

TORONTO CITY COUNCIL DECISION DOCUMENT MEETING ON DECEMBER 14 AND 16, 2005

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

Deferred Clauses:

| | |
|---|----|
| Administration Committee Report 6..... | 1 |
| Audit Committee Report 3..... | 1 |
| Etobicoke York Community Council Report 6 | 1 |
| North York Community Council Report 6 | 2 |
| Economic Development and Parks Committee Report 8 | 3 |
| Policy and Finance Committee Report 9 | 3 |
| Works Committee Report 9 | 5 |
| Policy and Finance Committee Report 10 | 6 |
| Administration Committee Report 9..... | 14 |
| Audit Committee Report 4..... | 15 |
| Board of Health Report 8..... | 16 |
| Community Services Committee Report 9 | 16 |
| Planning and Transportation Committee Report 10 | 16 |
| Striking Committee Report 6..... | 17 |
| Works Committee Report 11 | 17 |
| Etobicoke York Community Council Report 9 | 17 |
| North York Community Council Report 9 | 17 |
| Toronto and East York Community Council Report 9 | 18 |
| Notices of Motions..... | 25 |
| Condolence Motion..... | 50 |

Deferred Clauses:**Administration Committee Report 6****28d Court Service Agreement with GO Transit for Provincial Offences Fines**

City Council on December 14 and 16, 2005, adopted this Clause without amendment.

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

City Council on December 14 and 16, 2005, adopted this Clause without amendment.

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 14 and 16, 2005, amended this Clause by deleting the recommendations of the Etobicoke York Community Council and inserting instead the following:

“That the application for approval of a variance from Chapter 215, Signs, of the former City of Etobicoke Municipal Code, for the installation of a video display sign along the south side of 1025 The Queensway, be refused.”

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

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 14 and 16, 2005, received this Clause.

Economic Development and Parks Committee Report 8**18c Other Items Considered by the Committee**

City Council on December 14 and 16, 2005, referred Item (j), entitled “Toronto City Hall Hockey Team”, contained in this Clause, back to the Economic Development and Parks Committee for further consideration.

Policy and Finance Committee Report 9**31b Toronto Transit Commission - Streetcar Fleet Plan**

City Council on December 14 and 16, 2005, amended this Clause by:

- (1) deleting the recommendation of the Policy and Finance Committee and inserting instead the following:

“That Council adopt the following recommendation of the Budget Advisory Committee contained in the communication (October 14, 2005) from the Committee:

‘The Budget Advisory Committee recommended to the Policy and Finance Committee that City Council request the Toronto Transit Commission not to make any expenditures or commitments of Capital and Operating funds which have not been approved by City Council; and that in addition, TTC staff be specifically directed to make no expenditures or commitments related to the proposed purchase of 64 new CLRVs, which have not been approved by Council.’ ”; and

- (2) adding the following:

“That the Toronto Transit Commission be requested to advise City Council on the additional costs required to make streetcars accessible, and provide an opportunity for City Council to consider these additional costs prior to a future decision being made by the Toronto Transit Commission on any refurbishing of current streetcars or purchase of new streetcars.

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

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

City Council on December 14 and 16, 2005, amended this Clause by:

- (1) deleting Recommendation (1) of the Policy and Finance Committee and inserting instead the following confidential instructions to staff, which are now public in their entirety:
 - “(1) City Council advise the Toronto Port Authority that it will be taking the following action:
 - (a) withhold from the City's payments to the Toronto Port Authority the amounts claimed by the City as taxes, i.e. Payments in Lieu of Taxes, \$32,552,943.00 and any further amounts on a go-forward basis;
 - (b) deduct from that amount: (without prejudice)
 - (i) the maximum payment offered by the Toronto Port Authority as Payments in Lieu of Taxes - \$73,749.00 and any further amount on a go forward basis; and
 - (ii) the payments claimed by the Toronto Port Authority from the City as Harbour user fees, \$1,818,806.00, this and any future amount to be set aside in a reserve account pending a resolution of this matter; and
 - (c) the City will apply to the Federal Dispute Advisory Panel for a resolution of this matter and hold the balance of all disputed funds in a reserve account specifically established for this purpose, until such time as the Panel has ruled on this matter; and
 - (2) the City Solicitor, using outside legal expertise, if necessary, review the authority vested in the Federal Dispute Advisory Panel and consider separate legal action on the matters that are considered to be outside the jurisdiction of the Federal Dispute Resolution Process; and”;
- (2) renumbering Recommendation (2) of the Policy and Finance Committee as Recommendation (3).

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

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.
-

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

46b Other Items Considered by the Committee

City Council on December 14 and 16, 2005, received Item (f), entitled “City of Toronto Hiring Practices and Employment Policies”, as contained in this Clause, for information.

Works Committee Report 9

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

Ruling by Council:

City Council on December 14 and 16, 2005, ruled the following staff Recommendation (2) contained in the Recommendations Section of the report (September 26, 2005) from the General Manager, Transportation Services, out of order, at as it would have been a re-opening of a previous decision of Council:

- “(2) Royal York Road between Mimico Creek and Usher Avenue be marked with shared use lane markings, as illustrated in Figure 1, as a pilot project; and”.

City Council on December 14 and 16, 2005, subsequently:

- (1) referred the balance of this Clause back to the Works Committee for further consideration, in order to provide an opportunity for Councillor Moscoe to address the Committee; and
 - (2) also referred the balance of this Clause to the Community Councils, with a request that the Community Councils provide comments on the Bicycle Lane Guidelines to the Works Committee.
-

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)].
-
- 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.

