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These Minutes were confirmed by City Council on April 12, 2005

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MINUTES OF THE COUNCIL OF THE CITY OF TORONTO

WEDNESDAY, FEBRUARY 16, 2005

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

CALL TO ORDER - 9:40 a.m.

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

The meeting opened with O Canada.

PRESENTATION OF REPORTS

- 2.2 Councillor Balkissoon presented the following Reports for consideration by Council:

Deferred Clauses from October 26, 27 and 28, 2004:

Policy and Finance Committee Report 8, Clause 1d

Administration Committee Report 8, Clause 8d

Board of Health Report 7, Clause 1d

Deferred Clauses from November 30, December 1 and 2, 2004:

Scarborough Community Council Report 8, Clause 7c

Toronto and East York Community Council Report 9, Clause 9b

Deferred Clauses from December 6, 2004:

Policy and Finance Committee Report 9, Clause 41c

Audit Committee Report 6, Clause 6c
Works Committee Report 10, Clause 10c
Etobicoke York Community Council Report 9, Clauses 1c and 2c

Deferred Clauses from February 1, 2 and 3, 2005:

Policy and Finance Committee Report 2, Clauses 6a, 14a and 24a
Administration Committee Report 1, Clauses 2a and 5a
Audit Committee Report 1, Clause 1a
Board of Health Report 1, Clause 1a
Community Services Committee Report 1, Clause 3a
Community Services Committee Report 2, Clause 1a
Economic Development and Parks Committee Report 1, Clauses 1a and 9a
Economic Development and Parks Committee Report 2, Clause 6a
Planning and Transportation Committee Report 1, Clauses 1a and 2a
Works Committee Report 2, Clause 3a

Etobicoke York Community Council Report 1, Clauses 5a, 6a, and 25a
North York Community Council Report 1, Clauses 10a, 30a and 35a
Scarborough Community Council Report 1, Clauses 1a and 16a
Toronto and East York Community Council Report 1, Clauses 27a, 28a, 31a, 41a, 42a, 43a, 45a, 46a and 86a

New Community Council Reports:

Etobicoke York Community Council Report 2
North York Community Council Report 2
Scarborough Community Council Report 2
Toronto and East York Community Council Report 2

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

- 2.3 Councillor Balkissoon, with the permission of Council, presented the following Report for the consideration of Council:

Board of Health Report 2

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

2.4 **DECLARATIONS OF INTEREST**

Councillor Giambrone declared his interest in Toronto and East York Community Council Report 2, Clause 3, headed “Status Report and Request for Directions - Rezoning and Official Plan Amendment - 730 Dovercourt Road; 323 and 357 Rusholme Road (Davenport, Ward 18)”, in that his parents live across the street from the property.

Councillor Shiner declared his interest in Toronto and East York Community Council Report 2, Clause 16, headed “Extension of Interim Control By-law to Prohibit Entertainment Facilities, Restaurants and Clubs West of Spadina Avenue in the King-Spadina Part II Plan Area (Trinity-Spadina, Ward 20)”, and in Notice of Motion J(12), moved by Councillor Rae, seconded by Deputy Mayor Pantalone, respecting Planning Review Principles and Request for Direction for 430 King Street West – King Spadina Part II Plan Area – East of Spadina Avenue (Trinity-Spadina – Ward 20), in that his family owns property within the subject area.

CONSIDERATION OF REPORTS

CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION

2.5 **The following Clauses were held by Council for further consideration:**

Deferred Clauses from October 26, 27 and 28, 2004:

Policy and Finance Committee Report 8, Clause 1d
Administration Committee Report 8, Clause 8d
Board of Health Report 7, Clause 1d

Deferred Clauses from November 30, December 1 and 2, 2004:

Scarborough Community Council Report 8, Clause 7c
Toronto and East York Community Council Report 9, Clause 9b

Deferred Clauses from December 6, 2004:

Policy and Finance Committee Report 9, Clause 41c
Audit Committee Report 6, Clause 6c
Works Committee Report 10, Clause 10c
Etobicoke York Community Council Report 9, Clauses 1c and 2c

Deferred Clauses from February 1, 2 and 3, 2005:

Policy and Finance Committee Report 2, Clauses 6a, 14a and 24a
Administration Committee Report 1, Clauses 2a and 5a
Audit Committee Report 1, Clause 1a

Board of Health Report 1, Clause 1a
Community Services Committee Report 1, Clause 3a
Community Services Committee Report 2, Clause 1a
Economic Development and Parks Committee Report 1, Clauses 1a and 9a
Economic Development and Parks Committee Report 2, Clause 6a
Planning and Transportation Committee Report 1, Clauses 1a and 2a
Works Committee Report 2, Clause 3a
Etobicoke York Community Council Report 1, Clauses 5a, 6a, and 25a
North York Community Council Report 1, Clauses 10a, 30a and 35a
Scarborough Community Council Report 1, Clauses 1a and 16a
Toronto and East York Community Council Report 1, Clauses 27a, 28a, 31a, 41a, 42a, 43a, 45a, 46a and 86a

New Reports:

Etobicoke York Community Council Report 2, Clauses 2, 3, 5, 6, 7, 10, 11, 13, 14, 18 and 24
North York Community Council Report 2, Clauses 2, 5, 6, 7, 8, 12, 13, 14, 15 and 16
Scarborough Community Council Report 2, Clauses 4, 5, 7, 8 and 17
Toronto and East York Community Council Report 2, Clauses 1, 2, 3, 13, 16, 25, 26, 27, 36, 38 and 41

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

Policy and Finance Committee Report 2, Clause 14a
Economic Development and Parks Committee Report 1, Clause 1a
Planning and Transportation Committee Report 1, Clause 1a
Scarborough Community Council Report 1, Clause 16a
Etobicoke York Community Council Report 2, Clause 2
North York Community Council Report 2, Clauses 12, 13 and 14
Scarborough Community Council Report 2, Clauses 4, 7 and 8
Toronto and East York Community Council Report 2, Clauses 2 and 3

The Clauses not held by Council for further consideration were deemed to have been adopted by Council, without amendment, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code.

The following Clause was re-opened for further consideration and subsequently amended:

Etobicoke York Community Council Report 2, Clause 4. (See Minute 2.26, Page 30).

**CONSIDERATION OF REPORTS
CLAUSES WITH MOTIONS, VOTES, ETC.**

2.6 Policy and Finance Committee Report 2, Clause 24a, headed “Status of Labour Negotiations”.

Motion:

Councillor Holyday moved that consideration of the Clause be deferred to the next regular meeting of City Council on April 12, 2005.

Vote on Deferral:

The motion by Councillor Holyday carried.

2.7 Council considered the following Clauses, contained in Etobicoke York Community Council Report 1, concurrently:

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

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

Motion:

Councillor Holyday moved that consideration of the Clauses be deferred to the next regular meeting of City Council on April 12, 2005.

Deputy Mayor Pantalone in the Chair.

Permission to Withdraw Motion:

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

Motion:

Councillor Holyday moved that the Clauses be amended by:

- (1) deleting the Recommendations of the Etobicoke York Community Council, and that Council adopt instead the staff recommendations contained in the Recommendations Section of the

reports (December 1, 2004 and December 21, 2004) from the Director, Transportation Services, West District; and

(2) adding the following:

“That the Acting Commissioner of Works and Emergency Services be requested to report to the Works Committee on the ramifications of installing stop signs that are not warranted.”

Votes:

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

Yes - 2 Councillors: Ford, Holyday
No - 21 Councillors: Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Giambrone, Hall, Kelly, Li Preti, Mihevc, Milczyn, Nunziata, Palacio, Pantalone, Rae, Thompson, Walker

Lost by a majority of 19.

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

Yes - 11 Councillors: Altobello, Cho, Del Grande, Ford, Hall, Holyday, Jenkins, Kelly, Li Preti, Pantalone, Walker
No - 14 Councillors: Ashton, Augimeri, Bussin, Carroll, Davis, De Baeremaeker, Giambrone, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Rae, Thompson

Lost by a majority of 3.

Clauses 5a and 6a were adopted, without amendment.

Mayor Miller in the Chair.

2.8 Toronto and East York Community Council Report 2, Clause 13, headed ‘Request to Remove One City Owned Tree - 114 Lee Avenue (Beaches-East York, Ward 32) and

Moratorium of Front Yard Parking and Driveway Widening Applications for the Toronto and East York Community Council Area’.

Ruling by Mayor:

Mayor Miller ruled Recommendations (3) and (4) of the Toronto and East York Community Council out of order, as recommendations respecting a front yard parking policy should not have been debated by the Community Council.

Motion:

Councillor Rae moved that Council:

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

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

2.9 Scarborough Community Council Report 2, Clause 17, headed “Amendments to the Condominium Act”.

Motion:

Councillor Giambrone moved that the Clause be referred to the Planning and Transportation Committee for consideration with the forthcoming report from the Committee on Development, Infrastructure, Policy and Standards (DIPS).

Vote on Referral:

The motion by Councillor Giambrone carried.

- 2.10 **Toronto and East York Community Council Report 2, Clause 38, headed “Amendments to the On-street Parking Regulations - Inglewood Drive, between St. Clair Avenue East and Rose Park Crescent (Toronto Centre-Rosedale, Ward 27)”.**

Motion:

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

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

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

- 2.11 **Etobicoke York Community Council Report 2, Clause 7, headed “Proposed Amendments to an Existing Encroachment Agreement, Isaac Scott House - 89 Kingsway Crescent**

(Ward 5 - Etobicoke-Lakeshore)’.

Motion:

Mayor Miller, with the permission of Council, moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report dated February 15, 2005, from the City Solicitor:

“It is recommended that:

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

Votes:

The motion by Mayor Miller carried.

The Clause, as amended, carried.

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

The Clause was submitted without recommendation.

Deputy Mayor Pantalone in the Chair.

Motion:

Councillor McConnell moved that Council adopt the following:

“That:

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

‘It is recommended that City Council:

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

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

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

Votes:

Adoption of Part (2)(a)(i) of the motion by Councillor McConnell:

Yes - 26	
Mayor:	Miller
Councillors:	Ashton, Balkissoon, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Hall, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 13	
Councillors:	Augimeri, Cho, Del Grande, Feldman, Ford, Grimes, Holyday, Kelly, Li Preti, Mammoliti, Minnan-Wong, Thompson, Walker

Carried by a majority of 13.

Adoption of Part (2)(a)(ii) of the motion by Councillor McConnell:

Yes - 26	
Mayor:	Miller

Councillors:	Ashton, Balkissoon, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Hall, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 13 Councillors:	Augimeri, Cho, Del Grande, Feldman, Ford, Grimes, Holyday, Kelly, Li Preti, Mammoliti, Minnan-Wong, Thompson, Walker

Carried by a majority of 13.

Adoption of Part (2)(a)(iii) of the motion by Councillor McConnell:

Yes - 22 Mayor:	Miller
Councillors:	Ashton, Cowbourne, Davis, De Baeremaeker, Feldman, Fletcher, Giambrone, Hall, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Shiner, Stintz, Watson
No - 17 Councillors:	Augimeri, Balkissoon, Carroll, Cho, Del Grande, Di Giorgio, Ford, Grimes, Holyday, Kelly, Li Preti, Mammoliti, Minnan-Wong, Saundercook, Soknacki, Thompson, Walker

Carried by a majority of 5.

Adoption of Part (2)(a)(iv) of the motion by Councillor McConnell:

Yes - 20 Mayor:	Miller
Councillors:	Carroll, Cowbourne, Davis, De Baeremaeker, Fletcher, Giambrone, Hall, Jenkins, McConnell, Mihevc, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Watson
No - 19 Councillors:	Ashton, Augimeri, Balkissoon, Cho, Del Grande, Di Giorgio, Feldman, Ford, Grimes, Holyday, Kelly, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Palacio, Saundercook, Thompson, Walker

Carried by a majority of 1.

Adoption of Part (2)(b)(i) of the motion by Councillor McConnell:

Yes - 28
Mayor: Miller
Councillors: Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 12
Councillors: Augimeri, Balkissoon, Del Grande, Ford, Grimes, Holyday, Kelly, Li Preti, Mammoliti, Minnan-Wong, Thompson, Walker

Carried by a majority of 16.

Adoption of Part (2)(b)(ii) of the motion by Councillor McConnell:

Yes - 33
Mayor: Miller
Councillors: Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Jenkins, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 7
Councillors: Ford, Grimes, Holyday, Kelly, Li Preti, Thompson, Walker

Carried by a majority of 26.

Adoption of Part (2)(b)(iii) of the motion by Councillor McConnell:

Yes - 31
Mayor: Miller
Councillors: Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Jenkins, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 9
Councillors: Balkissoon, Ford, Grimes, Holyday, Kelly, Li Preti, Milczyn, Thompson, Walker

Carried by a majority of 22.

Adoption of Part (2)(b)(iv) of the motion by Councillor McConnell:

Yes - 32	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Jenkins, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 8	
Councillors:	Ford, Grimes, Holyday, Kelly, Li Preti, Mammoliti, Thompson, Walker

Carried by a majority of 24.

Adoption of Part (2)(b)(v) of the motion by Councillor McConnell:

Yes - 31	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fletcher, Giambrone, Hall, Jenkins, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 9	
Councillors:	Balkissoon, Di Giorgio, Ford, Grimes, Holyday, Kelly, Li Preti, Thompson, Walker

Carried by a majority of 22.

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

Yes - 27	
Mayor:	Miller
Councillors:	Ashton, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Jenkins, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Watson
No - 13	
Councillors:	Augimeri, Del Grande, Ford, Grimes, Holyday, Kelly, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Saundercook, Thompson, Walker

Carried by a majority of 14.

The Clause, as amended, carried.

2.13 Toronto and East York Community Council Report 2, Clause 41, headed “Sale of Closed Lane - Rear of 99 Maitland Street (Toronto Centre-Rosedale, Ward 27)”.

Motions:

- (a) Councillor Holyday moved that the Clause be amended by deleting the Recommendations of the Toronto and East York Community Council and inserting instead the following:

“That the Commissioner of Corporate Services be directed to advise the abutting owners to the north and to the south of this property of its availability and determine their interest in purchasing this property at its fair Market Value of \$235,000.00”.

- (b) Deputy Mayor Feldman moved that the Clause be amended by adding the following:

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

Votes:

Adoption of motion (a) by Councillor Holyday:

Yes - 7
Councillors: Del Grande, Ford, Holyday, Jenkins, Moscoe, Nunziata, Palacio
No - 26
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Kelly, Mihevc, Milczyn, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 19.

Motion (b) by Deputy Mayor Feldman carried.

Adoption of the Clause, as amended:

Yes - 28

Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Jenkins, Kelly, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 5	Councillors: Del Grande, Ford, Holyday, Nunziata, Palacio

Carried by a majority of 23.

2.14 **Works Committee Report 10, Clause 10c, headed “Contract 04WD-04RD, Tender Call 274-2004 Park Lawn Reverse Ramp (Ward 6 - Etobicoke-Lakeshore)”.**

Motions:

- (a) Councillor Ford moved that the Clause be amended by deleting the Recommendation of the Works Committee and inserting instead the following:

“That the Acting Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer be requested to retender this contract.”

- (b) Councillor Milczyn moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report dated February 15, 2005, from the Acting Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer:

“It is recommended that:

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

Mayor Miller in the Chair.

Votes:

Adoption of motion (a) by Councillor Ford:

Yes - 1 Councillor: Ford
No - 28 Mayor: Miller Councillors: Altobello, Ashton, Bussin, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Stintz, Thompson, Watson

Lost by a majority of 27.

Adoption the Clause, as amended by motion (b) by Councillor Milczyn:

Yes - 28 Mayor: Miller Councillors: Altobello, Ashton, Bussin, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Stintz, Thompson, Watson
No - 1 Councillors: Ford

Carried by a majority of 27.

- 2.15 **North York Community Council Report 2, Clause 15, headed “Final Report - Applications to Amend the Zoning By-law and Approve a Draft Plan of Subdivision - UDZ-97-36 and UDSB-1233 - Elderbrook Developments Ltd. - Rafael + Bigauskas, Architects - Northwest Corner of Finch Avenue West and York Gate Boulevard (Ward 8 - York West)”.**

Motions:

- (a) Councillor Moscoe moved that the Clause be amended in accordance with the following staff recommendation contained in the Recommendations Section of the supplementary report (February 14, 2005) from the Commissioner of Urban Development Services:

“It is recommended that City Council amend Recommendation (7) in the Final Report of January 17, 2005, to read:

- (7) be advised that the Chief Planner, who has been delegated authority to approve conditions of draft plan of subdivision approval, proposes to approve the application subject to the conditions as requested in the correspondence of Enbridge Pipelines Inc. of January 25, 2005:
- (a) any proposed crossing of the right-of-way by roads, laneways, bike/walking paths, services and utilities are permitted in accordance with the regulations of the *National Energy Board (NEB) Act* and subject to approval by Enbridge's Crossing Co-ordinator, Ann Newman at (519) 339-0503. The applicant will be required to enter Enbridge's Standard Crossing Agreement;
 - (b) Enbridge is regulated by the *National Energy Board (NEB) Act*. Section 112 of the Act requires any excavation using power operated equipment or explosives, within 30 meters of Enbridge's right-of-way be approved by Enbridge;
 - (c) the south limit of the Enbridge right-of-way shall be separated from the construction area with a temporary fence or alternative, approved by Enbridge, for the duration of construction;
 - (d) no grading or placing fill on Enbridge's right-of-way will be permitted without prior approval of Enbridge;
 - (e) no work shall take place on Enbridge's right-of-way without the presence of an Enbridge inspector; and
 - (f) no heavy machinery will be permitted to cross Enbridge's right-of-way without prior approval.' "

(b) Councillor Moscoe, on behalf of Councillor Mammoliti, moved that the Clause be amended:

- (1) by deleting from Recommendation (5) of the North York Community Council, the words "legal and", so that it now reads as follows:
 - "(5) if the applicant is not in agreement with the recommendations outlined above, Council authorize the retention of outside planning support to attend the Ontario Municipal Board to uphold Council's decision."; and
- (2) to provide that, as part of the conditions of draft plan approval to be satisfied by the applicant prior to registration, the applicant provide a Letter of Credit to cover the costs of future signalization of the intersection of Finch Avenue West and Pelican

Court when warranted and that the Acting Commissioner of Works and Emergency Services be directed to initiate a traffic signals warrants study in the spring of 2005.

