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These Minutes were confirmed by City Council on July 19, 2005

MINUTES OF THE COUNCIL OF THE CITY OF TORONTO

**TUESDAY, JUNE 14, 2005,
WEDNESDAY, JUNE 15, 2005, AND
THURSDAY, JUNE 16, 2005**

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

CALL TO ORDER - 9:35 a.m.

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

The meeting opened with O Canada.

7.2 CONFIRMATION OF MINUTES

Councillor Davis, seconded by Councillor Walker, moved that the Minutes of the Council meeting held on the 17th, 18th and 19th days of May, 2005, be confirmed in the form supplied to the Members, which carried.

PRESENTATION OF REPORTS

- 7.3 Councillor De Baeremaeker presented the following Reports for consideration by Council:

Deferred Clauses:

Administration Committee Report 3, Clause 17b,
Economic Development and Parks Committee Report 5, Clause 1a,
Works Committee Report 4, Clause 1a,
Works Committee Report 5, Clauses 6a and 13a,
North York Community Council Report 4, Clauses 5a, 6a and 7a, and

Toronto and East York Community Council Report 4, Clauses 22a and 23a.

New Reports:

Policy and Finance Committee Report 6,
Administration Committee Report 5,
Board of Health Report 5,
Community Services Committee Report 5,
Economic Development and Parks Committee Report 6,
Planning and Transportation Committee Report 5,
Striking Committee Report 3,
Works Committee Report 6,
Etobicoke York Community Council Report 5,
North York Community Council Report 5,
Scarborough Community Council Report 5, and
Toronto and East York Community Council Report 5,

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

7.4 **DECLARATIONS OF INTEREST**

Councillor Ford declared his interest in Etobicoke York Community Council Report 5, Clause 16, headed “Proposed ‘No Parking Anytime’ Prohibition on Greensboro Drive (Ward 2 – Etobicoke North)”, in that his family owns property on Greensboro Drive.

Deputy Mayor Feldman declared his interest in Policy and Finance Committee Report 6, Clause 10, headed “Municipal Property Assessment Corporation, Request for Further Information”, in that he is a member of a Golf Club which is subject to a City-initiated assessment appeal.

Councillor Li Preti declared his interest in Toronto and East York Community Council Report 5, Clause 65, headed “Boulevard Café Licence - Montreal Bread Company - 100 Bloor Street West, Unit 7 (Toronto Centre-Rosedale, Ward 27)”, in that his daughter is a consultant for the applicant.

Mayor Miller declared his interest in Policy and Finance Committee Report 6, Clause 10, headed “Municipal Property Assessment Corporation, Request for Further Information”, in that he is a member of a Golf Club which is subject to a City-initiated assessment appeal; and in Motion J(16), moved by Councillor Saunderson, seconded by Councillor Moscoe, regarding the land transaction respecting 20 Gothic Avenue, in that his principal residence is in the immediate vicinity.

Councillor Shiner declared his interest in Toronto and East York Community Council Report 5, Clause 8, headed “Settlement Report - Application to Amend the Zoning By-law – 430 King Street West (Trinity-Spadina, Ward 20)”, in that his family owns property in the immediate vicinity; and in Toronto and East York Community Council Report 5, Clause 14, headed “Inclusion of 14 Properties from the King-Spadina Area Study on the City of Toronto Inventory of Heritage Properties (Trinity-Spadina, Ward 20)”, in that his family owns property that is being considered for designation as a heritage property.

**CONSIDERATION OF REPORTS
CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION**

7.5 The following Clauses were held by Council for further consideration:

Administration Committee Report 3, Clause 17b.

Economic Development and Parks Committee Report 5, Clause 1a.

Works Committee Report 4, Clause 1a.

Works Committee Report 5, Clauses 6a and 13a.

North York Community Council Report 4, Clauses 5a, 6a and 7a.

Toronto and East York Community Council Report 4, Clauses 22a and 23a.

Policy and Finance Committee Report 6, Clauses 1, 2, 3, 4, 5, 6, 7, 10, 15, 16, 17, 18, 20, 22, 26, 27 and 29.

Administration Committee Report 5, Clauses 1, 3, 9, 10, 12, 13, 16 and 18.

Board of Health Report 5, Clauses 1, 2 and 3.

Community Services Committee Report 5, Clauses 6, 7 and 9.

Economic Development and Parks Committee Report 6, Clauses 1, 2, 3, 4, 5, 7, 9, 10 and 11.

Planning and Transportation Committee Report 5, Clauses 3, 4, 5, 7, 11, 12, 13 and 14.