Policy and Finance Committee Report 10

1 Toronto Drug Strategy Report

City Council on December 14 and 16, 2005, amended this Clause by:

- (1) further amending Recommendation (65) of the Toronto Drug Strategy Report, as amended by the Policy and Finance Committee, by inserting the following words, after the words “in Toronto”:

“such study to include:

- (a) information on the effects of drug use in Toronto, on:
 - (i) neighbourhoods and communities, including proximity to schools where young people congregate;
 - (ii) commercial and industrial businesses;
 - (iii) crime patterns in geographic areas; and
 - (iv) property values in surrounding areas; and

- (b) an in-depth examination of the Mobile Safe-Use Unit program in service in Berlin;”,

so that Recommendation (65), as further amended, now reads as follows:

“(65) the City of Toronto conduct a needs assessment and feasibility study for supervised consumption sites taking into account the decentralized nature of drug use in Toronto; such study to include:

- (a) information on the effects of drug use in Toronto, on:
 - (i) neighbourhoods and communities, including proximity to schools where young people congregate;
 - (ii) commercial and industrial businesses;
 - (iii) crime patterns in geographic areas; and
 - (iv) property values in surrounding areas; and
- (b) an in-depth examination of the Mobile Safe-Use Unit program in service in Berlin;

and further, that City Council reaffirm that no consumption sites will be established unless the protocol is followed, which requires that Federal, Provincial, Municipal and Police approval be given prior to the establishment of such a facility; and during the feasibility study, the issue of neighbourhood impacts be specifically addressed, the ward Councillors be surveyed for residential groups that would be interested, and staff seek the input of those residential groups on this matter prior to the completion of the feasibility study (P and HR);”; and

- (2) adding to Recommendation (III) of the Policy and Finance Committee, the words “and that this report be submitted for consideration during the 2006 Operating Budget process”, so that Recommendation (III) now reads as follows:

“(III) the City Manager, in consultation with the Medical Officer of Health, be requested to report further to the Policy and Finance Committee on implementation and budgetary issues; and that this report be submitted for consideration during the 2006 Operating Budget process;”; and

(3) adding the following:

“That:

- (a) the Federal Government be requested to:
 - (i) stiffen the penalties for both those convicted of operating grow houses and the owners of the properties who carry on these operations, with a view to imposing a 10-year jail term for those convicted;
 - (ii) institute a ban on conditional sentencing (house arrest) for serious drug crimes; and
 - (iii) impose higher fines for drug dealers and producers;
- (b) the City of Toronto work with the Toronto Police Service and appropriate community groups and service providers to develop strategies to prevent and stop the use of children as ‘runners’ for drug dealers in our communities; and further that the Federal Minister of Justice be requested to review the Criminal Code with the view to strengthening sentences for offences where children/youths are being exploited by adults engaged as ‘runners’ for drug dealers;
- (c) the Province of Ontario be requested to review the legislative provisions applicable to licensed establishments so that they would be required to show proof yearly that the requirements of the safer bars program are met, and that licences be suspended until such time as it can be demonstrated that these requirements have been met;
- (d) the Alcohol and Gaming Commission of Ontario be requested to consult and work closely with the City of Toronto for the purpose of reviewing and approving applications for Liquor Licences;
- (e) the City of Toronto:
 - (i) re-affirm its commitment to develop a protocol to co-ordinate the review, response and approval of Liquor Licence applications by City divisions; and
 - (ii) undertake a review of its operations with respect to the review of Liquor Licences for the purpose of designating a specific division that will be responsible for the co-ordination of these reviews, and the communication of a response on each application;

- (f) an assessment of the operation of a supervised consumption site, such as the Vancouver facility, be conducted on site by a team comprised of representation from the Toronto Police Service, City Council and City staff;
- (g) the Medical Officer of Health be requested to explore the option of adding the opening and promoting of withdrawal clinics and long-lasting abstinence therapies, and report to the Board of Health;
- (h) a copy of the report, entitled 'Toronto Drug Strategy Report – A Comprehensive Approach to Alcohol and Other Drugs in the City of Toronto', dated October 2005, be forwarded to the Association of Municipalities of Ontario (AMO), the Federation of Canadian Municipalities (FCM) and all municipalities in the Greater Toronto Area; and
- (i) City Council thank Councillor Rae, Chair, and the rest of the members of the Toronto Drug Strategy Council Reference Group, for their leadership on this report.”

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

Council also considered the following:

Communications:

- (November 21, 2005) from Paul Lapierre, Executive Director, Canadian AIDS Society, submitted by Mayor Miller [Communication 16(a)];
- (December 1, 2005) from Bonnie Easterbrook, Chair and Patrick Hogan, Co-Chair, John Innes Advisory Council [Communication 16(b)].
- (December 12, 2005) from Joanne Csete, Executive Director, Canadian HIV/Aids Legal Network [Communication 16(c)]; and
- (October 21, 2005) from the Acting Medical Officer of Health, City of Ottawa; (October 19, 2005) from the Provincial Health Officer, Ministry of Health, British Columbia; and (October 19, 2005) from the Medical Officer of Health, Winnipeg Regional Health Authority, submitted by Councillor Janet Davis, Ward 31, Beaches-East York [Communication 16(d)].

3 Implementation of the Recommendations of the Bellamy Inquiry

City Council on December 14 and 16, 2005, amended this Clause to provide that the “Ethics Steering Committee” be renamed the “Bellamy Recommendations Steering Committee”.

