor to request that the Ontario Municipal Board withhold issuance of its Order on the Zoning Amendment until:
  - (i) submission and acceptance of a site servicing assessment from the applicant that demonstrates the stormwater runoff, sanitary flow and water supply demand resulting from this development as well as how the site can be serviced and that confirms adequacy of the municipal infrastructure;
  - (ii) arrangements satisfactory to the Executive Director, Technical Services have been made to ensure that the owner undertake any upgrades to the municipal infrastructure determined to be necessary as a result of Part (i) above, prior to use of the site as proposed; and
  - (iii) agreements satisfactory to the Executive Director, Technical Services are in place securing the municipal infrastructure requirements contemplated in Attachment 2 to this report; and
- (4) authorize and direct the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning, if determined appropriate by the Ontario Municipal Board, to secure the necessary municipal infrastructure contemplated in this report using other mechanisms and forms of agreement, including an agreement pursuant to section 37 of the *Planning Act*, and authorize execution of such agreements which are satisfactory to the City Solicitor.”

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

Council also considered the following:

- Report (December 5, 2005) from the Chief Planner and Executive Director, City Planning Division [Communication 35(a)].

**11 Status Report - Terms of Reference - Bloor Annex Corridor Visioning Study (Wards 19 and 20 - Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, amended this Clause in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (December 1, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that:

- (1) delete Recommendation (1) contained in the report dated October 28, 2005 from the Director, Community Planning, Toronto and East York District;
- (2) direct Planning staff to pursue the Visioning Study for the Bloor Annex Corridor in two phases, Phase I being Bloor Street West between Avenue Road and Bathurst Street and Phase II being Bloor Street West between Bathurst Street and Christie Street; and
- (3) adopt the proposed Terms of Reference for a Visioning Study for the Bloor Annex Corridor, as attached to this report, in place of those attached to the report dated October 28, 2005 from the Director, Community Planning, Toronto and East York District.”

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

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Council also considered the following:

- Report (December 1, 2005) from the Chief Planner and Executive Director, City Planning [Communication 7(d)].

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Communications:

- (November 17, 2005) from Ed Mirvish, President, Honest Ed’s Limited [Communication 7(a)(1)];
- (November 17, 2005) from David Mirvish, Ed Mirvish Enterprises [Communication 7(a)(2)];
- (November 23, 2005) from Russell Lazar, Chair, Atique Azad, Vice-Chair, and Chris Pagendam, Treasurer, Mirvish Village Business Improvement Area [Communication 7(a)(3)];

- (November 30, 2005) from B. Gap Lee, Acting Chair, Mary Kim, Treasurer and Kyung Mok Lee, Executive Director, Korea Town Business Improvement Area [Communication 7(b)]; and
- (December 2, 2005) from Johnny Lucas, on behalf of the Palmerston Area Residents' Association [Communication 7(c)].

**12 Refusal Report - Official Plan Amendment and Rezoning Application - 121 Avenue Road (Ward 27 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**13 Refusal and Directions Report - Official Plan Amendment and Rezoning Application - 56-66 Temperance Street and 73 Richmond Street West (Ward 28 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**14 Request for Direction Report - Official Plan Amendment and Rezoning Application – 799, 803, 803R, 807 and 809 Broadview Avenue and 21R Pretoria Avenue (Ward 29 - Toronto-Danforth)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**15 Status Report - Official Plan Amendment and Rezoning Application, Intention to Designate under Part IV of the *Ontario Heritage Act* and Approval of Alterations to Designated and Heritage Buildings - 430 Broadview Avenue and 548, 550 and 558 Gerrard Street East - Bridgepoint Health (Ward 20 – Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

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Council also considered the following:

Communications:

- (November 7, 2005) from the Administration Committee [Communication 9(a)].
- (November 27, 2005) from Ronald Huybrechts [Communication 9(b)];

- (November 30 2005) from Martin Ahermaa [Communication 9(c)];
- (undated) from Shelagh Rounthwaite [Communication 9(d)]; and
- (November 17, 2005) from Susan Richardson [Communication 8(a)].

**16 Request for Direction Report - Rezoning Application – 90 Stadium Road (Ward 20 - Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Communication (undated) from Dr. Peter Bemand [Communication 10(a)]

**17 Refusal Report - Official Plan Amendment and Rezoning Application - 76 and 100 Davenport Road (Ward 27 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Communication (November 9, 2005) from Gloria Fallick [Communication 11(a)].

**18 Directions Report – Application to Amend the Official Plan and Zoning By-law and Alterations to a Heritage Property, Designation under Part IV of the *Ontario Heritage Act* and Authority to Enter into a Heritage Easement Agreement - 100, 112, 120 and 128 Howland Avenue (St. George’s College) (Ward 20 – Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

Council also adopted the following procedural motion:

“That:

- (1) all motions moved on this Clause be forwarded to the special meeting of Council on December 14, 2005, and these motions be deemed to be moved; and

- (2) any speaker's lists from the December 5, 6 and 7, 2005 meeting of City Council be carried forwarded to the next special meeting of City Council called to complete consideration of unfinished business, and be adopted for continuing the debate on this matter at that meeting, and that a provision be allowed for any Members who were not on a speaker's list to add their names."
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Council also considered the following:

- Confidential report (November 29, 2005) from the City Solicitor [Confidential Communication C.21(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.
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Communications:

- (November 23, 2005) from Anthony Pepper [Communication 12(a)];
- (December 12, 2005) from Matthew Turner [Communication 12(b)(1)];
- (December 2, 2005) from Michel Vulpe [Communication 12(b)(2)];
- (December 2, 2005) from Nancy B. Cvitkovic [Communication 12(b)(3)];
- (December 2, 2005) from Robert G. Wilson [Communication 12(b)(4)];
- (December 2, 2005) from J.C. Van Klaveren [Communication 12(b)(5)];
- (December 2, 2005) from John Blazina [Communication 12(b)(6)];
- (December 2, 2005) from J.D. Considine and Mary Pugh [Communication 12(b)(7)];
- (December 3, 2005) from Lorie Pierce [Communication 12(b)(8)];
- (December 3, 2005) from J.D. Considine and Mary Pugh [Communication 12(b)(9)];
- (December 3, 2005) from Michaela Chandler [Communication 12(b)(10)];
- (December 3, 2005) from Louise Morin and Doreen Morin [Communication 12(b)(11)];

- (December 3, 2005) from John Blazina [Communication 12(b)(12)];
- (December 4, 2005) from A. McConnell [Communication 12(b)(13)];
- (December 4, 2005) from Brigid O'Reilly [Communication 12(b)(14)];
- (December 4, 2005) from Denis Sequin [Communication 12(b)(15)];
- (December 4, 2005) from Roger Hall [Communication 12(b)(16)];
- (December 4, 2005) from Ted and Marilyn Spearin [Communication 12(b)(17)];
- (December 4, 2005) from Mark A. Cheetham [Communication 12(b)(18)];
- (December 4, 2005) from Jane Beecroft [Communication 12(b)(19)];
- (December 4, 2005) from Nancy Solway [Communication 12(b)(20)];
- (December 4, 2005) from Mark Lambert [Communication 12(b)(21)];
- (December 4, 2005) from Adrienne Shoom [Communication 12(b)(22)];  
and
- (December 4, 2005) from Martha Friendly [Communication 12(b)(23)].

**19 Intention to Designate under Part IV of the *Ontario Heritage Act*, Approval of Alterations to a Heritage Building and Request for Authority to Enter into a Heritage Easement Agreement - 51 Bathurst Street (International Harvester Building) (Ward 20 - Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**20 Inclusion of 30 Properties on the City of Toronto Inventory of Heritage Properties - Harbord Village Area Study (Ward 20 - Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**21 Casa Loma Heritage Conservation District Preliminary Study (Wards 21 and 22 - St. Paul's)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**22 Inclusion on the City of Toronto Inventory of Heritage Properties - 66 Fraser Avenue (Arlington Company of Canada Factory) (Ward 14 - Parkdale-High Park)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**23 Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code - 1 St. Clair Avenue West (Ward 22 - St. Paul's)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**24 Cash Payment-in-lieu of Providing Parking - 427 Queen Street West (Ward 20 - Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**25 Cash Payment-in-lieu of Providing Parking - 2996A and 2996 Danforth Avenue (Ward 31 - Beaches-East York)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**26 Maintenance of a Stone Wall Fence and Columns Surmounted with a Low Decorative Wrought Iron Fence - 125 South Drive (Ward 27 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**27 Maintenance of a Wrought Iron Fence and Gate - 98 Pembroke Street (Ward 27 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**28 Installation of Holiday Décor - Yonge Street, between Grosvenor/Alexander Streets to Richmond Street (Wards 27 and 28 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.



**29 Boulevard Cafe - Ok Ok Diner Inc. Operating as Okay Okay - 1128 Queen Street East (Ward 30 - Toronto-Danforth)**

City Council on December 5, 6 and 7, 2005, granted the application for a boulevard café licence at 1128 Queen Street East.

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

**30 Removal of One Privately Owned Tree - 646 Broadview Avenue (Ward 30 - Toronto-Danforth)**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

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Council also considered the following:

- Communication (November 4, 2005) from Ruthie Gilpin Beck, Tree Advocate, Riverdale Historical Society, submitted by Councillor Paula Fletcher, Ward 30, Toronto-Danforth [Communication 13(a)].

**31 Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code - 154 University Avenue (Ward 20 - Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**32 Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code - 160 Wellesley Street East (Ward 27 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**33 Public Art Plan - 35 Balmuto Street (Ward 27 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**34 Further Extension of Part Lot Control Exemption for a portion of the Woodbine Park Development (Ward 32 - Beaches-East York)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**35 Prohibition of Heavy Trucks from 7:00 p.m. to 7:00 a.m. - Dawes Road, between Danforth Avenue and Victoria Park Avenue (Ward 31 - Beaches-East York)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**36 Reduction of the Speed Limit to 40 km/h - Park Visa (Ward 31 - Beaches-East York)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**37 Delineation of a “School Bus Loading Zone” near the Children’s Learning Centre at Allen Gardens - Carlton Street, south side, east of Jarvis Street (Ward 27 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**38 Construction Staging Area - Spadina Road, west side, north of Lowther Avenue flanking 35 Walmer Road (Ward 20 - Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**39 Proposed Construction Staging Area - 96 St. Patrick Street (Ward 20 - Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**40 Temporary Road Occupation for a Construction Staging Area – 255 Wellington Street West (Ward 20 - Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**41 “Day-care Pick-up and Drop-off Area” with a fifteen minute maximum parking limit - Glen Morris Street, north side, from Huron Street to Spadina Avenue (Ward 20 - Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**42 Speed Bumps in Public Lane System bounded by Lappin Avenue, Emerson Avenue, Wallace Avenue and St. Clarens Avenue (Ward 18 - Davenport)**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

**43 Speed Bumps - Public Lane first north of Queen Street East, between Hastings Avenue and Alton Avenue (Ward 30 - Toronto-Danforth)**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

**44 Introduction of Permit Parking on the north side of Macaulay Avenue, between Perth Avenue and the dead end of Macaulay Avenue (Ward 18 - Davenport)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**45 Installation/Removal on On-Street Parking Spaces for Persons with Disabilities (Ward 18 - Davenport; Ward 19 - Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**46 Amendments to Parking Regulations - Whitaker Avenue (Ward 19 - Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**47 Amendments to Parking Regulations on the south side of Hawarden Crescent and the Introduction of a Reduced Speed Limit on Hawarden Crescent, Spadina Road to Dunloe Road (Ward 22 - St. Paul's)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**48 Prohibition of Parking at All Times - Glazebrook Avenue, South side, from Glenavy Avenue to Bayview Avenue (Ward 22 - St. Paul's)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**49 Extension of “No Parking Anytime” Regulation - Maitland Street (Ward 27 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**50 Rescindment of the Alternate Side Parking Regulations and Provision of Parking at All Times on the East side of Caithness Avenue, south of Glebeholme Boulevard (Ward 29 - Toronto-Danforth)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**51 Amendments to the Alternate Side Parking Regulations - Fulton Avenue from Broadview Avenue to Carlaw Avenue (Ward 29 - Toronto-Danforth)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**52 Naming of Proposed Private Lane - Kingston Road and Dundas Street East (Ward 32 - Beaches-East York)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**53 Installation of a Wrought Iron Fence Fronting 421 Russell Hill Road and Maintenance of a Glycol Heating System on the Kilbarry Road Flank (Ward 22 - St. Paul's)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**54 Installation of a Glycol Heating System - 8 Cluny Drive (Ward 27 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**55 Installation of an Illuminated Tiger Decoration - Traffic Island at the Northwest Corner of Bloor Street West and Christie Street (Ward 19 - Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**56 Concord Adex - Railway Lands West (Blocks 24, 25, 26 and 29) (Ward 20 - Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, received this Clause.

**57 Use of Nathan Phillips Square: “Wintercity”, January 26 to February 9, 2006 (Ward 27 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**58 Installation of “No Parking Anytime” Regulations at Various Locations - Douglas Crescent (Ward 29 - Toronto-Danforth)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**59 Prohibition of Parking - Hopedale Avenue (Ward 29 - Toronto-Danforth)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**60 Rogers Public Art Project - 1 Mount Pleasant Road and 575 and 577 Jarvis Street (Ward 27 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**61 Further Report No. 2 - Subdivision Approval Application - Wellesley Central Health Corporation - 146-160 Wellesley Street East (Ward 27 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**62 Request for Zoning Review for West Queen West Triangle Area (Ward 18 - Davenport)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**63 Authority to Amend the Section 37 Agreement, Blocks 3A, 3B and 5, Fort York Neighbourhood (Ward 19 - Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**64 Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code - 2 Strachan Avenue, south-east corner of the Food Building in the CNE Grounds (Ward 20 – Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, postponed consideration of this Clause to its special meeting on December 14, 2005.

Council also considered the following:

Communications:

- (November 18, 2005) from John Turner [Communication 14(a)(1)];
- (November 18, 2005) from Paul Ledoux [Communication 14(a)(2)];
- (November 18, 2005) from Larry Westwood and Robert Paterson [Communication 14(a)(3)];
- (November 18, 2005) from Andreas Seibert [Communication 14(a)(4)];
- (November 19, 2005) from Peter Elson [Communication 14(a)(5)];
- (November 19, 2005) from Hein Wick [Communication 14(a)(6)];
- (November 19, 2005) from Judi Charlton [Communication 14(a)(7)];
- (November 21, 2005) from Margaret Bryant [Communication 14(a)(8)];
- (November 21, 2005) from Peter Elson, Chair, Roncesvalles Residents' Association [Communication 14(a)(9)];
- (November 21, 2005) from Dieter Heinrich [Communication 14(a)(10)];
- (November 21, 2005) from Peter Carr-Locke [Communication 14(a)(11)];
- (November 21, 2005) from Denis Lefebvre [Communication 14(a)(12)];
- (November 21, 2005) from Ken Sharratt [Communication 14(a)(13)];
- (November 28, 2005) from Gabrielle David [Communication 14(a)(14)];
- (November 29, 2005) Jean Hodder [Communication 14(a)(15)];
- (December 2, 2005) from Xzavier Onasis [Communication 14(a)(16)];

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- (December 2, 2005) from Ron Nurwisah [Communication 14(a)(17)];
  - (December 2, 2005) from David Nichol [Communication 14(a)(18)];
  - (December 2, 2005) from Alice Barton [Communication 14(a)(19)];
  - (December 2, 2005) from Andrew Brett [Communication 14(a)(20)];
  - (December 2, 2005) from Daniel Luciani [Communication 14(a)(21)];
  - (December 2, 2005) from Cynthia Gould [Communication 14(a)(22)];
  - (December 2, 2005) from Kate Opashinov [Communication 14(a)(23)];
  - (December 2, 2005) from Rami Tabetlo [Communication 14(a)(24)];
  - (December 2, 2005) from Albert Kwan [Communication 14(a)(25)];
  - (December 2, 2005) from Alison Gorbould [Communication 14(a)(26)];
  - (December 2, 2005) from Josh Paterson [Communication 14(a)(27)];
  - (December 2, 2005) from Emily J. Alfred [Communication 14(a)(28)];
  - (December 2, 2005) from Fraser McDonald [Communication 14(a)(29)];
  - (December 2, 2005) from Frances Smith [Communication 14(a)(30)];
  - (December 2, 2005) from Liz Hayward [Communication 14(a)(31)];
  - (December 3, 2005) from Liam O’Doherty [Communication 14(a)(32)];
  - (December 3, 2005) from Andrew Woodrow [Communication 14(a)(33)];
  - (December 3, 2005) from ChronoLogix [Communication 14(a)(34)];
  - (December 3, 2005) from Andrew Brown [Communication 14(a)(35)];
  - (December 4, 2005) from Todd Irvine [Communication 14(a)(36)];
  - (December 4, 2005) from Katherine [Communication 14(a)(37)];
  - (December 4, 2005) from Raj Bharati [Communication 14(a)(38)];

- (December 5, 2005) from Michael Pereira [Communication 14(a)(39)]; and
- (December 5, 2005) from Steve Mercer [Communication 14(a)(40)].

**65 Request for Fence Exemption - 159 Gillard Avenue (Ward 30 - Toronto-Danforth)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

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Council also considered the following:

- Communication (November 18, 2005) from Pat Yorke [Communication 15(a)].