Striking Committee Report 3, Clauses 2 and 3.

Works Committee Report 6, Clauses 1, 2, 3, 4, 6, 12 and 14.

Etobicoke York Community Council Report 5, Clauses 1, 7, 15, 16, 19, 27, 28, 29 and 30.

North York Community Council Report 5, Clauses 2, 6, 13, 14, 30, 31, 32, 42 and 51.

Scarborough Community Council Report 5, Clauses 12 and 13.

Toronto and East York Community Council Report 5, Clauses 6, 7, 8, 18, 25, 31, 33, 34, 35, 36, 37, 62, 66 and 67.

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

Works Committee Report 5, Clause 13a.

North York Community Council Report 4, Clauses 5a and 6a.

Policy and Finance Committee Report 6, Clauses 3, 4, 7, 15, 16, 17, 20, 26 and 27.

Administration Committee Report 5, Clauses 9, 10 and 18.

Community Services Committee Report 5, Clause 9.

Economic Development and Parks Committee Report 6, Clauses 7 and 9.

Planning and Transportation Committee Report 5, Clauses 3, 4, 11 and 13.

Striking Committee Report 3, Clause 2.

Works Committee Report 6, Clause 1.

Etobicoke York Community Council Report 5, Clauses 1 and 27.

Scarborough Community Council Report 5, Clause 12.

Toronto and East York Community Council Report 5, Clause 67.

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 Clauses were re-opened for further consideration and subsequently amended:

Planning and Transportation Committee Report 5, Clause 10. (See Minute 7.39, Page 42).

Etobicoke York Community Council Report 5, Clause 23. (See Minute 7.12, Page 11).

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

Councillor Mammoliti in the Chair.

7.6 Policy and Finance Committee Report 6, Clause 10, headed “Municipal Property Assessment Corporation, Request for Further Information”.

Vote:

The Clause was adopted, without amendment.

Mayor Miller in the Chair.

7.7 Planning and Transportation Committee Report 5, Clause 14, headed “Implementation of the *Building Code Statute Law Amendment Act (Bill 124) Prior to the July 1, 2005 Effective Law*”.

Motion:

Councillor Altobello moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (June 10, 2005) from the Chief Building Official and Executive Director:

“It is recommended that:

- (1) as a result of O.Reg 236/05 filed on May 19, 2005, Council amend staff Recommendations (1)(b) and (1)(c) contained in the Recommendation Section of the May 18, 2005 report from the Chief Building Official and Executive Director so that the amendments to Municipal Code Chapter 363 detailed in these recommendations take effect on October 1, 2005;
- (2) Council adopt amendments to Chapter 363 of the Municipal Code reflecting the recommendations in the May 18, 2005 report incorporating the revisions necessary as a result of the delay of certain provisions of the legislation to January 1, 2006; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Votes:

The motion by Councillor Altobello carried.

The Clause, as amended, carried.

7.8 Etobicoke York Community Council Report 5, Clause 19, headed “Proposed Installation of Speed Bumps in Public Lane first west of Harvie Avenue, between Rogers Road and St. Clair Avenue West (Ward 17 - Davenport)”.

Vote:

The Clause was adopted, without amendment.

Councillor Ford requested that his opposition to this Clause be noted in the Minutes of this meeting.

- 7.9 **Toronto and East York Community Council Report 5, Clause 37, headed “Request to Allow Parking – Concord Avenue, west side, between Dewson Street and a point 167.6 metres south thereof (Trinity-Spadina, Ward 19)”.**

Motion:

Deputy Mayor Pantalone moved that the Clause be amended by further amending the staff recommendations contained in the Recommendations Section of the report (May 2, 2005) from the Director, Transportation Services, Toronto and East York District, as amended by the Toronto and East York Community Council, by:

- (1) deleting from Recommendation (1) the reference to “176.6 metres” and replacing it with “167.6 metres”; and
- (2) deleting Recommendation (2) and replacing it with the following:

“(2) parking be permitted for a maximum period of one hour from 8:00 a.m. to 6:00 p.m., Monday to Saturday, on the west side of Concord Avenue, from Dewson Street to a point 67 metres south;”.

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

- 7.10 **Toronto and East York Community Council Report 5, Clause 36, headed “Thursday Parking Prohibitions Enhance Mechanical Street Sweeping Operations - Area bounded by Bloor Street West to the north, CN Rail Corridor to the west, College Street to the south and Dufferin Street to the east (Davenport, Ward 18)”.**

June 14, 2005:

Motion:

Councillor Giambrone moved that the Clause be amended by amending Schedule “A” to the report (May 2, 2005) from the Director, Transportation Services, Toronto and East York District, by deleting the two entries regarding “Old College Street”, and replacing them with the following:

College Street	North	St. Helen's Avenue and a point approximately 47 metres east thereof	Each Thursday, from April 1st to November 20th, 2005
College Street	South	St. Helen's Avenue and a point approximately 34 metres east thereof	Anytime, except each Thursday, from April 1st to November 20th, 2005

Votes:

The motion by Councillor Giambrone carried.