Vote:

Adoption of the Clause, as amended by motion (a) by Councillor Moscoe and motion (b) by Councillor Moscoe, on behalf of Councillor Mammoliti:

Yes - 33	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Walker, Watson
No - 2	
Councillors:	Augimeri, Li Preti

Carried by a majority of 31.

2.16 Works Committee Report 2, Clause 3a, headed “Drain Grant Appeal - 3 Morningside Avenue (Ward 13)”.

Motion:

Councillor Del Grande moved that the Clause be amended by:

- (1) amending the Recommendation of the Works Committee:
 - (a) by deleting the amount of “\$2,000.00” and inserting instead the amount “\$1,500.00”; and
 - (b) in accordance with the following staff recommendation contained in the Recommendation Section of the supplementary report dated January 21, 2005, from the City Solicitor [as contained in the Clause]:

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

‘and that Council consider such grant to be in the interests of the municipality’.’”,

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

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

(2) adding the following:

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

Deputy Mayor Pantalone in the Chair.

Votes:

The motion by Councillor Del Grande carried.

The Clause, as amended, carried.

2.17 North York Community Council Report 2, Clause 2, headed ‘Renewal of Patio Cafe Licence - 1678 Avenue Road - The Bistro On Avenue (Ward 16 - Eglinton-Lawrence)’.

Motion:

Councillor Stintz moved that:

(1) the Clause be referred back to the North York Community Council for further consideration; and

(2) Council adopt the following:

“That:

(1) the Acting Commissioner of Works and Emergency Services, in consultation with the Commissioner of Urban Development Services, be requested to report to the North York Community Council, no later than May 2005, identifying the physical

alterations recommended to be made to the structure enclosing the licensed boulevard cafe adjacent 1678 Avenue Road;

- (2) the applicant be advised of all alterations recommended by staff, including identifying any costs required to be paid to the Corporation of the City of Toronto, public utility companies, etc., in conjunction with such recommendations;
- (3) the applicants response to staff recommendations be reflected in the report to Community Council; and
- (4) the boulevard cafe licence continue to operate until such time as the disposition of this matter is determined by City Council.”

Vote:

The motion by Councillor Stintz carried.

2.18 Etobicoke Community Council Report 2, Clause 3, headed “Final Report - Official Plan Amendment and Rezoning Application, Applicant: Cy Armstrong; Architect: James H. Christie Architects, 66 Trethewey Drive (Ward 12 - York South-Weston)”.

Motion:

Councillor Di Giorgio moved that the Clause be amended by deleting the following Part (a) of staff Recommendation (4) contained in the Recommendations Section of the report dated January 19, 2005, from the Acting Director, Community Planning, West District, and renumbering the remaining recommendations accordingly:

- “(4)(a) submit a Record of Site Condition that has been acknowledged by the Ministry of the Environment (MOE), all environmental site assessment reports, and a Statement from a Professional Engineer (sealed and dated) certifying that, based on all necessary supporting environmental documents:
- (i) the land to be conveyed to the City is suitable for its intended use; and
 - (ii) it is unlikely that there is any off-site contamination, resulting from past land uses on the land to be conveyed, that has migrated to the adjacent right-of-ways that would exceed applicable MOE Guideline objectives or regulations;”.

Votes:

The motion by Councillor Di Giorgio carried.

The Clause, as amended, carried.

2.19 **Etobicoke Community Council Report 2, Clause 6, headed “Alterations to a Heritage Property 89 The Kingsway Crescent (Isaac Scott House) (Ward 5 - Etobicoke-Lakeshore)”.**

The Clause was submitted without recommendation.

Motion:

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

“Subject to the applicant:

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

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

2.20 **Toronto and East York Community Council Report 2, Clause 16, headed “Extension of Interim Control By-law to prohibit Entertainment facilities, restaurants and clubs west of Spadina Avenue in the King-Spadina Part II Plan Area (Trinity-Spadina, Ward 20)”.**

Motion:

Councillor Rae, on behalf of Councillor Chow, moved that the Clause be amended in accordance with the following Motion:

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

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

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

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

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

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

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

WHEREAS the owner advises and it is evident that any further delay in issuing the building permit which has occurred because of the Amendment would have devastating

consequences for this long time fixture on Toronto's restaurant scene;

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

'1. By-law No. 158-2004, as amended by By-law No. 1010-2004, to effect interim control in the RA district on those lands generally bounded by Queen Street West, Spadina Avenue, Front Street West and Bathurst Street, is further amended by,

(1). Adding Section 2A as follows,

"2A. Despite Section 2 of this By-law, a restaurant not exceeding a total non-residential gross floor area of 485 square metres together with,

(1) an associated rear yard patio not exceeding 85 square metres in floor area, and

(2) associated second floor limited to the following,

(a) office,

(b) storage, and

(c) staff areas, including staff washrooms,

shall be permitted on the lands municipally known in the year 2004 as 432 Wellington Street West."; and

(2) deleting from Section 4, the words "one year" and substituting the words "two years".'

Schedule A

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

of the Toronto Downtown Jazz Festival:

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

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

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

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

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

Votes:

The motion by Councillor Rae, on behalf of Councillor Chow, carried.

The Clause, as amended, carried.

2.21 Toronto and East York Community Council Report 2, Clause 36, headed “Request for Endorsement of Events for Liquor Licensing Purposes”.

Motion:

Councillor Rae moved that the Clause be amended by adding the following Part (4) to the Recommendation of the Toronto and East York Community Council:

“(4) Canadian Music Week, to be held at the following establishments, which require a one hour extension of their liquor licences to 3:00 a.m. from Wednesday, March 2 to Saturday, March 5, 2005:

- Royal York Hotel – Pipers, 100 Front Street West;
- Flow Restaurant and Lounge, 133 Yorkville Avenue;
- Drake Hotel, 1150 Queen Street West;
- Bovine Club, 542 Queen Street West;
- Shanghai Cowgirl, 538 Queen Street West; and
- Lobby Lounge Restaurant, 192 Bloor Street West.”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

2.22 Scarborough Community Council Report 2, Clause 5, headed ‘Final Report Zoning By-law Amendment Application 02 035475 ESC 42 OZ Plan of Subdivision Application 02 035476 ESC 42 SB 2031430 Ontario Inc., 1841 Neilson Road (Ward 42 - Scarborough Rouge River)’.

Motions:

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

(b) Councillor Cho moved that the Clause be amended by amending the recommendation of the Scarborough Community Council, by deleting from Condition 32, the word “minimum”, so that Condition 32 now reads as follows:

“32. Prior to the release of tree removal permits, the owner agrees to pay the required permit fees, and to provide the requirement of 3 replacement trees for every healthy tree subject to regulation under the Private Tree By-law to be removed. Replacement trees will be planted on site in accordance with Urban Forestry

Services requirements, or may be planted off site if it is determined that a suitable location on site cannot be provided. The owner agrees that, at the discretion of the Commissioner of Economic Development, Culture and Tourism, replacement planting within natural areas or off site may be completed by the City, funded by the owner;”.

Vote:

Adoption of the Clause, as amended by motion (a) by Councillor Balkissoon and motion (b) by Councillor Cho:

Yes - 31 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Li Preti, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Shiner, Stintz, Thompson, Walker, Watson
No - 1 Councillor:	Kelly

Carried by a majority of 30.

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

Motions:

(a) Councillor Moscoe moved that:

- (1) the Clause be received;
- (2) Council adopt the following:

“That:

- (i) the City issue a request for proposal to provide for collection services for outstanding parking fines; and
- (ii) the Commissioner of Corporate Services be requested to report to the Administration Committee on the feasibility of bringing the collection

services in-house at a later date.

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

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

Votes:

Adoption of motion (b) by Councillor Hall:

Yes - 21	Councillors: Altobello, Balkissoon, Bussin, Cho, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Jenkins, Li Preti, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Shiner, Thompson, Walker
No - 6	Councillors: Ashton, Del Grande, Holyday, Kelly, Stintz, Watson

Carried by a majority of 15.

Adoption of motion (a) by Councillor Moscoe:

Yes - 11	Councillors: Balkissoon, Carroll, Davis, De Baeremaeker, Fletcher, Giambrone, Hall, Mihevc, Moscoe, Nunziata, Palacio
No - 19	Councillors: Altobello, Ashton, Bussin, Cho, Del Grande, Di Giorgio, Feldman, Holyday, Jenkins, Kelly, Li Preti, Pantalone, Pitfield, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 8.

The Clause, as amended, carried.

2.24 Administration Committee Report 1, Clause 5a, headed “Access to Licence Plate Information City of Toronto Reference: 2004-S5-J(2)”.

Motion:

Councillor Moscoe moved that the Clause be amended by adding to the Recommendation of the Administration Committee, the words “including IMPARK and the Canadian Bonded Credits Ltd.”, so that the recommendation now reads as follows:

“The Administration Committee recommends that City Council request the Government of Ontario, including the Ministry of Transportation, to cease the practice of entering into memoranda or agreements allowing for access to motor vehicle registration information by private companies, and to take all necessary steps to terminate any such existing memoranda or agreements, including IMPARK and the Canadian Bonded Credits Ltd.”

Votes:

Adoption of the motion by Councillor Moscoe:

Yes - 12 Councillors:	Davis, De Baeremaeker, Fletcher, Giambrone, Hall, Jenkins, Li Preti, Moscoe, Nunziata, Palacio, Pantalone, Soknacki
No - 15 Councillors:	Ashton, Balkissoon, Bussin, Carroll, Cho, Del Grande, Di Giorgio, Feldman, Kelly, Pitfield, Shiner, Stintz, Thompson, Walker, Watson

Lost by a majority of 3.

The Clause was adopted, without amendment.

2.25 Board of Health Report 1, Clause 1a, headed “Further Issues Relating to the Implementation of the Pesticide By-law”.

Motion:

Councillor Mihevc moved that the Clause be amended by:

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

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

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

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

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

Votes:

Adoption of the motion by Councillor Mihevc:

Yes - 27	Councillors: Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, McConnell, Mihevc, Minnan-Wong, Moscoe, Pantalone, Pitfield, Shiner, Soknacki, Walker, Watson
No - 8	Councillors: Del Grande, Ford, Holyday, Kelly, Milczyn, Nunziata, Palacio, Saundercook

Carried by a majority of 19.

Adoption of the Clause, as amended:

Yes - 30	Councillors: Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Stintz, Walker, Watson
No - 6	Councillors: Del Grande, Ford, Holyday, Kelly, Nunziata, Saundercook

Carried by a majority of 24.

2.26 Etobicoke York Community Council Report 2, Clause 4, headed “Final Report - Official Plan Amendment and Rezoning Application, Applicant: First Pro Shopping Centres 98 Index Road (Ward 5 - Etobicoke-Lakeshore)”.

Motion to Re-Open:

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

Motion:

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

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

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

2.27 Toronto and East York Community Council Report 1, Clause 86a, headed “Status Report - Site Plan Approval Application - 45 Eastern Avenue (Toronto Centre-Rosedale, Ward 28)”.

The Clause was submitted without recommendation.

Motion:

Councillor McConnell moved that Council adopt the following:

“That the following staff recommendations contained in the Recommendations Section of the

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

‘It is recommended that City Council:

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

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

2.28 Community Services Committee Report 1, Clause 3a, headed “Toronto Social Services’ Purchase of Employment Services Framework”.

Vote:

Adoption of the Clause, without amendment:

Yes - 24 Councillors:	Ashton, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, McConnell, Mihevc, Moscoe, Nunziata, Pantalone, Saundercook, Stintz, Walker
No - 1 Councillors:	Ford

Carried by a majority of 23.

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

Motions:

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

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

- (b) Councillor Ashton moved that the Clause be amended by deleting staff Recommendation (1) contained in the Recommendations Section of the report dated December 22, 2004, from the Commissioner of Economic Development, Culture and Tourism; waiving Council’s procedure in the Policy for Nominations for nominations to the Greater Toronto Airports Authority (GTAA) Board; and adopting the following motion:

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

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

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

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

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

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

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

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

WHEREAS Toronto City Council, like the federal and provincial governments, is

a duly elected order of government that represents the will of its constituents and must therefore be recognized as a distinct and equally legitimate government; and

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

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

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

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

(c) Councillor Hall moved that:

- (1) motion (b) by Councillor Ashton be amended by inserting in the last operative paragraph, the words “and Section 4.4b” after the words “Section 4.3 I(ii), so that the last operative paragraph now reads as follows:

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

- (2) the Clause be amended by:

- (a) amending Recommendation (2)(a) of the Economic Development and Parks Committee by inserting the words “for the Greater Toronto Airports Authority Board of Directors” after the words “nominating agencies”, so that Recommendation (2)(a) now reads as follows:

“(2)(a) the nominating agencies for the Greater Toronto Airports Authority Board of Directors be requested to balance the range of skills, placing special emphasis on candidates with skills and experience in high tech communications, construction management, environmental assessments, air transportation industry management and labour relations; and”;

- (b) deleting Recommendation (2)(b) of the Economic Development and Parks Committee, and inserting instead the following:

“(2)(b) the nominating agencies for the GTAA Consultative Committee and the Noise Management Committee be requested to balance the range of skills, placing special emphasis on candidates with knowledge of aviation, airport operations, air transportation industry management and noise management;”.

Mayor Miller in the Chair.

- (d) Councillor Holyday moved that the Clause be amended by deleting Recommendation (1) of the Economic Development and Parks Committee.

- (e) Councillor De Baeremaeker moved that the Clause be amended by adding to the end of Recommendation (1) of the Economic Development and Parks Committee, the words “and that preference be given to Etobicoke residents, provided they meet the skills requirements”, so that Recommendation (1) now reads as follows:

“(1) amending Recommendation 3 to provide that the appointment of resident representatives to both the GTAA Consultative Committee and Noise Management Committee be on a City-wide basis and through the City’s Nominating Committee process, and that preference be given to Etobicoke residents, provided they meet the skills requirements;”;

- (f) Councillor Nunziata moved that motion (e) by Councillor De Baeremaeker be amended by deleting the words “Etobicoke residents”, and inserting instead the words “residents of the Etobicoke York Community Council area”.

Votes:

Motion (c) by Councillor Hall carried.

Adoption of motion (b) by Councillor Ashton, as amended:

Yes - 31
Mayor: Miller
Councillors: Altobello, Ashton, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 0

Carried unanimously.

Motion (f) by Councillor Nunziata carried.

Motion (e) by Councillor De Baeremaeker carried, as amended.

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

Motion (a) by Councillor Moscoe carried.

Adoption of the Clause, as amended:

Yes - 33
Mayor: Miller
Councillors: Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0

Carried unanimously.

In summary, Council amended this Clause by:

- (1) adding to the end of Recommendation (1) of the Economic Development and Parks

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

- “(1) amending Recommendation 3 to provide that the appointment of resident representatives to both the GTAA Consultative Committee and Noise Management Committee be on a City-wide basis and through the City’s Nominating Committee process, and that preference be given to residents of the Etobicoke York Community Council area, provided they meet the skills requirements;”;
- (2) amending Recommendation (2)(a) of the Economic Development and Parks Committee by inserting the words “for the Greater Toronto Airports Authority Board of Directors” after the words “nominating agencies”, so that Recommendation (2)(a) now reads as follows:
- “(2)(a) the nominating agencies for the Greater Toronto Airports Authority Board of Directors be requested to balance the range of skills, placing special emphasis on candidates with skills and experience in high tech communications, construction management, environmental assessments, air transportation industry management and labour relations; and”;
- (3) deleting Recommendation (2)(b) of the Economic Development and Parks Committee, and inserting instead the following:
- “(2)(b) the nominating agencies for the GTAA Consultative Committee and the Noise Management Committee be requested to balance the range of skills, placing special emphasis on candidates with knowledge of aviation, airport operations, air transportation industry management and noise management;”.
- (4) deleting staff Recommendation (1) contained in the Recommendations Section of the report dated December 22, 2004, from the Commissioner of Economic Development, Culture and Tourism; waiving Council’s procedure in the Policy for Nominations for nominations to the Greater Toronto Airports Authority (GTAA) Board; and adopting the following motion:
- “**WHEREAS** Toronto Pearson International Airport (TPIA) is the largest and busiest airport in Canada and ranks among the top 30 world airports in terms of passenger traffic and aircraft movements facilitating 400,000 flights annually by over 82 scheduled and charter airlines that provide direct links to 26 Canadian and 45 United States destinations and 52 other international cities in South America, Asia, Australia, Caribbean, and Europe; and

WHEREAS Toronto Pearson International Airport is a vital component of the economic infrastructure serving the region and a major economic generator for the City accounting for

about \$14 billion in revenue for local businesses, 138,000 jobs, \$3.9 billion in personal income and \$2.8 billion in tax revenue; and

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

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

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

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

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

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

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

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

WHEREAS, Joe Halstead through his service to the City as Commissioner Economic Development, Culture and Tourism, and as a member of the Board of Directors – TEDCO, Board of Directors – Tourism Toronto, as well as Board of Directors – Toronto Community

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

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

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

- (5) by adding the following:

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

2.30 **Planning and Transportation Committee Report 1, Clause 2a, headed “Comprehensive Review of Fees in Urban Development Services”.**

Motion:

Councillor Soknacki moved that the Clause be amended by amending the staff recommendations contained in the Recommendations Section of the report dated November 29, 2004, from the Commissioner of Urban Development Services, by:

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

“(5) the City Solicitor be directed to prepare the necessary bill to give effect to these recommendations, to be effective February 21, 2005.”