**66 Cecil Community Centre Board of Management (Ward 20 - Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**67 Kew Gardens Remembrance Day Ceremony (Ward 32 - Beaches-East York)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**68 Proposed off-peak period Pay-and-Display at Front Street West south side, between Spadina Avenue and Blue Jays Way (Ward 20 - Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**69 Reasons for decision of the Divisional Court dated October 18, 2005, respecting whether the Board of the Alcohol and Gaming Commission of Ontario erred in failing to grant the City party status to a hearing before it concerning the Navaron Restaurant located at 268 Dundas Street East (Ward 27 - Toronto Centre-Rosedale)**

City Council on December 5, 6 and 7, 2005, amended this Clause by deleting the Recommendation of the Toronto and East York Community Council, and replacing it with the following:



“That City Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (December 2, 2005) from the City Solicitor. The following staff recommendations contained in the Recommendations Section of the report, together with Schedule A, 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 City Solicitor abandon the City’s motion for leave to appeal the decision of the Divisional Court if the licencees do not appeal the AGCO’s decision;
- (2) if the licencees’ appeal the AGCO’s decision, the City Solicitor proceed with the leave to appeal motion and appeal if leave is granted; and
- (3) City Council strongly urge the Alcohol and Gaming Commission of Ontario to disqualify the premises from being eligible for a liquor licence for a period of two years as not being in the public interest in accordance with section 20 of the *Liquor Licence Act*.”

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

Council also considered the following:

- Confidential report (November 15, 2005) from the City Solicitor [Confidential Communication C.20(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.
- Confidential report (December 2, 2005) from the City Solicitor [Confidential Communication C.20(b)]. The above-noted staff recommendations contained in the Recommendations Section of the report, together with Scheduled A, 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 is on file in the City Clerk’s Office.]

**70 Replacement of Signs in Chinatown and the South-East Spadina Secondary Plan (Ward 20 - Trinity-Spadina)**

City Council on December 5, 6 and 7, 2005, adopted this Clause without amendment.

**71 Other Items Considered by the Community Council**

City Council on December 5, 6 and 7, 2005, received this Clause, for information.

**Notices of Motion**

**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 re-opened 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 December 5, 6 and 7, 2005, postponed consideration of this Motion to its special meeting on December 14, 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 December 5, 6 and 7, 2005, postponed consideration of this Motion to its special meeting on December 14, 2005.***

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Council also considered the following:

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

**I(1) Reading and Display of Motions at Council for Viewers at Home**

*Moved by Councillor Walker, seconded by Councillor Jenkins*

**“WHEREAS** each and every session of Toronto City Council is televised on Rogers Community Television for viewers at home; and

**WHEREAS** the vast majority of these viewers watch at home because they cannot attend the meeting in person at Toronto City Hall; and

**WHEREAS** these viewers have as much a right, as those who attend the meeting in person, to know what is being discussed, who is placing a motion, what the motion is, who is voting or not voting and whether they are voting in the affirmative or the negative; and

**WHEREAS** it used to be the customary practice that the Chair read all motions out loud, in order for all viewers to know what is being voted on; and

**WHEREAS** the public audience watching at home are not privy to hundreds of pages of printed agendas, Notices of Motions, as well as countless updates and distributed pages that Councillors are privileged to receive; and

**WHEREAS** the public audience, without this information, cannot possibly follow a three-day meeting where items are often held, discussed in camera, deferred, received, or sent back to Committee without any mention other than an agenda reference number;

**NOW THEREFORE BE IT RESOLVED THAT** Council consider amending Chapter 27 of the City of Toronto Municipal Code (Council Procedures) to require the Chair or City Clerk to read aloud all motions being voted on for the viewing audience at home; that notice of a proposed amendment be given in accordance with Chapter 162, Notice, Public and Chapter 27, Council Procedures; and that this matter be considered by the Policy and Finance Committee;

**AND BE IT FURTHER RESOLVED THAT** all motions being voted on also be displayed on the television screen at the time they are being voted on.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, referred this Motion to the Policy and Finance Committee.***

**I(2) Request to Provincial Government to Extend Tuition Fee Freeze**

*Moved by Councillor Augimeri, seconded by Councillor Giambrone*

“**WHEREAS** Premier Dalton McGuinty has announced that Ontario’s tuition fee freeze would not be extended beyond September 2006; and

**WHEREAS** tuition fees have been shown to be the most significant barrier to accessing post secondary education; and

**WHEREAS** increasing tuition fees will adversely affect the most marginalized people of Toronto to the greatest degree; and

**WHEREAS** recent studies have shown enrollment in post-secondary education by middle-income students has been depressed by increased tuition fees; and

**WHEREAS** a significant step in making all of Toronto’s communities safer is breaking the cycle of poverty through affordable and accessible post-secondary educational opportunities;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council endorse a fully-funded tuition fee freeze in the Province of Ontario until at least September 2008;

**AND BE IT FURTHER RESOLVED THAT** Toronto City Council request the Mayor to write a letter to Premier Dalton McGuinty, the Honourable Christopher Bentley (Minister of Training, Colleges and Universities) and Toronto-area Members of Provincial Parliament to request that the Provincial Government maintain a fully-funded tuition fee freeze until at least September 2008.”

***Disposition:***

***This Motion was ruled out of order at City Council on December 5, 6 and 7, 2005.***

**I(3) Aid to Earthquake Stricken Areas in Pakistan, India and Afghanistan**

*Moved by Councillor Walker, seconded by Councillors Thompson and Cho*

“**WHEREAS** at 8:30 a.m. on Saturday, October 8, 2005, a wide-sweeping, 7.6 Richter-scale earthquake struck the northern regions of Pakistan, India and Afghanistan; and

**WHEREAS** this disaster has directly affected more people than 2004's Tsunami disaster, including the death-toll estimate in excess of 79,000 people and the earthquake's displacement of 3.5 million people; and

**WHEREAS** 'near-apocalyptic devastation' of the many cities, towns and villages of this region has occurred; and

**WHEREAS** winter is fast approaching in this region of devastation that receives weather similar to Colorado, USA, and 500,000 people have yet to receive the first-aid responders; and

**WHEREAS** this is a large-scale disaster that requires immediate, long-term commitment from the international community for relief, rehabilitation and reconstruction that could take 10 to 15 years; and

**WHEREAS** we know that the earthquake has already caused over 50 times more deaths than Hurricane Katrina, yet so far the amount earmarked for aid and reconstruction in Pakistan, India and Afghanistan is very small; and

**WHEREAS** many residents of Toronto have lost multiple family members to this disaster; and

**WHEREAS** the Policy and Finance Committee requested that City staff report on the feasibility of establishing a 'Disaster Aid Fund', to provide relief from Toronto to domestic or international disaster-stricken Cities or regions;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council hereby stands in recognition of the immensity of the October 8, 2005 earthquake disaster in Pakistan, India and Afghanistan;

**AND BE IT FURTHER RESOLVED THAT** on behalf of the citizens of Toronto, Toronto City Council approve a contribution of \$1 million towards immediate aid-relief efforts in the affected regions of Pakistan, India and Afghanistan;

**AND BE IT FURTHER RESOLVED THAT** this donation be distributed through established relief agencies;

**AND BE IT FURTHER RESOLVED THAT** the appropriate City staff be directed to give effect to the foregoing."

*Disposition:*

*City Council on December 5, 6 and 7, 2005, referred this Motion to the Policy and Finance Committee.*

Council also considered the following:

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

**I(4) Distribution of City of Toronto Tap Water - Toronto Pure**

*Moved by Councillor Moscoe, seconded by Councillor Carroll*

“**WHEREAS** the City of Toronto’s tap water meets or exceeds any measure of quality standard available; and

**WHEREAS** in every objective evaluation of commercial bottled water, the City of Toronto’s water (Toronto Pure) exceeds the standard of almost all bottled waters; and

**WHEREAS** the City and all of its agencies, boards and commissions have an obligation to promote the quality of our water; and

**WHEREAS** a first step in promoting Toronto water would be to ensure that all City staff stop selling or distributing other than the City’s own product;

**NOW THEREFORE BE IT RESOLVED THAT**, apart from honouring existing contracts, the City of Toronto prohibit the distribution of any water other than Toronto Pure, i.e. City of Toronto tap water, in any City facility or the facilities of its agencies, boards and commissions.”

*Disposition:*

*City Council on December 5, 6 and 7, 2005, referred this Motion to the Works Committee.*

**I(5) Morningside Avenue/Markham By-pass Extension**

*Moved by Councillor Cho, seconded by Councillor De Baeremaeker*

“**WHEREAS** City Council on June 14, 15 and 16, 2005 adopted, without amendment, Works Committee Report 6, Clause 5, headed ‘Morningside Avenue/Markham By-pass Extension – Individual Project Environmental Assessment Study Status Report (Ward 42 – Scarborough Rouge River), and in so doing, requested York Region to conduct additional community consultation on the by-pass extension; and

**WHEREAS** Scarborough Community Council recently held an evening meeting to consider the results of the additional community consultation and the further transportation analysis which was conducted by the York Region study team arising from City Council's request; and

**WHEREAS** as a result of this further information, Council should make new recommendations on the Morningside Avenue/Markham by-pass extension;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Works Committee Report 6, Clause 5, headed 'Morningside Avenue/Markham By-pass Extension – Individual Project Environmental Assessment Study Status Report (Ward 42 – Scarborough Rouge River)', be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** City Council delete the Recommendation of the Works Committee contained in the Clause and adopt instead the following new recommendations:

'It is recommended that City Council:

- (1) advise York Region that it strongly opposes and formally objects to any north/south road in York Region that will increase traffic congestion in the City of Toronto;
- (2) advise York Region that it strongly opposes and formally objects to the extension of Morningside Avenue south of Steeles Avenue East, as developed in the Environmental Assessment Study for transportation improvements in the Markham By-pass Corridor;
- (3) request York Region to do the following:
  - (a) re-evaluate Alignment C north of Steeles Avenue East, and
  - (b) conduct an additional community consultation meeting with City of Toronto residents and the Scarborough Community Council, following completion of this further evaluation of Alignment C, with notice being provided to the residents in consultation with local City of Toronto Ward Councillor; and
- (4) inform York Region that:
  - (a) the City intends to keep Steeles Avenue, east of Markham, at its current width of two traffic lanes in keeping with its rural surroundings; and



- (b) the City neither intends nor has budgeted any funds to construct the Alignment C south of Steeles Avenue East;

**AND BE IT FURTHER RESOLVED THAT** Council's position be forwarded to the Province of Ontario, the Regional Municipality of York, the Town of Markham, the Toronto and Region Conservation Authority, the Rouge Park Alliance, the Friends of the Rouge Watershed and the Save the Rouge environmental groups."

***Disposition:***

***City Council on December 5, 6 and 7, 2005, re-opened Works Committee Report 6, Clause 5, headed "Morningside Avenue/Markham By-pass Extension – Individual Project Environmental Assessment Study Status Report (Ward 42 – Scarborough Rouge River)", for further consideration, and adopted the balance of this Motion, without amendment.***

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Council also considered the following:

- Petition submitted by Councillor Raymond Cho, Ward 42 - Scarborough - Rouge River, containing the signatures of approximately 323 individuals in opposition to the Morningside Avenue/Markham By-pass Extension [Communication 22(a)].
- Communication (October 31, 2005) from the Regional Municipality of York [Communication 22(b)].

**I(6) Request for Enforcement of the *Child and Family Services Act***  
*Moved by Councillor Nunziata, seconded by Councillor Hall*

**"WHEREAS** the protection of children is of utmost importance to the Members of Toronto City Council;

**NOW THEREFORE BE IT RESOLVED THAT** the Toronto Police Services Board be requested to direct the Toronto Police Service to enforce Section 79 of the *Child and Family Services Act*."

***Disposition:***

***City Council on December 5, 6 and 7, 2005, postponed consideration of this Motion to its special meeting on December 14, 2005.***

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Council also considered the following:

- Excerpt from the *Child and Family Services Act*, Section 79, headed Offences, Restraining Orders, Recovery on Child's Behalf [Communication 27(a)].

**I(7) Request for Review of Fines for Body Rub Parlours Operating Without a Licence**

*Moved by Councillor Nunziata, seconded by Councillor Hall*

“**WHEREAS** the current fine for a body rub parlour operating without a licence is not an effective deterrent and does not ensure that body rub parlours obtain a licence;

**NOW THEREFORE BE IT RESOLVED THAT** the Acting Executive Director, Municipal Licensing and Standards, be requested to examine and report to the Planning and Transportation Committee on increasing the fine amount for body rub parlours operating without a licence so that the fine will act as a deterrent to this illegal activity; and notice of a proposed amendment to Chapter 545, Licensing, be given, as required by Chapter 162, Notice, Public.”

*Disposition:*

*City Council on December 5, 6 and 7, 2005, adopted this Motion, without amendment.*

**I(8) Juno Beach Memorial and the Juno Beach Centre Association**

*Moved by Councillor Kelly, seconded by Councillor Ootes*

“**WHEREAS** The Honourable Albina Guarnieri, Minister of Veterans Affairs, has declared 2005 the ‘Year of the Veteran’; and

**WHEREAS** Toronto’s contribution in troops and material to Canada’s Second World War effort was considerable and significant; and

**WHEREAS** over 50 Canadian schools, including Toronto’s students, have visited the Juno Beach Centre to gain insights into Canada’s participation in World War II; and

**WHEREAS** the City of Toronto, as the leading Canadian City, has a responsibility to commemorate Canada’s contribution in one of the pivotal events in the 20th century and recognize its Veterans who defended our freedoms; and

**WHEREAS** the Juno Beach Centre Association’s previous request obtained the support of the City of Toronto;

**NOW THEREFORE BE IT RESOLVED THAT** the City of Toronto agree to make a further contribution of \$25,000.00, to cover the operational costs of the Juno Beach Centre Association;

**AND BE IT FURTHER RESOLVED THAT** the Budget Advisory Committee, in consultation with the Deputy City Manager and Chief Financial Officer, be requested to recommend the source of funding for this initiative and report to the next meeting of City Council, through the Policy and Finance Committee, on an identified source of funds.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, referred this Motion to the Budget Advisory Committee for consideration with the 2006 Operating Budget.***

Council also considered the following:

- Fiscal Impact Statement (December 6, 2005) from the Deputy City Manager and Chief Financial Officer.

**J(1) Cost of Living Adjustment for Elected Officials**

*Moved by Councillor Jenkins, seconded by Councillor Walker*

“**WHEREAS** City Council at its meeting on September 28, 29 and 30, 2005, adopted, without amendment, Policy and Finance Report No. 8, Clause 16, headed ‘Cost of Living Adjustment for Non-Union Staff’, and in so doing, effectively changed the rate of increase for the salaries of elected officials to correspond to increases received by union and non-union employees; and

**WHEREAS** it has been common practice for City Council not to vote on adjustments to their own salaries when adjustments take effect in the same term of Council; and

**WHEREAS** in 2000, City Council adopted a policy that annual salary increases for elected officials be based on cost of living increases;

**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 No. 8, Clause 16, headed ‘Cost of Living Adjustment for Non-Union Staff’, be re-opened for further consideration, only as it pertains to salary increases for elected officials;

**AND BE IT FURTHER RESOLVED THAT** the Clause be amended by deleting from Recommendation (1) contained in the Recommendations Section of the report (September 1, 2005) from the City Manager and the Deputy City Manager and Chief Financial Officer, as amended by the Policy and Finance Committee, the words ‘and elected officials’, after the words ‘group of employees’;

**AND BE IT FURTHER RESOLVED THAT** the appropriate City officials be directed to give effect to the foregoing.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, postponed consideration of this Motion to its special meeting on December 14, 2005.***

Council also considered the following:

- Fiscal Impact Statement (December 6, 2005) from the Deputy City Manager and Chief Financial Officer.

**J(2) Appointment to the Yonge-Dundas Square Board of Management**

*Moved by Councillor Rae, seconded by Councillor McConnell*

“**WHEREAS** City Council on January 27, 28 and 29, 2004, adopted, without amendment, Economic Development and Parks Committee Report 1, Clause 5, headed ‘Appointment of Members to the Yonge Dundas Square Board of Management – 2003 to 2006 Term (Ward 27 - Toronto Centre-Rosedale)’; and

**WHEREAS** Section 636-7 of the Municipal Code sets out the structure of the Board, which is to be comprised of 13 members, including one representing the Toronto Alliance for the Performing Arts (TAPA); and

**WHEREAS** the TAPA representative that Council appointed, David Walleth, has left the TAPA Board; and

**WHEREAS** TAPA has nominated Jenny Ginder as its new representative on the Yonge-Dundas Square Board of Management;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council appoint Jenny Ginder to the Yonge-Dundas Square Board of Management as the Toronto Alliance for the Performing Arts representative for the remainder of the 2003-2006 term;

**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 December 5, 6 and 7, 2005, adopted this Motion, without amendment.***

**J(3) Agreement Regarding Garbage Disposal between the City of Toronto and the Regions of York, Durham and Peel**

*Moved by Councillor Ootes, seconded by Councillor Del Grande*

**“WHEREAS** ‘transparency’ has supposedly been one of the hallmarks of the Mayor’s last two years in office and is a common thread in all of his statements, regardless of the issue; and

**WHEREAS** the mission statement for the Mayor’s Office is prominently displayed on the City’s public Website, and states, in part, ‘The Mayor’s Office has a duty to conduct the business of the City in ways that are transparent, honest, efficient and inclusive. It is the responsibility of the Mayor to ensure that City Council remains accountable and accessible to the public...’; and

**WHEREAS** before David Miller was elected as Mayor, as a Councillor he often spoke about the importance of transparency in government – ‘Civic participation holds political representatives accountable and makes decision-making more transparent’ (speech to the Canadian Council on Social Development, November 2001); and

**WHEREAS** Mayor Miller, as part of his commitment ‘to ensure a more open and transparent system of government’, has been a proponent for the creation of a Lobbyist Registry; and

**WHEREAS** the City of Toronto currently ships approximately 105 truckloads of garbage to Michigan each day; and

**WHEREAS** Toronto faces an imminent crisis, should Michigan decide to close its border to our garbage, and this threat grows more real with each passing week; and

**WHEREAS** in February 2005, Mayor David Miller, Deputy Mayor Sandra Bussin and Councillor Jane Pitfield reviewed a confidential report that was prepared by the consulting firm of Gartner Lee, for the City of Toronto, and the Regions of York, Durham and Peel; and

**WHEREAS** later in 2005, the Chair and the Vice-Chair of the Works Committee, Councillors Shelley Carroll and Adam Giambrone respectively, reviewed this confidential report; and

**WHEREAS** the report was submitted to the Provincial Minister of the Environment; and

**WHEREAS** the majority of the Works Committee and other Members of Council were not permitted to review this report and have been denied access to it; and

**WHEREAS** a senior City official has confirmed that the report has actually been kept confidential based on an agreement between the individuals from the City of Toronto who reviewed the report and the representatives from York, Durham and Peel, along with the Province's Environment Minister; and

**WHEREAS** this agreement was made without Council approval; and

**WHEREAS** the Chair of the Works Committee stated in an interview on September 15, 2005, that she hopes to have a 'waste summit' before month's end to discuss the Michigan situation;

**NOW THEREFORE BE IT RESOLVED THAT** the Mayor and the Chair of the Works Committee immediately disclose the Gartner Lee report to Council;

**AND BE IT FURTHER RESOLVED THAT** the Mayor of the City of Toronto and the Chair of the Works Committee explain the lack of transparency surrounding the critical issue of our garbage contingency plan, and the back-room decision by the Mayor and a few Councillors to not consult Council regarding this report;

**AND BE IT FURTHER RESOLVED THAT** the Mayor and the Chair of the Works Committee provide a report to the next meeting of City Council on the specific actions and plans that have been undertaken since the Gartner Lee report was commissioned, and since it was presented to the Minister of the Environment."