The Clause, as amended, carried.

June 15, 2005:

Motion to Re-Open:

Councillor Giambrone, 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 Giambrone moved that the Clause be further amended by amending Schedule "A" to the report (May 2, 2005) from the Director, Transportation Services, Toronto and East York District, by deleting the date "November 20, 2005", wherever it occurs, and replacing it with the date "November 30, 2005".

Votes:

The motion by Councillor Giambrone carried.

The Clause, as further amended, carried.

Summary:

In summary, Council amended this Clause by amending Schedule "A" to the report (May 2, 2005) from the Director, Transportation Services, Toronto and East York District, by:

- (1) deleting the date “November 20, 2005”, wherever it occurs, and replacing it with the date “November 30, 2005”; and
- (2) deleting the two entries regarding “Old College Street”, and replacing them with the following:

College Street	North	St. Helen’s Avenue and a point approximately 47 metres east thereof	Each Thursday, from April 1st to November 30th, 2005
College Street	South	St. Helen’s Avenue and a point approximately 34 metres east thereof	Anytime, except each Thursday, from April 1st to November 30th, 2005

7.11 Toronto and East York Community Council Report 5, Clause 62, headed “Requests for Endorsement of Events for Liquor Licensing Purposes (Davenport, Ward 18; Trinity-Spadina, Wards 19 and 20; St. Paul’s, Ward 21; Toronto Centre-Rosedale, Ward 27 and Beaches-East York, Ward 32)”.

June 14, 2005:

Motions:

- (a) Councillor McConnell moved that the Clause be amended by adding the following Part (e) to Recommendation (1) of the Toronto and East York Community Council:
“(e) Moss Park Festival, to be held on July 29, 2005, from 11.00 a.m. to 4.30 p.m. at Ontario and Queen Streets;”.
- (b) Councillor Rae moved that the Clause be amended by adding the following Part (f) to Recommendation (1) of the Toronto and East York Community Council:
“(f) Toronto African Dance Festival, to be held at Nathan Phillips Square on July 22 and 23, 2005, between 3.00 p.m. and 10.00 p.m.;”.
- (c) Councillor Watson moved that the Clause be amended by adding the following Part (g) to Recommendation (1) of the Toronto and East York Community Council:
“(g) Annual Sorauren Park Festival, to be held in Sorauren Park which is located on Sorauren Avenue, south of Dundas Avenue West and west of Lansdowne Avenue, on July 16, 2005;”.

Votes:

Motion (a) by Councillor McConnell carried.

Motion (b) by Councillor Rae carried.

Motion (c) by Councillor Watson carried.

The Clause, as amended, carried.

Motion to Re-Open:

Councillor Chow, 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:

- (d) Councillor Chow moved that the Clause be amended by adding the following Part (h) to Recommendation (1) of the Toronto and East York Community Council:

“(h) Molson Indy event on July 8, 2005, Mercer Street, from 7:00 p.m. to 1:00 a.m.;”.

Vote:

Motion (d) by Councillor Chow carried.

The Clause, as further amended, carried.

June 16, 2005:

Deputy Mayor Bussin in the Chair.

Motion to Re-Open:

Deputy Mayor Pantalone, 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.

Motions:

- (e) Deputy Mayor Pantalone moved that the Clause be amended by adding the following to the end of Recommendation (2) of the Toronto and East York Community Council:

“and also advise the Alcohol and Gaming Commission of Ontario that the City has no objection to the granting of:

- (a) an extension of the liquor licence of Café Diplomatico, 594 College Street, to serve and sell alcohol from 12:00 p.m. to 10:00 p.m., for customer appreciation day, on an extended outside patio on July 23, 2005; and
 - (b) an extension of a liquor licence for the patio at Hair of the Dog, 425 Church Street (Wood Street), from 11:00 a.m. to 11:00 p.m., on June 25 and 26, 2005, as part of the Toronto Pride Celebrations.”
- (f) Councillor Chow moved that the Clause be amended by adding the following Parts (i) and (j) to Recommendation (1) of the Toronto and East York Community Council:
- “(i) Molson Indy Festival Foundation, July 7, 2005, between 6:00 p.m. and 1:00 a.m., on John Street, between Adelaide Street West and Richmond Street West; and
 - (j) Retirement reception for the President of the Ontario College of Art and Design on June 29, 2005, between 4:00 p.m. and 8:00 p.m., in Butterfield Park (located at the south end of the College on 100 McCaul Street);”.