Votes:

Adoption of Clause as amended by the motion by Councillor Soknacki:

Yes - 21 Councillors:	Ashton, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Grimes, Hall, Jenkins, Kelly, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Soknacki, Stintz, Thompson, Watson
No - 6 Councillors:	Feldman, Ford, Holyday, Li Preti, Shiner, Walker

Carried by a majority of 15.

Deputy Mayor Pantalone in the Chair.

2.31 Etobicoke York Community Council Report 2, Clause 5, headed “Final Report - Official Plan Amendment and Rezoning Application, Applicant: Steve Hilditch - 60 Bergamot Avenue (Ward 2 - Etobicoke North)”.

Vote:

Adoption of the Clause, without amendment:

Yes - 22 Mayor:	Miller
Councillors:	Ashton, Balkissoon, Bussin, Carroll, De Baeremaeker, Feldman, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Mihevc, Milczyn, Moscoe, Nunziata, Pantalone, Rae, Saundercook, Thompson, Watson
No - 2 Councillors:	Ford, Holyday

Carried by a majority of 20.

- 2.32 **Etobicoke York Community Council Report 2, Clause 24, headed “Status and Ontario Municipal Board Recommendation Report Site Plan Approval Application, Applicant: Calvin Lantz, McCarthy Tetrault Architect: Dutra Architect Inc., 2600 Eglinton Avenue West (Ward 12 - York South-Weston)”.**

Vote:

Adoption of the Clause, without amendment:

Yes - 23 Councillors:	Ashton, Balkissoon, Bussin, Carroll, Davis, De Baeremaeker, Feldman, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Rae, Thompson, Watson
No - 3 Councillors:	Del Grande, Ford, Saundercook

In accordance with § 27-51 of Chapter 27 of the City of Toronto Municipal Code, headed “Members Not Voting”, Councillor Del Grande was deemed to have voted in the negative.

Carried by a majority of 20.

- 2.33 **Etobicoke York Community Council Report 1, Clause 25a, headed “Application for Variance from Sign By-law No. 3369-79 of the former City of York Southwest Quadrant of Canadian Pacific Railway Overpass at Black Creek Drive (Ward 11 - York South-Weston)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Nunziata moved that Council adopt the following:

“That:

- (1) the application for relief from the provisions of Sign By-law No. 3369-79, as amended, to permit a single-sided, off premise billboard poster panel sign at the Southwest quadrant of the CPR overpass at Black Creek Drive (0 Mactier Subdivision) be approved as a variance to the Sign By-law, subject to a building permit being obtained and the sign being installed substantially in accordance with

the application plans on file with the Building Division, West District; and

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

Votes:

The motion by Councillor Nunziata carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

- 2.34 **Etobicoke York Community Council Report 2, Clause 10, headed “Request for Approval of Variances from By-law No. 280-1998 and Chapter 215, Signs, of the former City of Etobicoke Code for a Third Party Roof Sign at 839 Oxford Street (Ward 6 - Etobicoke-Lakeshore)”.**

Motion:

Councillor Milczyn moved that consideration of the Clause be deferred to the next regular meeting of City Council on April 12, 2005.

Vote on Deferral:

The motion by Councillor Milczyn carried.

Deputy Mayor Pantalone in the Chair.

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

Motion:

Councillor Cho moved that consideration of the Clause be deferred to the next regular meeting of City Council on April 12, 2005.

Vote on Deferral:

The motion by Councillor Cho carried.

2.36 North York Community Council Report 1, Clause 10a, headed “Feasibility to Extend the Concrete Median - Keele Street north of Highway 401 (Ward 9 - York Centre)”.

Motion:

Councillor Augimeri moved that consideration of the Clause be deferred to the next regular meeting of City Council on April 12, 2005.

Vote on Deferral:

The motion by Councillor Augimeri carried.

Mayor Miller in the Chair.

2.37 Council considered the following Clauses, as contained in Etobicoke York Community Council Report 9, concurrently:

Clause 1c - “Request for Exemption to Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 22 Nairn Avenue (Ward 17 - Davenport)”.

Clause 2c - “Request for an Exemption to Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 24 Nairn Avenue (Ward 17 - Davenport)”.

Motion:

Councillor Giambrone moved that the Clauses be referred to the Acting Commissioner of Works and Emergency Services with a request that he report on these applications after City Council has considered the report on the harmonization of front yard parking policies, which is anticipated to be submitted to the Works Committee in September 2005.

Disposition:

As Council did not conclude its consideration of these Clauses prior to the end of this meeting, consideration of the Clauses was deferred to the next regular meeting of City Council on April 12, 2005.

2.38 Etobicoke York Community Council Report 2, Clause 11, headed “Request for Approval of Variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code for Illuminated First Party and Incidental Fascia Signs at 2267 Islington Avenue (Scotiabank) (Ward 2 - Etobicoke North)”.

Motion:

Councillor Hall moved that:

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

- (2) Council adopt the following:

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

Vote on Referral:

Adoption of the motion by Councillor Hall:

Yes - 11	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Cowbourne, De Baeremaeker, Feldman, Giambrone, Hall, McConnell, Moscoe
No - 14	
Councillors:	Altobello, Balkissoon, Carroll, Cho, Del Grande, Ford, Holyday, Li Preti, Mihevc, Nunziata, Palacio, Pantalone, Rae, Walker

Lost by a majority of 3.

Vote:

Adoption of the Clause, without amendment:

Yes - 13	
Councillors:	Altobello, Balkissoon, Cho, Feldman, Ford, Holyday, Li Preti, Mihevc, Nunziata, Palacio, Pantalone, Rae, Walker
No - 15	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Giambrone, Hall, Kelly, McConnell, Moscoe, Thompson

Lost by a majority of 2.

Disposition:

City Council did not adopt this Clause.

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

Motion:

Councillor Hall moved that:

- (1) the Clause be referred back to the Etobicoke York Community Council for further consideration at its meeting on March 30, 2005, to allow for further recommendations from the Commissioner of Urban Development Services with respect to modifications to the proposed signs, in order to reduce the extent of variance from the provisions of the by-law based on discussion between the applicant and staff with respect to the potential impacts of the signs on the community; and
- (2) Council adopt the following:

“That the Commissioner of Urban Development Services be requested to report to the Planning and Transportation Committee, as soon as possible, on the feasibility of introducing amendments to the Sign By-laws applying to the former municipalities, now in the City of Toronto, that will provide for an additional fee where the signs have been installed in

contravention of the by-law and without obtaining the appropriate permits, similar to the fee for work without a building permit under the Municipal Code Chapter 363, Building Construction and Demolition.”

Vote on Referral:

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

Yes - 25	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Feldman, Giambrone, Hall, Holyday, Kelly, Li Preti, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Thompson, Walker
No - 2	
Councillors:	Del Grande, Ford

Carried by a majority of 23.

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

Yes - 19	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Feldman, Hall, Holyday, Li Preti, McConnell, Mihevc, Moscoe, Palacio, Pantalone, Rae
No - 9	
Councillors:	Altobello, Balkissoon, Del Grande, Ford, Giambrone, Kelly, Nunziata, Thompson, Walker

Carried by a majority of 10.

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

Council also adopted the following:

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

2.40 **Scarborough Community Council Report 1, Clause 1a, headed “Removal of Seven Privately-owned Trees - 5 and 6 Falcon Lane (Ward 44 - Scarborough East)”.**

Vote:

The Clause was adopted, without amendment.

Councillors Cowbourne and Moscoe, and Deputy Mayor Pantalone requested that their opposition to this Clause be noted in the minutes of this meeting.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

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

Mayor Miller called upon the following Notice of Motion appearing on the Order Paper:

Moved by: Councillor Milczyn

Seconded by: Councillor Holyday

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

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

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

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

and

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

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

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

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

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

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

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

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

Disposition:

As Council did not conclude its consideration of Motion F(1) prior to the end of this meeting, consideration of the Motion was deferred to the next regular meeting of City Council on April 12, 2005.

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

Mayor Miller called upon the following Notice of Motion appearing on the Order Paper:

Moved by: Councillor Moscoe

Seconded by : **Councillor Palacio**

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

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

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

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion F(2), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 1, Page 136)

Disposition:

As Council did not conclude its consideration of Motion F(2) prior to the end of this meeting, consideration of the Motion was deferred to the next regular meeting of City Council on April 12, 2005.

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

Mayor Miller called upon the following Notice of Motion appearing on the Order Paper:

Moved by: **Councillor Mihevc**

Seconded by : **Councillor Moscoe**

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

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

and immediately thereafter)'; and

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

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

WHEREAS City staff have been consulted in writing this Motion;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 7, Clause 1, headed 'St. Clair Avenue West Transit Improvements Environmental Assessment – Yonge Street to Gunns Road (just west of Keele Street) (St. Paul's, Davenport, York South-Weston)', be re-opened for further consideration, only as it pertains to the waiving of fees for Community Festivals on St. Clair Avenue West;

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

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

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion F(3), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 2, Page 137)

Disposition:

As Council did not conclude its consideration of Motion F(3) prior to the end of this meeting, consideration of the Motion was deferred to the next regular meeting of City Council on April 12, 2005.

2.44 **I(1) Support for International Car Free Day**

Mayor Miller called upon the following Notice of Motion appearing on the Order Paper:

Moved by: Councillor Giambrone

Seconded by: Councillor Fletcher

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

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

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

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

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

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

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion I(1) to the Board of Health would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion I(1) to the Board of Health carried, more than two-thirds of Members present having voted in the affirmative.

Disposition:

As Council did not conclude its consideration of Motion I(1) prior to the end of this meeting, consideration of the Motion was deferred to the next regular meeting of City Council on April 12, 2005.

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

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

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Rae

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

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

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

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

WHEREAS the Friends of Fort York and Garrison Common, as well as Concord Adex

Development Corporation and Wittington Properties Limited, the current owners of land fronting the unopened section of Bremner Boulevard, between Spadina Avenue and Bathurst Street, desire to name this unopened section 'Fort York Boulevard' to form part of the public highway 'Fort York Boulevard'; and

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

NOW THEREFORE BE IT RESOLVED THAT:

- (1) Motion J(7) adopted by City Council on October 1 and 2, 1998, to name the unopened section of Bremner Boulevard, between Spadina Avenue and Bathurst Street, 'Nelson Mandela Boulevard', be rescinded;
- (2) subject to *Municipal Act, 2001* and Municipal Code, Chapter 162, Public Notice compliance, the unopened section of Bremner Boulevard, between Spadina Avenue and Bathurst Street, be named 'Fort York Boulevard' to form part of the public highway 'Fort York Boulevard'; and
- (3) another suitable location be found to recognize the accomplishments of Nelson Mandela and the Commissioner of Economic Development, Culture and Tourism and the Acting Commissioner of Works and Emergency Services be requested to report back to the Toronto East York Community Council in this regard;

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(1) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(1), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 133)

Procedural Vote:

The vote to waive referral of Motion J(1) to the Toronto and East York Community Council carried,

more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(1) was adopted, without amendment.

2.46 **J(2) Committee of Adjustment Decision Regarding 116 Barton Avenue**

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

Moved by: Councillor Rae

Seconded by: Deputy Mayor Pantalone

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

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

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

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(2), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 133)

Procedural Vote:

The vote to waive referral of Motion J(2) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also considered the following, which are on file in the City Clerk's Office:

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

Motion:

Councillor Carroll moved that Motion J(2) be adopted, subject to amending the Operative Paragraph to read as follows:

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

Votes:

The motion by Councillor Carroll carried.

Motion J(2), as amended, carried.

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

Councillor Augimeri moved that, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion, which carried:

Moved by: Councillor Augimeri

Seconded by: Councillor Minnan-Wong

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

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(3), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 133)

Council also considered a report (February 15, 2005) from the Commissioner of Economic Development, Culture and Tourism, entitled “Supplementary Report – Creating an Aerospace Cluster in the Downsview Area, York Centre - Ward 9” (See Attachment 1, Page 100).

Vote:

Motion J(3) was adopted, without amendment.

Summary:

In adopting Motion J(3), without amendment, Council received the report dated February 15, 2005, from the Commissioner of Economic Development, Culture and Tourism, for information.

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

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

Moved by: Councillor Milczyn

Seconded by: Councillor Del Grande

“**WHEREAS** the e-City Committee on February 14, 2005, considered a report dated

February 2, 2005, from the Chief Financial Officer and Treasurer and the Commissioner of Corporate Services responding to the e-City Committee's request to provide copies of the responses from the eight proponents to Request for Proposal 3401-04-3216, Sections 5.5, 6, 8, 9, 10 and 12; and

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

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

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

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(4) to the Administration Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(4), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 133)

Procedural Vote:

The vote to waive referral of Motion J(4) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also considered a report (February 2, 2005) from the Chief Financial Officer and Treasurer

and the Commissioner of Corporate Services, entitled “Disclosure of Proponents’ Responses to Certain Sections of Request for Proposal (RFP) 3401-04-3216” (See Attachment 2, Page 105).

Disposition:

As Council did not conclude its consideration of Motion J(4) prior to the end of this meeting, consideration of the Motion was deferred to the next regular meeting of City Council on April 12, 2005.

2.49 **J(5) 204 Stibbard Avenue – Parking Pad**

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

Moved by: Councillor Jenkins

Seconded by: Councillor Stintz

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

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

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

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

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

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

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

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

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(5) to the North York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(5), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 133)

Procedural Vote:

The vote to waive referral of Motion J(5) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also considered a copy of photographs of the subject site, submitted by Councillor Cliff Jenkins, Ward 25, Don Valley West, which are on file in the City Clerk's Office.

Vote:

Motion J(5) was adopted, without amendment.

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

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

Moved by: **Councillor Stintz**

Seconded by: **Councillor Walker**

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

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

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

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

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

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

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

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(6) to the North York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(6), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 133)

Procedural Vote:

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

Vote:

Motion J(6) was adopted, without amendment.

2.51 **J(7) Amendment to Starting Time for Turn Prohibition on Lawrence Avenue West at Rosewell Avenue from 4:00 p.m. to 3:00 p.m. (Ward 16)**

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

Moved by: Councillor Stintz

Seconded by: Councillor Jenkins

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

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

WHEREAS staff Recommendation (2) read as follows:

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

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

end of day for local schools; and

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

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

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

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

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(7), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 133)

Votes:

The first Operative Paragraph contained in Motion J(7) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(7) was adopted, without amendment.

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

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

Moved by: **Councillor Di Giorgio**

Seconded by: **Councillor Nunziata**

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

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

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

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

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

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(8), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 133)

Procedural Vote:

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

Council also considered a report (February 14, 2005) from the Commissioner of Urban Development Services, entitled "Application for Demolition Approval, 121 Industry Street, Applicant: Toronto Transit Commission, File No.: 10/4/14-1 (Demo Permit File No.: 05 105640 DEM 00 DM) Ward 12 (York South-Weston)" (See Attachment 3, Page 110).

Vote:

Motion J(8) was adopted, without amendment.

Summary:

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

"It is recommended that:

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

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

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

Moved by: Councillor Pitfield

Seconded by: Councillor Giambrone

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

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

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

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

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(9) to the Works Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(9), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 3, Page 138)

Procedural Vote:

The vote to waive referral of Motion J(9) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also considered a report (February 15, 2005) from the Acting Commissioner of Works and Emergency Services, entitled "Source Separated Organic Material Haulage and Processing Services Groupe Conporec Inc" (See Attachment 4, Page 113).

Vote:

Motion J(9) was adopted, without amendment.

Summary:

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

"It is recommended that:

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

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

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

Moved by: Councillor Balkissoon

Seconded by: Councillor Altobello

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

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

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(10) to the Scarborough Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(10), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 133)

Procedural Vote:

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

Council also considered a report (February 15, 2005) from the Commissioner of Urban Development Services, entitled “Request for Direction Report, 53 Kenhatch Boulevard Owners: Eva Brown and Donald Brown File #A245/04SC, Ward 41 - Scarborough-Rouge River” (See Attachment 5, Page 122).

Vote:

Motion J(10) was adopted, without amendment.

Summary:

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

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

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

Councillor Holyday moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion:

Moved by: Councillor Holyday

Seconded by: Councillor Ford

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

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

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

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

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

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

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

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

WHEREAS the commercial well-being of the City is undergoing serious impairment

because of the erosions of fiscal prudence and funding shortages; and

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

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

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

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

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

the vote upon which was taken as follows:

Yes - 16	Miller
Mayor:	

Councillors:	Cho, Del Grande, Feldman, Ford, Grimes, Holyday, Jenkins, Kelly, Milczyn, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Soknacki
No - 19	
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Hall, McConnell, Mihevc, Minnan-Wong, Moscoe, Pantalone, Rae, Stintz, Watson

Lost by a majority of 3.