***Disposition:***

***City Council on December 5, 6 and 7, 2005, referred this Motion to the Works Committee.***

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Council also considered the following:

- Communication (November 18, 2005) from Mayor David Miller [Communication 26(a)].

**J(4) Ontario Municipal Board Hearing - 39 Donwoods Drive**  
*Moved by Councillor Jenkins, seconded by Councillor Pitfield*

**“WHEREAS** on July 7, 2005, the Committee of Adjustment – North Panel refused an application seeking seven variances to permit the construction of a new three-storey dwelling at 39 Donwoods Drive; and

**WHEREAS** the variances to lot coverage, front yard set back, south side yard setback, dwelling height, first floor height, 3-storey dwelling and balcony area are excessive even for the York Mills Valley and an over-development of the lot; and

**WHEREAS** City Planning, Works and Forestry staff wrote negative reports on this application; and

**WHEREAS** loss of absorptive capacity of land is particularly problematic at the same time the City is proposing to spend in excess of \$10 million over several years to address storm water management in the York Mills Valley area; and

**WHEREAS** the applicant has appealed the Committee of Adjustment decision to the Ontario Municipal Board, with a hearing scheduled for Wednesday, January 18, 2006; and

**WHEREAS** North York Community Council does not meet until Tuesday, January 17, 2006 which is too late for staff to prepare the City’s case for the Ontario Municipal Board;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor be authorized to attend at the Ontario Municipal Board hearing on January 18, 2006, to uphold the decision of the Committee of Adjustment to refuse the application for 39 Donwoods Drive.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, adopted this Motion, without amendment.***

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Council also considered the following:

Communications:

- (July 5, 2005) from the Director, Transportation Services, North York District, addressed to the Director, Community Planning, North York District;
- (July 4, 2005) from the City Forester, addressed to the Manager and Deputy Secretary Treasurer, Committee of Adjustment, North District;

- (June 29, 2005) from the Acting Director, Community Planning, North District, addressed to the Chairman and Members of the Committee of Adjustment, North York Panel; and
- Notice of Decision (July 15, 2005) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, North York Panel.

**J(5) Narrowing of St. Enoch's Square**

*Moved by Councillor Rae, seconded by Councillor McConnell*

**“WHEREAS** the City of Toronto Transportation Services Division was contacted by management of Massey Hall regarding damage caused by trucks to fire escapes attached to the building; and

**WHEREAS** Massey Hall has fire escapes which encroach, under agreement, into St. Enoch's Square at a height of approximately 3.6 metres above grade which is lower than today's standards; and

**WHEREAS** certain trucks must use St. Enoch's Square flanking the west elevation of 15 Shuter Street (Massey Hall) to service addresses on Yonge Street; and

**WHEREAS** these large delivery trucks are inadvertently colliding with the aforementioned fire escapes, causing damage to the fire escape and building structure (Massey Hall); and

**WHEREAS** the City of Toronto should do what it can to prevent damage to its historical buildings; and

**WHEREAS** the Transportation Services Division has developed measures that could prevent vehicles from hitting the fire escapes and causing further damage to Massey Hall; and

**WHEREAS** the Toronto Fire Service has been contacted in this regard and has no objection to the installation of such devices;

**NOW THEREFORE BE IT RESOLVED THAT** St. Enoch's Square be incrementally narrowed from a width of 6.1 metres at Shuter Street to a width of 4.5 metres at a point 11.5 metres south of Shuter Street by means of metal bollards and modular traffic island, generally as shown on the attached print of drawing No. 421F-8108;

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



***Disposition:***

***City Council on December 5, 6 and 7, 2005, adopted this Motion, without amendment.***

Council also considered the following:

- Location Plan, headed “Proposed Narrowing of St. Enoch’s Square, Shuter Street to a point 40.0m South of Shuter Street”.

**J(6) Request to Ban Federal Election Canvassing Throughout the Holiday Season**  
*Moved by Councillor Mammoliti, seconded by Councillor Walker*

“**WHEREAS** the month of December celebrates various holidays of diverse religious and cultural denominations; and

**WHEREAS** the New Democratic Party, the Conservative Party of Canada, and the Bloc Quebecois have taken it upon themselves to hold the Canadian Holiday Season hostage via their strategy of holding a vote of non-confidence; and

**WHEREAS** if their bid to topple the Government is successful, an election will be called for some time in early January 2006, thus causing canvassing throughout the Holiday Season;

**NOW THEREFORE BE IT RESOLVED THAT**, if an election is called for early January 2006, Council request the Federal Government to implement a ban on campaigning, as it relates to door-to-door and telephone canvassing, between December 23, 2005, and January 6, 2006, for the City of Toronto;

**AND BE IT FURTHER RESOLVED THAT**, if this Motion is successful, the City of Toronto communicate this request to all Federal Candidates within the City of Toronto.”

***Disposition:***

***This Motion was ruled out of order at City Council on December 5, 6 and 7, 2005.***

**J(7) Boulevard Café - Thai Hua - 240 Queen Street West (Trinity-Spadina, Ward 20)**

*Moved by Councillor Chow, seconded by Deputy Mayor Pantalone*

“**WHEREAS** Toronto City Council on September 28, 29 and 30, 2005, adopted, without amendment, Toronto and East York Community Council Report 7, Clause 26, headed ‘Boulevard Café - Thai Hua - 240 Queen Street West (Trinity-Spadina, Ward 20)’, and, in so doing, rejected the application for a boulevard café by East! Restaurant; and

**WHEREAS** the applicant did not receive the letters of objection at the meeting and did not have any opportunity to work with the objectors; and

**WHEREAS** the applicant wishes to have a second chance of persuading their neighbours of the merit of the patio;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto and East York Community Council Report 7, Clause 26, headed ‘Boulevard Café - Thai Hua - 240 Queen Street West (Trinity-Spadina, Ward 20)’, be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** the Clause be referred back to the Toronto and East York Community Council for further consideration to permit the applicant to properly consult with their neighbours.”

*Disposition:*

*City Council on December 5, 6 and 7, 2005, re-opened Toronto and East York Community Council Report 7, Clause 26, headed “Boulevard Café - Thai Hua - 240 Queen Street West (Trinity-Spadina, Ward 20)”, for further consideration, and adopted the balance of this Motion, without amendment.*

**J(8) Grant to Save Our St. Clair (SOS) Group**

*Moved by Councillor Walker, seconded by Councillor Palacio and Councillor Nunziata*

“**WHEREAS** in September 2004, City Council approved the St. Clair Streetcar Designated Right-of-Way Project to build an exclusive streetcar lane down the middle of St. Clair Avenue West; and

**WHEREAS** Save Our St. Clair (SOS) is a grass-roots group of local St. Clair Avenue West residents, businesses and organizations; and

**WHEREAS** in August 2005, Save Our St. Clair (SOS) took the City of Toronto to Divisional Court to stop the scheduled construction of City Council’s approved St. Clair Streetcar Designated Right-of-Way Project, arguing the City’s Environmental Assessment (EA) was done under the new Official Plan when it should have been done under the in-force old Official Plan; and

**WHEREAS** on October 11, 2005, a three-judge panel ruled in favour of SOS, awarding legal costs to SOS; and

**WHEREAS** on November 3, 2005, after accusations of bias and a motion from the City for the judges to recuse (withdraw) themselves because one of the judges, Justice Ted Matlow, had been fighting the City about a parking garage in his Forest Hill neighbourhood and was therefore biased; and

**WHEREAS** the two of the three judges removed themselves from the case triggering a new hearing process with a new three-judge panel; and

**WHEREAS** the original three judges gave their original October 11, 2005 rulings separately and sequentially according to seniority, placing Justice Matlow as the last to express his ruling, thereby making it impossible for his ruling to have influenced the other Justices' rulings; and

**WHEREAS** on November 18, 2005, SOS announced it is asking the Ontario Court of Appeals to uphold the October 11, 2005 ruling by the Divisional Court which found the City of Toronto had violated the *Planning Act* in the way it handled the approval of the St. Clair Streetcar Designated Right-of-Way Project; and

**WHEREAS** SOS lawyer, Eric Gillespie, states his client's case should stand and that, 'basically, the Supreme Court of Canada in a previous decision [has] already indicated that even if one judge was ultimately determined to have been biased or there was a reasonable apprehension of bias, that because of the way judicial decisions are made, the decisions of the other judges wouldn't be affected'; and

**WHEREAS** Save Our St. Clair (SOS) has already raised thousands of dollars towards these 'David and Goliath-like' court proceedings and its ability to continue to raise money from volunteers will be limited; and

**WHEREAS** SOS has limited funds and the City has unlimited funds to pursue this matter further;

**NOW THEREFORE BE IT RESOLVED THAT** City Council hereby authorize a one-time grant of up to \$30,000.00 to the Save Our St. Clair (SOS) group to enable it to re-make their case at future hearings, challenging City Council's approval of the St. Clair Streetcar Designated Right-of-Way Project;

**AND BE IT FURTHER RESOLVED THAT** this contribution is deemed in the interest of natural justice – fairness and is in the interest of the Municipality;

**AND BE IT FURTHER RESOLVED THAT** the appropriate City officials be directed and given authority to give effect to the foregoing."

***Disposition:***

***Notice of this Motion was given to permit consideration at the next regular meeting of City Council on January 31, 2006.***

Council also considered the following:

- Fiscal Impact Statement (December 6, 2005) from the Deputy City Manager and Chief Financial Officer.

**J(9) Report of Integrity Commissioner on Complaint of Violation of Councillor's Code of Conduct**

*Moved by Mayor Miller, seconded by Deputy Mayor Feldman*

“**WHEREAS** City Council appointed David Mullan as the Integrity Commissioner for the City of Toronto to provide independent and consistent complaint prevention and resolution, advice, opinion and education respecting the application of the Code of Conduct for Members of Council, and other by-laws/policies governing the ethical behaviour of members, including general interpretation of the *Municipal Conflict of Interest Act*; and

**WHEREAS** the Integrity Commissioner has submitted a report dated November 28, 2005, forwarding a response to a complaint of Violation of the Councillor's Code of Conduct;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the report dated November 28, 2005, from the Integrity Commissioner, and that the report be received for information.”

*Disposition:*

*City Council on December 5, 6 and 7, 2005, postponed consideration of this Motion to its special meeting on December 14, 2005.*

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Council also considered the following:

- Report (November 28, 2005) from the Integrity Commissioner.

**J(10) Declaration of Vacancy - Ward 41 - Scarborough-Rouge River**

*Moved by Councillor Davis, seconded by Councillor Ford*

“**WHEREAS** Councillor Balkissoon was the successful candidate in the provincial by-election in Scarborough-Rouge River, held on Thursday, November 24, 2005; and

**WHEREAS** the results of the provincial by-election were published in the Ontario Gazette on Saturday, December 3, 2005, at which time Councillor Balkissoon was deemed to have resigned his seat on City Council; and

**WHEREAS** subsection 262(1) of the *Municipal Act, 2001*, as amended, requires that Council shall, at its next meeting, declare the office to be vacant;

**NOW THEREFORE BE IT RESOLVED THAT** pursuant to subsection 262(1) of the *Municipal Act, 2001*, as amended, the office of Councillor, Ward 41 - Scarborough-Rouge River, be declared vacant.”

*Disposition:*

*City Council on December 5, 6 and 7, 2005, amended this Motion by adding the following new Operative Paragraph:*

*“AND BE IT FURTHER RESOLVED THAT the Mayor be requested to send, on behalf of the Members of City Council, a letter to Bas Balkissoon, congratulating him on his recent election.”*

*Motion J(10), as amended, was adopted by City Council.*

**J(11) Request to Toronto District School Board and Toronto Catholic District School Board Regarding Lighting in Schoolyards**

*Moved by Councillor Palacio, seconded by Councillor Nunziata*

**WHEREAS** Toronto District School Board (TDSB) and Toronto Catholic District School Board (TCDSB) schoolyards form an important part of the community space in City of Toronto neighbourhoods, and often substitute for a City park in many neighbourhoods; and

**WHEREAS** the TDSB has instituted a policy requesting Principals to shut off school lights half an hour after teachers leave in order to save on utility costs; and

**WHEREAS** the absence of proper lighting in the schoolyards creates a significant community safety issue and seriously impedes the local community’s ability to use and enjoy these spaces after dark; and

**WHEREAS** the absence of light on school property has been identified as an issue in the immediate area of shootings, including recently at General Mercer Public School;

**NOW THEREFORE BE IT RESOLVED THAT** the Mayor, on behalf of Council, write to the Toronto District School Board and the Toronto Catholic District School Board, requesting them to ensure that their properties are well-lit at all times, particularly at night, in the interest of community safety and to encourage community use of schoolyards;

**AND BE IT FURTHER RESOLVED THAT** this resolution be forwarded to the Toronto Police Service Board for its endorsement as well.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, amended this Motion by deleting from the first Operative Paragraph, the words “at all times”, so that the first Operative Paragraph now reads as follows:***

***“NOW THEREFORE BE IT RESOLVED THAT the Mayor, on behalf of Council, write to the Toronto District School Board and the Toronto Catholic District School Board, requesting them to ensure that their properties are well-lit, particularly at night, in the interest of community safety and to encourage community use of schoolyards;”.***

***Motion J(11), as amended, was adopted by City Council.***

Council also considered the following:

- Communication (November 17, 2005) from the Regional Manager of Operations, Toronto District School Board, addressed to Councillor Cesar Palacio, Ward 17 - Davenport.

**J(12) Personnel Matter Respecting the Auditor General**

***Moved by Mayor Miller, seconded by Councillor Holyday***

**“WHEREAS** the current fixed term employment contract for the Auditor General ends on December 16, 2006; and

**WHEREAS** the Employer is required to notify the Employee at least 12 months prior to the end of the Term (i.e. by December 16, 2005) concerning continuation of the employment relationship; and

**WHEREAS** the incumbent has indicated an interest in ongoing employment with the City;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the attached confidential report (November 25, 2005) from Mayor Miller and Councillor Holyday, Chair of the Audit Committee, with respect to a personnel matter pertaining to the Auditor General, and that Council adopt the recommendation contained in the Recommendation Section of the confidential report.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, adopted this Motion, without amendment.***

***In adopting Motion J(12), without amendment, Council adopted, without amendment, the recommendation contained in the Recommendation Section of the confidential report (November 25, 2005) from Mayor David Miller and Councillor Doug Holyday, Chair, Audit Committee. The following recommendation contained in the report is now public and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, 2001, as it contains personal information about an identifiable individual:***

***“It is recommended that the employment of Jeff Griffiths in the position of Auditor General be continued beyond the end of the current employment contract with compensation to continue in the current range, subject to successful negotiation of a renewal agreement.”***

Council also considered the following:

- Confidential report (November 25, 2005) from Mayor David Miller and Councillor Doug Holyday, Chair, Audit Committee [Confidential Communication C.23(a)]. This report remains confidential, save and except the above-noted recommendation, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about an identifiable individual.
  
- Confidential Fiscal Impact Statement (December 6, 2005) from the Deputy City Manager and Chief Financial Officer.

**J(13) Request for Reform to the *Tenant Protection Act***

*Moved by Councillor Rae, seconded by Councillor Walker*

**“WHEREAS** the Ontario Legislature is expected to recess in December 2005 and may not resume sitting until March 20, 2006; and

**WHEREAS** the Government of Ontario committed in October 2003 to repeal the *Tenant Protection Act* within the first year of its mandate and introduce new legislation to protect tenants with real rent control; and

**WHEREAS** the Government of Ontario has continually delayed the introduction of new legislation to protect tenants; and

**WHEREAS** tenants in the City of Toronto represent virtually half of the City's population; and

**WHEREAS** the number of applications for eviction of tenants in the City of Toronto has increased by 10 percent in 2004 since 1998 when the *Tenant Protection Act* came into effect, and over 50 percent of eviction applications in Toronto result in tenants being evicted by a default order without a hearing; and

**WHEREAS** since the *Tenant Protection Act* came into effect in 1998, rents have increased by 20 percent and consistently above inflation, resulting in a reduction of affordable rental housing units; and

**WHEREAS** the average apartment vacancy rate in Toronto has risen from 0.9 percent to 4.3 percent in the last three years, the average rents tenants pay has not decreased; and

**WHEREAS** the *Tenant Protection Act* did not spur the construction of new rental housing as promised by the provincial government, and despite the increase in construction of condominium buildings, the number of rental units in condominium units has actually decreased; and

**WHEREAS** successful cities must have a healthy supply of rental housing, and sufficient affordable rental housing, to ensure that current and future residents can find the housing they need and can afford;

**NOW THEREFORE BE IT RESOLVED THAT** City Council urge the Government of Ontario to introduce new legislation providing real rent controls and protecting the rights of tenants, prior to the House rising in December 2005;

**AND BE IT FURTHER RESOLVED THAT** the Government of Ontario hold public hearings on the proposed legislation and commit to repealing the *Tenant Protection Act* and pass into law the new legislation on a priority basis during the Spring 2006 sitting of the legislature."