Votes:

Motion (e) by Deputy Mayor Pantalone carried.

Motion (f) by Councillor Chow carried.

The Clause, as further amended, carried.

Summary:

In summary, Council amended this Clause by amending the recommendations of the Toronto and East York Community Council, as follows:

- (1) adding the following Parts (e), (f), (g), (h), (i) and (j) to Recommendation (1):
 - “(e) Moss Park Festival, to be held on July 29, 2005, from 11:00 a.m. to 4:30 p.m. at Ontario and Queen Streets;
 - (f) Toronto African Dance Festival, to be held at Nathan Phillips Square on July 22 and 23, 2005, between 3:00 p.m. and 10:00 p.m.;
 - (g) Annual Sorauren Park Festival, to be held in Sorauren Park which is located on Sorauren Avenue, south of Dundas Avenue West and west of Lansdowne Avenue, on July 16, 2005;
 - (h) Molson Indy event on July 8, 2005, Mercer Street, from 7:00 p.m. to 1:00

a.m.;

- (i) Molson Indy Festival Foundation, July 7, 2005, between 6:00 p.m. and 1:00 a.m., on John Street, between Adelaide Street West and Richmond Street West; and
 - (j) Retirement reception for the President of the Ontario College of Art and Design on June 29, 2005, between 4:00 p.m. and 8:00 p.m., in Butterfield Park (located at the south end of the College on 100 McCaul Street);” and
- (2) adding the following to the end of the Recommendation (2):

“and also advise the Alcohol and Gaming Commission of Ontario that the City has no objection to the granting of:

- (a) an extension of the liquor licence of Café Diplomatico, 594 College Street, to serve and sell alcohol from 12:00 p.m. to 10:00 p.m., for customer appreciation day, on an extended outside patio on July 23, 2005; and
- (b) an extension of a liquor licence for the patio at Hair of the Dog, 425 Church Street (Wood Street), from 11:00 a.m. to 11:00 p.m., on June 25 and 26, 2005, as part of the Toronto Pride Celebrations.”

Mayor Miller in the Chair.

7.12 Etobicoke York Community Council Report 5, Clause 23, headed “Designation of The Taste of the Kingsway Festival (Ward 5 - Etobicoke Lakeshore) and the Canada Day Festivities in Weston Lions Park (Ward 11, York South - Weston) as Community Events”. (*See note below)

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

Councillor Nunziata, 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 Nunziata moved that the Clause be amended by adding the following:

“That the City of Toronto Canada Day festivities to be held on July 1, 2005, in the Weston Lions Park be declared an event of community significance for liquor licensing purposes, and that the Alcohol and Gaming Commission of Ontario be advised that the City of Toronto has no objection to the event taking place.”

Votes:

The motion by Councillor Nunziata carried.

The Clause, as amended, carried.

[*Note:

As a result of Council’s adoption of the above amendment, the Clause heading was subsequently changed to “Designation of The Taste of the Kingsway Festival (Ward 5 - Etobicoke Lakeshore) and the Canada Day Festivities in Weston Lions Park (Ward 11, York South - Weston) as Community Events”.]

Deputy Mayor Pantalone in the Chair.

7.13 **Economic Development and Parks Committee Report 5, Deferred Clause 1a, headed “ ‘Everybody into the Pool’ - An Indoor Pool Provision Strategy for City of Toronto and the Development of an Aquatics Program Plan (All Wards)”.**

Motions:

(a) Councillor Davis moved that the Clause be amended by:

(1) deleting staff Recommendation (2) contained in the Recommendations Section of the report (April 14, 2005) from the Commissioner of Economic Development, Culture and Tourism, as amended by the Economic Development and Parks Committee, and inserting instead the following:

“(2) that Scenarios ‘A’ and ‘B’ pool provision strategies be examined in the implementation report in Phase 2 of the study and that the models include different options for the number and types of pools;” and

- (2) adding the following:

“That:

- (a) a Toronto Aquatic and Pool Strategy Working Group be established to explore options for a new partnership between the City of Toronto and the Toronto District School Board (TDSB) that would support the City of Toronto Aquatic Service Plan, with membership to include Councillors, Trustees and staff from the City of Toronto and the TDSB; and further, that the General Manager of Parks, Forestry and Recreation, be requested to report to the July 4, 2005 meeting of the Economic Development and Parks Committee on proposed Terms of Reference for the Working Group, and that the Working Group report to the Economic Development and Parks Committee by October 2005; and
 - (b) there be no reduction in use of Toronto District School Board pools until a pool replacement strategy is approved.”
- (b) Councillor Chow moved that the Clause be amended to provide that, in Phase 2 of the Pool Provision Strategy, an option be developed and presented where no pools will be closed.
- (c) Councillor Ashton moved that Part (2)(b) of motion (a) by Councillor Davis be amended by deleting the words “until a pool replacement strategy is approved”, and inserting instead the words “pending the finalization of the implementation strategy”.
- (d) Councillor Saundercook moved that the Clause be amended to provide that, in Phase 2 of the Pool Provision Strategy, staff give consideration to a site for a new pool where the Toronto District School Board is scheduled to reconstruct at Swansea School.
- (e) Councillor Fletcher moved that the Clause be amended by adding the following:

“That:

- (1) the General Manager, Parks, Forestry and Recreation, be requested to:
 - (a) investigate a strategy for Olympic size pools in the context of the Expo bid; and
 - (b) explore environmental retrofit programs, such as in-ground heating and other new methods of heating facilities, in order to reduce operating costs; and

- (2) the City of Toronto adopt as an objective that all children in the City of Toronto shall learn how to swim, and explore with the School Boards interchangeable swim level systems.”
- (f) Councillor Mihevc moved that Part (2)(b) of motion (a) by Councillor Davis be amended by adding the words “and implemented”.
- (g) Councillor Palacio moved that the Clause be amended by adding the following:
- “That Members of Council be requested to inform their respective Wards and get community input on the aquatic implementation strategy with emphasis on:
- (a) user fees;
 - (b) the proximity of pools to people’s homes;
 - (c) ethnic diversity;
 - (d) cultural disposition to swimming; and
 - (e) outdoor pools;
- whether or not the above are factors that result in low rates of pool usage.”
- (h) Councillor Minnan-Wong moved that the Clause be amended by adding the following:
- “That the General Manager, Parks, Forestry and Recreation, be requested to:
- (a) ensure that the strategy developed allows for the City of Toronto not to be dependant on the Toronto District School Board to deliver its aquatics program; and
 - (b) report to the Economic Development and Parks Committee, in September 2005, on extending the hours of seasonal pools.”
- (i) Councillor Nunziata moved that the Clause be amended by adding the following:
- “That the General Manager, Parks, Forestry and Recreation, be requested to consult with the appropriate special needs organizations to determine what would be required to ensure that all pools are accessible to those with special needs.”
- (j) Councillor Mammoliti moved that the Clause be amended to provide that, in Phase 2 of the Pool Provision Strategy, high needs areas be considered and targeted for improvement in the implementation strategy for Phase 2 and that, in the interim, no pools be closed.

- (k) Councillor Kelly moved that:
- (1) Council defer consideration of this Clause until the Province of Ontario announces the “New Deal” in the fall of 2005; or
 - (2) in the event Part (1) fails, the Clause be amended to provide that, during Phase 2, the City seek out a private sector partner for the creation and implementation of the aquatic service plan.

Vote on Deferral:

Adoption of Part (1) of motion (k) by Councillor Kelly:

Yes - 4 Councillors:	Ford, Kelly, Li Preti, Palacio
No - 28 Mayor: Councillors:	Miller Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, Del Grande, Di Giorgio, Filion, Fletcher, Grimes, Hall, Holyday, Jenkins, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Pantalone, Pitfield, Saundercook, Soknacki, Stintz, Thompson

Lost by a majority of 24.

Motion:

- (1) Councillor Cho moved that the Clause be amended to provide that, in Phase 2 of the Pool Provision Strategy, the City consider under-serviced and newly developed areas of the City for new facility development.

Votes:

Adoption of Part (1) of motion (a) by Councillor Davis:

Yes - 29 Mayor: Councillors:	Miller Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Grimes, Holyday, Jenkins, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Rae, Soknacki, Stintz, Thompson, Walker, Watson
No - 7 Councillors:	Del Grande, Ford, Hall, Kelly, Nunziata, Palacio, Saundercook

Carried by a majority of 22.

Adoption of motion (b) by Councillor Chow:

Yes - 20	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Li Preti, Mammoliti, Mihevc, Moscoe, Nunziata, Palacio, Soknacki, Walker, Watson
No - 16	
Councillors:	Del Grande, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, McConnell, Minnan-Wong, Ootes, Pantalone, Pitfield, Rae, Saundercook, Stintz, Thompson

Carried by a majority of 4.