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(11), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 133)

Disposition:

As the vote to waive notice did not carry, notice of this Motion was given to permit consideration at the next regular meeting of City Council on April 12, 2005.

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

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

Moved by: Councillor Rae

Seconded by: Deputy Mayor Pantalone

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

WHEREAS most of the development activity in the area east of Spadina Avenue since 1996 has been for new residential construction, and in many cases for buildings with heights

substantially in excess of the 30 metres permitted by the RA zoning;

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

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

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

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

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

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(12) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(12), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 133)

Procedural Vote:

The vote to waive referral of Motion J(12) to the Toronto and East York Community Council carried,

more than two-thirds of Members present having voted in the affirmative.

Council also considered a report (February 15, 2005) from the Commissioner of Urban Development Services, entitled "Planning Review Principles and Request for Direction for 30 King Street West, King Spadina Part II Plan Area – East of Spadina Avenue Trinity-Spadina, Ward 20" (See Attachment 6, Page 124).

Vote:

Motion J(12) was adopted, without amendment.

Summary:

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

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

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

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

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

Moved by: Councillor Watson

Seconded by: Councillor Rae

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

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

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

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

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

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

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

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

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(13), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 133)

Procedural Vote:

The vote to waive referral of Motion J(13) to the Toronto and East York Community Council carried,

more than two-thirds of Members present having voted in the affirmative.

Council also considered a Notice of Decision, Minor Variance/Permission (January 28, 2005) from the Manager and Deputy Secretary, Committee of Adjustment, Toronto and East York Panel, which is on file in the City Clerk's Office.

Vote:

Motion J(13) was adopted, without amendment.

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

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

Moved by: Councillor Shiner

Seconded by: Deputy Mayor Feldman

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

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

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

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

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal

Code requiring the referral of Motion J(14) to the North York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(14), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

The vote to waive referral of Motion J(14) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also considered a confidential report (February 15, 2005) from the City Solicitor.

Motion:

Councillor Shiner moved that Motion J(14) be adopted, subject to adding the following new Operative Paragraph:

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

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

spaces for dwelling units and dwelling rooms up to a maximum of 18 spaces;’.”

Votes:

The motion by Councillor Shiner carried.

Motion J(14), as amended, carried.

Summary:

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

“It is recommended that City Council:

- (1) direct the City Solicitor to settle the City’s appeal to the Divisional Court of Ontario Municipal Board Decision/Order No. 0150 on the following terms:
 - (a) the maximum number of dwelling units in the proposed development be reduced by 240 units from 827 units to 587 units;
 - (b) the maximum number of parking spaces shall be based on the following ratios:
 - (i) a maximum of 1.40 parking spaces per apartment house dwelling unit, of which 0.25 parking spaces per dwelling unit shall be for the use of visitors;
 - (ii) a maximum of 2.20 parking spaces per multiple attached dwelling unit, of which 0.25 parking spaces per dwelling unit shall be for the use of visitors;
 - (iii) a maximum of 0.42 parking spaces per retirement home dwelling rooms, of which 0.25 spaces per dwelling room shall be for the use of visitors;
 - (iv) parking for a Nursing Home shall not exceed a maximum of 43 parking spaces; and

- (v) parking for commercial uses shall be provided at a rate of one (1) space per 28 square metres of gross floor area, of which up to 50 percent of the required parking spaces may be shared with the required visitor parking spaces for dwelling units and dwelling rooms up to a maximum of 18 spaces;
 - (c) the Section 37 community benefits for the project be increased by \$50,000.00 from \$400,000.00 to \$450,000.00;
 - (d) the Ontario Municipal Board concur with and secure the settlement terms in paragraphs 1(a), (b) and (c) above by amending its Decision, the draft Official Plan Amendment, the Zoning By-law Amendment and other related documentation in a manner consistent with this settlement; and
 - (e) the appeal be settled on a without cost basis; and
- (2) authorize and direct the appropriate City officials to take the necessary action to give effect thereto.”

Deputy Mayor Pantalone in the Chair.

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

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

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Rae

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

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Pantalone advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(15) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(15), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

The vote to waive referral of Motion J(15) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also considered a confidential report (February 16, 2005) from the City Solicitor.

Vote:

Motion J(15) was adopted, without amendment.

Summary:

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

“It is recommended that:

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

2.60 **J(16) Decision of the Superior Court of Justice to Quash By-law No. 906-2003, in the Case of Toronto Taxi Alliance v. City of Toronto**

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

Moved by: Councillor Altobello

Seconded by: Councillor Watson

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

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

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

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

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

WHEREAS as this was an application brought before the Superior Court of Justice, the

City may appeal to the Ontario Court of Appeal as of right, and does not require leave of the Court to do so; and

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

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

Advice by Deputy Mayor:

Deputy Mayor Pantalone advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(16) to the Planning and Transportation Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(16), a confidential Fiscal Impact Statement.

Procedural Vote:

The vote to waive referral of Motion J(16) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also considered a confidential report (February 15, 2005) from the City Solicitor.

Vote:

Motion J(16) was adopted, without amendment.

Summary:

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

2.61 **J(17) Promoting Environmentally-Friendly Buildings in Toronto**

Councillor Moscoe gave Notice of the following Motion to permit consideration at the next regular meeting of City Council on April 12, 2005:

Moved by: Councillor Moscoe

Seconded by: Councillor De Baeremaeker

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

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

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

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

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

Mayor Miller in the Chair.

- 2.62 Consideration of the following matters was deferred to the next regular meeting of City Council on April 12, 2005, as they remained on the Order Paper at the conclusion of this meeting of Council:

Policy and Finance Committee Report 8

Clause 1d - “Capital Financing Strategy – 2004”.

Administration Committee Report 8

Clause 8d - “Complaint Regarding Actions at Committee Meetings”.

Board of Health Report 7

Clause 1d - “Shade Policy and Technical Considerations for the City of Toronto”.

Scarborough Community Council Report 8

- Clause 7c - "Elimination of Sidewalks on Starry Crescent and Boulderbrook Drive (Ward 42 - Scarborough Rouge River)

Policy and Finance Committee Report 9

- Clause 41c - "Operating Variance Report for the Nine Months Ended September 30, 2004".

Audit Committee Report 6

- Clause 6c - "Hostel Operations Review - Community and Neighbourhood Services".

Etobicoke York Community Council Report 9

- Clause 1c - "Request for Exemption to Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 22 Nairn Avenue (Ward 17 - Davenport)".

- Clause 2c - "Request for an Exemption to Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 24 Nairn Avenue (Ward 17 - Davenport)".

Policy and Finance Committee Report 2

- Clause 6a - "Comprehensive Report on the City's Long-Term Fiscal Plan".

Audit Committee Report 1

- Clause 1a - "Toronto Emergency Medical Services Operational Support Review - Works and Emergency Services Department".

Community Services Committee Report 2

- Clause 1a - "Toronto EMS Hospital Offload Delays".

Economic Development and Parks Committee Report 1

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

North York Community Council Report 1

- Clause 10a - “Feasibility to Extend the Concrete Median - Keele Street north of Highway 401 (Ward 9 - York Centre)
- Clause 30a - “All Way Stop Control - Brentcliffe Road at Fairland Road (Ward 26 - Don Valley West)”.
- Clause 35a - “Request for Poll - Speed Hump Plan - Hillhurst Blvd., west of Bathurst Street (Ward 15 - Eglinton-Lawrence)”.

Toronto and East York Community Council Report 1

- Clause 27a - “Request for an Exemption from Chapter 400 of the former City of Toronto Municipal Code to Permit Front Yard Parking - 533 St. Clarens Avenue (Davenport, Ward 18)”.
- Clause 28a - “Request for Exemption from Chapter 248 of the former City of Toronto Municipal Code to Permit Driveway Widening for Two Vehicles – 319 Glenayr Road (St. Paul’s, Ward 21)”.
- Clause 31a - “Request for Exemption from Chapter 248 of the Former City of Toronto Municipal Code to Permit Driveway Widening - 26 Tarlton Road (St. Paul’s, Ward 22)”.
- Clause 41a - “Installation of Speed Humps – Bank Street, between Dufferin Street and Sheridan Avenue (Davenport, Ward 18)”.
- Clause 42a - “Installation of Speed Humps – Waterloo Avenue, between Dufferin Street and Gladstone Avenue (Davenport, Ward 18)”.
- Clause 43a - “Installation of Speed Humps – Gordon Street, between Dufferin Street and Sheridan Avenue (Davenport, Ward 18)”.
- Clause 45a - “Installation of Speed Humps – Poplar Plains Road, between Cottingham Street and Poplar Plains Crescent and Russell Hill Road, between Clarendon Avenue and Boulton Drive (St. Paul’s, Ward 22)”.
- Clause 46a - “Speed Hump Poll Results – Laing Street, between Queen Street East and Eastern Avenue (Beaches-East York, Ward 32)”.

Etobicoke York Community Council Report 2

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

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

North York Community Council Report 2

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

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

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

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

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

Toronto and East York Community Council Report 2

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

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

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

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

NOTICES OF MOTION

- F(1) Moved by Councillor Milczyn, seconded by Councillor Holyday, regarding consolidating the naming of the Community Council boundaries with the Service Districts of the City of Toronto.
- F(2) Moved by Councillor Moscoe, seconded by Councillor Palacio, regarding a request to renew the Facade Program for York Eglinton Business Improvement Area.
- F(3) Moved by Councillor Mihevc, seconded by Councillor Moscoe, regarding the waiving of fees for Community Festivals on St. Clair Avenue West.
- I(1) Moved by Councillor Giambrone, seconded by Councillor Fletcher, regarding support for International Car Free Day.
- J(4) Moved by Councillor Milczyn, seconded by Councillor Del Grande, regarding the disclosure of Proponents’ responses to certain sections of Request for Proposal (RFP) 3401-04-3216 - Supply, Delivery and Installation of Desktop and Notebook Computers and Related Products and Services.

BILLS AND BY-LAWS

- 2.63 On February 16, 2005, at 7:34 p.m., Deputy Mayor Pantalone, seconded by Deputy Mayor Bussin, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws:

Bill No. 112	By-law No. 115-2005	To amend By-law No. 196-84 of the former City of York, being a By-law “To regulate traffic on City of York Roads”, regarding Livingstone Avenue.
Bill No. 113	By-law No. 116-2005	To amend By-law No. 2958-94 of the former City of York, being a By-law “To regulate traffic on City of York Roads”, regarding Livingstone Avenue.
Bill No. 114	By-law No. 117-2005	To amend the Municipal Code of the former

		City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding The Kingsway and Twyford Road.
Bill No. 115	By-law No. 118-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding The Kingsway and Twyford Road.
Bill No. 116	By-law No. 119-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding The Kingsway at Edenbridge Drive.
Bill No. 117	By-law No. 120-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding The Kingsway at Edenbridge Drive.
Bill No. 118	By-law No. 121-2005	To amend City of Toronto Municipal Code Chapter 612, Pesticides, Use of, to clarify § 612-1B(2)(d).
Bill No. 119	By-law No. 122-2005	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting fees for body rub parlour owners and operators.
Bill No. 121	By-law No. 123-2005	To adopt a new City of Toronto Municipal Code Chapter 485, Graffiti.
Bill No. 122	By-law No. 124-2005	To permanently close a portion of the public lane known as Stanley Terrace located at the rear of 720 Wellington Street West and 17-21 Stafford Street.
Bill No. 123	By-law No. 125-2005	To amend By-law No. 92-93, a by-law “To regulate traffic on roads in the Borough of East York”, being a by-law of the former Borough of East York, regarding Leacrest Road.
Bill No. 124	By-law No. 126-2005	To amend City of Toronto Municipal Code

		Chapter 441, Fees, by amending Section 441-11, entitled Planning Application Fees. <i>*amended*</i>
Bill No. 125	By-law No. 127-2005	To amend By-law No. 92-93, a by-law “To regulate traffic on roads in the Borough of East York”, being a by-law of the former Borough of East York, regarding Aldwych Avenue.
Bill No. 126	By-law No. 128-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bartlett Avenue North.
Bill No. 127	By-law No. 129-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Edith Drive.
Bill No. 128	By-law No. 130-2005	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the rear yard fence on the property municipally known as 14 Breen Crescent from the maximum height requirements.
Bill No. 130	By-law No. 131-2005	To amend City of Toronto Municipal Code Chapter 767, Taxation, respecting the delegation of the powers and functions of Council to the Assessment Review Board under section 334 of the <i>Municipal Act, 2001</i> , and under sections 2, 3 and 4 of Ontario Regulation 399/03.
Bill No. 131	By-law No. 132-2005	To amend By-law No. 280-2004 to extend the expiration of a part lot control exemption for 445-449 Royal York Road from Part Lot Control.
Bill No. 132	By-law No. 133-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Brooklyn Avenue and Markham Street.

Bill No. 133	By-law No. 134-2005	To further amend the Official Plan for the former City of Toronto as amended by By-law No. 544-2004 and to further amend the General Zoning By-law No. 438-86, of the former City of Toronto, as amended by By-law No. 545-2004 with respect to lands municipally known as 36 Whitewood Road.
Bill No. 134	By-law No. 135-2005	To define the Cabbagetown South Heritage Conservation District Study Area as an area of the City of Toronto to be examined for future designation as a Heritage Conservation District.
Bill No. 135	By-law No. 136-2005	To designate the property at 1204 Queen Street West (The Gladstone Hotel) as being of cultural heritage value or interest.
Bill No. 136	By-law No. 137-2005	To designate the Harbord Village area as a Heritage Conservation District.
Bill No. 137	By-law No. 138-2005	To amend By-law No. 2958-94 of the former City of York, being a By-law "To regulate traffic on City of York Roads", regarding Lapp Street.
Bill No. 138	By-law No. 139-2005	To amend By-law No. 196-84 of the former City of York, being a By-law "To regulate traffic on City of York Roads", regarding Lapp Street.
Bill No. 139	By-law No. 140-2005	To adopt Amendment No. 337 to the Official Plan for the former City of Toronto with respect to the Regent Park Area.
Bill No. 140	By-law No. 141-2005	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the Regent Park Area.

Bill No. 141	By-law No. 142-2005	To adopt Amendment No. 334 to the Official Plan for the former City of Toronto with respect to lands municipally known as 363 Sorauren Avenue.
Bill No. 142	By-law No. 143-2005	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 363 Sorauren Avenue.
Bill No. 143	By-law No. 144-2005	To adopt Amendment No. 558 to the Official Plan of the former City of North York, with respect to lands located within the block bounded on the south by Finch Avenue West, on the west by Greenview Avenue, on the north by Hendon Avenue and on the east by Duplex Avenue.
Bill No. 144	By-law No. 145-2005	To amend the former City of North York By-law No. 7625 with respect to lands bounded by Finch Avenue West, Greenview Avenue, Hendon Avenue and Duplex Avenue.
Bill No. 145	By-law No. 146-2005	To adopt Amendment No. 122-2005 of the Official Plan of the Etobicoke Planning Area with respect to lands located at 60 Bergamot Avenue.
Bill No. 146	By-law No. 147-2005	To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to lands municipally known as 60 Bergamot Avenue.
Bill No. 147	By-law No. 148-2005	To adopt Amendment No. 127-2004 to the Official Plan for the former City of Etobicoke in order to implement a site specific amendment to permit the redesignation of the southerly portion of the lands municipally known as 2175 Lake Shore Boulevard West, and located within

		the Humber Bay Shores Development Area, from Commercial to Mixed Use.
Bill No. 148	By-law No. 149-2005	To amend Chapter 324 of the Etobicoke Zoning Code on lands located within the Humber Bay Shores Development Area (formerly the Motel Strip), known municipally as 2175 Lake Shore Boulevard West.
Bill No. 150	By-law No. 150-2005	To authorize the alteration of Highbury Road, between Starview Drive and Wallasey Avenue, by the installation of speed humps.
Bill No. 151	By-law No. 151-2005	To authorize the alteration of Seacliff Boulevard by the installation of speed humps.
Bill No. 152	By-law No. 152-2005	To adopt Amendment No. 335 to the Official Plan for the former City of Toronto with respect to lands municipally known in the year 2005 as 80 and part of 100 Turnberry Avenue.
Bill No. 153	By-law No. 153-2005	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known in the year 2005 as 80 and part of 100 Turnberry Avenue.
Bill No. 154	By-law No. 154-2005	To exempt the lands municipally known as 212-240, 265-281 and 285-299 David Dunlap Circle from Part Lot Control.
Bill No. 155	By-law No. 155-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Sumach Street.
Bill No. 156	By-law No. 156-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Sterling Road.