*Disposition:*

*City Council on December 5, 6 and 7, 2005, adopted this Motion, without amendment.*

**J(14) Request for Cross-Province Hearings on Legislation Related to Local Health Integration Networks (LHINs)**

*Moved by Councillor Davis, seconded by Councillor Fletcher*

**“WHEREAS** Local Health Integration Networks (LHINs) are newly created organizations controlled by the provincial government that cover vast areas that override municipal boundaries; and



**WHEREAS** LHINs create another layer between the provincial government and the people; and

**WHEREAS** the provincial government plans to hand over billions of dollars of funding and tremendous authority to LHINs; and

**WHEREAS** the government wants LHINs to transform and restructure health care and certain social services; and

**WHEREAS** there are serious concerns that LHINs will cut back, centralize, and reduce local control of health care and social services; and

**WHEREAS** a purchaser-provider split between LHINs and health care providers could increase competition between all health care provider organizations and could allow health care services to be contracted out to the private sector; and

**WHEREAS** a purchaser-provider competitive bidding model in home care has increased health care privatization and caused serious problems for those providing and receiving home care services in Ontario; and

**WHEREAS** privatization raises serious concerns about maintaining decent health care jobs in our community;

**NOW THEREFORE BE IT RESOLVED THAT** this Council call on the provincial government to establish full, cross-province hearings on any new legislation related to LHINs, including Bill 36, the *Local Health System Integration Act*;

**AND BE IT FURTHER RESOLVED THAT** this Council call upon the provincial government to immediately release its full plans for health care reform and not wait until after the next election.”

*Disposition:*

*City Council on December 5, 6 and 7, 2005, adopted this Motion, without amendment.*

- J(15) Conditions for Operating the Blue Chip Truck at Nathan Phillips Square during Santa Claus and St. Patrick’s Day Parades**  
*Moved by Councillor Watson, seconded by Councillor Ford*

“**WHEREAS** Fred Hayward has owned and operated the Blue Chip Truck in front of Nathan Phillips Square for 30 years; and

**WHEREAS** over the past 30 years the Blue Chip Truck has operated on the southeast corner of Nathan Phillips Square during the Santa Claus and St. Patrick's Day parades; and

**WHEREAS** in 2004, for the first time in 30 years, the Blue Chip Truck was prohibited from operating on Nathan Phillips Square during the parades; and

**WHEREAS** as a result of consultations between Councillor Watson and Facilities and Real Estate staff, staff have agreed that the Blue Chip Truck could operate on Nathan Phillips Square during the Santa Claus and St. Patrick's Day parades, provided that it does so at the southwest corner rather than the southeast corner and meets certain, already specified, conditions; and

**WHEREAS** Fred Hayward has agreed to meet these conditions;

**NOW THEREFORE BE IT RESOLVED THAT** City officials be directed to authorize Fred Hayward to operate the Blue Chip Truck on the southwest corner of Nathan Phillips Square during the Santa Claus and St. Patrick's Day parades, provided he meets the conditions specified by City officials which are:

- (a) ensure that minimum space is occupied;
- (b) the area must be clean at all times and nothing may be stored outside the truck;
- (c) garbage or items are to be removed at the end of the event and must be done so by the vendor;
- (d) security should be contacted to provide escort prior to setting up and upon completion;
- (e) the vendor must arrive at least 2 hours before and leave 2 hours after the parade; and
- (f) there should be no cables or wires running from the vehicle."

***Disposition:***

***City Council on December 5, 6 and 7, 2005, adopted this Motion, without amendment.***

**J(16) Toronto Entertainment District Association Use of Metro Hall Parking**

*Moved by Councillor Chow, seconded by Councillor Mihevc*

**“WHEREAS** restaurant business in the Toronto Entertainment District is severely suffering; both the Princess of Wales and the Royal Alexander Theatres are currently without performances; since May 2005 there have only been 8 weeks of shows combined at both theatres; and nothing will perform until a limited run (6 weeks) in one theatre starting in January 2006; and

**WHEREAS** there are considerable crowds and the neighbourhood is packed some evenings, nearly all are nightclub goers and few are restaurant patrons; and

**WHEREAS** the recent violence in and around area nightclubs has negatively affected restaurant business and every incident reported in the local media paints a dangerous picture; and

**WHEREAS** this economic suffering is very evident when consideration is given to the number of recent restaurant closings; more than 10 percent of Toronto Entertainment District Association's (TEDA's) members have perished and the survival of many others is in the balance; and

**WHEREAS** the main purpose of this proposal is to attract restaurant business to the Toronto Entertainment District; TEDA requests that the City allow 'free parking' in its Metro Hall parking facility for TEDA patrons and TEDA requests the use of the 279 parking spaces (lower level garage) from Tuesday through Saturday, from 5:00 p.m. to 11:30 p.m., with these spaces marketed as 'free parking' by TEDA for its patrons; and

**WHEREAS** patrons would enter the Metro Hall garage between 5:00 p.m. to 10:00 p.m., Tuesday through Saturday. Note that the entrance is only open until 10:00 p.m. because the purpose is to attract restaurant patrons only, and most kitchens in the area close by 11:00 p.m. Upon entering the garage the patron will leave a \$10.00 deposit with the parking attendant and receive a receipt. The patron dines at a participating TEDA restaurant, where they receive a \$6.00 (tax included) discount for their meal and a validation for parking. The patron returns to the garage and receives a \$4.00 refund with properly validated receipt if they exit by 11:30 p.m. The City will keep \$6.00 (tax included) per vehicle. If the patron exits after 11:30 p.m. the attendant will have already left, so they will forfeit the \$4.00 refund (the City keeps \$10.00); and

**WHEREAS** TEDA's estimate (based on the City's cost projections in a 2003 staff report) is break even at 68 vehicles per evening and in order for this to happen, the City of Toronto needs to waive collection of property tax and the Province of Ontario needs to waive collection of education taxes; and

**WHEREAS** TEDA is requesting assistance from the City to use part of an underutilized garage in off-business hours;

**NOW THEREFORE BE IT RESOLVED THAT** the Chief Corporate Officer be requested to report to the January 5, 2006 Administration Committee meeting, and also through the Toronto Parking Authority, on the merit of the TEDA proposal;

**AND BE IT FURTHER RESOLVED THAT** the City request the provincial government for an exemption of the education portion of the property tax for the purpose of non-profit use of the Metro Hall parking lot.”

***Disposition:***

***Notice of this Motion was given to permit consideration at the next regular meeting of City Council on January 31, 2006.***

**J(17) Request to the Federal Government to Increase Mandatory Minimum Sentences for Criminals Convicted of Gun-Related Crimes**

*Moved by Councillor Stintz, seconded by Deputy Mayor Feldman*

“**WHEREAS** families and communities throughout the City of Toronto have been witness to, and affected by, the dramatic increase in gun-related violence and homicides involving guns this year; and

**WHEREAS** the escalation of gun violence and homicides involving guns in Toronto has become a crisis in Canada’s largest City; and

**WHEREAS** community organizations involved in helping the families who are victims of gun-related violence, and who are involved in assisting our most vulnerable youth, are constantly in need of additional resources, training and funding; and

**WHEREAS** crimes of violence against the person are intolerable and constitute the most objectionable crime society faces; and

**WHEREAS** in most cases these crimes are committed with illegal guns; and

**WHEREAS** the police are having difficulty in obtaining the co-operation from witnesses in these homicides because witnesses fear retribution, and they are fearful that the criminals involved in these murders do not serve adequate sentences and will soon be back on the streets; and

**WHEREAS** sentencing in crimes of violence involving guns does not appropriately reflect society’s abhorrence of violence in order to act as a true deterrent, and to protect the public by removal of the offender from society; and

**WHEREAS** the risk to society posed by the early release of a violent offender appears to be of secondary consideration to the rights of the individual criminal; and

**WHEREAS** in response to the increase in crimes involving guns in Toronto, a community rally called Uniting Toronto Against Guns (UTAG) took place on November 13, 2005, and a petition was signed by hundreds of Torontonians demanding tougher sentences for gun related crimes; and

**WHEREAS** the Government of Ontario publicly supported and encouraged the increase in mandatory minimum sentences for gun-related crimes at the federal-provincial-territorial Justice Ministers' meeting in November; and

**WHEREAS** the statutes governing the criminal justice system in Canada must be revised to reflect societal attitudes;

**NOW THEREFORE BE IT RESOLVED THAT** City Council convey, on behalf of the citizens of Toronto, that gun-related crimes and violence against the person are serious and objectionable to society and ask that the Federal Government amend the Criminal Code of Canada and the *Parole Act* to appropriately punish those found guilty of illegal handgun possession and use by:

- (i) increasing the mandatory minimum sentences for violent and repeat offenders involved in gun related crimes;
- (ii) requiring that sentences for multiple convictions be served consecutively; and
- (iii) eliminating statutory (automatic) release of criminals convicted of gun related crimes.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, postponed consideration of this Motion to its special meeting on December 14, 2005.***

**J(18) Resolution to Support the Preservation of the Supply Management System for Canada's Dairy, Poultry and Egg Farmers**

*Moved by Councillor Nunziata, seconded by Councillor Stintz*

“**WHEREAS** Ontario dairy, poultry and egg farmers are part of a supply-managed system that matches production to Canadian demand; and

**WHEREAS** supply management is a ‘uniquely Canadian success story’ with a solid 40-year track record of providing high-quality and nutritious food for Canadians; and

**WHEREAS** Toronto residents and other municipalities throughout Ontario benefit from the high standards of the supply management system used by Canada's dairy, poultry and egg farmers; and

**WHEREAS** the dairy, poultry and egg industries are a major economic asset to Ontario, generating \$2.6 billion in farm cash receipts and sustaining more than \$14 billion in economic activity, with over 70,000 Ontario jobs depending on supply management; and

**WHEREAS** several Toronto residents work directly and indirectly for the dairy, poultry and egg industry; and

**WHEREAS** Canada's food supply and Canada's farms may be at risk of being traded away during the World Trade Organization's Doha Round of negotiations continuing with the Sixth World Trade Organization Ministerial Conference to be held in Hong Kong, China, December 13 to 18, 2005; and

**WHEREAS** dairy, poultry and egg farmers and federal and provincial governments have worked together to create a stable and equitable economic environment that benefits every link in the food chain, including consumers and farmers; and

**WHEREAS** Canada's economic fabric, both rural and urban, would unravel without supply management;

**NOW THEREFORE BE IT RESOLVED THAT** the City of Toronto support the preservation of supply management for Canada's dairy, poultry and egg farmers, processors, consumers and other Canadians who depend on a vibrant farm economy;

**AND BE IT FURTHER RESOLVED THAT** this Resolution be forwarded to The Honourable Andy Mitchell, The Honourable Jim Peterson and Prime Minister Paul Martin requesting that they preserve supply management at the WTO trade table;

**AND BE IT FURTHER RESOLVED THAT** this Resolution be forwarded to the Association of Municipalities of Ontario and the Federation of Canadian Municipalities to request that they similarly voice their support for supply management by forwarding a resolution to The Honourable Andy Mitchell, The Honourable Jim Peterson and Prime Minister Paul Martin requesting that they preserve supply management at the WTO trade table."

***Disposition:***

***This Motion was ruled out of order at City Council on December 5, 6 and 7, 2005.***

**J(19) Five-Minute Grace Period for On-street Pay-and-Display Parking Enforcement and Synchronization of Time on Machines**

*Moved by Councillor Stintz, seconded by Councillor Grimes*

“**WHEREAS** on-street parking is enforced by the Toronto Police Service, Parking Enforcement Unit; and

**WHEREAS** on-street parking provides a vital purpose for both residents and small businesses in Toronto; and

**WHEREAS** the majority of drivers who use on-street parking, purchase receipts for the time that they use in a designated parking spot; and

**WHEREAS** in some instances, drivers have received parking violations for parking one (1) minute over their purchased time, causing frustration for residents and businesses; and

**WHEREAS** in the interest of fairness and compliance, a five (5) minute grace period was adopted by the Parking Enforcement Unit in 2003, for those drivers who purchase and display a receipt for on-street parking; and

**WHEREAS** section 3-15 of the Policy and Procedure Manual for the Parking Enforcement Unit directs Officers not to ‘... issue PIN (Parking Infraction Notice) until five (5) minutes has elapsed between the expiration time on the receipt and the time on the officer’s watch’;

**NOW THEREFORE BE IT RESOLVED THAT** City Council request that the Parking Enforcement Unit re-issue the 2003 policy directive to all Parking Enforcement Officers in order to ensure compliance of the 5-minute grace period for on-street pay-and-display parking enforcement found in section 3-15;

**AND BE IT FURTHER RESOLVED THAT** the Treasurer be requested to report to the Planning and Transportation Committee in one year to provide an update regarding the number of disputed tickets that have been received by the First Appearance Facilities regarding the five (5) minute grace period;

**AND BE IT FURTHER RESOLVED THAT** City Council request the Toronto Parking Authority, which is responsible for pay-and-display machine operation and maintenance, to review the overall synchronization of the time displayed on the machines and report to the Planning and Transportation Committee in February 2006 on the results of this review.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, referred this Motion to the Planning and Transportation Committee, and directed that a copy also be forwarded to the Toronto Parking Authority for information.***

**J(20) Site Plan Approval and Rezoning Application - 110 Rexdale Boulevard**

*Moved by Councillor Ford, seconded by Councillor Ootes*

**“WHEREAS** the City Planning Division is in receipt of Site Plan Approval and Rezoning Application TA CMB 2002 0023, for the property municipally known as 110 Rexdale Boulevard, for the redevelopment of a Petro-Canada gasoline service station including car wash, car rental agency, convenience sales and take-out restaurant; and

**WHEREAS** on July 22, 23, 24, 2003, City Council conditionally approved the zoning by-law amendment for an expansion to the existing car wash building for the proposed car rental agency, convenience sales and take-out restaurant uses; and

**WHEREAS** the applicant has requested amendments to the proposed zoning by-law following the statutory public meeting to now permit a stand-alone kiosk structure for the convenience sales and take-out restaurant uses; and

**WHEREAS** the applicant wishes to proceed with the application and approval in a timely manner; and

**WHEREAS** by a supplementary report dated December 2, 2005, the Chief Planner and Executive Director, City Planning, has reviewed the requested revisions to the proposed zoning by-law and recommends that the revised, proposed by-law be enacted;

**NOW THEREFORE BE IT RESOLVED THAT** Council adopt the staff recommendations contained in the Recommendations Section of the supplementary report (December 2, 2005) from the Chief Planner and Executive Director, City Planning.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, postponed consideration of this Motion to its special meeting on December 14, 2005.***

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Council also considered the following:



- Report (December 5, 2005) from the Chief Planner and Executive Director, City Planning.

**J(21) Solid Waste Management Contractual Issues (All Wards)**

*Moved by Councillor Carroll, seconded by Councillor Giambrone*

“**WHEREAS** the City of Toronto at its meeting of November 24, 2005, amended Works Committee Report 9, Clause 3a, headed ‘Solid Waste Management Contractual Issues’, by striking the Committee’s recommendations and issuing confidential instructions to staff at the in-camera portion of its meeting; and

**WHEREAS** there is a need to obtain further direction from Council with respect to the contractual issues that were subject to the instruction;

**NOW THEREFORE BE IT RESOLVED THAT** in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Works Committee Report 9, Clause 3a, headed ‘Solid Waste Management Contractual Issues’, be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (December 5, 2005) from the Acting General Manager, Solid Waste Management Services, and the City Solicitor.”

***Disposition:***

*City Council on December 5, 6 and 7, 2005, re-opened Works Committee Report 9, Clause 3a, headed “Solid Waste Management Contractual Issues”, for further consideration, and amended the balance of this Motion by adding to the end of the second Operative Paragraph, the words “subject to the confidential instructions issued to staff by Council”, so that the second Operative Paragraph now reads as follows:*

***“AND BE IT FURTHER RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (December 5, 2005) from the Acting General Manager, Solid Waste Management Services, and the City Solicitor, subject to the confidential instructions issued to staff by Council.”***

***Motion J(21), as amended, was adopted by City Council.***

*By its adoption of this Motion, as amended, Council adopted, as amended, the staff recommendations contained in the Recommendation Section of the confidential report (December 5, 2005) from the Acting General Manager, Solid Waste Management Services, and the City Solicitor, subject to the confidential instructions issued to staff by Council. The report and the confidential instructions to staff remain confidential in their entirety, in accordance with the provisions of the Municipal Act, 2001, as they contain information related to litigation or potential litigation.*

Council also considered the following:

- Confidential report (December 5, 2005) from the Acting General Manager, Solid Waste Management, and the City Solicitor [Confidential Communication C.26(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.
- Confidential Fiscal Impact Statement (December 6, 2005) from the Deputy City Manager and Chief Financial Officer.