Adoption of Part (2)(a) of motion (a) by Councillor Davis:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Jenkins, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Ootes, Palacio, Pitfield, Rae, Soknacki, Thompson, Walker, Watson
No - 10	
Councillors:	Del Grande, Grimes, Hall, Holyday, Kelly, Nunziata, Pantalone, Saundercook, Shiner, Stintz

Carried by a majority of 18.

Adoption of motion (c) by Councillor Ashton:

Yes - 36	
Mayor:	Miller
Councillors:	Altobello, Ashton, Cho, Chow, Cowbourne, Davis, Del Grande, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 2	
Councillors:	Carroll, Di Giorgio

Carried by a majority of 34.

Ruling by Deputy Mayor:

Deputy Mayor Pantalone, due to the above decision of Council on motion (c) by Councillor Ashton, ruled motion (f) by Councillor Mihevc redundant

Councillor Mihevc challenged the ruling of the Deputy Mayor:

Vote to Uphold Ruling of Deputy Mayor:

Yes - 30	
Mayor:	Miller
Councillors:	Altobello, Ashton, Cho, Cowbourne, Del Grande, Di Giorgio, Filion, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 9	
Councillors:	Carroll, Chow, Davis, De Baeremaeker, Fletcher, Giambrone, Mammoliti, McConnell, Mihevc

Carried by a majority of 21.

Adoption of Part (2)(b) of motion (a) by Councillor Davis, as amended:

Yes - 29	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Ford, Giambrone, Hall, Jenkins, Li Preti, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Thompson, Walker, Watson
No - 10	
Councillors:	Di Giorgio, Grimes, Holyday, Kelly, Minnan-Wong, Rae, Saundercook, Shiner, Soknacki, Stintz

Carried by a majority of 19.

Adoption of motion (d) by Councillor Saundercook:

Yes - 21	
Mayor:	Miller
Councillors:	Cho, Chow, De Baeremaeker, Di Giorgio, Grimes, Holyday, Jenkins, Kelly, Li Preti, Mammoliti, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Watson
No - 18	
Councillors:	Altobello, Ashton, Carroll, Cowbourne, Davis, Del Grande, Fillion, Fletcher, Ford, Giambrone, Hall, McConnell, Minnan-Wong, Ootes, Rae, Stintz, Thompson, Walker

Carried by a majority of 3.

Adoption of motion (e) by Councillor Fletcher:

Yes - 35	
Mayor:	Miller
Councillors:	Altobello, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 4	
Councillors:	Ashton, Del Grande, Ford, Holyday

Carried by a majority of 31.

Adoption of motion (g) by Councillor Palacio:

Yes - 34	
Mayor:	Miller
Councillors:	Altobello, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Ford, Giambrone, Hall, Jenkins, Kelly, Li Preti, Mammoliti, McConnell, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 5	
Councillors:	Ashton, Fillion, Grimes, Holyday, Mihevc

Carried by a majority of 29.

Adoption of motion (h) by Councillor Minnan-Wong:

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

Carried by a majority of 13.

Adoption of motion (i) by Councillor Nunziata:

Yes - 39 Mayor: Councillors:	Miller Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

Adoption of the following portion of motion (j) by Councillor Mammoliti:

“that high needs areas be considered and targeted for improvement in the implementation strategy for Phase 2”:

Yes - 36 Mayor: Councillors:	Miller Altobello, Ashton, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 3 Councillors:	Cowbourne, Filion, Shiner

Carried by a majority of 33.

Adoption of the balance of motion (j) by Councillor Mammoliti, as follows:

“and that, in the interim, no pools be closed”:

Yes - 23	
Councillors:	Altobello, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Ford, Giambrone, Li Preti, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Walker, Watson
No - 16	
Mayor:	Miller
Councillors:	Ashton, Del Grande, Filion, Grimes, Hall, Holyday, Jenkins, Kelly, Minnan-Wong, Pantalone, Saundercook, Shiner, Soknacki, Stintz, Thompson

Carried by a majority of 7.

Adoption of Part (2) of motion (k) by Councillor Kelly:

Yes - 18	
Councillors:	Cho, Cowbourne, Del Grande, Ford, Hall, Holyday, Jenkins, Kelly, Li Preti, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Shiner, Soknacki, Stintz, Thompson
No - 21	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Chow, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson

Lost by a majority of 3.

Adoption of motion (l) by Councillor Cho:

Yes - 38	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Giambrone

Carried by a majority of 37.