Bill No. 157	By-law No. 157-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Avondale Road, Jackman Avenue, Laneway system bounded by Westminster Avenue, Sorauren Avenue, Fermanagh Avenue and Roncesvalles Avenue, Millwood Road and Rosedale Road.
Bill No. 158	By-law No. 158-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Inglewood Drive.
Bill No. 159	By-law No. 159-2005	To amend By-law No. 158-2004, as amended by By-law No. 1010-2004, to extend the period of interim control in the RA district on those lands generally bounded by Queen Street West, Spadina Avenue, Front Street West and Bathurst Street and provide an exception.
Bill No. 160	By-law No. 160-2005	To repeal former City of Toronto By-law No. 460-93 pertaining to the lane known as Roy's Square.
Bill No. 161	By-law No. 161-2005	To amend Scarborough Zoning By-law No. 24982, the Employment Districts Zoning By-law, as amended Golden Mile and Marshalling Yard; and to amend Scarborough Zoning By-law No. 9676, the Guildwood Community Zoning By-law; and to amend Scarborough Zoning By-law No. 9510, the Woburn Community By-law; and to amend Scarborough Zoning By-law No. 25278, the Upper Rouge-Hillside Community Zoning By-law.
Bill No. 162	By-law No. 162-2005	To amend the Employment Districts Zoning By-law No. 24982, as amended and the Morningside Heights Zoning By-law, as

		amended, with respect to lands municipally known as 1841 Neilson Road, south-east corner of Passmore Avenue and Oasis Boulevard (Neilson Road).
Bill No. 163	By-law No. 163-2005	To amend Morningside Community Zoning By-law No. 11883, as amended.
Bill No. 164	By-law No. 164-2005	To add a Site Plan Control Area (Centennial Community).
Bill No. 165	By-law No. 165-2005	To amend the Township of Pickering Zoning By-law No. 1978 and the Centennial Community Zoning By-law No. 12077, as amended, with respect to lands municipally known as 305 Port Union Road.
Bill No. 166	By-law No. 166-2005	To adopt Amendment No. 8 to the Official Plan of the former Municipality of Metropolitan Toronto and Amendment No. 1128 to the Official Plan of the former City of Scarborough, to amend the right-of-way for Port Union Road, Lawrence Avenue East to Kingston Road.
Bill No. 167	By-law No. 167-2005	To amend Scarborough Zoning By-law No. 24982, as amended, with respect to the lands municipally known as 1920 and 1940 Eglinton Avenue East and 20 Ashtonbee Road.
Bill No. 168	By-law No. 168-2005	To amend former City of North York By-law No. 7625 with respect to lands municipally known as 685 Sheppard Avenue East,

the vote upon which was taken as follows:

Yes - 26

Mayor:

Miller

Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Feldman, Giambrone, Holyday, Kelly, Li Preti, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Shiner, Thompson, Walker
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No - 0

Carried unanimously.

- 2.64 On February 16, 2005, at 7:35 p.m., Councillor Carroll, seconded by Councillor Walker, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 169	By-law No. 169-2005	To confirm the proceedings of the Council at its meeting held on the 16th day of February, 2005,
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the vote upon which was taken as follows:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Feldman, Giambrone, Holyday, Kelly, Li Preti, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Shiner, Thompson, Walker

No - 1

Councillors:	Ford
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Carried by a majority of 25.

The following Bills were withdrawn:

- | | |
|--------------|--|
| Bill No. 120 | To amend By-law No. 92-93, a by-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York, regarding Brentcliffe Road. |
| Bill No. 129 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones. |
| Bill No. 149 | To amend By-law No. 6752, of the former Borough of East York, as amended, with respect to lands municipally known as 301 Cedarvale Avenue. |

OFFICIAL RECOGNITIONS:

2.65 Condolence Motions

Councillor Minnan-Wong, seconded by Councillor Stintz, moved that:

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey on behalf of the Members of City Council, our sincere sympathy to her husband Miklos Kemenczy and family.”

Leave to introduce the Motion was granted and the Motion carried unanimously.

Council rose and observed a moment of silence in memory of the late Szilvia Veres.

2.66 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE

Vary the order of proceedings of Council:

Councillor Mihevc, at 10:30 a.m., moved that Council vary the order of its proceedings to consider Board of Health Report 7, Clause 1d, headed “Shade Policy and Technical Considerations for the City of Toronto”, as a ‘time sensitive’ item, the vote upon which was taken as follows:

Yes - 17	
Mayor:	Miller

Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Fletcher, Giambrone, Hall, Jenkins, McConnell, Mihevc, Moscoe, Pantalone
No - 19	Councillors: Ashton, Del Grande, Feldman, Ford, Grimes, Holyday, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Palacio, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 2.

Waive the provisions of Chapter 27 of the City of Toronto Municipal Code related to meeting times:

Deputy Mayor Feldman, at 10:26 a.m., moved that, in accordance with the provisions of §27 11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. adjournment, and that Council continue in session to conclude consideration of all matters remaining on the Order Paper for this meeting, the vote upon which was taken as follows:

Yes - 23	Mayor: Miller
Councillors:	Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Feldman, Ford, Giambrone, Grimes, Hall, Holyday, Kelly, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Rae, Thompson
No - 12	Councillors: Altobello, Ashton, Augimeri, Jenkins, Li Preti, Minnan-Wong, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson

Lost, less than two-thirds of Members present having voted in the affirmative.

Mayor Miller, at 12:28 p.m., with the permission of Council, moved that, in accordance with the provisions of §27 11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 12:30 p.m. recess, in order to complete its consideration of Works Committee Report 10, Clause 10c, headed “Contract 04WD-04RD, Tender Call 274-2004 Park Lawn Reverse Ramp (Ward 6 - Etobicoke-Lakeshore)”, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Nunziata, at 7:27 p.m., moved that, in accordance with the provisions of §27 11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement

of the 7:30 p.m. adjournment, in order to allow for 'Quick Releases' and the passage of Bills, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Palacio, at 7:28 p.m., moved that, in accordance with the provisions of §27 11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. adjournment, in order to complete its consideration of Etobicoke York Community Council Report 9, Clauses 1c and 2c, headed "Request for Exemption to Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 22 Nairn Avenue (Ward 17 - Davenport)" and "Request for an Exemption to Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 24 Nairn Avenue (Ward 17 - Davenport)" respectively, the vote upon which was taken as follows:

Yes - 12	
Mayor:	Miller
Councillors:	Augimeri, Cho, De Baeremaeker, Ford, Holyday, Li Preti, Nunziata, Palacio, Pantalone, Shiner, Walker
No - 16	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cowbourne, Davis, Del Grande, Feldman, Giambrone, Kelly, McConnell, Mihevc, Moscoe, Rae, Thompson

Lost, less than two-thirds of Members present having voted in the affirmative.

2.67 ATTENDANCE

Councillor Nunziata, seconded by Councillor Palacio, moved that the absence of Councillors Chow, Filion, Lindsay Luby and Ootes from this meeting of Council, be excused, which carried.

February 16, 2005	9:43 a.m. to 12:36 p.m.*	Roll Call 11:57 a.m.	2:10 p.m. to 7:36 p.m.*	Roll Call 3:21 p.m.
Miller	x	-	x	-
Altobello	x	-	x	-
Ashton	x	-	x	x
Augimeri	x	-	x	-
Balkissoon	x	-	x	-
Bussin	x	-	x	x
Carroll	x	-	x	-
Cho	x	-	x	x

Minutes of the Council of the City of Toronto
February 16, 2005

February 16, 2005	9:43 a.m. to 12:36 p.m.*	Roll Call 11:57 a.m.	2:10 p.m. to 7:36 p.m.*	Roll Call 3:21 p.m.
Chow	-	-	-	-
Cowbourne	x	-	x	-
Davis	x	x	x	x
De Baeremaeker	x	x	x	-
Del Grande	x	x	x	x
Di Giorgio	x	x	x	x
Feldman	x	x	x	-
Filion	-	-	-	-
Fletcher	x	x	x	-
Ford	x	x	x	-
Giambrone	x	x	x	x
Grimes	x	x	x	-
Hall	x	x	x	x
Holyday	x	x	x	x
Jenkins	x	x	x	x
Kelly	x	x	x	x
Li Preti	x	-	x	x
Lindsay Luby	-	-	-	-
Mammoliti	x	-	-	-
McConnell	x	-	x	-
Mihevc	x	x	x	-
Milczyn	x	x	x	-
Minnan-Wong	x	-	x	x
Moscoe	x	-	x	x
Nunziata	x	x	x	x
Ootes	-	-	-	-
Palacio	x	-	x	x
Pantalone	x	x	x	x
Pitfield	x	x	x	x
Rae	x	x	x	-
Saundercook	x	x	x	-
Shiner	x	-	x	x

Minutes of the Council of the City of Toronto
February 16, 2005

February 16, 2005	9:43 a.m. to 12:36 p.m.*	Roll Call 11:57 a.m.	2:10 p.m. to 7:36 p.m.*	Roll Call 3:21 p.m.
Soknacki	x	x	x	x
Stintz	x	x	x	x
Thompson	x	-	x	x
Walker	x	x	x	x
Watson	x	x	x	x
Total	41	24	40	24

* Members were present for some or all of the time period indicated.

Council adjourned on February 16, 2005, at 7:36 p.m.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

ATTACHMENT 1 [Notice of Motion J(3)]

Report (February 15, 2005) from the Commissioner of Economic Development, Culture and Tourism, entitled “Supplementary Report – Creating an Aerospace Cluster in the Downsview Area, York Centre - Ward 9”. (See Minute 2.47, Page 56)

Purpose:

To report further on possible enhancements to a proposed financial incentive program to facilitate the development of an aerospace cluster in the proposed Downsview Community Improvement Plan Area.

Financial Implications and Impact Statement:

There are no direct financial implications arising from adoption of this report. Council at its meeting of February 1, 2 and 3, 2005, during consideration of the report from the Commissioner, Economic Development, Culture and Tourism headed “Creating an Aerospace Cluster in the Downsview Area: Proposed Incentive Program” endorsed in principle a financial incentive program, including Tax Increment Equivalent Grants, for the Downsview area to encourage the development of an aerospace cluster and new investment in that area.

A financial incentive program similar to that initiated for the New Toronto Community Plan Improvement Area is being proposed for the Downsview CIP. Using this approach, a maximum of 55 percent of the total incremental tax revenue realized would be returned to property owners in the form of rehabilitation grants over a ten-year term. For example, site improvements to the Bombardier site could result in approximately \$500,000 per year in additional incremental property taxes to the City, and under such a program up to approximately \$2.75 million could be granted back to Bombardier over a ten-year period. Following the term of the grant, 100 percent of all tax revenues from these developments will flow to the City. Council could consider variations that increase the grants under such a program, so long as the total amount of the grants do not exceed the total cost to the developer or land owner of the rehabilitation of the lands and buildings in the CIP. Such variations will need to be assessed further to determine the financial impact and funding source once the ultimate boundaries of the CIP area are determined and definitive development scenarios are understood.

The Chief Financial Officer and Treasurer has reviewed the financial implications and impact and concurs with the recommendations of this report.

Recommendation:

It is recommended that this report be received for information.

Background:

City Council on February 1, 2 and 3, 2005, during consideration of the concurrent reports from the Commissioner, Economic Development, Culture and Tourism headed "Creating an Aerospace Cluster in the Downsview Area: Proposed Incentive Program", and from the Commissioner of Urban Development Services headed "Community Improvement Plan for the Downsview Area" took the following action:

- (1) endorsed in principle the creation of an investment incentive program that would incorporate Tax Incremental Equivalent Grants plus the waiver of building and development related fees for the Downsview area to encourage the development of an aerospace cluster and new investment; and
- (2) recommended that staff from Urban Development Services prepare a draft Community Improvement Plan for the Downsview area, in consultation with the Chief Financial Officer and Treasurer, the Commissioner of Economic Development, Culture and Tourism, and the Toronto Economic Development Corporation.

City Council further requested that:

"the City call on the Province of Ontario to match the recent offer of the Government of Quebec and come forward with a plan to fund the expansion of the Downsview plant, and further that the Commissioner of Economic Development, Culture and Tourism be requested to report to the February 16, 2005 meeting of Council on what further incentives the City may be able to offer".

This report responds to the request to report on possible enhancements to a proposed financial incentive program.

Comments:

A February 1, 2005 article in the Globe and Mail, headed "Quebec sweetens pot for Bombardier", reported that Quebec proposed to enter into a public/private partnership through which new facilities would be financed and built then leased-back to Bombardier. The article implied that this was some form of an improved or enhanced financing package.

Economic Development Division staff contacted representatives of the Ontario Ministry of Economic Development and Trade (MEDT) to discuss opportunities for enhancing support for the C-Series jet program. MEDT staff noted that the Bombardier Request for Proposals required governmental respondents to address three areas as follows:

- (i) provision of program development funding;
- (ii) support for the development of facilities and tooling; and
- (iii) provision of export financing.

While specific details of the Ontario package have not been disclosed as discussions between the parties are ongoing on a confidential basis, Provincial officials have indicated the nature of the package is very competitive and does address all three of the above-referenced areas.

In general terms, the Ontario proposal also considers options for public/private partnership construction, and a sale and leaseback arrangement. The final type of arrangement would be based on the most favourable financial, accounting, and project management criteria giving consideration to cost-benefit, balance sheet implications, and construction scheduling. In this respect, the Ontario proposal appears to provide a greater level of flexibility.

MEDT noted that the pursuit of a definitive development scenario would be premature at this stage. At the appropriate time, MEDT would welcome an opportunity to discuss what potential role the City could play in a public/private partnership development scenario at the de Havilland site. This could occur either directly or through an arm's-length agency like TEDCO, together in concert with the Province of Ontario, the Federal Government and other stakeholders.

Non-Financial Enhancements:

The City recognizes the importance of maintaining and enhancing an aerospace cluster in the Downsview employment lands. The Downsview area within the City of Toronto is one of only 7 major aircraft assembly operations in the world. Maintaining this operation and building upon it is an important component of the City's economy development strategy.

The development of the Bombardier C-Series Jet at the Downsview site would be consistent with the City's objectives for the area. As such, it is important to re-iterate the City's intention to fast-track applications for site-plan and building permit approvals for the aerospace sector when they come forward, in order to provide a greater level of comfort that sensitive project timelines can be met.

The City could also take steps to help create a welcoming environment for the anticipated expansion of production facilities through improved community relations. To that end it is suggested that community liaison/outreach be undertaken to enhance the receptivity of the employment intensification by the surrounding community.

Possible Financial Enhancement Measures:

As set out in the February 2, 2005 report from the Commissioner, Economic Development, Culture and Tourism to Council, the provision of revitalization incentives within the Downsview CIP Area will result in new property tax revenue from redevelopment and new construction. Funding for the grants are derived from new incremental tax revenues that, but for the provision of financial incentives, the City would not otherwise have realized. The balance of new tax revenues will contribute to the City's overall tax revenues arising from new assessment growth.

City Council endorsed in principle the creation of an investment incentive program that would incorporate Tax Incremental Equivalent Grants, together with the waiver of building and development related fees for the Downsview CIP area to encourage the development of an aerospace cluster and new investment. The details of such an incentive program would be developed as part of the draft Community Improvement Plan for the Downsview area, for consideration by Council, and ultimately for approval by the Minister of Municipal Affairs and Housing as required under legislation.

Assuming a financial incentive program similar to that initiated for the New Toronto Community Plan Improvement Area was extended to the proposed Downsview CIP, then a maximum of 55 percent of the total incremental tax revenue realized would be returned to property owners in the form of rehabilitation grants over a ten-year term. For example, site improvements to the Bombardier site could result in approximately \$500,000 per year in additional incremental property taxes to the City, and under such a program up to approximately \$2.75 million could be granted back to Bombardier over a ten-year period. Following the term of the grant, 100 percent of all tax revenues from these developments will flow to the City.

Council could consider variations that increase the amount of the grants made under such a program, or the term of the grant period, so long as the total amount of the grants do not exceed the total cost to the developer or land owner of the rehabilitation of the lands and buildings in the CIP.

In locations where soil remediation is required, additional measures could be implemented to reduce or waive taxes during the cleanup period preceding development and rehabilitation. The *Municipal Act*, as amended by the Brownfields Statute Law Amendment Act, provides authority for cities to cancel all or part of property taxes or to implement a tax freeze, including the education portion of taxes, for contaminated brownfields properties that have completed a Phase II Environmental Site Assessment, during the remediation and rehabilitation period so long as such financial assistance does not exceed the cost of remediation. To date, the extent of any soil contamination requiring remediation, if any, is not known.

Such variations of financial incentive programs will need to be assessed further to determine the financial impact and funding source once the ultimate boundaries of the CIP area are determined and definitive development scenarios are understood.

With respect to other fees and charges, the City already offers an exemption from development charges and cash-in-lieu of parkland dedication fees for industrial development. Council's resolution from its meeting of February 1-3, 2005, in consideration of this matter, has also endorsed in principle, the waiver of building permit fees (estimated at \$1.00 per square foot of new construction) for the Downsview CIP area.

Economic Development and Finance Staff are not making any recommendations at this stage with regards to enhancements to a financial incentive program. As part of the CIP process a number of options will be taken into consideration drawing from the list of available financial tools and keeping the desired objectives in mind. Staff will report on the final form of the incentive program through the Community Improvement Plan. The need to further enhance the incentive program will be addressed at that time.

Conclusions:

The City recognizes the importance of maintaining and enhancing an aerospace cluster in the Downsview employment lands. The provision of revitalization incentives within the Downsview Community Improvement Plan area are expected to result in reinvestment, rehabilitation, new construction, and an increase in the City's tax revenues from development that would not otherwise occur, but for the provision of incentives. City Council has already endorsed in principle the creation of an investment incentive program that would incorporate Tax Incremental Equivalent Grants, together with the waiver of building and development related fees for the Downsview CIP area to encourage investment in the development of an aerospace cluster. The form and content of such an incentive program, such as program parameters, eligibility, terms, and conditions, will need to be developed and fully analysed as to their financial implications and impact, as part of the CIP process.