**J(22) Appeal to the Ontario Municipal Board – 19 and 21 Scarborough Beach Boulevard (Ward 32 - Beaches-East York)**

*Moved by Deputy Mayor Bussin, seconded by Councillor Rae*

“**WHEREAS** the Toronto and East York panel of the Committee of Adjustment on Thursday, July 21, 2005, heard consent application B0053/05TEY and minor variance applications A0034/05TEY and A0035/05TEY to permit the severance of an existing 4-plex into two duplexes and associated variances at 19 and 21 Scarborough Beach Boulevard (the ‘Property’); and

**WHEREAS** variances for an increased gross floor area, decreased rear set-back, a decrease in landscaped open space, decreased frontage, a decrease in the required length of one motor vehicle parking space, parking accessibility, and a decrease in driveway width for 19 Scarborough Beach Boulevard were refused; and

**WHEREAS** variances for an increased gross floor area, a decrease in landscaped open space, decreased frontage, and parking accessibility for 21 Scarborough Beach Boulevard were refused; and

**WHEREAS** the owner, in trust, appealed the decision of the Committee of Adjustment to the Ontario Municipal Board under sections 45(12) and 53(14) of the *Planning Act*; and

**WHEREAS** at its meeting of September 19, 2005, the Toronto and East York Community Council adopted the recommendation that the City Solicitor attend at the Ontario Municipal Board Hearing to oppose the granting of a consent to sever the related variances requested by the owner of 19 and 21 Scarboro Beach Boulevard; and

**WHEREAS** the owner, in trust, Edwin Gailits (the ‘Applicant’), the City Solicitor, the Ward Councillor, area residents, Planning staff and Transportation staff (‘staff’) have reviewed a revised proposal that is satisfactory to all parties involved; and

**WHEREAS** the original hearing date of November 23, 2005 was adjourned upon request of the City Solicitor and consent of the Applicant and no new date has been set; and

**WHEREAS** there is a reasonable expectation that a settlement can be reached; and

**WHEREAS** staff and the area residents agree that the requested severance and variances may be appropriate for this site with the addition of a further variance to reduce the required parking to one parking spot per property with a condition limiting the permitted parking to one parking spot per property;

**NOW THEREFORE BE IT RESOLVED THAT** Council consider and adopt the staff recommendations contained in the Recommendations Section of the confidential report (November 28, 2005) from the City Solicitor, to achieve a suitable settlement of the appeals respecting 19 and 21 Scarboro Beach Boulevard.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, postponed consideration of this Motion to its special meeting on December 14, 2005.***

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Council also considered the following:

- Confidential report (November 28, 2005) from the City Solicitor. [Confidential Communication C.24(a)]. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation.
  
- Confidential Fiscal Impact Statement (December 6, 2005) from the Deputy City Manager and Chief Financial Officer.

**J(23) York Durham Sewer System - Request for Injunction**

*Moved by Councillor Moscoe, seconded by Councillor Del Grande*

“**WHEREAS** the City of Toronto has officially expressed its concern regarding the York Durham Sewer System and the need for a Full Environmental Assessment of the entire project; and

**WHEREAS** the federal election has caused a delay in the federal government’s response to the City’s resolution dated October 27, 2005; and

**WHEREAS** sections of this project have implications with respect to federal jurisdiction and lands; and

**WHEREAS** the Region of York continues to dewater aquifers of the Oak Ridges Moraine/Rouge Watershed and continues to pursue further Ministry of Environment (MOE) approvals to construct the 19<sup>th</sup> Avenue phase of this project across the Oak Ridges Moraine, involving further water-takings and dewatering with potentially damaging impacts to the City of Toronto; and

**WHEREAS** York Region has accelerated the construction of the big pipe in response to the City of Toronto’s resolution, and they anticipate substantially constructing the project before the federal government is in a position to take any action on this matter; and

**WHEREAS** the provincial government has chosen to ignore the comments and recommendations made by Ontario’s Environmental Commissioner and continues to allow this project to proceed;

**NOW THEREFORE BE IT RESOLVED THAT** the City of Toronto direct the City Solicitor to seek an injunction to prevent this project from proceeding until such time that the federal government is in a position to respond to the City’s request for a review and full Federal Environmental Assessment of all phases of the York Durham Sewer System;

**AND BE IT FURTHER RESOLVED THAT** Council direct Deputy City Manager Fareed Amin, or his designate, to attend and represent the City’s interests at York Region’s public meeting on December 8, 2005, regarding the 19<sup>th</sup> Avenue phase and the permit to take-water as part of the approval process.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, referred this Motion to the Works Committee.***

**J(24) Request for Report on Establishing an Elder Abuse Shelter and Crisis Hotline**

*Moved by Councillor Pitfield, seconded by Councillor Thompson*

**“WHEREAS** the abuse of the elderly has been recognized as a global problem; and

**WHEREAS** elder abuse can be defined as a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person; and

**WHEREAS** elder abuse can be of various forms such as physical, psychological/emotional, sexual and financial, it can also reflect intentional or unintentional neglect; and

**WHEREAS** approximately 14 percent of Toronto’s population is over the age of 65 and is expected to increase dramatically over the next 5 to 10 years; and

**WHEREAS** the victims of elder abuse are often isolated and may conceal the situation for a variety of reasons; and

**WHEREAS** the World Health Organization states that ‘until very recently, elder abuse, the mistreatment of older people, had been a social problem hidden from the public view – mostly regarded as a private matter’; and

**WHEREAS** in November 2002, the World Health Organization, together with the University of Toronto and Ryerson University and the International Network for the Prevention of Elder Abuse, devised a call for action in ‘The Toronto Declaration on the Global Prevention of Elder Abuse’; and

**WHEREAS** The United Nations International Plan of Action adopted by all countries in Madrid in 2002 stated that ‘preventing elder abuse in an ageing world is everybody’s business’; and

**WHEREAS** the Cities of Calgary and Edmonton have established elder abuse shelters and a crisis hotline; and

**WHEREAS** the City of Toronto does not have an elder abuse shelter or crisis hotline;

**NOW THEREFORE BE IT RESOLVED THAT** the City Manager report back to the Community Services Committee on a process to have an elder abuse shelter and crisis hotline established in the City of Toronto.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, referred this Motion to the Mayor's Roundtable on Seniors, with a request that the Chair of the Mayor's Roundtable on Seniors include the issues raised in this Motion in the report to be submitted to Council by the Roundtable, in the Spring of 2006.***

**J(25) Opposition to Proposal for Surtax on Imported Bicycles**

*Moved by Councillor De Baeremaeker, seconded by Councillor Fletcher*

**“WHEREAS** the Canadian International Trade Tribunal is recommending that the Government of Canada impose a 30 percent surtax on imported bicycles with certain specifications; and

**WHEREAS** this surtax is on top of existing tariffs of 8.5-13 percent on all imported bicycles, as well as anti-dumping duties; and

**WHEREAS** the effect of this surtax will be to increase the cost of bicycles for Torontonians, thereby discouraging their use; and

**WHEREAS** Toronto City Council has recognized in the first sentence of the Toronto Bike Plan that ‘encouraging more people in Toronto to cycle more often, especially for utilitarian reasons, will improve the health and the livability of our City’; and

**WHEREAS** Toronto’s New Official Plan calls for ‘more extensive promotion of cycling for both recreational and everyday transportation purposes’; and

**WHEREAS** cycling, particularly in dense urban areas like Toronto, is crucial to combating both pollution and road congestion;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council reaffirm its support for cycling as a means of making our City healthy, vibrant and livable;

**AND BE IT FURTHER RESOLVED THAT** Toronto City Council strongly oppose measures, including the rumoured 30 percent bicycle surtax, that discourage cycling everywhere, but particularly in the City;

**AND BE IT FURTHER RESOLVED THAT** Toronto City Council direct the City Clerk to write to the Prime Minister of Canada and the Federal Ministers of the Environment, Health, International Trade, Sport, Finance, Transport, Infrastructure, Public Health and Families urging them not to impose this surtax.”

***Disposition:***

***This Motion was ruled out of order at City Council on December 5, 6 and 7, 2005.***

**J(26) Dufferin Street Underpass Project - Statutory Offers of Compensation**

*Moved by Councillor Giambrone, seconded by Councillor Watson*

“**WHEREAS** City Council, at its meeting held on July 19, 20, 21 and 26, 2005, adopted Administration Committee Report 6, Clause 20 and thereby authorized and directed staff to complete the expropriation process to acquire all right, title and interest in the lands municipally known 405 Dufferin Street and part of 390-444 Dufferin Street for the proposed Dufferin Street Underpass project; and

**WHEREAS** title to the said parcels of land was vested in the City on October 14, 2005, by the registration of Expropriation Plans AT949025 and CA808274; and

**WHEREAS** pursuant to the *Expropriations Act*, the City is required to serve offers of compensation upon the registered owners of the parcels by January 13, 2006, which is prior to City Council’s next meeting on January 31, 2006; and

**WHEREAS** pursuant to the delegated authority contained in Clause 1 of Report 11 of the Corporate Services Committee, entitled ‘Acquisition and Disposal of Real Property’, adopted, as amended, by City Council on July 29, 30 and 31, 1998, the City Manager has authority to approve statutory offers of compensation for expropriations, where the payment is \$500,000.00 or less; and

**WHEREAS** as the two offers of compensation could exceed the City Manager’s \$500,000.00 delegated authority limit, City staff require authorization to make the offers of compensation up to a specified maximum amount, with the actual amount of the offers of compensation to be determined on the basis of an independent consultant’s appraisal report, which is pending;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the confidential report (December 2, 2005) from the Chief Corporate Officer, entitled ‘Statutory Offers of Compensation – All of 405 Dufferin Street and Part of 390-444 Dufferin Street - Dufferin Street Jog Elimination at Queen Street West – Proposed Dufferin Street Underpass Project’, and that the staff recommendations contained in the Recommendations Section of the report be adopted.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, postponed consideration of this Motion to its special meeting on December 14, 2005.***

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Council also considered the following:

- Confidential report (December 2, 2005) from the Chief Corporate Officer [Confidential Communication C.27(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.
- 
- Confidential Fiscal Impact Statement (December 6, 2005) from the Deputy City Manager and Chief Financial Officer.

**J(27) Request to Federal Government Respecting Hostages in Iraq**

*Moved by Councillor Mihevc, seconded by Councillor Davis*

“**WHEREAS** on November 26, 2005, James Loney, a Torontonion and member of the Christian Peacemaker Teams working in Iraq as a peace and human rights activist was detained; and

**WHEREAS** James Loney has worked internationally and within the City of Toronto with an aim to reduce violence, has championed the cause of citizens and has worked in the City of Toronto to offer refuge to the socially marginalized; and

**WHEREAS** the City of Toronto is committed to social justice and strives to be a City of peace; and

**WHEREAS** Christian Peacemaker Teams are committed to pursuing peace and social justice in a non-violent manner; and

**WHEREAS** the Prime Minister of Canada has expressed solidarity with the family and friends of James Loney and promised to work towards his release; and

**WHEREAS** the whereabouts and condition of James Loney are currently unknown;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council express its concern for the safety of James Loney and hope for his safety, speedy release and safe return home;

**AND BE IT FURTHER RESOLVED THAT** Toronto City Council express its solidarity with people who are holding vigil at the Peace Garden on Nathan Phillips Square;

**AND BE IT FURTHER RESOLVED THAT** the federal government be further encouraged to do everything in its power to find ways to obtain the release of James Loney and the other three individuals currently being held hostage (Tom Fox, Harmeet Sooden and Norman Kember).”



***Disposition:***

***The following third Operative Paragraph, contained in this Motion, was ruled out of order at City Council on December 5, 6 and 7, 2005:***

***“AND BE IT FURTHER RESOLVED THAT the federal government be further encouraged to do everything in its power to find ways to obtain the release of James Loney and the other three individuals currently being held hostage (Tom Fox, Harmeet Sooden and Norman Kember).”***

***Motion J(27), as amended, was adopted by City Council.***

**J(28) Options for Filling the Vacancy in the Office of Councillor (Ward 41 - Scarborough-Rouge River)**

***Moved by Councillor Davis, seconded by Councillor Ford***

**“WHEREAS** Council has previously declared the Office of Councillor, Ward 41 – Scarborough-Rouge River to be vacant [December 5, 2005 - Motion J(10)]; and

**WHEREAS** subsection 263(5) of the *Municipal Act, 2001*, as amended, provides that Council shall, within 60 days after the day the office is declared vacant, appoint a person to fill the vacancy or pass a by-law to require that the vacancy be filled through the conduct of a by-election; and

**WHEREAS** City Council adopted a policy at its meeting of February 1, 2 and 3, 2000, to provide that vacancies occurring prior to November 30<sup>th</sup> in the year preceding a regular election would be filled by by-election and vacancies occurring after November 30<sup>th</sup> would be filled by appointment;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the attached report from the City Clerk (December 5, 2005) entitled ‘Options on Filling the Vacancy in the Office of Councillor, Ward 41 – Scarborough-Rouge River’, and decide upon a method to fill the vacancy.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, amended this Motion, by adding the following new Operative Paragraph:***

***“AND BE IT FURTHER RESOLVED THAT the staff recommendations contained in the Recommendations Section of the report (December 5, 2005) from the City Clerk, be adopted.”***

*In adopting Motion J(28), as amended, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (December 5, 2005) from the City Clerk:*

*“It is recommended that:*

- (1) in accordance with Council’s policy, the vacancy be filled through the appointment of a qualified elector following the process set out in Appendix ‘B’ to this report;*
- (2) the necessary funds for the appointment process be transferred from the Election Reserve to the City Clerk’s 2005 Operating Budget;*
- (3) in the interim, the current staff of former Councillor Balkissoon continue to serve the constituents of Ward 41 – Scarborough-Rouge River until the new Councillor is appointed and a decision is made by Council or the new Councillor with respect to staffing; and*
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”*

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*Appendix “B”*

*Procedures for Filling the Vacancy in the Office  
of Councillor - Ward 41 - Scarborough-Rouge River  
through an Appointment with Presentations  
at both the Scarborough Community Council and Council*

- (1) Advertisements shall be placed in one major daily newspaper and in one local newspaper serving the ward. The advertisements shall indicate Council’s intention to appoint a qualified elector to the vacancy and outline the process one must follow to be considered.*
- (2) An information session will be conducted by staff at Toronto City Hall from 5:00 p.m. to 7:00 p.m. on January 9, 2006. All interested persons must attend this session, complete a Consent of Nominee form and a Declaration of Qualification and provide personal identification showing their name and qualifying address within the City of Toronto.*
- (3) The deadline for filing the Consent of Nominee form and the Declaration of Qualification for Council’s consideration shall be 12:00 noon on the day following the information session.*

- (4) *The candidates who have attended the information session, completed a Consent of Nominee form and a Declaration of Qualification and provided personal identification satisfactory to the Clerk, may appear before the Scarborough Community Council at its meeting on January 17, 2006.*
- (5) *The Chair or Presiding Officer shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.*
- (6) *The Clerk will provide to the Chair or Presiding Officer, a list of the names of those candidates who have completed the Consent of Nominee and Declaration of Qualification and the Chair or Presiding Officer will call for a motion from the Scarborough Community Council in the following form:*

*“Moved by...*

*THAT the following persons, who have signified in writing that they are legally qualified to hold the office of Councillor and consented to accept the office if they are appointed to fill the vacancy of Councillor, Ward 41 – Scarborough-Rouge River, shall be considered for appointment to fill such vacancy.”*

- (7) *Each of the candidates shall be afforded the opportunity to address the Community Council for a period of not more than five minutes. Candidates will speak in the order (date and time) in which they submitted their Consent of Nominee and Declaration of Qualification to the City Clerk.*
- (8) *Each Member of the Scarborough Community Council will be allowed no more than one question to each candidate.*
- (9) *Following consideration by the Community Council of all submissions, the Community Council will proceed to vote as follows:*
  - (a) *Members of the Community Council will vote by way of ballot;*
  - (b) *Members of the Community Council must sign and print their name on the ballot; ballots that do not contain both the signature and name of the Member will be rejected from the count;*
  - (c) *if the candidate who receives the greatest number of votes cast does not receive more than one-half the votes of all Members of the Community Council present and voting, the candidate or candidates who received the fewest number of votes shall be*

*excluded from the voting and the vote shall be taken again by the Clerk or designate and, if necessary, more than once, excluding in each successive vote the candidate or candidates who received the fewest number of votes in the proceeding vote, until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the Members of the Community Council present and voting;*

*(d) where the votes cast are equal for all the candidates:*

*(i) if there are three or more candidates remaining, the Clerk or designate shall by lot select one such candidate to be excluded from the subsequent voting;*

*(ii) if only two candidates remain, the tie shall be broken and the candidate selected by lot conducted by the Clerk or designate shall be the candidate selected by the Community Council for Council's consideration;*

*(iii) "lot" means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a container and one name being drawn by the Clerk or designate.*

*(10) Upon conclusion of the voting, the Chair or Presiding Officer will declare the candidate receiving the votes of more than one-half of the number of the Members of the Scarborough Community Council present and voting to be the candidate selected by the Community Council for Council's consideration. The name of the selected candidate will be forwarded to Council in the form of a communication from the Scarborough Community Council.*

*(11) The candidates who have attended the information session, completed a Consent of Nominee form and a Declaration of Qualification and provided personal identification satisfactory to the Clerk, may appear before Council at a Special Meeting of Council to be held at 5:00 p.m., January 31, 2006. Candidates may appear before Council whether or not they attended at the Scarborough Community Council.*

*(12) The Mayor or Presiding Officer shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.*

- (13) *The Clerk will provide to the Mayor or Presiding Officer, a list of the names of those candidates who have completed the Consent of Nominee and Declaration of Qualification and the Mayor or Presiding Officer will call for a motion from Council in the following form:*

*“Moved by...*

*THAT the following persons, who have signified in writing that they are legally qualified to hold the office of Councillor and consented to accept the office if they are appointed to fill the vacancy of Councillor, Ward 41 – Scarborough-Rouge River, shall be considered for appointment to fill such vacancy.”*

- (14) *Each of the candidates shall be afforded the opportunity to address Council for a period of not more than five minutes. The order of speaking will be determined by lot. (The Clerk shall place the names of all candidates on equal size pieces of paper in a container and randomly draw the names.)*
- (15) *Each Member of Council will be allowed no more than one question to each candidate.*
- (16) *Following consideration by Council of all submissions, Council will proceed to vote as follows:*
- (a) *Members of Council will vote by way of ballot;*
  - (b) *Members of Council must sign and print their name on the ballot; ballots that do not contain both the signature and name of the Member will be rejected from the count;*
  - (c) *if the candidate who receives the greatest number of votes cast does not receive more than one-half the votes of all Members of Council present and voting, the candidate or candidates who received the fewest number of votes shall be excluded from the voting and the vote shall be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the candidate or candidates who received the fewest number of votes in the proceeding vote, until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the Members of Council present and voting;*
  - (d) *where the votes cast are equal for all the candidates:*

- (i) *if there are three or more candidates remaining, the Clerk shall by lot select one such candidate to be excluded from the subsequent voting;*
  - (ii) *if only two candidates remain, the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the Clerk;*
  - (iii) *“lot” means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a container and one name being drawn by the Clerk.*
- (17) *Upon conclusion of the voting, the Clerk will declare to be elected the candidate receiving the votes of more than one-half of the number of the Members of Council present and voting.*
- (18) *A by-law confirming the appointment shall be enacted by Council appointing the successful candidate to the office for the remainder of the term of the present Council.*

\_\_\_\_\_

Council also considered the following:

- Report (December 5, 2005) from the City Clerk.
- \_\_\_\_\_
- Fiscal Impact Statement (December 6, 2005) from the Deputy City Manager and Chief Financial Officer.