Adoption of Clause, as amended:

Yes - 33	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 6	
Councillors:	Del Grande, Ford, Hall, Kelly, Nunziata, Rae

Carried by a majority of 27.

Summary:

In summary, Council amended this Clause:

- (1) by deleting staff Recommendation (2) contained in the Recommendations Section of the report (April 14, 2005) from the Commissioner of Economic Development, Culture and Tourism, as amended by the Economic Development and Parks Committee, and inserting instead the following:

“(2) that Scenarios ‘A’ and ‘B’ pool provision strategies be examined in the implementation report in Phase 2 of the study and that the models include different options for the number and types of pools;”;

- (2) to provide that, in Phase 2 of the Pool Provision Strategy:
 - (a) the City consider under-serviced and newly developed areas of the City for new facility development;
 - (b) staff give consideration to a site for a new pool where the Toronto District School Board is scheduled to reconstruct at Swansea School;
 - (c) high needs areas be considered and targeted for improvement in the implementation strategy for Phase 2 and that, in the interim, no pools be closed; and
 - (d) an option be developed and presented where no pools will be closed; and

- (3) by adding the following:

“That:

- (a) the City of Toronto adopt as an objective that all children in the City of Toronto shall learn how to swim, and explore with the School Boards interchangeable swim level systems;
- (b) Members of Council be requested to inform their respective Wards and get community input on the aquatic implementation strategy with emphasis on:
 - (i) user fees;
 - (ii) the proximity of pools to people's homes;
 - (iii) ethnic diversity;
 - (iv) cultural disposition to swimming; and
 - (v) outdoor pools; andwhether or not the above are factors that result in low rates of pool usage;
- (c) a Toronto Aquatic and Pool Strategy Working Group be established to explore options for a new partnership between the City of Toronto and the Toronto District School Board (TDSB) that would support the City of Toronto Aquatic Service Plan, with membership to include Councillors, Trustees and staff from the City of Toronto and the TDSB; and further, that the General Manager of Parks, Forestry and Recreation, be requested to report to the July 4, 2005 meeting of the Economic Development and Parks Committee on proposed Terms of Reference for the Working Group, and that the Working Group report to the Economic Development and Parks Committee by October 2005;
- (d) there be no reduction in use of Toronto District School Board pools pending the finalization of the implementation strategy;
- (e) the General Manager, Parks, Forestry and Recreation be requested to:
 - (i) consult with the appropriate special needs organizations to determine what would be required to ensure that all pools are accessible to those with special needs;
 - (ii) investigate a strategy for Olympic size pools in the context of the Expo bid;
 - (iii) explore environmental retrofit programs, such as in-ground heating and other new methods of heating facilities, in order to reduce operating costs;
 - (iv) ensure that the strategy developed allows for the City of Toronto not to be dependant on the Toronto District School Board to deliver its aquatics program; and

- (v) report to the Economic Development and Parks Committee, in September 2005, on extending the hours of seasonal pools.”

Deputy Mayor Pantalone in the Chair.

7.14 **Policy and Finance Committee Report 6, Clause 5, headed “Construction, Ownership and Operation of the Western Beaches Watercourse”.**

Motions:

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

“That the General Manager of Parks, Forestry and Recreation be requested to examine, in conjunction with other officials, including staff from Exhibition Place and Ontario Place, the potential of staging other major events at or near this location, including Wakestock.”

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

“That the General Manager of Parks, Forestry and Recreation be requested to report back to Council, through Economic Development and Parks Committee, in the fall of 2005, on the opportunities to extend the course to its full 1,000-metre length.”

Votes:

Motion (a) by Councillor McConnell carried.

Motion (b) by Councillor Shiner carried.

The Clause, as amended, carried.

Summary:

In summary, Council amended this Clause by adding the following:

“That the General Manager of Parks, Forestry and Recreation be requested to:

- (1) examine, in conjunction with other officials, including staff from Exhibition Place and Ontario Place, the potential of staging other major events at or near this location, including Wakestock; and
- (2) report back to Council, through Economic Development and Parks Committee, in the fall of 2005 on the opportunities to extend the course to its full 1,000-metre length.”