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

Council also considered the following:

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

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

City Council on December 14 and 16, 2005, amended this Clause by adding the following:

“That:

- (1) the staff recommendations contained in the Recommendations Section of the confidential report (December 9, 2005) from the Deputy City Manager and Chief Financial Officer and the City Solicitor, be adopted. The following staff Recommendation (2) contained in the Recommendations 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 or local board:

- ‘(2) the Deputy City Manager and Chief Financial Officer or, in his absence, the City Manager, be authorized to finalize the Street and Expressway Lighting Asset Sale transaction on the terms set out in Appendix “A” and that authority be granted to enter into the necessary agreements embodying such terms, together with such modifications or additional deemed appropriate by the Deputy City Manager and Chief Financial Officer or, in his absence, the City Manager, consistent with such terms;’; and

- (2) the following staff recommendations contained in the Recommendations Section of the report (December 9, 2005) from the City Solicitor, be adopted:

‘It is recommended that:

- (1) Council, pursuant to section 110 of the *Municipal Act, 2001*, pass a by-law to authorize the entering into of a municipal capital facilities agreement with THSLI in respect of the street and expressway lighting assets being sold to THSLI and the ongoing operation, maintenance, repair and upgrade of the municipal capital facilities;
- (2) authority be given to enact a by-law, substantially in the form of the draft attached to this report;
- (3) authority be given to the City Clerk to give notice of the by-law, as required under the *Municipal Act, 2001*; 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.

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; and
 - Confidential report (December 9, 2005) from the Deputy City Manager and Chief Financial Officer and the City Solicitor [Confidential Communication C.4(b)]. The above-noted staff Recommendation (2) contained in the Recommendations 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 or local board.
- _____
- Report (December 9, 2005) from the City Solicitor [Communication 39(a)].

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

City Council on December 14 and 16, 2005, adopted this Clause without amendment.

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

City Council on December 14 and 16, 2005, adopted this Clause without amendment.

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

City Council on December 14 and 16, 2005, adopted the following:

“That:

- (1) \$500,000.00 be set aside in the 2007-2010 Capital Budget to be discussed in June 2006, to provide community facilities as a satellite to the new York Community Centre;
- (2) the 280 daycare spaces approved under the Best Start program be confirmed for the immediate vicinity; and
- (3) the staff recommendations contained in the Recommendations Section of the confidential report (November 16, 2005) from the City Solicitor, attached to the confidential communication (November 22, 2005) from the Policy and Finance Committee, be adopted. The following staff recommendations contained in the Recommendations Section of the report are now public and balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to litigation or potential litigation:

‘It is recommended that:

- (1) Council authorize the City Solicitor to direct its outside legal counsel to settle the outstanding litigation in accordance with the settlement offer described in the correspondence of Mr. Makuch dated November 1, 2005; and
- (2) an amending Section 37 Agreement be prepared by the City Solicitor to provide for payment to the City of \$25,000.00 to implement the settlement offer, to be used to provide for parks and recreational

improvements in the surrounding area as determined by the General Manager, Parks, Forestry and Recreation, and that the appropriate City officials be authorized to execute such agreement.’ ”

Council also considered the following:

- Confidential communication (November 22, 2005) from the Policy and Finance Committee [Confidential Communication C.8(a)]. This communication is now public in its entirety;
- Confidential report (November 16, 2005) from the City Solicitor. The above-noted staff recommendations contained in the Recommendations Section of the report are now public and balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to litigation or potential litigation;
- Confidential report (December 5, 2005) from the City Solicitor [Confidential Communication C.8(b)]. The following staff recommendation contained in the Recommendation Section of the report is now public and balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to litigation or potential litigation:

“It is recommended that Council adopt the recommendations set out in my report dated November 16, 2005.”; 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.
-
- Communication (April 24, 2003) from Councillor Frank Di Giorgio, Ward 12 - York South Weston [Communication 37(a)].

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

City Council on December 14 and 16, 2005, amended this Clause by adding the following:

“That the Deputy City Manager and Chief Financial Officer be requested to report to the Budget Advisory Committee on the City’s Reserves and Reserve Fund Accounts which have not had transactions between 1999 and 2003.”

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

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

City Council on December 14 and 16, 2005, amended this Clause by adding the following:

“That the Deputy City Manager and Chief Financial Officer be requested to provide Members of Council with a Briefing Note on the Action Plan which was in place at this time in 2004 for the deficit, and the Action Plan currently in place for this year.”

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

Administration Committee Report 9

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 14 and 16, 2005, adopted this Clause without amendment.

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

City Council on December 14 and 16, 2005, amended this Clause to provide that the City counter-offer to sell only those stratified portions of the subject property below a maximum height that would permit a building of 12 storeys; and that should such counter-offer not be accepted, then the property be listed on the open market on this basis.

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

16 Other Items Considered by the Committee

City Council on December 14 and 16, 2005, received Item (b), entitled “Certification of Ironworkers, Local 721”, contained in this Clause, for information.

Audit Committee Report 4

1 Maintenance and Administrative Controls Review – Facilities and Real Estate

City Council on December 14 and 16, 2005, adopted this Clause without amendment.