**J(29) Amendment to Zoning By-law - 120 Dallimore Circle**

*Moved by Councillor Minnan-Wong, seconded by Councillor Augimeri*

“**WHEREAS** Don Green Belt Developments Inc. has made a request to permit a 9-storey apartment building on the lands know municipally as 120 Dallimore Circle; and

**WHEREAS** the gross floor area statistics submitted with the application were inaccurate and resulted in a miscalculation of the overall proposed gross floor area being presented at the North York Community Council; and

**WHEREAS** due to the building being altered to address site plan improvements, the number of dwelling units has increased to 204 and a canopy (portico) has been added to the front of the building;

**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 8, Clause 18, headed ‘Final Report - Official Plan and Rezoning Application - 05 122557 NNY 34 OZ - Don-Greenbelt Developments - Atkins Group Corporation Architects - 120 Dallimore Circle (Ward 34 - Don Valley East)’, be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** the zoning by-law be amended to read as follows:

‘64.20-A(84)

(q) Canopies may project into the minimum front yard setback.

64.20-A(84)(f)

(f) The maximum gross floor area for all lands zoned RM1(10) and RM6(84) shall be 48,100 square metres.

64.20-A(84)(h)(i)

(i) The maximum number of dwelling units shall be 362, a maximum of 204 units to be located within the building on the lands zoned RM6(84-2) adjacent to the railway.’;

**AND BE IT FURTHER RESOLVED THAT** Council deem the amendments to the draft by-law to be minor, and, therefore, determine, pursuant to Subsection 34(17) of the *Planning Act*, that no further notice to the public is required.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, re-opened North York Community Council Report 8, Clause 18, headed “Final Report - Official Plan and Rezoning Application - 05 122557 NNY 34 OZ - Don-Greenbelt Developments - Atkins Group Corporation Architects - 120 Dallimore Circle (Ward 34 Don Valley East)”, for further consideration, and adopted the balance of this Motion, without amendment.***

**J(30) Appeal to the Ontario Municipal Board - 54 Gormley Avenue (Ward 21)**  
*Moved by Councillor Walker, seconded by Councillor Jenkins*

“**WHEREAS** the owner applied to the Committee of Adjustment for variances including gross floor area, building depth, front porch setbacks and an integral garage, for the property known as 54 Gormley Avenue; and

**WHEREAS** City Planning staff recommended that variance #5 with respect to an integral garage on a lot that is less than 7.62 metres in width be refused; and

**WHEREAS** the subject property has a front lot width of 6.4 metres; and

**WHEREAS** on September 21, 2005, the Committee of Adjustment approved the application on condition that:

- (1) the development shall be constructed substantially in accordance with the revised plans on file with the Committee, stamp dated August 23, 2005; and
- (2) the rear deck be no higher than 0.91 metres above grade; and

**WHEREAS** the intent of the By-law is to preserve the traditional relationship of the house to the street; and

**WHEREAS** introducing an integral garage would result in a houseform that is out of character with the neighbourhood streetscape; and

**WHEREAS** the Ontario Municipal Board will be considering an appeal by a neighbour with respect to this decision by the Committee of Adjustment;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the City of Toronto authorize the City Solicitor and City Planning staff to appear at the Ontario Municipal Board to support the position of City Planning respecting the integral garage and to oppose the Committee's approval of the integral garage."

*Disposition:*

*City Council on December 5, 6 and 7, 2005, adopted this Motion, without amendment.*

Council also considered the following:

- Notice of Decision (September 23, 2005) from the Acting Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel.

**J(31) TEDCO'S Application for Judicial Review of IPC Order MO-1966**

*Moved by Councillor Watson, seconded by Mayor Miller*

**“WHEREAS** the City Clerk submitted a report to the Policy and Finance Committee advising on the status of proceedings related to the Information and Privacy Commissioner's Order MO-1966 (Report 10, Clause 43(k), entitled 'TEDCO Mega Film Studio Project: Freedom on Information Request'); and



**WHEREAS** the City Solicitor has prepared an in-camera report seeking clarification and instructions from Council on the City's position in an Application for Judicial Review of the Information and Privacy Commissioner's ('IPC') Order MO-1966 pertaining to the City of Toronto Economic Development Corporation; and

**WHEREAS** this matter must be considered at this meeting of Council in order to submit a notice of appearance according to the rules of civil procedure if the City takes a position, or to advise the other parties immediately if the City takes no position on this issue;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the confidential report (December 1, 2005) from the City Solicitor and that Council adopt the staff recommendations contained in the Recommendations Section of the report."

***Disposition:***

***City Council on December 5, 6 and 7, 2005, postponed consideration of this Motion to its special meeting on December 14, 2005.***

Council also considered the following:

- Confidential report (December 1, 2005) from the City Solicitor [Confidential Communication C.25(a)]. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation.

- Confidential Fiscal Impact Statement (December 6, 2005) from the Deputy City Manager and Chief Financial Officer.

**J(32) 650-672 Sheppard Avenue East - Ontario Municipal Board Decision/Order No. 0150 Granting Exclusions to Gross Floor Area Definition – Appeal to Divisional Court – Revision to Settlement**

*Moved by Councillor Shiner, seconded by Councillor Ootes*

**“WHEREAS** the Ontario Municipal Board issued its Decision/Order No. 0150 on January 25, 2005 with respect to a proposed development at 650-672 Sheppard Avenue East, and City Council subsequently instructed the City Solicitor to seek leave to appeal that Decision/Order to Divisional Court; and

**WHEREAS** at its meeting held on February 16, 2005, City Council by the adoption of Motion J(14), as amended, adopted the City Solicitor's in-camera report dated February 15, 2005 thereby authorizing the City Solicitor to settle the City's application for leave to appeal the OMB Decision/Order to Divisional Court; and

**WHEREAS** the developer has requested revision to the settlement; and

**WHEREAS** this is a time sensitive matter since the application for leave to appeal to the Divisional Court is scheduled to be heard in January, 2006;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider and adopt the staff recommendations contained in the Recommendations Section of the confidential report (December 5, 2005) from the City Solicitor."

*Disposition:*

*City Council on December 5, 6 and 7, 2005, postponed consideration of this Motion to its special meeting on December 14, 2005.*

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Council also considered the following:

- Confidential report (December 5, 2005) from the City Solicitor [Confidential Communication C.28(a)]. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation.

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- Confidential Fiscal Impact Statement (December 6, 2005) from the Deputy City Manager and Chief Financial Officer.

**J(33) Request to Change Judicial Parolling and Leniency System**  
*Moved by Councillor Palacio, seconded by Councillor Nunziata*

**“WHEREAS** Judges are too lenient in their sentencing thereby doing a disservice to victims of crime, affected communities, and to the Police by letting repeating offenders get out even before our Police Officers complete the paper work; and

**WHEREAS** the current parolling system has become a revolving door syndrome by allowing repetitive and dangerous offenders out of prison without completing their sentences; and

**WHEREAS** the City of Toronto has been the epicentre of 50 homicides by guns thus far in 2005; 50 young lives have been lost due to guns and street violence; and

**WHEREAS** due to the deployment of Toronto Police Officers to high risk neighbourhoods, hard-core criminals are moving on to quiet neighbourhoods that are vulnerable to this kind of unwelcome intrusion; and

**WHEREAS** due to the lack of Community Policing around public housing developments and elementary schools in targeted areas, guns and gangs are more prevalent than ever;

**NOW THEREFORE BE IT RESOLVED THAT** the federal and provincial governments be requested to do the following:

- (1) implement tougher penalties for those who smuggle guns into the Country;
- (2) implement tougher penalties with minimum prison terms for those who commit crimes with guns, or are in possession of illegal guns;
- (3) ensure that when repeat offenders are sentenced, those sentences reflect their habitual offender status and that they be required to serve the full term of the sentence; and
- (4) ensure that sentences and fines reflect the actual costs of arrest and prosecutions;

**AND BE IT FURTHER RESOLVED THAT** the City Solicitor be requested to report to the Policy and Finance Committee on how the City can make property owners legally and financially liable if it is proven that the landlord knew that their premises were being used for illegal or criminal activities.”

***Disposition:***

***This Motion was ruled redundant at City Council on December 5, 6 and 7, 2005, in that Motion J(17) deals with similar issues.***

**J(34) OMB Appeals of Site Plan and Zoning – 3025 Finch Avenue West (Ward 7 - York West)**

*Moved by Councillor Mammoliti, seconded by Councillor Palacio*

“**WHEREAS** the City and the developer of the proposed residential development at 3025 Finch Avenue West mediated the appeals of the zoning and site plan applications before the Ontario Municipal Board on the form of and conditions to the development and reached a settlement of same which was approved by City Council by the adoption of Motion J(29) at its meeting held on November 30, 2004; and

**WHEREAS** the Ontario Municipal Board after hearings on December 20, 2004 and July 26, 2005 found the proposal to be good planning and implemented the settlement through the issuance of its Decision No. 2368; and

**WHEREAS** some of the conditions of approval of the development deal with the environmental remediation of the site since it was previously used as a land fill site for approximately 45,000 tonnes of domestic waste; and

**WHEREAS** pursuant to two Certificates of Approval issued by the Ministry of the Environment, the developer has, for a number of months, been excavating the site and removing the waste with the intention of obtaining building permits prior to the end of the year; and

**WHEREAS** the developer wishes to maintain the affordability of the dwelling units in the development by remaining eligible for the 2004 Development Charges rate under the Development Charges By-law, through obtaining an above-grade building permit on or before December 31, 2005; and

**WHEREAS** the developer advises that due to unforeseen delays in the screening process of the waste on site, it is unlikely to be in a position to satisfy all of the environmental conditions to obtain an above-grade building permit by the end of the year, and accordingly, it requests the City to amend the settlement documentation so as to allow the Chief Building Official to exercise her discretion to issue a conditional building permit for foundation and above-grade construction if she sees fit, with the commitment that all of the environmental conditions will be satisfied before the full building permit issuance and the completion of the buildings, including the requirement that a Record of Site Condition be filed in the Ministry of the Environment's Environmental Site Registry; and

**WHEREAS** given the extensive mediation and settlement between the developer and the City, the Ministry of the Environment's involvement in the process, and the commitment to environmentally remediate the site and provide affordable housing, it is reasonable to amend the settlement documentation to allow for the possibility of a conditional building permit being issued;

**NOW THEREFORE BE IT RESOLVED THAT** Council hereby direct and authorize the City Solicitor to amend the environmental provisions of the settlement documentation, including the proposed zoning by-law and Section 37 Agreement to permit the Chief Building Official or her delegate to issue a conditional building permit for the proposed development, such amendments to be in a form satisfactory to the City Solicitor;

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

***Disposition:***

***City Council on December 5, 6 and 7, 2005, adopted this Motion, without amendment.***

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Council also considered the following:

- Ontario Municipal Board Decision No. 2368, issued September 8, 2005, pertaining to 3025 Finch Avenue West.

**J(35) Application for Sign Variance - 25 Vice Regent Boulevard**

*Moved by Councillor Ford, seconded by Councillor Ootes*

“**WHEREAS** assisting economic development and creating a positive business climate within the City of Toronto, should be a part of this Council’s mandate; and

**WHEREAS** the property municipally known as 25 Vice Regent Boulevard (Woodbine Pontiac) is ready for business in the very tough automobile retail sector and has applied for sign variances; and

**WHEREAS** due to the Council meeting cycle there will not be a Community Council meeting until January 17, 2006 and a City Council meeting until January 31, 2006; and

**WHEREAS** the applicant wishes to proceed with the application and approval in a timely manner; and

**WHEREAS** the staff report is positive and recommends the approval of the sign variances;

**NOW THEREFORE BE IT RESOLVED THAT** Council adopt the staff recommendations contained in the Recommendations Section of the report (December 1, 2005) from the Chief Building Official and Executive Director.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, adopted this Motion, without amendment.***

***In adopting Motion J(35), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (December 1, 2005) from the Chief Building Official and Executive Director:***

*“It is recommended that:*

- (1) the request for variances be approved for the reasons outlined in this report;*
- (2) the overall number of business identification fascia signs on this property be limited to six; and*
- (3) the applicant be advised, upon approval of variances, of the requirement to obtain the necessary sign permit(s).”*

Council also considered the following:

- Report (December 1, 2005) from the Chief Building Official and Executive Director.

**J(36) Western Hemisphere Travel Initiative - Request to Add Issue to the Great Lakes and St. Lawrence Cities Agenda**

*Moved by Councillor Moscoe, seconded by Councillor McConnell*

“**WHEREAS** on September 2, 2005, the United States Department of Homeland Security published advance notice of new regulations that will require all citizens of the United States, Canada, Bermuda and Mexico to have passports to enter or re-enter the United States by January 1, 2008; and

**WHEREAS** these requirements will discourage cross border interaction and have devastating effects on the Canadian and American economies, particularly on border cities; and

**WHEREAS** the primary tourist market for Toronto is Ohio, Michigan and New York States; and

**WHEREAS** fewer than 23 percent of all Americans hold United States passports; and

**WHEREAS** a family of four will be required to spend almost \$400.00 to obtain passports to travel to Canada; and

**WHEREAS** the present easily accessible border facilitates 300,000 crossings a day and more than \$1.2 billion a day in trade; and

**WHEREAS**, for example:

- over 3,500 Canadian nurses staff Detroit hospitals;
- a truck crosses the US-Canada border every 25 seconds, 24 hours a day, and 7 days a week;
- more than 5.2 million US jobs rely on trade with Canada; and
- the regulations will result in a \$750 million decline in tourism receipts in US communities from 2005 to 2008 alone; and

**WHEREAS** all Great Lakes cities are border cities; and

**WHEREAS** the Great Lakes cities are meeting on December 12 and 13, 2005; and

**WHEREAS** only US cities can effectively lobby the United States Congress to modify the regulations;

**NOW THEREFORE BE IT RESOLVED THAT** the Mayor be requested to place the Western Hemisphere Travel Initiative on the agenda of the Great Lakes and St. Lawrence Cities agenda for its meeting on December 12 and 13, 2005 as an emergent issue;

**AND BE IT FURTHER RESOLVED THAT** City Council solicit support from all United States member municipalities to lobby Congress to modify home land security regulations to mitigate the devastating effects of the Passport regulations on the Canadian and United States economies.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, postponed consideration of this Motion to its special meeting on December 14, 2005.***

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Council also considered the following:

- Memorandum (October 31, 2005) to the Standing Committee on Municipal Infrastructure and Transportation Policy, headed “Update on the Western Hemisphere Travel Initiative”.

**J(37) Inventory of Surplus Properties for Affordable Housing and Community Purposes**

*Moved by Councillor Palacio, seconded by Councillor Mammoliti*

“**WHEREAS** the Toronto District School Board (TDSB) and Toronto Catholic District School Board (TCDSB) have declared a number of schools surplus in the past several years that have been converted into various land uses, except housing and support services; and

**WHEREAS** City Council recently approved City participation in the new Affordable Housing Program, where the new approach is to provide a permanent housing solution, not shelters; and

**WHEREAS** use of federal and provincial funds has been made available for better affordability (lower rents); and

**WHEREAS** the Province announced the first wave of allocations to the City of Toronto under the new Federal and Provincial Affordability Housing Program; and

**WHEREAS** the City's priorities for further Federal \$1.6 billion for housing, mainly on the railway lands, waterfront, aboriginal, co-operative housing and replacement homes in Regent Park must be aggressively pursued; and

**WHEREAS** presently the City's waiting list for affordable/subsidized housing has over 70,000 names with a waiting period of up to 10 years;

**NOW THEREFORE BE IT RESOLVED THAT** the General Manager, Shelter, Support and Housing Administration, be requested to report to an upcoming meeting of the Affordable Housing Committee on:

- (1) any possible Toronto District School Board or Toronto Catholic District School Board facilities that are available, or could soon be available to be converted to Affordable Housing by either the City or a non-profit housing provider; and
- (2) the process, including necessary steps from the City and respective Boards, to make this happen should a property be available;

**AND BE IT FURTHER RESOLVED THAT** the City Manager be requested to compile a list from agencies, boards, commissions and City divisions, of any City-owned facilities that are currently significantly under-utilized, with suggestions for possible consolidation of operations, with the intent that any surplus faculties or vacant publicly-owned properties be identified and made available for affordable housing."