Contact:

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ATTACHMENT 2 [Notice of Motion J(4)]

Report (February 2, 2005) from the Chief Financial Officer and Treasurer and the Commissioner of Corporate Services, entitled "Disclosure of Proponents' Responses to Certain Sections of Request for Proposal (RFP) 3401-04-3216". (See Minute 2.48, Page 57):

Purpose:

To respond to the e-City Committee's request to provide copies of the responses from the eight proponents to Request for Proposal 3401-04-3216, Sections 5.5, 6, 8, 9, 10 and 12.

Financial Implications and Impact Statement:

There are no financial implications resulting from this report.

Recommendations:

It is recommended that this report be received for information and forwarded to the Administration Committee for information.

Background:

At its meeting of November 22, 2004, the e-City Committee recommended to the Administration Committee that:

- (1) the Chief Financial Officer and Treasurer and the Commissioner of Corporate Services, in consultation with appropriate City officials, be directed to provide as soon as possible, to each of the e-City Committee members, copies of the responses from the eight proponents to Request for Proposal 3401-04-3216, Sections 5.5, 6, 8, 9, 10 and 12, and that staff also be requested to submit a report to the Administration Committee, through the e-City Committee; and
- (2) the Chief Financial Officer and Treasurer, in consultation with appropriate City officials, be requested to report to the Policy and Finance Committee on:

- (a) existing policy and practices with respect to identifying confidential and non-confidential portions of Request for Proposal responses; and
- (b) recommendations to standardize policy and practices having regard to the intent to maintain the maximum amount of openness and transparency.

At its meeting on December 10, 2004, the Administration Committee considered the above recommendations from the e-City Committee. The Administration Committee:

- (1) requested the Chief Financial Officer and Treasurer, in consultation with appropriate City officials, to report to the Administration Committee on the following Recommendations 2(a) and 2(b) of the e-City Committee:
 - “(2) that the Chief Financial Officer and Treasurer, in consultation with appropriate City officials, be requested to report to the Policy and Finance Committee on:
 - (a) existing policy and practices with respect to identifying confidential and non-confidential portions of Request for Proposal responses; and
 - (b) recommendations to standardize policy and practices having regard to the intent to maintain the maximum amount of openness and transparency.”; and
- (2) deferred consideration of Recommendation (1) of the e-City Committee until the above report has been submitted to the Administration Committee.

Following the above action taken by the Administration Committee, at the e-City Committee meeting on December 16, 2004, the e-City Committee once again requested the above information and requested the City Clerk, if the information was not forthcoming, to report to the e-City Committee and to the Mayor as to why the information is not being released.

The action taken by the e-City Committee on December 16, 2004 is inconsistent with the previous action taken by the e-City Committee at its meeting on November 22, 2004 to refer the matter on to the Administration Committee, and with the action taken by the Administration Committee at its meeting on December 10, 2004.

This report, nevertheless, responds to the request from the e-City Committee that staff report as to why the information is not being released. Staff will be reporting to the Administration Committee, in accordance with its request, on the existing policy and practices in relation to the disclosure of

information contained in proposals, the rationale for same as well as recommendations on such policies and practices.

Comments:

1. Confidentiality of Proposal Documents

The Call document for Request for Proposal 3401-04-3216 issued by the Purchasing and Materials Management Division ("PMMD") contains provisions indicating that submitted proposals will be treated as confidential subject to the disclosure requirements of the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA"). In particular, it contained the following notice to proponents with respect to information provided by them:

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT REQUIREMENTS

The *Municipal Freedom of Information and Protection of Privacy Act* (the Act) applies to all tenders, quotations and proposals submitted to the City of Toronto.

Tenders, quotations and proposals will be received in confidence subject to the disclosure requirements of the Act.

Bidders/proponents should identify any portions of their tender/quotation/proposal which contain a trade secret, scientific, technical, financial, commercial or labour relations information supplied in confidence and which will cause harm if disclosed.

Questions about the Act should be directed to the Corporate Access and Privacy Division at telephone number (416) 392-9683.

In accordance with the requirements of this notice provision, PMMD's advice to persons requesting information on proposals is that a formal request for access to information would have to be made pursuant to MFIPPA through the Corporate Access and Privacy Unit ("CAP") for disclosure of the information. MFIPPA recognizes the potential sensitivity of commercial information in an access request given that section 10 of MFIPPA states that a head (as defined in the Act) shall refuse to disclose a record that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, if the disclosure could reasonably be expected to, for example, prejudice significantly the competitive position of the person supplying the information. The complete text of section 10 is set out in Appendix A to this report.

CAP would apply MFIPPA in the normal manner to determine whether access may be granted. The process under MFIPPA is engaged by the notice provision in Request for Proposal 3401-04-3216 so that if CAP refuses to grant access to the requested proposal information, the individual requesting the information may appeal the City's decision to the Information and Privacy Commissioner (the "IPC"). Conversely, if CAP believes that the requested proposal information should be disclosed and the relevant proponent objects to disclosure, the proponent has a right of appeal to the IPC. In short, a process which protects the City and a proponent in respect of the disclosure of sensitive information is engaged.

2. Rights of Councillors Outside a Formal Access Request under MFIPPA

Given the contractual obligation that disclosure would be in accordance with the disclosure requirements of MFIPPA, in the opinion of the City Solicitor, disclosure in this situation to the members of the e-City Committee would not comply with the notice provision in the RFP. This opinion is consistent with prior advice on the disclosure of personal information under MFIPPA given the determination of the IPC that councillors are not officers or servants of the Corporation in the same sense as municipal civil servants. As such, in the context of this RFP, confidential information in the subject proposals can only be considered to be reasonably maintained when councillors are provided the information in an in camera meeting under the *Municipal Act, 2001* and the information is reasonably necessary in carrying out the business of council.

The reasonableness of the request for the subject information in the context of the business of council (and in light of the purpose for which the information was sought) has not been established. The decision to award the contract was made by Council at its meeting of September 28, 29, 30 and October 1, 2004. Council did not request copies of the proposals in making its determination with respect to the award of the contract to the recommended proponent. It is not clear why such information would be required by the members of the e-City Committee after the contract was awarded by Council.

The proponents clearly have a reasonable expectation that the content of their proposals will not be used for purposes other than evaluation and award of the contract. As such, this request for information cannot and should not be treated any differently than a request from members of the public and should be processed by CAP in accordance with the provisions of MFIPPA. In addition, MFIPPA has protections (e.g., consistent application of the MFIPPA requirements by CAP; right of third parties to respond to the request and to make submissions to the CAP Office and/or the IPC; and the right of appeal by all parties to the IPC, an independent decision maker) which are important to the City given the serious and possible financial consequences associated with the improper release of confidential information.

Therefore, with respect to the proposal documents requested by the e-City Committee, absent a direction from Council to release the confidential documents to individual Councillors to be used for the purposes of acting on Council's behalf, the requested copies of the proposals cannot be

provided to the e-City Committee members.

Should Council direct staff to provide the documents to the members of the e-City Committee, it is staff's recommendation that this only be done in an in-camera meeting such that, in accordance with section 27-15(6) of the Municipal Code, the content of any confidential information in the documents is not disclosed to any member of the public.

Conclusions:

With respect to RFP 3401-04-3216, the proposals submitted in response to the City are confidential and explicitly subject to MFIPPA. The proponents have a reasonable expectation that the proposals they submitted will not be used for purposes inconsistent with the evaluation and award of a contract. The contract with respect to the RFP was awarded by Council in September. Therefore, absent a direction from Council or an order by the IPC, the requested copies of the proposals cannot be provided to the e-City Committee members.

Should Council direct staff to provide the documents to the members of the e-City Committee, such documents should be considered in an in camera meeting in accordance with the *Municipal Act, 2001* and the Municipal Code.

The City Solicitor has been consulted in the preparation of this report and concurs with its contents.

Contact:

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Appendix A

Section 10 of the *Municipal Freedom of Information and Protection of Privacy Act*:

- (1) A head shall refuse to disclose a record that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, if the disclosure could reasonably be expected to,
 - (a) prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;

- (b) result in similar information no longer being supplied to the institution where it is in the public interest that similar information continue to be so supplied;
 - (c) result in undue loss or gain to any person, group, committee or financial institution or agency; or
 - (d) reveal information supplied to or the report of a conciliation officer, mediator, labour relations officer or other person appointed to resolve a labour relations dispute.
- (2) A head may disclose a record described in subsection (1) if the person to whom the information relates consents to the disclosure.

ATTACHMENT 3 [Notice of Motion J(8)]

Report (February 14, 2005) from the Commissioner of Urban Development Services, entitled “Application for Demolition Approval, 121 Industry Street, Applicant: Toronto Transit Commission, File No.: 10/4/14-1 (Demo Permit File No.: 05 105640 DEM 00 DM) Ward 12 (York South-Weston)” (See Minute 2.52, Page 63).

Purpose:

To report on whether or not beautification measures are to be secured as a condition of the approval of a demolition application, under special demolition control legislation applicable to the former City of York.

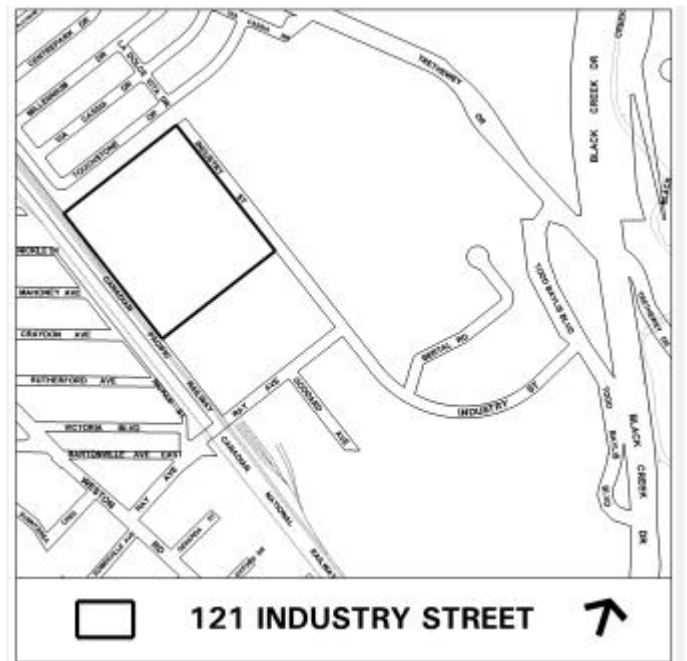
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) approve the application to demolish the buildings as shown on the Plan attached as Attachment 1 to this report pursuant to By-law No. 3102-95 with no conditions of approval related to beautification;



- (2) the owner be advised of the following:
- (a) the requirement to submit to the Commissioner of Works and Emergency Services, for review and acceptance a storm water management report and grading drawing showing how stormwater within the site is to be handled, prior to commencement of demolition work;
 - (b) the requirement to apply to the Commissioner of Works and Emergency Services for the abandonment of any existing drain or water service connections, prior to issuance of a demolition permit; and
 - (c) the need to make separate application to the Commissioner of Works and Emergency Services for permits to carry out any works involving construction in, or occupancy of, the abutting public right-of-way.

Background:

Under the *City of York Act, 1994* (Bill PR147), By-law No. 3102-95 was passed designating the entire area of the former City of York as an area of demolition control. The *City of York Act, 1994*, provides the authority for the Council of the former City of York to enact special demolition control legislation for the purpose of securing beautification measures on the lands and abutting municipal boulevards, where appropriate, as a condition of the issuance of demolition permits.

An application to demolish existing industrial buildings at 121 Industry Street has been submitted by Toronto Transit Commission, who are anxious to quickly redevelop the property with a new TTC bus garage. Toronto Transit Commission wishes to obtain demolition approval for the buildings that are located in the former City of York area so that demolition and site work can be undertaken to prepare for construction of the development. It should be noted that the northerly portion of the site is located in the former City of North York area and is not subject to the special demolition control legislation applicable to the former City of York area.

The southerly portion of the property is zoned "S1" Strategic Industrial Employment Zone in the former City of York By-law No. 1-83 and the northerly portion of the property is zoned "M2" Industrial Zoning the former City of North York By-law No. 7625. A Site Plan Control application has been filed for the proposed TTC bus garage and is under review with the City.

Comments:

The Works and Emergency Services Department has been advised and has no concerns in regard to the proposed demolition, subject to the following advisory notes.

The owner shall be advised of the following:

- (a) the requirement to submit to the Commissioner of Works and Emergency Services, for review and acceptance a storm water management report and grading drawing showing how stormwater within the site is to be handled, prior to commencement of demolition work;
- (b) the requirement to apply to the Commissioner of Works and Emergency Services for the abandonment of any existing drain or water service connections, prior to issuance of a demolition permit; and
- (c) the need to make separate application to the Commissioner of Works and Emergency Services for permits to carry out any works involving construction in, or occupancy of, the abutting public right-of-way.

Staff has no objection to the approval of the demolition permit application and requires no conditions of approval relating to beautification. Planning staff anticipate that the Site Plan Control application for the proposed TTC bus garage will be approved within the next few months. Landscape improvements, site remediation, proper grading and drainage of the site, among other matters, will be secured through the site plan control approval process.

Conclusions:

The Toronto Transit Commission wishes to proceed with the demolition of the existing industrial buildings located at 121 Industry Street and is anxious to proceed with construction of the proposed TTC bus garage once site plan control has been finalized. Staff recommend that no beautification measures be required as a condition of the demolition approval.

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List of Attachments: Attachment 1 – Buildings to be Demolished

(The Attachment is on file in the City Clerk's Office.)

ATTACHMENT 4 [Notice of Motion J(9)]

Report (February 15, 2005) from the Commissioner of Urban Development Services, entitled "Source Separated Organic Material Haulage and Processing Services Groupe Conporec Inc" (See Minute 2.53, Page 65):

Purpose:

To obtain authority to issue a sole source purchase order to Groupe Conporec Inc. (Conporec) for source separated organic material (SSO) haulage and processing services as described in this report.

Financial Implications and Impact Statement:

Recommendation (1) of this report will result in operating expenditures of up to approximately \$2,535,000.00 (net of full GST rebate) in 2005 based on hauling and processing up to approximately 19,500 tonnes of SSO (ramping up from an annualized processing rate of approximately 10,000 tonnes per year upon issuance of the purchase order to an annualized rate of approximately 35,000 tonnes per year six months after issuance of the purchase order) at a per-tonne fee of \$130.00 plus GST. These expenditures have been included in the Processing Services of the 2005 Operating Budget for Solid Waste Management Services Division as recommended by the Budget Advisory Committee (BAC). Recommendation (1) of this report will also result in operating expenditures of up to approximately \$4,550,000.00 (net of full GST rebate and indexed for inflation) per year for the years 2006 to 2009 and up to approximately \$1,327,000.00 (net of full GST rebate and indexed for inflation) for the first three and a half months of 2010 based on hauling and processing up to 35,000 tonnes per year of SSO at a per-tonne fee of \$130.00 plus GST. The per-tonne fee is subject to an annual inflation adjustment commencing on the first anniversary of the start date as described in this report. Funding of \$4,550,000.00 per year, indexed to account for inflation, will be included in the 2006 to 2010 Operating Budget submissions for Solid Waste Management Services Division for this expenditure as identified in the 2006 and 2007 outlook and the 2005 operating budget submission.

The Chief Financial Officer and Treasurer has reviewed and concurs with the financial implications section contained in this report.

Recommendations:

It is recommended that:

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

Background:

In December 2002, staff issued RFP No. 9150-03-7002 for interim SSO processing capacity and two submissions were received in response to it, one from the City of Guelph and one from CCI Newmarket Ltd. At its meeting held on April 14, 15 and 16, 2003, City Council adopted Clause No. 7 of Report No. 3 of the Works Committee and in so doing authorized staff to enter into an agreement with the City of Guelph to provide SSO processing services for up to 20,000 tonnes of SSO per year for a term of two years beginning in 2003 plus up to three possible one year extensions. At its meeting held on June 24, 25 and 26, 2003, City Council adopted Clause No. 8 of Report No. 5 of the Works Committee and in so doing, authorized staff to negotiate and enter into an agreement with Halton Recycling Ltd. (the purchaser of CCI Newmarket Ltd.) to provide SSO processing services for up to 70,000 tonnes of SSO per year for a term of two years beginning in 2004 plus up to three possible one year extensions.

In October 2003, staff issued RFP No. 9155-03-5280 for long-term SSO processing capacity and ten submissions were received in response to it. Four were disqualified for failing to submit mandatory documentation. Two more were rejected because they contained prices and conditions unacceptable to the City. At its meeting held on October 26, 27 and 28, 2004, City Council adopted Clause No. 23 of Report No. 8 of the Policy and Finance Committee and in so doing, authorized staff to negotiate and enter into agreements with Courtice Auto Wreckers Limited, All Treat Farms

Limited, KC Environmental Group Ltd. and Halton Recycling Ltd. and Halton Recycling (2003) Ltd. to provide SSO processing services for a cumulative total of up to 70,000 tonnes of SSO per year for a term of ten years beginning between September 2005 and January 2007.