3 Let's Build Program – 3810 Bathurst Street and 1555 Jane Street

City Council on December 14 and 16, 2005, amended this Clause by adding the following:

“That 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 Division, be adopted:

‘It is recommended that:

- (1) City Planning staff be directed to always consult with the Ward Councillor in negotiating Section 37 community benefits with developers/owners; and
- (2) City Planning staff always be involved in discussing or negotiating Section 37 community benefits with developers/owners.’ ”

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

Council also considered the following:

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

Board of Health Report 8**2 Provision of Animal Services to the Town of Markham and the City of Pickering**

City Council on December 14 and 16, 2005, adopted this Clause without amendment.

Community Services Committee Report 9**8 Ontario Works Special Diet Allowance Update**

City Council on December 14 and 16, 2005, amended this Clause by deleting Recommendation (1) of the Community Services Committee and inserting instead the following new Recommendation (1):

“(1) the Province of Ontario ensure that Ontario Works and Benefits rates are sufficient to cover shelter costs, basic needs and food requirements of participants; and”.

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

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 14 and 16, 2005, adopted this Clause without amendment.

Planning and Transportation Committee Report 10**8 Proposed Amendments to the City of Toronto Municipal Code, Chapter 545, Licensing Regarding the Regulation of Entertainment Facilities**

City Council on December 14 and 16, 2005, postponed consideration of this Clause to its next regular meeting on January 31, 2006.

Council also adopted the following procedural motion:

“That all motions moved at the December 16, 2005 meeting of City Council on any items remaining on the agenda be forwarded to the next regular meeting of City Council on January 31, 2006, or to a special meeting of City Council called to complete consideration of unfinished business, should one be called, and these motions be deemed to be moved.”

Striking Committee Report 6**1 Appointment of Members of Council to the Governing Toronto Implementation Working Group**

City Council on December 14 and 16, 2005, adopted this Clause without amendment.

Works Committee Report 11**7 Environment Days Date Selection Discussion Results and Increasing the Number and Hours of Operation of Environment Day Events**

City Council on December 14 and 16, 2005, referred this Clause, together with the following motion, back to the Works Committee for further consideration:

Moved by Councillor Moscoe:

“That the Clause be amended to provide that Councillors be allowed to conduct their Environment Day on a Sunday in those Wards with a sufficiently large Orthodox Jewish or Seventh Day Adventist population, at the discretion of the Councillor.”

16 Other Items Considered by the Committee

City Council on December 14 and 16, 2005, referred 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, back to the Works Committee for further consideration.

Etobicoke York Community Council Report 9**12 Installation of Speed Humps - East Drive, between Brendwin Road and Bexley Crescent (Ward 11 - York South-Weston)**

City Council on December 14 and 16, 2005, adopted this Clause without amendment.

North York Community Council Report 9**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 14 and 16, 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 14 and 16, 2005, adopted the following:

“That:

- (1) the Official Plan and Rezoning Amendment Application for 25 Buchan Court be refused, and the City Solicitor be authorized to hire external planners to uphold Council’s position, in the event an appeal is filed with the Ontario Municipal Board (OMB); and
- (2) the City Solicitor be requested to include consultations with the community and the local Councillor in the scope of work for the outside planning consultants retained for the OMB hearing, in order to bring forward a community perspective on the appropriate development of this site.”

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

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)].

Toronto and East York Community Council Report 9

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 30 – Toronto-Danforth)

City Council on December 14 and 16, 2005, amended this Clause by adding the following:

“That the following recommendation of the Administration Committee contained in the communication (November 7, 2005) from the Administration Committee, be adopted:

‘The Administration Committee recommends that City Council adopt the following staff recommendations contained in the Recommendations Section of the report (October 27, 2005) from the Chief Corporate Officer:

“It is recommended that:

- (1) part of 548 Gerrard Street East, described as being part of Township Lot 15 in the First Concession from the Bay and shown on as Parts 1 and 7 on Sketch No. PS-2005-124 (the ‘Gerrard Property’) be declared surplus to the City’s requirements with the intended method of disposal to be by way of a land exchange with Bridgepoint Health for lands owned by Bridgepoint Health shown hatched on Sketch No. PS-2005-097;
- (2) part of 14 St. Matthews Road, described as being part of Township Lot 15 in the First Concession from the Bay and shown as Parts 8, 11, 12, 13, 15 and 16 on Sketch No. PS-2005-124 (the ‘St. Matthews Property’), be declared surplus to the City’s requirements, subject to the retention of permanent easement in favour of the City over a portion of Part 12 shown cross-hatched on Sketch No. PS-2005-124 for City purposes, with the intended method of disposal to be by way of a land exchange and sale with Bridgepoint Health for lands owned by Bridgepoint Health shown cross-hatched on Appendix ‘C’ and an amendment to the existing long-term lease with Bridgepoint Health for Part 13 on Sketch No. PS-2005-124;
- (3) all steps necessary to comply with the City’s real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code be taken;
- (4) authority be granted to the Chief Corporate Officer to grant an easement to Hydro One on terms and conditions satisfactory to the Chief Corporate Officer and City Solicitor over part of Parts 3, 4, 5, 6, 7, 8, 11 and 12 on Sketch No. PS-2005-124, for

an existing hydro cable installation, and to grant the permanent easement prior to the conveyances to Bridgepoint Health;

- (5) authority be granted to the Chief Corporate Officer to enter into negotiations with Bridgepoint Health, and that staff explore a full range of options from nominal sum transaction to market value transaction, for a land exchange, sale and amendment to the existing long-term lease, and any other agreements deemed appropriate; and
- (6) 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.

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)].

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 – TrinitySpadina)

City Council on December 14 and 16, 2005, amended this Clause by adding the following:

“That the confidential report (November 29, 2005) from the City Solicitor, be received.”