***Disposition:***

***City Council on December 5, 6 and 7, 2005, amended this Motion by:***

- (1) ***amending the title of the Notice of Motion to read "Inventory of Surplus Properties for Affordable Housing and Community Purposes";***
- (2) ***adding to the end of the first Recital, the words "and community services", so the first Recital now reads as follows:***



***“WHEREAS the Toronto District School Board (TDSB) and Toronto Catholic District School Board (TCDSB) have declared a number of schools surplus in the past several years that have been converted into various land uses, except housing and support services and community services;”***; and

(3) ***adding to the end of Part (1) of the first Operative Paragraph, the words “as well as other public usage facilities”, so that Part (1) now reads as follows:***

***“(1) any possible Toronto District School Board or Toronto Catholic District School Board facilities that are available, or could soon be available to be converted to Affordable Housing by either the City or a non-profit housing provider, as well as other public usage facilities; and”***.

***Motion J(37), as amended, was adopted by City Council.***

**J(38) 1100 Lansdowne Avenue (Building 13) – Official Plan and Zoning By-law Amendment (Ward 17 - Davenport)**

***Moved by Councillor Palacio, seconded by Councillor Nunziata***

**“WHEREAS** City Council adopted Etobicoke York Community Council Report 7, Clause 4, headed ‘Final Report – Official Plan Amendment and Rezoning Application, Applicant: George Vrachas – Part of 1100 Lansdowne Avenue (Building 13) (Ward 17 – Davenport)’, at its meeting held on September 28, 29 and 30, 2005; and

**WHEREAS** since that meeting, minor changes have been made to the Zoning By-Law Amendment to clarify the calculation of residential gross floor area and to identify the potential location of stair structures along the southerly 67.05 metres of the building adjacent to Lansdowne Avenue; and

**WHEREAS** these changes do not alter the size of the proposed building or the general nature of the development proposal; and

**WHEREAS** City Council has provided adequate public notice under the *Planning Act, R.S.O. 1990, c. P.13*, as amended, regarding the proposed Official Plan Amendment and Zoning By-law Amendment and has determined that no further notice is required pursuant to subsection 34(17) of the *Planning Act*;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Etobicoke York Community Council Report 7, Clause 4, headed ‘Final Report - Official Plan Amendment and Rezoning Application, Applicant: George Vrachas - Part of 1100 Lansdowne Avenue (Building 13) (Ward 17 - Davenport)’, be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT:**

- (1) Section 6 (3) of the draft Zoning By-law Amendment be revised to read as follows:

‘The lowest floor level of the building is to be exempt for the *residential gross floor area* calculation’;

- (2) a new Section 5 (4) be added to the draft Zoning By-law Amendment to read as follows:

‘Notwithstanding the provisions of clause 5 iii) of this by-law, nothing shall prevent the construction of stair structures along the southerly 67.05 metres (220 feet) of the building adjacent to Lansdowne Avenue, as shown on Map 2 attached to and forming part of this by-law’; and

- (3) no further notice shall be given in respect of the proposed by-laws.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, re-opened Etobicoke York Community Council Report 7, Clause 4, headed “Final Report - Official Plan Amendment and Rezoning Application, Applicant: George Vrachas - Part of 1100 Lansdowne Avenue (Building 13) (Ward 17 - Davenport)”, for further consideration, and adopted the balance of this Motion, without amendment.***

**J(39) Agnes Macphail Selection Committee Membership**

*Moved by Councillor Davis, seconded by Councillor Pitfield*

“**WHEREAS** the Agnes Macphail Award Selection Committee selects the 2006 Agnes Macphail Award recipient; and

**WHEREAS** the Agnes Macphail Award Selection Committee is composed of:

- the Member of Parliament (or his/her representative) for the riding of Don Valley West (the riding in which Agnes Macphail lived);
- the Member of Provincial Parliament (or his/her representative) for the ridings of Toronto-Danforth and Beaches-East York;

- one East York citizen who is a current or former member of a Council appointed board or committee (to be appointed by the Toronto East York and North York Community Councils);
- one former member of the Borough of East York Council (to be appointed by the Toronto and East York Community Council); and
- all previous winners of the Agnes Macphail Award; and

**WHEREAS** candidates for the Selection Committee are drawn from within the boundaries of the former Borough of East York; and

**WHEREAS** Toronto City Council is required to endorse appointments to the Agnes Macphail Award Selection Committee;

**NOW THEREFORE BE IT RESOLVED THAT** Council endorse the appointment to the Agnes Macphail Award Selection Committee, the individuals listed in the confidential communication (December 6, 2005) from the Administrative Support, Agnes Macphail Recognition Committee.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, adopted this Motion, without amendment.***

***In adopting Motion J(39), without amendment, Council has endorsed the appointment of the individuals listed in the Recommendations Section of the confidential communication (December 6, 2005) from the Administrative Support, Agnes Macphail Recognition Committee, as follows:***

***“It is recommended that Toronto City Council:***

- (1) endorse the appointment of John Papadakis, former East York Councillor, and of Bruce Thornton, member of Council appointed Board/Committee, to the Agnes Macphail Award Selection Committee; and***
- (2) endorse the appointment of George Vasilopoulos as an alternate member.”***

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Council also considered the following:

- Confidential communication (December 6, 2005) from the Administrative Support, Agnes Macphail Recognition Committee [Confidential Communication C.29(a)]. This communication remains confidential, except for the above-noted recommendations, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals.

**J(40) Preservation of Site for Institutional Purposes - 175 Brentcliffe Road**

*Moved by Councillor Pitfield, seconded by Councillor Jenkins*

“**WHEREAS** the Canadian National Institute severed its property and sold a portion of this site to a residential developer to cover the costs of its new building; and

**WHEREAS** the Centre for Mental Health and Addiction is in the process of consolidating its four current sites into one main site at its 1001 Queen Street West location, rendering the facility at 175 Brentcliffe Road surplus; and

**WHEREAS** the Centre for Mental Health and Addiction would like to use the revenue from the sale of 175 Brentcliffe Road to offset the costs of this consolidation; and

**WHEREAS** the maximum revenue is generated by the sale to a residential developer; and

**WHEREAS** area residents have expressed concern regarding the potential of the Institutional area located at 175 Brentcliffe Road for redevelopment for residential purposes; and

**WHEREAS** the former City of North York Official Plan and the new City of Toronto Official Plan do not permit residential use on the 175 Brentcliffe Road site; and

**WHEREAS** at the July 2004 City Council meeting, the City of Toronto placed an Interim-Control By-law on the Bayview institutions located east of Bayview Avenue and north of Kilgour Road; and

**WHEREAS** at past community meetings, representatives from the City have indicated concerns with any future residential development on this site as the transportation network and sewer network is already at capacity; and

**WHEREAS** the City of Toronto believes that all institutional space should be protected; and

**WHEREAS** Sunnybrook Hospital has indicated an interest in purchasing this site for institutional use;

**NOW THEREFORE BE IT RESOLVED THAT** the City of Toronto request that the Minister of Health and Long-Term Care intervene and ensure that this site is not sold off for residential development but preserved for institutional use.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, referred this Motion to the Planning and Transportation Committee for consideration at its meeting on January 9, 2006.***

Council also considered the following:

- Communication (December 7, 2005) from Dr. Paul Garfinkel, President and Chief Executive Officer, Centre for Addiction and Mental Health, submitted by Deputy Mayor Joe Pantalone, Ward 19 Trinity-Spadina [Communication 38(a)].

**J(41) Authority to Enter Into Agreements with the Owners of 533 Richmond Street West and 51 Bathurst Street under Section 45(9) of the *Planning Act***  
*Moved by Councillor Chow, seconded by Deputy Mayor Pantalone*

“**WHEREAS** the Committee of Adjustment (the ‘Committee’) granted variances respecting the number of parking spaces, building set-back, building dimensions, amenity space, and building height for the property located at 533 Richmond Street West and made its decision conditional on the Owner entering into an agreement under Section 45(9) of the *Planning Act* to provide a cash contribution of \$25,000.00 (twenty-five thousand dollars) to the City of Toronto, prior to final and binding approval of the Minor Variance Application to be used for improvements to St. Clarence Square Park; and

**WHEREAS** the Committee granted variances, including variances respecting height, amenity space requirements and angular plane requirements to permit a mixed-use building having 421 units for the property located at 51 Bathurst Street and made its decision conditional on, among other things, the Owner entering into an agreement under Section 45(9) of the *Planning Act* to provide a cash contribution of \$75,000.00 (seventy-five thousand dollars) to the City of Toronto; half of which was received when the decision became final and binding and the remaining half to be received when the above-grade building permit is issued to be divided equally between streetscape improvements to Camden Street between Spadina Avenue and Brant Street and improvements to Wellington Street between Spadina Avenue and Bathurst Street; and

**WHEREAS** authority is required from City Council for City staff to execute agreements under Section 45 (9) of the *Planning Act*; and

**WHEREAS** execution of each of these agreements is a time sensitive matter, to ensure the City of Toronto receives the payments it requires and the Owners of the properties receive the approval they need to construct their projects;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the City of Toronto grant the authority to enter into an agreement with the Owner of 533 Richmond Street West and to enter into an agreement with the Owner of 51 Bathurst Street to secure the required payments pursuant to the Committee of Adjustment decisions;

**AND BE IT FURTHER RESOLVED THAT** City Council authorize the City Solicitor to undertake any steps necessary to implement Council's direction, including the execution of Section 45 (9) agreements, pertaining to the variances conditionally set out in the decisions of the Committee."

***Disposition:***

***City Council on December 5, 6 and 7, 2005, adopted this Motion, without amendment.***

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Council also considered the following:

- Notice of Decision (October 21, 2005) from the Acting Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel, respecting 51 Bathurst Street; and
- Notice of Decision (August 12, 2005) from the Acting Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel, respecting 533 Richmond Street West.

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Councillor Shiner declared an interest in this Motion, in that his family owns property in the immediate area.

**J(42) Amendment to Section 37 Agreement for 3 and 6 Windermere Avenue (Ward 13)**

*Moved by Councillor Saundercook, seconded by Councillor Grimes*

**“WHEREAS** on July 26, 2001, City Council adopted By-laws 707-2001 and 708-2001 to permit comprehensive residential redevelopment of the former Stelco site; and

**WHEREAS** the first phase of that project is now under construction on Block 'E', being the block on the east side of Windermere Avenue; and

**WHEREAS** the applicant is attempting to clear conditions for site plan approval and obtain a building permit for the second phase of this project on Block 'B', on the west side of Windermere Avenue prior to the year's end in order to pay development charges (currently at the 2003 rate); and

**WHEREAS** the Section 37 Agreement requires provision for a daycare facility for 52 children to be made prior to release of the building permit: and

**WHEREAS** the site owner, Cresford Developments, has proposed to provide a temporary daycare facility off-site and requests that the Section 37 Agreement be amended to permit a temporary facility; and

**WHEREAS** the next City Council meeting is scheduled to be held in January 2006; and

**WHEREAS** the Chief Planner and Executive Director, City Planning, has prepared a report dated December 6, 2005;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the attached report (December 6, 2005) from the Chief Planner and Executive Director, City Planning, and adopt the staff recommendations contained in the Recommendations Section of the report.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, adopted this Motion, without amendment.***

***In adopting Motion J(42), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (December 6, 2005) from the Chief Planner and Executive Director, City Planning:***

***“It is recommended that authority be granted to amend the Section 37 agreement for 3 and 6 Windermere Avenue in order to:***

- (1) permit an interim, off-site daycare facility to be located in the Windermere United Church at 356 Windermere Avenue;***
- (2) require that the interim facility will be leased and equipped at the owner’s expense; and***
- (3) require the permanent on-site facility be provided in the next phase of development.***

***It is further recommended that the City Solicitor be authorized and directed to take the necessary action to give effect thereto.”***

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Council also considered the following:

- Report (December 6, 2005) from the Chief Planner and Executive Director, City Planning.

**J(43) Access to Information - Construction Plans for Neighbouring Properties**

*Moved by Councillor Moscoe, seconded by Councillor Fillion*

“**WHEREAS** it is currently City practice for residents to have access to view plans of a neighbouring residential house property until the construction is completed; and

**WHEREAS** the Building Division has recently issued a directive that residents may not view the building plans for neighbouring properties without making a Freedom of Information request and receiving written permission from the property owner/agent; and

**WHEREAS** in many instances the construction may be completed before a Freedom of Information request may be processed; and

**WHEREAS** Councillors have also been denied this information;

**NOW THEREFORE BE IT RESOLVED THAT** Council direct City staff to allow residents to view building plans for neighbouring residential house properties, until construction is completed and the file closed, unless the plans are restricted at the request of the property owner/agent, for security or safety reasons;

**AND BE IT FURTHER RESOLVED THAT** the Building Division initiate a process whereby applicants for building permits may request, and can demonstrate, that their plans should be restricted from public viewing due to security or safety reasons;

**AND BE IT FURTHER RESOLVED THAT** plans that have not been so restricted be available to elected officials, if required, at any time for reasons of fulfilling their municipal responsibilities.”

*Disposition:*

*City Council on December 5, 6 and 7, 2005, postponed consideration of this Motion to its special meeting on December 14, 2005.*

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Council also considered the following:



- Briefing Note (December 6, 2005), headed “Routine Disclosure Policy on Building Plans (Update)”, from the Director, Corporate Access and Privacy.

**J(44) Request to Reaffirm the City of Toronto Position Regarding a Subway Line to Pearson Airport from Union Station**

*Moved by Councillor Nunziata, seconded by Councillor Palacio*

“**WHEREAS** in 1998, following the cancellation of the Eglinton Subway line by the Provincial Government, which was to have connected to Pearson Airport, the City requested senior governments to build a ‘rapid transit’ connection between Pearson Airport and Union Station, using the CN Weston Corridor; and

**WHEREAS** the senior levels of government have committed significant sums of money, including \$235 million of municipal money, in part for the creation of a private, for-profit Air-Rail Link, which is deliberately designed to be priced out of reach of ordinary citizens and will be almost exclusively used by business travelers to Toronto; and

**WHEREAS** the proposed design of the Air-Rail Link creates significant environmental problems for residents along the entire corridor, in particular in Weston, Mt. Dennis, St. Clair Avenue West and Liberty Village; and

**WHEREAS** the northwest of the City faces significant economic disadvantages, leading to personal poverty, crime and gun violence and has no City rapid transit facilities whatsoever; and

**WHEREAS** the northwestern part of the City, including large sections of the former Cities of Etobicoke, York and North York are terribly underserved by public transit; and

**WHEREAS** City Council on October 1 and 2, 1998 adopted Clause 1 of Report 10 of The Urban Environment and Development Committee, headed ‘A Rapid Transit Connection Between Pearson International Airport and Union Station’ (attached);

**NOW THEREFORE BE IT RESOLVED THAT** the City of Toronto reaffirm its original request for a rapid transit link to the northwest of the City, connecting Pearson Airport and Union Station and providing rapid transit to the residents of the City, in particular to the disadvantaged northwest quadrant, as a City-building measure;

**AND BE IT FURTHER RESOLVED THAT** the City make it clear that this rapid transit link should be a subway, with at least 10 stops in communities along the route, connected to the Bloor route at Dundas West;

**AND BE IT FURTHER RESOLVED THAT** GO Transit, CN and CP be asked to bury their rail lines in the resultant subway arterial routes as St. Clair Avenue West and Queen Street to be located underneath rail lines;

**AND BE IT FURTHER RESOLVED THAT** the Chief Planner and Executive Director, City Planning be requested to report to an upcoming meeting of the Planning and Transportation Committee, on the economic and transportation benefits in the area;

**AND BE IT FURTHER RESOLVED THAT** the Chief General Manager of the Toronto Transit Commission be consulted in the authoring of this report;

**AND BE IT FURTHER RESOLVED THAT** the City allow the private sector partners of the federal government to create a separate Air-Rail link, should they so choose, along the same excavation and at their expense, as originally promised by the federal government, provided that the subway link is created first or simultaneously.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, referred this Motion to the Chief Planner and Executive Director, City Planning, for a report to the Planning and Transportation Committee.***

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Council also considered the following:

- Urban Environment and Development Committee Report 10, Clause 1, headed “A Rapid Transit Connection Between Pearson International Airport and Union Station”, which was adopted, as amended, by City Council on October 1 and 2, 1998.

**J(45) Temporary Sales Offices in former North York - Site Plan Control**

*Moved by Councillor Filion, seconded by Councillor Moscoe*

**“WHEREAS** the former City of North York By-law (General Provisions For All Zones Section 6 (2)) provides as-of-right zoning for temporary Sales Offices in all zones in the former City of North York, including residential neighbourhoods; and

**WHEREAS** this By-law provides no time limits on the construction of temporary sales offices; and

**WHEREAS** this By-law provides no limits on the size of temporary sales offices; and

**WHEREAS** this By-law provides no restrictions on the location of temporary sales offices; and

**WHEREAS** temporary sales offices covered by this By-law are not subject to site plan;

**NOW THEREFORE BE IT RESOLVED THAT** temporary Sales Offices covered in the former City of North York By-law be subject to site plan effective immediately, and that the necessary Bill be introduced;

**AND BE IT FURTHER RESOLVED THAT** the Chief Planner and Executive Director, City Planning, review the By-law (General Provisions For All Zones Section 6 (2) - Special Uses Permitted - (a) Uses Incidental to Construction) and report to the Planning and Transportation with any recommended changes.”