At its meeting held on March 1, 2 and 3, 2004 City Council adopted Clause No. 32 of Report No. 2 of the Policy and Finance Committee and in so doing, authorized staff to issue a sole source purchase order to Groupe Conporec Inc. to provide SSO processing services for up to 12,000 tonnes of SSO per year for a term of one year beginning in March 2004. (Purchase order was issued on April 15, 2004 and expires on April 15, 2005.)

Comments:

The City is currently collecting source separated organic material (SSO) at an annualized rate of approximately 93,000 tonnes per year through the Yellow Bag and Green Bin Programs. Staff expects that number to increase to approximately 115,000 tonnes per year when the Green Bin Program is implemented in the former municipality of North York.

The processing of SSO is new to Ontario and processors are finding that there is a long start-up curve for their facilities. As an example, it took approximately one and a half years to get the City's Dufferin facility to process at capacity.

An estimated 24,000 to 25,000 tonnes per year of this SSO can be processed at the City-owned Dufferin Organics Processing Facility. Although the facility is designed and approved to process 25,000 tonnes per year, it experiences periodic downtime, resulting in the slightly lower throughput.

An estimated 7,000 tonnes per year is currently being processed at the City of Guelph's wet/dry facility. Although our contract with Guelph is for up to 20,000 tonnes per year, they have not been able to process at a rate of more than 9,000 tonnes per year. It is expected that Guelph will be able to increase their processing to 10,000 tonnes per year beginning in mid-2005.

An estimated 20,000 tonnes per year is currently being processed at Halton Recycling Limited's Newmarket plant. Although our contract with Halton Recycling is for up to 70,000 tonnes per year, they have not been able to process at a rate of more than 20,000 tonnes per year due to start up problems. It is expected that Halton Recycling will be able to process 40,000 tonnes in 2005 and 50,000 tonnes in 2006 as they resolve their processing issues.

An estimated 10,000 tonnes per year is currently being processed at Conporec's facility in Sorel-Tracey, Quebec under a one year purchase order that expires on April 15, 2005. Conporec has consistently received and processed SSO at the agreed upon rate.

Staff is currently negotiating the agreements for the four long-term SSO processing contracts awarded by Council. The long-term contracts have tentative start dates ranging from September 2005 for Courtice Auto Wreckers to January 2007 for Halton Recycling. These contracts will not add any processing capacity in the short term.

Staff continues to monitor the situation with Guelph and Halton Recycling and is working with them to improve their throughput to the contracted tonnage rates. Staff will also review possible enforcement options with the City Solicitor. Staff has dealt with excess SSO to-date through a combination of processing trials at various compost sites and temporary storage in the City's transfer stations. However, the nature of SSO is such that it must be processed soon after it is collected and can not be stored for long periods of time.

Council has established a sub-committee of the Works Committee to lead the planning, procurement, design, approval, construction and commissioning of a publicly owned and/or operated facility or facilities for the processing of SSO tonnage not committed through the four long-term private contracts. Design and construction of the City's "public" facility or facilities is expected to take a minimum of three to five years depending on the siting requirements and procurement process. Additional processing capacity is therefore needed for a minimum of three to five years to supplement the existing interim and long-term processing contracts.

On February 7, 2005, Conporec submitted a proposal to process between 25,000 and 35,000 tonnes of SSO per year at their facility in Sorel-Tracey, Quebec. In order to ensure continuity for the City's SSO programs, and after canvassing processors in Ontario and finding no appreciable additional capacity, staff is recommending the award of a sole source purchase order to Conporec based on its February 7, 2005 proposal as follows:

- The City may supply SSO at a rate of up to approximately 10,000 tonnes per year for the first two months following issuance of the purchase order.
- The City may supply SSO at a rate of up to approximately 20,000 tonnes per year for the next four months.
- The City may supply SSO at a rate of up to 35,000 tonnes per year for the next two and a half (2 ½) years and the two optional one-year extensions. During the two and a half year period and during any extensions, the City must supply, on a put-or-pay basis, at least 25,000 of the 35,000 tonnes of SSO per year.
- Conporec will arrange and pay for haulage of SSO by a properly licensed carrier from the City's transfer stations to their processing facility in Sorel-Tracey, Quebec.
- Conporec will process the SSO at their processing facility in Sorel-Tracey, Quebec and will be responsible for all process outputs including residue.

- The term will be three years following the issuance of the purchase order plus two optional one year extensions at the Commissioner's sole discretion.
- The per-tonne fee for the first year of the term will be \$130.00 plus GST (FOB Toronto).
- The per-tonne fee is subject to an annual inflation adjustment based on the change in the "Automobile and Truck Operation Index CANSIM No. D484362" commencing on the first anniversary of the start date.

Tables 1, 2 and 3, attached to this report, summarize the City's current and awarded processing contracts and show:

- The City's current contracted processing capacity of 115,000 tonnes per year exceeds the current generation rate of 93,000 tonnes per year and matches the expected generation rate of 115,000 tonnes per year once the Green Bin Program is implemented in North York. However, the current processing facilities (with the exception of Conporec and Dufferin) have not been able to consistently process at their awarded tonnages and are only expected to process a combined tonnage of approximately 76,000 tonnes in 2005, approximately 94,000 tonnes in 2006 and approximately 105,000 tonnes in 2007.
- The recommended award to Conporec will provide the capacity required to process the City's Green Bin material during the next 3 to 5 years.
- The combined put-or-pay commitments, including the recommended award to Conporec, do not exceed the expected SSO generation rate.
- The \$130 per tonne haulage and processing fee offered by Conporec is consistent with the City's current average haulage and processing cost of approximately \$125 per tonne and is lower than average long-term haulage and processing cost of approximately \$135 per tonne approved by Council.

Three other organic processing facilities have expressed an interest in processing Toronto SSO. Staff intends to pursue these options as described below to add some redundancy and safety factor to our processing capacity.

Omega Organics Inc. has offered to process up to 20,000 tonnes per year at their new processing facility in Hagersville, Ontario for a fee of \$80 per tonne delivered to their site. Staff estimates that it will cost approximately \$25.00 per tonne to deliver the material to their site. The City sent several sample loads of SSO to Omega under a sole-source purchase order to help them test and commission their facility. Omega has not yet received their environmental permits for the operation of the facility and has not yet satisfied staff that their facility will not cause unacceptable odours during

full-scale operations. Staff intends to take a cautious approach with Omega and ramp up slowly once they have their environmental approvals in place.

GSI Inc., the largest compost producer in Quebec, has offered to conduct a 5,000 tonne trial at their facility in Sherbrooke, Quebec for a fee of \$130.00 per tonne FOB our transfer stations. Staff intends to issue a sole-source purchase order under our delegated authority for the trial. Depending on the results of the trial, GSI may be interested in a larger commitment.

Ferti-Val Inc., another Quebec compost producer, has offered to conduct a 2,000 tonne trial at their facility in Sherbrooke, Quebec for a fee of \$ 70.00 per tonne delivered to their site. Staff estimates that it will cost approximately \$50.00 to \$60.00 per tonne to deliver the material to their site. Staff intends to issue a sole-source purchase order under our delegated authority for the trial. Depending on the results of the trial, Ferti-Val may be interested in a larger commitment.

Conclusions:

The City's contracted processing facilities, like others in the GTA, have experienced start up problems and as a result have been unable to receive and process Green Bin material at their contracted rates. This has created a shortage of organic processing capacity in the GTA.

Comporec offered to process SSO at their facility located in Sorel-Tracey Quebec at a price (inclusive of transportation) that is comparable to the City's cost of processing at our other facilities.

Staff recommends that the Acting Commissioner of Works and Emergency Services be authorized to issue a sole source purchase order to Groupe Comporec Inc. to provide SSO haulage and processing services as outlined in this report.

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List of Attachments: Table 1, Table 2, Table 3

Table 1 – Summary of Current and Awarded Processing Contracts

Facility Contractor	or	Awarded Tonnage	Current Actual Tonnage	Expected Future Tonnage	Put-or-Pay Commitment
		(tonnes)	(tonnes)	(tonnes)	(tonnes)
Dufferin		25,000	24,000	25,000	70%
Guelph		20,000	7,000	10,000	70%
Halton Recycling		70,000	20,000	40-50,000	None
Comporec		12,000	10,000	3,500**	None
Courtice		Up to 10,000*		5,000	70%
All Treat		Up to 10,000*		5,000	None
KC Environmental		Up to 10,000*		5,000	70%
Halton Recycling		Up to 70,000*		55,000	70%

* total not to exceed 70,000

** Comporec current sole source expires on April 15, 2005

Table 2 – Summary of Expected Processing Capacity for the Next Five Years

	2005	2006	2007	2008	2009
Generation*	93,000	115,000	115,000	115,000	115,000
Processing					
Dufferin **	25,000	25,000	25,000	25,000	25,000
Guelph***	10,000	10,000	10,000	10,000	0
Halton Recycling****	40,000	50,000	55,000	55,000	55,000
Courtice	1,250	5,000	5,000	5,000	5,000
All Treat	0	2,500	5,000	5,000	5,000
KC Environmental	0	1,250	5,000	5,000	5,000
Sub-total	76,250	93,750	105,000	105,000	95,000
Conporec Proposal	22,000	35,000	35,000	35,000	35,000
Total	98,250	128,750	140,000	140,000	130,000

* Generation includes Yellow Bag and Green Bin, excludes Multi-Family and A,B,C & Ds

** assumes Dufferin continues to operate after current contract term

*** assumes Guelph agreement is extended for 3 optional years to 2008

**** Halton interim agreement replaced by long term agreement in January 2007

Table 3 – Summary of City’s Put-or-Pay Commitments for the Next Five Years.

	2005	2006	2007	2008	2009
Generation*	93,000	115,000	115,000	115,000	115,000
Processing					
Dufferin**	17,500	17,500	17,500	17,500	17,500
Guelph***	7,000	7,000	7,000	7,000	0
Halton Recycling	0	0	38,500	38,500	38,500
Courtice	875	3,500	3,500	3,500	3,500
All Treat	0	0	0	0	0
KC Environmental	0	875	3,500	3,500	3,500
Conporec Proposal	8,750	25,000	25,000	9,375	0
Total Put-or-Pay	34,125	53,875	95,000	79,375	63,000

* Generation includes Yellow Bag and Green Bin only. When Multi-Family and A, B, C & D’s are fully implemented, the total generation will be approximately 165,000 tonnes per year.

** assumes Dufferin put-or-pay commitment extends beyond current contract

*** Guelph put-or-pay is 70% of 20,000 tonnes but they have been unable to process at that rate

ATTACHMENT 5 [Notice of Motion J(10)]

Report (February 15, 2005) from the Commissioner of Urban Development Services, entitled "Request for Direction Report, 53 Kenhatch Boulevard Owners: Eva Brown and Donald Brown File #A245/04SC, Ward 41 - Scarborough-Rouge River". (See Minute 2.54, Page 67):

Purpose:

To seek direction regarding an appeal of a Committee of Adjustment decision regarding an application for a minor variance.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

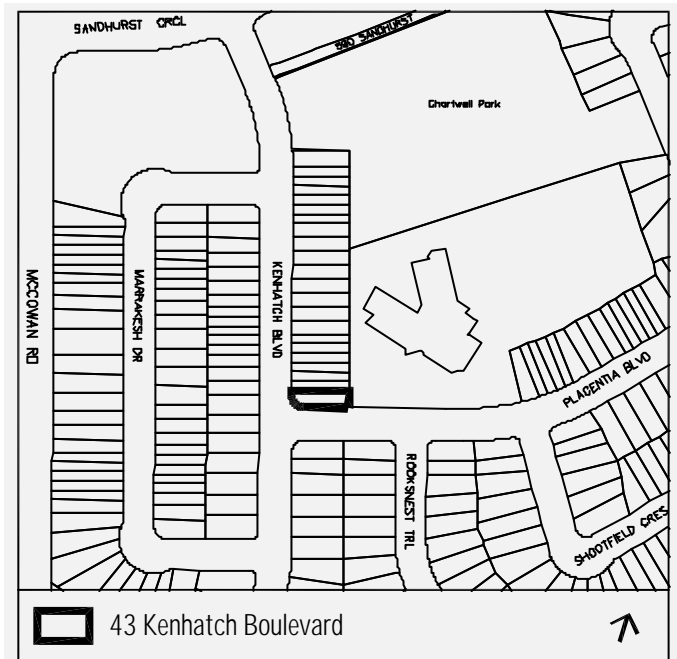
It is recommended that the City Solicitor and Planning staff be directed to attend any Ontario Municipal Board Hearing in support of the Committee of Adjustment, East District Panel's decision to refuse minor variance application #A245/04SC.

Background:

The property is located at the northeast corner of Kenhatch Boulevard and Placentia Boulevard. There is a single family dwelling on the lot with an attached one-car garage and driveway access from Kenhatch Boulevard.

The interlocking brick driveway is approximately 5.5 metre (18 ft.) wide adjacent to Kenhatch Boulevard, and is linked to an interlocking brick parking space in the street yard adjacent to Placentia Boulevard. The owners also installed interlocking brick pavers in the Placentia Boulevard right-of-way out to the curb.

The owners applied to the Committee of Adjustment for a minor variance to permit the street yard parking space along Placentia Boulevard, whereas the Agincourt North Community Zoning By-law permits street yard parking only on that portion of the driveway leading to the parking space



required by the by-law.

On January 19, 2005, the Committee of Adjustment refused the application. The owners appealed the decision to the Ontario Municipal Board.

Comments:

The general intent and purpose of the Zoning By-law is not maintained. The Zoning By-law allows parking only on that portion of the driveway leading to the required parking space. In this case, the required parking space is provided inside a single car garage. The general intent and purpose of this requirement is to allow supplementary parking while maintaining an attractive streetscape by minimizing the presence of vehicles in the street yard. Parking is permitted on that portion of the existing 5.5 metre (18 ft.) wide driveway such that sufficient private parking is available on this property. Additional parking in the Placentia Boulevard streetyard would detract from the appearance of the streetscape, and would not maintain the general intent and purpose of the Zoning By-law.

The Transportation Services Division expressed operational and safety concerns about the access to the parking space. They indicated that an additional access and curb cut would not be permitted across the Placentia Boulevard right-of-way, and have asked the owner to remove the interlocking brick and restore the municipal boulevard to its original condition.

Conclusions:

City Planning staff agree with the Committee of Adjustment's conclusion that the application does not maintain the general intent and purpose of the Zoning By-law. The proposal is not desirable for the appropriate development of the land. The application therefore fails to satisfy the tests of s.45 (1) of the *Planning Act*, and City Council should direct the City Solicitor and staff to attend any Ontario Municipal Board hearing to support the Committee of Adjustment's decision

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List of Attachments:

Attachment 1: Site Plan

(The Attachment is on file in the City Clerk's Office.)

ATTACHMENT 6 [Notice of Motion J(12)]

Report (February 15, 2005) from the Commissioner of Urban Development Services, entitled “Planning Review Principles and Request for Direction for 30 King Street West, King Spadina Part II Plan Area – East of Spadina Avenue Trinity-Spadina, Ward 20” (See Minute 2.56, Page 71):

Purpose:

This report sets out principles for a review of the planning framework for that portion of the King Spadina Part II Plan area located east of Spadina Avenue. These principles are intended to inform and direct a review of land use policies, including an Urban Design study to be completed during 2005. Development applications in the area will be reviewed and evaluated against these emerging principles.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

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

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

Background:

In April 1996 (former) Toronto City Council approved the new Part II Official Plan and Zoning By-law amendments in King Spadina and King Parliament to encourage reinvestment and regeneration in these historic manufacturing districts of the City, directly east and west of the downtown core.

The Plans and implementing zoning deliberately introduced a flexible planning framework to provide for the introduction of a broad range of uses and development standards based on built form objectives of height and setbacks rather than density. The boundaries of the King Spadina Part II Plan are Simcoe and John Streets to the east, Bathurst Street to the west, Queen Street West to the north and Front Street to the south (See Attachment 1).

Since the approval of the Part II Plan and implementing Reinvestment Area (RA) zoning, these areas have seen significant reinvestment, which is documented and summarized in the Regeneration in the Kings: Directions and Emerging Trends report received by City Council in November 2002 (Regeneration Report).

In the King Spadina Part II Plan area, much of the activity since 1996 has been in the area east of Spadina Avenue. Most of this activity has been for residential uses and, for the most part, been new construction. By comparison, commercial investment in the area has generally been undertaken in existing buildings that have been updated and adapted for this use.

The physical character and image of this area of the City is largely rooted in its historical role as an industrial area. The remnants of this are most evident in the historic buildings in the area, particularly the warehouse buildings. These buildings are generally in the range of six storeys or 20 metres in height, of brick or masonry construction and punctuated with a regular rhythm of windows. The importance of this built form to the area's distinctiveness is reflected in the Part II Plan which identifies the re-use and retention of heritage and other existing buildings, and the enhancement of the area's special physical character and the structure of its public realm as major objectives. The Part II Plan also intends that new development contribute to achieving an attractive and safe public realm which meets high standards of urban design.

Comments:

Need for a Planning Framework Review

The King Spadina Part II Plan acknowledges that the policies of the Plan should be monitored relative to the amount and type of development, the mix and range of uses and achievement of Plan objectives with the possibility of their future modification. With substantial development activity in the area in recent years, it is necessary and relevant to review the planning framework for the area.

An increasing residential population is underscoring the need to revisit public realm policies, including the King Spadina Community Improvement Plan, to evaluate their ability to achieve an improved public realm for the area. Of note, the Regeneration Report advises that a 2001 resident survey for the area found 'parks' to be the number one priority for public spending. As well, approvals for developments in excess of the zoning height permission of 30 metres, often for development substantially in excess of this height, signals the need for a re-evaluation of the planning policies with specific attention on built form and building heights.