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.

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)];
- (December 4, 2005) from Martha Friendly [Communication 12(b)(23)]; and
- (December 13, 2005) from Dr. Ian MacBurnie [Communication 12(b)(24)].

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

City Council on December 14 and 16, 2005, adopted this Clause without amendment.

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)].

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 14 and 16, 2005, adopted this Clause without amendment.

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 14 and 16, 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 14 and 16, 2005, adopted the following:

“That:

- (1) the request for a variance to permit, for the purpose of identification and advertising, a ground sign at the south east corner of the Food Building site at Exhibition Place, 2 Strachan Avenue, be approved; and
- (2) the applicant be advised, upon approval of variances, of the requirement to obtain the necessary sign permits from the Chief Building Official and General Manager, Building.”

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

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)];
 - (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 Tabello [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)].

Notices of Motions

F(1) Harmonized Permit Rates (All Wards)

Moved by Councillor Augimeri, seconded by Councillor Mammoliti

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

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Economic Development and Parks Committee Report 5, Clause 2, headed ‘Harmonized Permit Rates’, be 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:

[Note:

City Council on October 26-31, 2005, re-opened Economic Development and Parks Committee Report 5, Clause 2, headed “Harmonized Permit Rates”, for further consideration, only as it pertains to the implementation of the harmonized permit rates for January 2006.]

City Council on December 14 and 16, 2005, amended the balance of this Motion by deleting from the second Operative Paragraph the words “in May of 2006”, and inserting instead the words “on May 1, 2006”, so that such Operative Paragraph now reads as follows:

“AND BE IT FURTHER RESOLVED THAT the implementation of the harmonized rates be delayed for six months and instead be implemented on May 1, 2006;”.

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

Council also considered the following:

- Communication (November 9, 2005) from the Ru-Yi Tai-Ji Exercise Group, c/o Shinn-Der Chang, forwarding a petition signed by 67 individuals requesting that the high rates for gymnasium use at Community Centres be waived [Communication 40(a)].
- 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:

This Motion was not adopted by City Council on December 14 and 16, 2005.

Council also considered the following:

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

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:

This Motion was not adopted by City Council on December 14 and 16, 2005.

Council also considered the following:

- Extract of the *Child and Family Services Act*, R.S.O. 1990, C. c.11, entitled “Offences, Restraining Orders, Recovery on Child’s Behalf” [Communication 27(a)].

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:

[Note:

City Council on December 5-7, 2005, re-opened Policy and Finance Committee Report No. 8, Clause 16, headed “Cost of Living Adjustment for Non Union Staff”, for further consideration, only as it pertains to salary increases for elected officials.]

City Council on December 14 and 16, 2005, postponed consideration of the balance of this Motion to its next regular meeting on January 31, 2006.

Council also adopted the following procedural motion:

“That:

- (1) all motions moved at the December 16, 2005 meeting of City Council on any items remaining on the agenda be forwarded to the next regular meeting of City Council on January 31, 2006, or to a special meeting of City Council called to complete consideration of unfinished business, should one be called, and these motions be deemed to be moved; and***
- (2) any speaker’s lists from the December 16, 2005 meeting of City Council be carried forward to the next regular meeting of City Council on January 31, 2006, or to a special meeting of City Council called to complete consideration of unfinished business, should one be called, 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:

- Toronto Star Article (December 16, 2005) entitled “Council’s pay hike must be rescinded”, submitted by Councillor Jane Pitfield, Ward 26, Don Valley West [Communication 42(a)].

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 14 and 16, 2005, postponed consideration of this Motion to its next regular meeting on January 31, 2006.

Council also considered the following:

- Report (November 28, 2005) from the Integrity Commissioner.

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 14 and 16, 2005, amended this Motion by adding the following new Operative Paragraphs:

“AND BE IT FURTHER 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.”

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

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 and 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 14 and 16, 2005, postponed consideration of this Motion to its next regular meeting on January 31, 2006.

Council also considered the following:

- Report (December 5, 2005) from the Chief Planner and Executive Director, City Planning Division.

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 Scarboro 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 14 and 16, 2005, adopted this Motion, without amendment.

In adopting Motion J(22), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report (November 28, 2005) from the City Solicitor. The following staff recommendations contained in the Recommendations

Section of the report are now public and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, 2001, as it contains information pertaining to litigation or potential litigation:

“It is recommended that:

(1) Council approve, in principle, a settlement between the City and the appellant for the Ontario Municipal Board (OMB) appeal allowing the severance of the existing 4-plex into 2 duplexes and permitting the associated variances;

(2) the City Solicitor and appellant enter into Minutes of Settlement implementing the recommendations as follows:

(a) that the appellant amend its application to seek consent from the Ontario Municipal Board to create further easements to accommodate vehicular access behind 19 and 21 Scarboro Beach Boulevard, in a manner satisfactory to Transportation Services;

(b) that the appellant amend its application to request the following further variance, for each of 19 and 21 Scarboro Beach Boulevard, at the Ontario Municipal Board Hearing:

‘The number of required motor vehicle parking spaces for each property be reduced to one.’;

(c) that the appellant further amend its application in the following manner:

(i) Application A0334/05TEY Requested Variance 5 shall state:

‘The minimum dimensions for a motor vehicle parking space are 2.6 by 5.9 metres but the proposed parking space is 2.6 by 5.65 metres.’;

(ii) Application A0334/05TEY Requested Variance 6 be deleted (inaccessible parking space(s)); and