*Disposition:*

*City Council on December 5, 6 and 7, 2005, adopted this Motion, without amendment.*

**J(46) Request for Report on Liability of Landlords Who Allow Illegal Activities within their Premises**

*Moved by Councillor Palacio, seconded by Councillor Nunziata*

“**WHEREAS** some commercial establishments allow illegal activities to take place within their premises like gambling, prostitution, drug dealing, excessive noise, public drunkenness and obnoxious behaviour, thereby creating public nuisances and intimidation to surrounding communities; as a result of continuous investigation by local authorities, their liquor licenses have been suspended or their business licenses have been revoked; and

**WHEREAS** residential property owners allow their premises to be used for illegal or criminal activities like crack houses, drug dealings, marijuana grow-ops; and

**WHEREAS** landlords have been informed by authorities (Police, Municipal Licensing and Standards, LLCB, AGCO, etc.) about illegal activities taking place within their premises and subsequently have been served with notices of violation or notices of compliance for land uses that are not allowed under current zoning by-laws; and

**WHEREAS** hundreds of hours are being spent by local authorities throughout their investigations, costing taxpayers hundreds of thousands of dollars to investigate and enforce same;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor be requested to report to the Policy and Finance Committee on how the City can make property owners legally and financially liable if it is proven that the landlord knew that their premises were being used for illegal or criminal activities.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, amended this Motion by inserting in the second and third Recitals, after the word “WHEREAS”, the word “some”, so that the second and third Recitals now reads as follows:***

***“WHEREAS some residential property owners allow their premises to be used for illegal or criminal activities like crack houses, drug dealings, marijuana grow-ops; and***

***WHEREAS some landlords have been informed by authorities (Police, Municipal Licensing and Standards, LLCB, AGCO, etc.) about illegal activities taking place within their premises and subsequently have been served with notices of violation or notices of compliance for land uses that are not allowed under current zoning by-laws; and”***

***Motion J(46), as amended, was adopted by City Council.***

**J(47) Directions Report, OMB Settlement Proposal, 46 Halford Avenue**

***Moved by Councillor Saundercook, seconded by Councillor Stintz***

**“WHEREAS** on May 13, 2002, Rivermill Developments Ltd. submitted rezoning and site plan approval applications to develop three lots of record at the rear of 46 Halford Avenue, fronting onto Old Mill Drive, with 6 stacked condominium townhouses; and

**WHEREAS** significant community consultation took place through the establishment of a Working Committee; and

**WHEREAS** on February 12, 2003, Rivermill Developments Ltd. appealed the rezoning and site plan applications to the Ontario Municipal Board and a Hearing was scheduled for November 3, 2003; and

**WHEREAS** at its meeting of September 22, 23, 24 and 25, 2003, City Council received a Status and Directions Report (September 15, 2003), and instructed the City Solicitor to oppose the zoning and site plan appeals at the Ontario Municipal Board Hearing; and

**WHEREAS** the Ontario Municipal Board Hearing was adjourned sine die at the request of Rivermill Developments Ltd. in order to address outstanding issues; and

**WHEREAS** on June 2, 2005, the property owner submitted a settlement proposal for the development; and

**WHEREAS** the Ontario Municipal Board has rescheduled the hearing on these matters for January 3 and 4, 2006; and

**WHEREAS** the next City Council meeting is scheduled to be held on January 31, 2006 after the date of the Ontario Municipal Board Hearing; and

**WHEREAS** the Chief Planner and Executive Director, City Planning, has prepared the attached confidential report (December 5, 2005);

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the confidential report (December 5, 2005) from the Chief Planner and Executive Director, City Planning, and adopt the staff recommendations contained in the Recommendations Section of the report.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, amended this Motion by amending the first Operative Paragraph so that it now reads as follows:***

***“NOW THEREFORE BE IT RESOLVED THAT City Council consider the confidential report (December 5, 2005) from the Chief Planner and Executive Director, City Planning, and adopt the staff recommendations contained in the Recommendations Section of the report, subject to the following:***

- (1) the Owner undertaking the necessary engineering studies and carrying out any required preventative actions to ensure soil stability for properties in the surrounding area; and***
- (2) the Owner providing additional testing as may be required by the City with respect to hydro-geology and soil stability with special regard for the property at 55 Humberview Road.”***

***In adopting Motion J(47), as amended, Council adopted, as amended, the staff recommendations contained in the Recommendations Section of the confidential report (December 5, 2005) from the Chief Planner and Executive Director, City Planning. The following 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 related to litigation or potential litigation:***

*“It is recommended that City Council instruct the City Solicitor and appropriate City staff, if required, to attend the Ontario Municipal Board (OMB) in support of application TC CMB 2002 0005, in accordance with the settlement proposal received on June 1, 2005, and as described in the body of this report, subject to:*

- (1) the submission of the required by-law at the OMB to amend Zoning By-law No. 1-83, in a form satisfactory to the City Solicitor and the Chief Planner and substantially in accordance with the draft Zoning By-law provided by the applicant and attached as Attachment 7; and*
- (2) City staff requesting the Ontario Municipal Board to withhold its Order on all referrals pending satisfactory resolution of the specifics of the site plan application that is similarly before the Ontario Municipal Board, in the event the various technical and physical issues have not been satisfactorily resolved upon commencement of the OMB hearing.”*

Council also considered the following:

- Confidential report (December 5, 2005) from the Chief Planner and Executive Director, City Planning [Confidential Communication C.30(a)]. This report remains confidential, except for the above-noted recommendations, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation.

**J(48) Declaration of Vacancy – Ward 20 – Trinity Spadina**

*Moved by Councillor Watson, seconded by Councillor Davis*

**“WHEREAS** subsection 260(1) of the *Municipal Act, 2001*, as amended, provides that a Member of Council may resign from office by filing a notice in writing with the City Clerk; and

**WHEREAS** Councillor Olivia Chow filed a letter of resignation with the City Clerk on December 7, 2005; and

**WHEREAS** subsection 259(1) of the *Municipal Act, 2001*, as amended, provides that the office of a Member of Council becomes vacant if the Member resigns from office; and

**WHEREAS** subsection 262(1) of the *Municipal Act, 2001*, as amended, requires that Council shall, at its next meeting, declare the office to be vacant;

**NOW THEREFORE BE IT RESOLVED THAT** pursuant to subsection 262(1) of the *Municipal Act, 2001*, as amended, the office of Councillor, Ward 20 – Trinity Spadina, be declared vacant.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, adopted this Motion, without amendment.***

Council also considered the following:

- Draft By-law to declare the Council office for Ward 20 - Trinity Spadina vacant.

**J(49) Options for Filling the Vacancy in the Office of Councillor (Ward 20 – Trinity Spadina)**

*Moved by Councillor Watson, seconded by Councillor Davis*

“**WHEREAS** Council has previously declared the office of Councillor, Ward 20 – Trinity Spadina, to be vacant; and

**WHEREAS** subsection 263(5) of the *Municipal Act, 2001*, as amended, provides that Council shall, within 60 days after the day the office is declared vacant, appoint a person to fill the vacancy or pass a by-law to require that the vacancy be filled through the conduct of a by-election; and

**WHEREAS** City Council adopted a policy at its meeting of February 1, 2 and 3, 2000 to provide that vacancies occurring prior to November 30<sup>th</sup> in the year preceding a regular election would be filled by by-election and vacancies occurring after November 30<sup>th</sup> would be filled by appointment;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the attached report from the City Clerk dated December 7, 2005, headed ‘Options on Filling the Vacancy in the Office of Councillor, Ward 20 – Trinity Spadina’ and decide upon a method to fill the vacancy;

***Disposition:***

***City Council on December 5, 6 and 7, 2005, amended this Motion by adding the following new Operative Paragraph:***

***“AND BE IT FURTHER RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the report (December 7, 2005) from the City Clerk.”***

***Motion J(49), as amended, was adopted by City Council.***

***In adopting Motion J(49), as amended, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (December 7, 2005) from the City Clerk:***

***“It is recommended that:***

- (1) in accordance with Council’s policy, the vacancy be filled through the appointment of a qualified elector following the process set out in Appendix ‘A’ to this report;***
- (2) individuals may complete a Consent of Nominee form and a Declaration of Qualification for either the vacancy in Ward 41 – Scarborough-Rouge River or the vacancy in Ward 20 – Trinity Spadina, but not both;***
- (3) the City Clerk’s 2005 operating budget be increased by \$20,000.00 with funding provided from the Election Reserve, for a net zero impact;***
- (4) in the interim, the current staff of former Councillor Chow continue to serve the constituents of Ward 20 – Trinity Spadina until the new Councillor is appointed and a decision is made by Council or the new Councillor with respect to staffing; and***
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”***

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***Appendix “A”***

***Procedures for Filling the Vacancy in the Office  
of Councillor - Ward 20 - Trinity Spadina  
through an Appointment with Presentations  
at both the Toronto and East York Community Council and Council***

- (1) Advertisements shall be placed in one major daily newspaper and in one local newspaper serving the ward. The advertisements shall indicate Council’s intention to appoint a qualified elector to the vacancy and outline the process one must follow to be considered.***
- (2) An information session will be conducted by staff at Toronto City Hall from 5:00 p.m. to 7:00 p.m. on January 9, 2006. All interested persons must attend this session, complete a Consent of Nominee form and a Declaration of Qualification and provide personal identification showing their name and qualifying address within the City of Toronto.***



- (3) *Individuals may complete a Consent of Nominee form and a Declaration of Qualification for either the vacancy in Ward 41 – Scarborough-Rouge River or the vacancy in Ward 20 – Trinity Spadina, but not both. In the event an individual applies for both vacancies, the Consent of Nominee form and Declaration of Qualification first filed will be deemed to have been withdrawn.*
- (4) *The deadline for filing the Consent of Nominee form and the Declaration of Qualification for Council’s consideration shall be 12:00 noon on the day following the information session.*
- (5) *The candidates who have attended the information session, completed a Consent of Nominee form and a Declaration of Qualification and provided personal identification satisfactory to the Clerk, may appear before the Toronto and East York Community Council at its meeting on January 17, 2006.*
- (6) *The Chair or Presiding Officer shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.*
- (7) *The Clerk will provide to the Chair or Presiding Officer, a list of the names of those candidates who have completed the Consent of Nominee and Declaration of Qualification and the Chair or Presiding Officer will call for a motion from the Toronto and East York Community Council in the following form:*

*“Moved by...*

*THAT the following persons, who have signified in writing that they are legally qualified to hold the office of Councillor and consented to accept the office if they are appointed to fill the vacancy of Councillor, Ward 20 – Trinity Spadina, shall be considered for appointment to fill such vacancy.”*
- (8) *Each of the candidates shall be afforded the opportunity to address the Community Council for a period of not more than five minutes. Candidates will speak in the order (date and time) in which they submitted their Consent of Nominee and Declaration of Qualification to the City Clerk.*
- (9) *Each Member of the Toronto and East York Community Council will be allowed no more than one question to each candidate.*

- (10) *Following consideration by the Community Council of all submissions, the Community Council will proceed to vote as follows:*
- (a) *Members of the Community Council will vote by way of ballot;*
  - (b) *Members of the Community Council must sign and print their name on the ballot; ballots that do not contain both the signature and name of the Member will be rejected from the count;*
  - (c) *if the candidate who receives the greatest number of votes cast does not receive more than one-half the votes of all Members of the Community Council present and voting, the candidate or candidates who received the fewest number of votes shall be excluded from the voting and the vote shall be taken again by the Clerk or designate and, if necessary, more than once, excluding in each successive vote the candidate or candidates who received the fewest number of votes in the proceeding vote, until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the Members of the Community Council present and voting;*
  - (d) *where the votes cast are equal for all the candidates:*
    - (i) *if there are three or more candidates remaining, the Clerk or designate shall by lot select one such candidate to be excluded from the subsequent voting;*
    - (ii) *if only two candidates remain, the tie shall be broken and the candidate selected by lot conducted by the Clerk or designate shall be the candidate selected by the Community Council for Council's consideration;*
    - (iii) *"lot" means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a container and one name being drawn by the Clerk or designate.*
- (11) *Upon conclusion of the voting, the Chair or Presiding Officer will declare the candidate receiving the votes of more than one-half of the number of the Members of the Toronto and East York Community Council present and voting to be the candidate selected by the Community Council for Council's consideration. The name of the selected candidate will be forwarded to Council in the form of a communication from the Toronto and East York Community Council.*

- (12) *The candidates who have attended the information session, completed a Consent of Nominee form and a Declaration of Qualification and provided personal identification satisfactory to the Clerk, may appear before Council at a Special Meeting of Council to be held at 5:00 p.m., January 31, 2006. Candidates may appear before Council whether or not they attended at the Toronto and East York Community Council.*
- (13) *The Mayor or Presiding Officer shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.*
- (14) *The Clerk will provide to the Mayor or Presiding Officer, a list of the names of those candidates who have completed the Consent of Nominee and Declaration of Qualification and the Mayor or Presiding Officer will call for a motion from Council in the following form:*

*“Moved by...*

*THAT the following persons, who have signified in writing that they are legally qualified to hold the office of Councillor and consented to accept the office if they are appointed to fill the vacancy of Councillor, Ward 20 – Trinity Spadina, shall be considered for appointment to fill such vacancy.”*

- (15) *Each of the candidates shall be afforded the opportunity to address Council for a period of not more than five minutes. The order of speaking will be determined by lot. (The Clerk shall place the names of all candidates on equal size pieces of paper in a container and randomly draw the names.)*
- (16) *Each Member of Council will be allowed no more than one question to each candidate.*
- (17) *Following consideration by Council of all submissions, Council will proceed to vote as follows:*
- (a) *Members of Council will vote by way of ballot;*
  - (b) *Members of Council must sign and print their name on the ballot; ballots that do not contain both the signature and name of the Member will be rejected from the count;*
  - (c) *if the candidate who receives the greatest number of votes cast does not receive more than one-half the votes of all Members of Council present and voting, the candidate or candidates who received the fewest number of votes shall be excluded from the*

*voting and the vote shall be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the candidate or candidates who received the fewest number of votes in the proceeding vote, until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the Members of Council present and voting;*

*(d) where the votes cast are equal for all the candidates:*

*(i) if there are three or more candidates remaining, the Clerk shall by lot select one such candidate to be excluded from the subsequent voting;*

*(ii) if only two candidates remain, the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the Clerk;*

*(iii) "lot" means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a container and one name being drawn by the Clerk.*

*(18) Upon conclusion of the voting, the Clerk will declare to be elected the candidate receiving the votes of more than one-half of the number of the Members of Council present and voting.*

*(19) A by-law confirming the appointment shall be enacted by Council appointing the successful candidate to the office for the remainder of the term of the present Council.*

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Council also considered the following:

- Report (December 7, 2005) from the City Clerk.

**J(50) Ontario Municipal Board Hearing - 224 Lytton Boulevard**  
*Moved by Councillor Stintz, seconded by Councillor Jenkins*

**“WHEREAS** on June 23, 2005, the Committee of Adjustment, North York Panel, refused an application to sever the lot located at the property municipally known as 224 Lytton Boulevard and construct three single family detached homes; and

**WHEREAS** over 200 local residents signed a petition opposed to this application; and

**WHEREAS** the Committee of Adjustment did not approve this variance application for the following reasons:

- the proposed lots are not in keeping with the general pattern of development in the area;
- the application does not maintain the general intent of the Official Plan; and
- the proposed lots are not consistent with the lots in the area; and

**WHEREAS** the applicant has appealed the Committee of Adjustment decision to the Ontario Municipal Board, which is scheduled for January 4, 2006;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor be requested to hire an outside planner to attend the Ontario Municipal Board hearing to defend the decision of the Committee of Adjustment regarding 224 Lytton Boulevard.”

***Disposition:***

***City Council on December 5, 6 and 7, 2005, postponed consideration of this Motion to its special meeting on December 14, 2005.***

Council also considered the following:

- Extract from the Minutes of the North York Panel of the Committee of Adjustment Meeting held on June 23, 2005.

**Condolence Motions**

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

**Seconded by:** Councillor Grimes

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing, on November 9, 2005, of Maria Teresa Milczyn, mother of Councillor Peter Milczyn; and

**WHEREAS** Maria Teresa Milczyn, born Maria Graf in Wadowice, Poland, lived a storied life full of adventure and experiences; and

**WHEREAS** Maria Teresa Milczyn, while in her teens, relocated to Siberia for a few years when World War II broke out; and

**WHEREAS** Maria Teresa Milczyn, upon her return back to Poland, completed her high school education and pursued a post-secondary education at Jagiellonian University in Krakow, obtaining a Master's Degree in Journalism; and

**WHEREAS** Maria Teresa Milczyn was hired as the Deputy Foreign Editor of Krakow's Dziennik newspaper; and

**WHEREAS** Maria Teresa Milczyn, upon migrating to Canada in 1963, dedicated the majority of her time to municipal, provincial and federal politics as a volunteer campaigner and fundraiser; and

**WHEREAS** Maria Teresa Milczyn also served as a tour guide for foreign dignitaries from Poland;

**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 her son Peter and his fiancé Rose.”

*Disposition:*

*City Council on December 5, 6 and 7, 2005, adopted this Motion unanimously.*

(2) **Moved by:** Deputy Mayor Feldman

**Seconded by:** Deputy Mayor Pantalone

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Marco Muzzo, husband of Resy Muzzo and father of Marc, Isabell and Diana; and

**WHEREAS** the family fondly remembers their deceased beloved son Robert; and

**WHEREAS** Marco Muzzo immigrated to Canada from Italy and was proud of his heritage, proud to be called an immigrant and very proud to be a Canadian; and

**WHEREAS** Marco came to this country and became a skilled tradesman, who developed into a strong leader in the development industry; and

**WHEREAS** Mr. Muzzo had a work ethic few could match; and

**WHEREAS** Marco approached everything with persistence and hard work to become a well known developer in Toronto and the GTA; and

**WHEREAS** Marco proved to be a City builder; and

**WHEREAS** Marco was a quiet benefactor to many institutions and charities in our City;

**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 the Muzzo family.”

*Disposition:*

*City Council on December 5, 6 and 7, 2005, adopted this Motion unanimously.*

**Issued:            December 15, 2005**