Issues regarding built form and building heights were raised in the November 2004 staff report for the Toronto International Film Festival (TIFF) Group project at the northwest corner of King Street and John Streets. Currently, staff are reviewing a development application for 430 King Street West, at the northwest corner of King and Charlotte Streets, which proposes a building height substantially in excess of the zoning permission of 30 metres. This application has been appealed to the Ontario Municipal Board on the basis of timing and a pre-hearing is scheduled for March 30, 2005. Other development applications and pre-consultation meetings also indicate interest in significantly increased building heights.

A planning framework review will enable the planning policies for the area to be revisited and re-evaluated in the context of development that has occurred over the last nine years in the area east of Spadina Avenue. This will include the Official Plan policies, the Community Improvement Plan and the RA zoning. Part of this review will also include an urban design study to focus on built form and public realm guidelines. Funding to undertake this study in 2005 has been requested. As the area west of Spadina Avenue is not facing the same pressure for increased building height and tower development it will not be considered as part of the built form review. However, with the desire to ensure a comprehensive and integrated public realm will require that the public realm component of the review consider the entire Part II Plan area.

The issue of tall buildings will be of particular focus for the built form component of this review. The general intent for King Spadina was for new development to fill most of its respective site and be built to the 30 metre height limit. This would result in a very strong streetwall condition similar to the warehouse buildings that exist along many of the streets in the area. However, since the approval of the Part II Plan, the point tower has become a common building type and these small floorplate residential towers on top of a podium have been approved in a number of locations in the City. This development form has not occurred in the King Spadina area and, to date, has not been considered an appropriate response to the existing and envisioned built form for the area.

However, development significantly in excess of the 30 metre height limit for the area has been approved for the area in recent years and there continues to be pressure to greatly exceed this permitted height. It is problematic to exceed approved height limits in the originally intended streetwall form because it results in streets that are lined with buildings that overwhelm the scale of the street. Therefore, if new building heights are to be considered which are substantially in excess of the permitted building height, it is important to determine where higher buildings may be appropriate and what height and form these buildings should take. These considerations will be explored as part of the planning review and the urban design study.

King Street Charrette

As a first step towards a review of the planning framework for this area a charrette was held on December 17, 2004. Facilitated by Urban Strategies Inc., the charrette brought together key

landowners in the area and architects and design professionals in the community to brainstorm about future issues and opportunities for the area bounded by Wellington Street, Adelaide Street, Spadina Avenue, John Street. The charrette participants were requested to focus particularly on options for the section of King Street West between Spadina Avenue and John Street.

The charrette consisted of two built form groups and one public realm improvement group whose tasks were to comment on and create a vision for area. The work of these three groups is summarized in the proceedings of the Charrette listed below:

- Spadina Avenue, and the historic brick warehouses and the historic shops along the south side of King Street are very valuable to the image and operation of the district and should be protected, maintained and enhanced.
- King Street, Wellington Street and Front Streets, between Spadina Avenue and John Street, are potential corridors for intensification.
- King Street is the most complex corridor because it is a two way street with a streetcar line, and the north and south sides of the street have very different land parcel characteristics - wider and deeper lots on the north side, narrower and shallower lots on the south side and many with historical/ heritage significance.
- An expanded and interconnected public realm, including streetscape and park improvements, and new parks and squares would benefit the area and, combined with the historic architecture in the area, should be the basis for the preparation of a detailed area plan.
- Development models for the area prepared by the built form groups showed intensification along King Street with high rise buildings on the north side and, to some extent, closer to Spadina Avenue on the south side.

The proceedings of the charrette will be considered as part of the planning framework review for the area.

Official Plan Policy

The King Spadina Part II Plan forms Section 19.8 of the (former) City of Toronto Official Plan and has been carried forward, with minor modifications, into the new Official Plan. The new Official Plan has been appealed to the Ontario Municipal Board and pre-hearings are currently underway.

The new Official Plan changes the designation of the area from Reinvestment Area to *Regeneration Area* and locates the King Spadina lands in the *Downtown and Central Waterfront Area* category on the Urban Structure Map. *Regeneration Area* and *Downtown and Central Waterfront Area*

policies identify the intention to attract new investment for a wide array of uses in an urban form that:

- revitalizes underused areas of the City;
- uses existing infrastructure to provide new jobs and homes;
- restores, re-uses and retains the existing building stock, particularly heritage buildings; and
- achieves streetscape improvements and the extension of the open space network.

Secondary Plans are intended for *Regeneration Areas* to provide guidance on matters such as:

- urban design guidelines that address the unique physical character of the area;
- a greening strategy, including park improvements and park and open space acquisition;
- a community improvement strategy for the public realm;
- a community service strategy for monitoring need for new services and facilities;
- a heritage strategy to address conservation and compatibility of new development;
- environmental policies to address clean-up and compatibility; and
- transportation policies to encourage alternative modes of transportation.

The new Official Plan also contains policies on built form and tall buildings. The aim of these policies is to ensure that individual developments contribute to the overall urban design of the City, fit within the context of their neighbourhood, and improve local scale and character. The policies state that, at a minimum, tall buildings must:

- meet built form principles of the Plan;
- demonstrate how they will contribute to and reinforce the City structure;
- demonstrate how they relate to adjacent buildings and blocks;
- minimize negative impacts of shadow, sky view and wind;
- take into account the relationship to other tall buildings;
- provide adequate transition between taller buildings and adjacent lower scaled buildings;
- provide high quality, comfortable and useable publicly accessible open spaces and areas; and
- meet all other policies of this Plan.

Similar to the (former) City of Toronto Official Plan, the Section 37 policies in the new Plan establish that any by-laws to permit increases in height and/ or density shall be consistent with the objectives and development policies of the Plan. Section 37 benefits are to be secured on the basis of local community needs and approved planning policy with priority to be given to on-site or local benefits.

King Spadina Part II Plan

The policies of the Part II Plan place importance on built form to maintain and reinforce the distinct

physical character of the area, of which heritage buildings are an essential element. Development policies for the Plan area state that:

- new buildings should be located along the front property line in a way that defines and forms an edge along streets, parks, public squares and mid-block pedestrian routes;
- new buildings adjacent to parks or open spaces are to be located and organized to define and face into the parks or open spaces, to animate the edges and to increase surveillance opportunities;
- siting and organization of lower levels of buildings should enhance the public nature of streets, open spaces and pedestrian routes, provide public uses at grade level and locate servicing and access at the rear and so as to minimize pedestrian/ vehicular conflicts;
- new buildings are to be sited and massed to meet adequate light, view and privacy standards
- new buildings are to achieve a harmonious relationship with their built form context, including heritage buildings, through consideration of matters such as, but not limited to, building height, massing, scale, setbacks, stepbacks, roof line and profile, and architectural character and expression;
- buildings adjacent to streets, parks or open spaces are massed to provide appropriate proportional relationships and are designed to minimize the wind and shadowing impacts on the streets, parks or open spaces; and
- new developments provide comprehensive, high quality coordinated streetscape and open space improvements to promote greening, landscape enhancement, access, orientation and confidence of personal safety.

King Spadina Community Improvement Plan

The Community Improvement Plan (CIP) for the Part II Plan area was approved by City Council in 1998. The CIP recommends initiatives to enhance the public realm, which are intended to contribute to an improved quality of life in the area. The CIP identifies and prioritizes specific initiatives for capital spending including streetscape improvements, park improvements, preservation of heritage buildings and upgrade of the existing building stock. Key initiatives in the CIP include Clarence and Victoria Square and the streetscape along Wellington Street between these two parks, as well as upgrading of special and significant streets.

Reinvestment Area Zoning

The Reinvestment Area (RA) zoning for the area permits a wide range of land uses to be established in the area subject to development standards focussed on built form. Building height permissions are a maximum of 30 metres, and up to 39 metres along Spadina Avenue. Buildings above 20 metres in height are required to stepback a minimum of 3 metres. Building setbacks are limited to the rear and side yards, with development permitted up to the front property line. Additional provisions apply to new development that includes conservation of heritage buildings.

Key Principles for a Planning Framework Review

It is relevant to seek Council endorsement on principles to inform and direct the planning framework review. These principles are intended to provide direction and clarification on emerging matters of importance based on development and change in the area since the approval of the Part II Plan in 1996. Key principles to guide the review and urban design study are set out below. Others may be identified through the review and study. It is also recommended that these principles be applied to development applications in the area on an interim basis until the review is complete:

General

- (i) Applications shall be evaluated on the basis of their consistency with planning objectives and policies for the area and the additional principles set out in this report;
- (ii) Community benefits secured through Section 37 or other Agreements to achieve additional height and/ or density should be clearly specified and directly relate to the needs and priorities for the area as set out in the applicable approved planning documents;

Built Form

- (iii) The design, location and distribution of massing and height over a site should respond to the physical character of the area in the following manner:
 - the height of the podium should respond to the historic built form and context of the area and, as a general principle, the streetwall height of a building should not exceed the building to building width of the street (1:1 streetwall height to street width relationship);
 - A ground floor of approximately 4.5 metres in height is encouraged to provide a desirable streetscape relationship;
- (iv) Above the podium, and where development is proposed that is in excess of the permitted building height development should be reviewed on the basis of the following scenarios:
 - (a) for generally lower buildings, mass should be setback or stepped to address context

and provide appropriate scale to achieve a 1:1 streetwall height to street width relationship.

- (b) where development is proposed that is substantially in excess of the permitted building height it should:
- be a hybrid building type with development concentrated in a point tower on a podium whose height equals the width of the street;
 - the podium should have a 1:1 streetwall height to street width relationship;
 - the base of the building should have a strong relationship to and 'connect' the building to the ground;
 - the tower should be of limited dimension and be setback on the podium to ensure that the streetwall frames the street, that the point tower does not create a canyon effect, and that sky views are provided for;
 - the smaller the floorplate the better. Point towers of less than 700 m² have been approved and built and the result is a slender profile with reduced shadow impact on the public realm and adjoining private development, the smaller the development site the smaller the tower floorplate;
 - where relevant, the point tower should be stepped back and sculpted to protect views, particularly views to the south;
 - the top of the building should fully incorporate the roof top mechanical elements; and
 - point towers on the same lot or on adjoining lots need to be appropriately spaced to maintain privacy and views and to avoid 'sliver of light' on public sidewalks between shadows of adjacent towers;
- (v) For both scenarios, building materials for each of the podium and upper or tower and top sections of the building, should be secured as part of any Agreements related to the development. Base building materials shall complement the character of the area, and upper level building materials shall be differentiated from the base to minimize their visual impact;

Public Realm

- (vi) Public realm improvements shall be considered a priority need for the area and may include improvements to existing public parks, streetscape improvements, lane improvements, and the provision or acquisition of additional public parks or open space or publicly accessible private lands;
- (vii) Priority will be given to public realm improvements that can contribute to a connected

pedestrian system for the area;

- (viii) Public realm improvements may be hard surface, landscaped or a combination thereof but in all cases shall be located and designed to maximize opportunities for sunlight, public access and visibility;
- (ix) Development on the north side of the street is encouraged to be setback from the property line facing the street to provide for an increased boulevard; and
- (x) Uses at grade should be non-residential uses and are encouraged to include community uses.

Conclusion:

Since the approval of the Part II Official Plan and implementing zoning for King Spadina in 1996, the area has undergone significant reinvestment and development, particularly for that portion of the Plan area east of Spadina Avenue.

In light of these changes, it is intended that staff will complete a review of the planning framework for this area in 2005, including an Urban Design Study. Key components and principles related to that review and study are identified in this report. It is recommended that the key principles be used to inform and direct the planning framework review and urban design study as well as in the review and evaluation of development applications in the area until such time as the review and study have been concluded. Further, it is recommended that these key principles form part of the Issues List for the March 30, 2005 pre-hearing on the OMB appeal of the development application for 430 King Street West.

Contact:

Gary Wright
Director, Community Planning, South District
Tel: (416) 392-0427
Fax: (416) 392-1330

List of Attachments:

Attachment 1: King Spadina Part II Plan Area

(The Attachment is on file in the City Clerk's Office.)

**Fiscal Impact Statement Summary
Notices of Motion
Council Meeting – February 16, 2005
Submitted by the Chief Financial Officer and Treasurer**

Motion		Operating	Capital	
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#	Title	\$ (net)	\$ (net)	Comments
J(1)	Proposed Naming of the Unopened Section of Bremner Boulevard, between Spadina Avenue and Bathurst Street, "Fort York Boulevard" and Rescinding Prior Approval to Name This Unopened Section "Nelson Mandela Boulevard"	\$0	\$0	Consider.
J(2)	Committee of Adjustment Decision Regarding 116 Barton Avenue	\$0	\$0	See Report Attached to Motion.
J(3)	Creating an Aerospace Cluster in the Downsview Area	\$0	\$0	See Report Attached to Motion.
J(4)	Disclosure of Proponents' Responses to Certain Sections of Request for Proposal (RFP) 3401-04-3216 - Supply, Delivery and Installation of Desktop and Notebook Computers and Related Products and Services	\$0	\$0	See Report Attached to Motion.
J(5)	204 Stibbard Avenue - Parking Pad	\$0	\$0	See Report Attached to Motion.
J(6)	Event of Community Significance for Liquor Licensing Purposes - Eglinton Way Business Improvement Area (BIA) - Street Festival (Ward 16 and Ward 22)	\$0	\$0	Consider.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(7)	Amendment to Starting Time for Turn Prohibition on Lawrence Avenue West at Rosewell Avenue from 4:00 p.m. to 3:00 p.m. (Ward 16)	\$0	\$0	Consider.
J(8)	121 Industry Street - Application for Demolition Approval (Ward 12 - York South-Weston)	\$0	\$0	See Report Attached to Motion.
J(9)	Sole Source Contract for Processing of Source Separated Organics	\$2,015,000	\$0	See FIS. Consider.
J(10)	Request for Direction Report - 53 Kenhatch Boulevard	\$0	\$0	See Report Attached to Motion.
J(11)	New <i>City of Toronto Act</i> – Governance Changes	\$0	\$0	Consider.
J(12)	Planning Review Principles and Request for Direction for 430 King Street West - King Spadina Part II Plan Area – East of Spadina Avenue (Trinity-Spadina – Ward 20)	\$0	\$0	See Report Attached to Motion.
J(13)	Ontario Municipal Board Hearing – 124 Dowling Avenue	\$0	\$0	See Report Attached to Motion.
J(14)	650-672 Sheppard Avenue East - Ontario Municipal Board Decision/Order No. 0150 Granting Exclusions to Gross Floor Area Definition – Appeal to Divisional Court – Offer to Settle			<i>Confidential. See FIS.</i>

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(15)	Ontario Municipal Board Hearing Regarding 136 Silver Birch			<i>Confidential. See FIS.</i>
J(16)	Decision of the Superior Court of Justice to Quash By-law No. 906-2003, in the Case of Toronto Taxi Alliance v. City of Toronto			<i>Confidential. See FIS.</i>

FISCAL IMPACT STATEMENT 1 [Notice of Motion F(2)]
(See Minute 2.42, Page 49)

Financial Implications:

<input type="checkbox"/> Operating	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input checked="" type="checkbox"/> Capital	
<input checked="" type="checkbox"/> Current year impacts: \$55,000 _____ (net)	<input type="checkbox"/> Future year impacts: \$ TBD _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – F(2) – Contrary to Policy on Façade program, refer to the Commissioner of Economic Development, Culture and Tourism for a report to Standing Committee on the policy and financing implications.

- Consider
- Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: February 2, 2005

FISCAL IMPACT STATEMENT 2 [Notice of Motion F(3)]
(See Minute 2.43, Page 50)

Financial Implications:

<input checked="" type="checkbox"/> Operating	Current year impacts: \$ <u>TBD</u> (Net)	<input type="checkbox"/> Future year impacts: \$ <u>TBD</u> (net)
		<input type="checkbox"/> Following year
		<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):		
<input type="checkbox"/> Accommodation within approved operating budget		<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues		<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions		<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)		
<input type="checkbox"/> Impact on staffing levels: _____ (positions)		

<input type="checkbox"/> Capital	Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
		<input type="checkbox"/> Following year
		<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):		
<input type="checkbox"/> Accommodation within approved capital budget		<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues		<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions		<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)		
<input type="checkbox"/> Operating Impact:		
<input type="checkbox"/> Program costs: \$ _____ (net)		
<input type="checkbox"/> Debt service costs: \$ _____ (net)		

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – F(3) – The Commissioner of Urban Development Services report back through the Planning and Transportation Committee to the Policy and Finance Committee on financial impact associated with the Notice of Motion.

- Consider
- Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: February 2, 2005

FISCAL IMPACT STATEMENT 3 [Notice of Motion J(9)]
(See Minute 2.53, Page 65)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>0</u> (net)	<input checked="" type="checkbox"/> Future year impacts: \$ <u>2.015 million</u> (net)
	<input checked="" type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input checked="" type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notices of Motion – J(9) – Funding for first year of contract (2005) included in the 2005 BAC Recommended Operating Budget. Additional funding pressure of \$2.015 million to be included in the 2006 Operating Budget Submission.

- Consider
- Refer to Standing Committee

Submitted by:

Chief Financial Officer and Treasurer

Date: February 16, 2005