(iii) Application A0335/05TEY Requested Variance 4 be deleted (inaccessible parking space(s)); and

- (d) *that the Ontario Municipal Board grant the above variance, for each of 19 and 21 Scarborough Beach Boulevard, the consent application B0053/05TEY, and the Requested Variances, contained in applications A0034/05TEY and A0335/05TEY, as amended, subject to the following conditions:*
- (i) *each property is limited to one parking space; and*
- (ii) *the severance and creation of easements shall occur substantially in accordance with a set of plans to be submitted by the appellant and approved by the City of Toronto's Transportation Services division and City Planning division."*
-

Council also considered the following:

- confidential report (November 28, 2005) from the City Solicitor [Confidential Communication C.24(a)]. The above-noted staff recommendations contained in the Recommendations Section of the report are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to litigation or potential litigation.

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) of 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 14 and 16, 2005, adopted this Motion, without amendment.

In adopting Motion J(26), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report (December 2, 2005) from the Chief Corporate Officer. 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.

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.

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 14 and 16, 2005, postponed consideration of this Motion to its next regular meeting on January 31, 2006.

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 pertaining to litigation or potential litigation.

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

“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 14 and 16, 2005, adopted this Motion, without amendment.

In adopting Motion J(32), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report (December 5, 2005) from the City Solicitor. The following staff recommendations contained in the Recommendations Section of the report are now public and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, 2001, as it contains information pertaining to litigation or potential litigation:

“It is recommended that City Council:

(1) agree to vary the February 15, 2005 settlement by permitting:

(a) the maximum parking ratio of 1.4 parking spaces per apartment house dwelling (inclusive of visitor parking) to be calculated based on the entire site with flexibility to allow a higher maximum ratio of 1.5 parking spaces per apartment house dwelling (inclusive of visitor parking) for the buildings with the larger units while the building with the smaller units would have a maximum ratio of 1.3 parking spaces per apartment house dwelling (inclusive of visitor parking), provided the overall maximum parking ratio for apartment house dwelling units (inclusive of visitor parking) would continue to be capped at a ratio of 1.4 (inclusive of visitor parking) for the site; and

(b) a 0.20 visitor parking ratio to be applied to the entire site; and

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

Council also considered the following:

- confidential report (December 5, 2005) from the City Solicitor [Confidential Communication C.28(a)]. The above-noted staff recommendations contained in the Recommendations Section of the report are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to litigation or potential litigation.

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 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;

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 14 and 16, 2005, postponed consideration of this Motion to its next regular meeting on January 31, 2006.

Council also considered the following:

- Memorandum to the Standing Committee on Municipal Infrastructure and Transportation Policy (October 31, 2005) entitled “Update on the Western Hemisphere Travel Initiative”.

J(43) Access to Information - Construction Plans for Neighbouring Properties

Moved by Councillor Moscoe, seconded by Councillor Filion

“**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 14 and 16, 2005, postponed consideration of this Motion to its next regular meeting on January 31, 2006.

Council also considered the following:

- Briefing Note (December 6, 2005) from the Director, Corporate Access and Privacy.

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 attend the Ontario Municipal Board hearing to defend the decision of the Committee of Adjustment;

AND BE IT FURTHER 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;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be requested to ask for a deferral of the January 4, 2006 Ontario Municipal Board hearing to allow sufficient time to prepare for the hearing.”

Disposition:

City Council on December 14 and 16, 2005, adopted this Motion, without amendment.

Council also considered the following:

- Extracts from the minutes of the North York Panel Committee of Adjustment meeting held on June 23, 2005.

J(51) 946 Lawrence Avenue East – Site Plan Application (Ward 25 – Don Valley West)

Moved by Councillor Jenkins, seconded by Councillor Walker

“**WHEREAS** rezoning and site plan applications were approved for the lands known as 946 Lawrence Avenue East, permitting an eight-storey condominium on the northern half of the property (the ‘residential lands’) and three commercial buildings on the southern half of the property (the ‘commercial lands’); and

WHEREAS on October 19, 2005, the owner of the commercial lands made an application to the City of Toronto to amend the Site Plan Agreement to consolidate the commercial space into one single commercial building on the commercial lands; the owner is proposing to eliminate the other two commercial buildings originally approved to be located along the Lawrence Avenue frontage in favour of surface parking; and

WHEREAS Urban Design staff in the City Planning Division consider the proposed revision to be a significant departure from the previous approval, which cannot be supported from an urban design perspective as it would result in an undesirable site layout having parking along the entire Lawrence Avenue East street frontage; and

WHEREAS a minor variance application was granted by the Committee of Adjustment to permit a reduced rear yard setback from the northern property line of the commercial lands to the proposed commercial building; and

WHEREAS the decision granting the minor variance was appealed by the Don Mills Residents Inc. to the Ontario Municipal Board and a hearing for the appeal has been set for January 16, 2006, and the owner of the commercial lands has requested that the Site Plan Appeal also be heard on that day; and

WHEREAS the Director, Community Planning, North York District, advises that Planning staff do not oppose the granting of the minor variance;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor and appropriate staff be instructed to attend at the Ontario Municipal Board in opposition to the Site Plan Appeal.”

Disposition:

City Council on December 14 and 16, 2005, adopted this Motion, without amendment.

Council also considered the following:

- Notice of Decision (March 19, 2004) from the Manager and Deputy Secretary Treasurer, Midtown Panel, Committee of Adjustment.

J(52) Qualified Professional Holistic Associations whose Members may be Licensed as City of Toronto Holistic Practitioners and Owners – Request to Re-open

Moved by Councillor Shiner, seconded by Councillor Stintz

“**WHEREAS** City Council on December 5, 6 and 7, 2005, adopted, without amendment, Planning and Transportation Committee Report 10, Clause 9, headed ‘Qualified Professional Holistic Associations whose Members may be Licensed as City of Toronto Holistic Practitioners and Owners’, and in so doing, approved a list of Professional Holistic Associations that meet the City of Toronto’s criteria with respect to the licensing of holistic practitioners; and

WHEREAS the Canadian Examining Board of Health Practitioners was left off the list;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Planning and Transportation Committee Report 10, Clause 9, headed ‘Qualified Professional Holistic Associations whose Members may be Licensed as City of Toronto Holistic Practitioners and Owners’, be re-opened for further consideration, only for the purpose of adding the Canadian Examining Board of Health Practitioners to the list;

AND BE IT FURTHER RESOLVED THAT the recommendations contained in the report (October 21, 2005) from the Acting Executive Director, Municipal Licensing and Standards be amended to provide that the Canadian Examining Board of Health Practitioners be added to the list of Professional Holistic Associations that meet the City of Toronto's criteria with respect to the licensing of holistic practitioners; and that the necessary bill be introduced to give effect to this recommendation."

Disposition:

City Council on December 14 and 16, 2005, re-opened Planning and Transportation Committee Report 10, Clause 9, headed "Qualified Professional Holistic Associations whose Members may be Licensed as City of Toronto Holistic Practitioners and Owners", for further consideration, only for the purpose of adding the Canadian Examining Board of Health Practitioners to the list, and adopted the following motion:

"That:

- (1) the balance of Motion J(52) be referred to the Acting Executive Director, Municipal Licensing and Standards;***
- (2) the four organizations that were previously denied accreditation be allowed to re-apply;***
- (3) the previously approved recommendations contained in Planning and Transportation Committee Report 10, Clause 9, headed 'Qualified Professional Holistic Associations whose Members may be Licensed as City of Toronto Holistic Practitioners and Owners', as adopted by City Council on December 5, 6 and 7, 2005, stand; and***
- (4) the Acting Executive Director, Municipal Licensing and Standards report back to the Planning and Transportation Committee meeting on March 6, 2005 on this matter."***

Council also considered the following:

- Communication (December 13, 2005) from Steve Ellis, Barrister and Solicitor [Communication 41(a)].

J(53) Application for Demolition Permit - 2110 Dundas Street East, 112, 114, 116, 118, 122, 124 and 126 Kingston Road

Moved by Deputy Mayor Bussin, seconded by Councillor Rae

“**WHEREAS** City Council at its meeting on July 19, 20, and 21, 2005 enacted By-law 673-2005 amending the General Zoning By-law 438-86 of the former City of Toronto with respect to the lands municipally known as 112 to 126 Kingston Road, 2110 Dundas Street East and part of 15 and 17 Edgewood Avenue to permit a 30 unit infill townhouse development; and

WHEREAS a number of large derelict homes remain on the site that have been subject to squatting, vandalism, and on Tuesday, December 13, 2005, a fire occurred in the vacant house located at 118 Kingston Road; and

WHEREAS Section 33 of the *Planning Act* authorizes the Council of a local municipality by by-law, to designate any area within the municipality as an area of demolition control; and

WHEREAS Section 146 – 15 of the Municipal Code for the former City of Toronto delegates authority to the Chief Building Official to issue a demolition permit only when a building permit for a replacement building has been issued; and

WHEREAS the current development still requires the finalization of Site Plan Approval and the issuance of a building permit; and

WHEREAS no applications for building permits for the proposed development have been submitted to the Building Division; and

WHEREAS Council has the authority to issue demolition permits under the authority of Section 33 of the *Planning Act*; and

WHEREAS it is the opinion of the area Councillor, the Toronto Police Service, and Emergency Medical Services (Fire Division), that the existing houses should be demolished now to avoid further vandalism or the potential for another fire; and

WHEREAS the Building Inspector has ordered the demolition of the house destroyed by fire and hoarding of the site;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto grant the application for a demolition permit for 2110 Dundas Street East and 112, 114, 116, 118, 122, 124 and 126 Kingston Road.”

Disposition:

City Council on December 14 and 16, 2005, adopted this Motion, without amendment.

J(54) Access to Ministry of Transportation Vehicle Information by the Municipal Licensing and Standards Division

Moved by Councillor Filion, seconded by Councillor Stintz

“**WHEREAS** the Ministry of Transportation permits certain City business units (for example, Municipal Licensing and Standards Division, Fleet Services, and the Parking Tag Unit), to access motor vehicle information for the authorized uses set out in Schedule A of the Ministry’s standard form Authorized Requester Agreement (the ‘Agreement’) for that business unit; and

WHEREAS the Agreement provides for its automatic renewal on an annual basis but permits the Minister to request the City to sign the current form of the Agreement and to provided updated information; and

WHEREAS the Ministry has moved the motor vehicle data onto the Internet and has advised Municipal Licensing and Standards Division staff that a new agreement with the City for that Division must be executed before the Division will be provided with Internet access (a copy of the proposed Agreement to be placed on file with the City Clerk); and

WHEREAS under the proposed Agreement, the City must pay a one time start up fee of \$250.00 but the City is exempt from transactions fees as an Authorized Government User; and

WHEREAS other annual Agreements may be required to reflect the move to the Internet or the City’s administrative reorganization;

NOW THEREFORE BE IT RESOLVED THAT the City enter into an Authorized Requestor Agreement with the Province of Ontario on terms acceptable to the Acting Executive Director of Municipal Licensing and Standards, and the City Solicitor, and authorize the Acting Executive Director of Municipal Licensing and Standards to sign the Agreement on behalf of the City;

AND BE IT FURTHER RESOLVED THAT the City Solicitor, in consultation with the Acting Executive Director of Municipal Licensing and Standards, and the Deputy City Manager and Chief Financial Officer, report to the Administration Committee on the harmonization and delegation of authority to approve and sign Authorized Requester Agreements and related documents.”

Disposition:

City Council on December 14 and 16, 2005, adopted this Motion, without amendment.

J(55) Ontario Municipal Board Appeal – 1136 Dupont Street (Ward 18, Davenport)

Moved by Councillor Giambrone, seconded by Councillor Fletcher

“**WHEREAS** at its meeting of November 9, 2005, the Committee of Adjustment approved, with conditions, Application A0460/05TEY requesting relief from Zoning By-law 438-86; and

WHEREAS the conditions imposed by the Committee of Adjustment would permit the proposed place of worship but not the proposed residential uses; and

WHEREAS an appeal of the Committee of Adjustment decision to the Ontario Municipal Board has been filed by the property owner; and

WHEREAS the City Planning Division and CP Rail opposed the application on the grounds that it does not provide the minimum required setback from the adjacent rail corridor and does not provide any safety measures such as a berm or crash wall; and

WHEREAS the in-force Official Plan designates the site as ‘Restricted Industrial’ and the new City of Toronto Official Plan designates the site as ‘Employment’, neither of which permits residential uses; and

WHEREAS City staff concur with the decision of the Committee of Adjustment that the variance required for residential use is not appropriate and does not meet the intent of the Official Plan; and

WHEREAS no date has been set for the hearing of the appeal;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council instruct the City Solicitor, and other appropriate City staff, to attend the Ontario Municipal Board hearing to uphold the Committee of Adjustment’s decision and refuse the variances related to residential uses in relation to Application A0460/05TEY at 1136 Dupont Street.”

Disposition:

City Council on December 14 and 16, 2005, adopted this Motion, without amendment.

Council also considered the following:

- Notice of Decision (November 10, 2005) from the Acting Manager and Deputy Secretary Treasurer, Toronto and East York Panel, Committee of Adjustment.

J(56) Appointment to Fill Vacancy on the Social Housing Services Corporation

Moved by Deputy Mayor Pantalone , seconded by Mayor Miller

“**WHEREAS** the *Social Housing Reform Act*, Section 144, establishes the Social Housing Services Corporation and provides that the Board of Directors will include one person selected by the Council of the City of Toronto; and

WHEREAS former Councillor Bas Balkissoon was appointed as the City’s nominee to the Social Housing Services Corporation, and his Council seat has been declared vacant; and

WHEREAS the Social Housing Reform Act provides that a member of the Board of Directors of the Corporation who is a member of a Council ceases to be a member of the Board of Directors of the Corporation if he or she ceases to be a member of that Council, and that if a vacancy occurs the Board of Directors of the Corporation shall appoint a person to hold office for the remainder of the unexpired term; and

WHEREAS the Social Housing Services Corporation is not obligated to seek Council’s endorsement of a replacement, yet its Chair has written to suggest that Council nominate Deputy Mayor Mike Feldman as the replacement for Bas Balkissoon, and Deputy Mayor Feldman has agreed; and

WHEREAS City of Toronto Municipal Code, Chapter 27, Council Procedures, Section 106, provides that:

- A. ‘Before any recommendation is made for the appointment of any member to a committee, an agency, board or commission to fill a vacancy occurring during the term of the Council, all members shall be advised of the vacancy and shall be permitted to submit names for consideration.’;

NOW THEREFORE BE IT RESOLVED THAT Council consider the vacancy on the Social Housing Services Corporation, and nominate Deputy Mayor Mike Feldman to replace Bas Balkissoon for the remainder of the Social Housing Services Corporation’s term ending December 31, 2006.”

Disposition:

City Council on December 14 and 16, 2005, adopted this Motion, without amendment.

Condolence Motion

(1) **Moved by:** **Councillor Pitfield**

Seconded by: **Councillor Walker**

“WHEREAS the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Constable Valerie Gignac on December 14, 2005; and

WHEREAS Constable Gignac was a 25 year-old police officer in Laval, Quebec who was shot and killed responding to a routine call while on duty; and

WHEREAS Constable Gignac had been a police officer for four years; and

WHEREAS Constable Gignac is the first police officer to be killed in the line of duty in Laval, Quebec, the second female police officer in Canada to be killed in the line of duty and the eighth Canadian police officer killed in the line duty in 2005; and

WHEREAS the suspect held in custody for the murder of Constable Gignac had previously been convicted of criminal harassment of another Laval policewoman and prohibited from keeping a firearm; and

WHEREAS the City of Toronto values and respects the role of police officers who protect our communities and protect the safety of Canadians regardless of the City they serve; and

WHEREAS police officers across Canada are deeply shocked and saddened by this tragic event;

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 family and fellow police officers of Constable Valerie Gignac on their tragic loss.”

Disposition:

City Council on December 14 and 16, 2005, adopted this Motion unanimously.

Issued: **December 19, 2005**