7.15 Planning and Transportation Committee Report 5, Clause 7, headed “Report on Phase 1 Parking and Loading Zoning Standards Review”.*Motion:*

Councillor Moscoe moved that the Clause be amended by amending Recommendation (II) of the Planning and Transportation Committee as follows:

- (1) by deleting from Recommendation (II)(b) the words “doctors and dentists”, and inserting instead the words “medical offices”, so that Recommendation (II)(b) now reads as follows:

“(b) bring forward, at the earliest opportunity, parking standards for medical offices; and”;

- (2) deleting from Recommendation (II)(c)(ii) the word “on”, so that Recommendation (II)(c)(ii) now reads as follows:

“(c)(ii) ‘stack’ parking; and”;

- (3) deleting from Recommendation (II)(c)(iii) the words “distance for”, and inserting instead the words “distance from”, so that Recommendation (II)(c)(iii) now reads as follows:

“(c)(iii) the appropriate distance from subway stations for reduced parking standards to be applied.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

7.16 Administration Committee Report 5, Clause 16, headed “Shell Canada Service Stations at 4722 Yonge Street, 181 Sheppard Avenue East, 730 Sheppard Avenue East and 2831 Bayview Avenue - Settlement of Legal Claims re: Sheppard Subway Project (Wards 23 and 24 - Willowdale)”.*Motion:*

Councillor Shiner moved that the Clause be amended by adding the following:

“That the Deputy City Manager and Chief Financial Officer be requested to report to the Policy and Finance Committee in the fall of 2006, on how all businesses along corridors with major transit initiatives can be compensated in a fair and reasonable

manner.”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

7.17 Toronto and East York Community Council Report 5, Clause 7, headed “Final Report - Application to Amend the Zoning By-law – 5 Hanna Avenue (Trinity-Spadina, Ward 19)”.

Motion:

Councillor Jenkins moved that the Clause be amended by amending the section, entitled “Financial Implications and Impact Statement”, contained in the report (May 17, 2005) from the Director, Community Planning, South District, to now read as follows:

“It is estimated that the Development Charges for this proposal will be \$384,090.00, based on July 2005 Development Charges. This is an estimate and the actual charge is assessed and collected upon issuance of the Building permit.”

Votes:

The motion by Councillor Jenkins carried.

The Clause, as amended, carried.

7.18 North York Community Council Report 5, Clause 42, headed “Declaration of Surplus - Additional Portion of 12 Canterbury Place (Ward 23 - Willowdale)”.

Motion:

Councillor Filion moved that the Clause be amended by adding the following:

“That Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report (June 10, 2005) from the Chief Corporate Officer:

‘It is recommended that:

- (1) the terms of the land exchange transaction authorized by the adoption of Clause No. 8 of Report No. 2 of the Administration Committee by City Council at its meeting on February 1, 2 and 3, 2005, be revised as follows:

- (a) the City will convey to 1402335 Ontario Ltd., a portion of 12 Canterbury Place, legally described as part of Lot 19, Concession 1 West of Yonge Street, designated as Parts 1 and 3 on Sketch No. PS-2005-063, subject to an easement in favour of the City over Part 1 for maintenance, parking and access (the “Property”);
- (b) Part 2 on Sketch No. PS-2005-063 will no longer form part of the land to be exchanged;
- (c) 1402335 Ontario Ltd. shall provide a cash payment to the City in the amount of \$107,435.00 which sum may be adjusted upon receipt of a reference plan if the reference shows an area of more or less than 866 square metres for Parts 1 and 3 on Sketch No. PS-2005-063;
- (d) 1402335 Ontario Ltd. shall pay all land transfer tax which is payable in connection with the transfer of the Property to 1402335 Ontario Ltd. and shall pay, on behalf of the City, all land transfer tax which is payable in connection with the transfer of 37 Churchill Avenue to the City;
- (e) 1402335 Ontario Ltd. shall relocate, at its sole cost and expense, the Hydro Line located on Part 3 of Sketch PS-2005-063 to a location satisfactory to Toronto Hydro, the Fire Chief and General Manager and the Chief Planner and Executive Director, at no cost to the City;
- (f) 1402335 Ontario Ltd. shall agree to accept title to the Property subject to a permanent easement to be reserved in favour of the City over Part 1 on Sketch PS-2005-063 for maintenance, access and parking, the terms of which to be satisfactory to the Chief Corporate Officer and in a form satisfactory to the City Solicitor;
- (g) the land exchange shall be conditional upon the approval by City Council of the development application for the development located on the southwest corner of Churchill Avenue and Canterbury Place by 1402335 Ontario Ltd.; and
- (h) the land exchange shall be conditional upon there being no prohibition on the disposal of the Property contained in the Official Plan at the time of closing of such exchange;

- (2) authority be granted to direct a portion of the proceeds on closing to fund the outstanding expenses related to this Property;
- (3) the City Solicitor be authorized to complete the transactions on behalf of the City, including payment of any necessary expenses and amending the closing or other dates to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.'

Votes:

The motion by Councillor Filion carried.

The Clause, as amended, carried.

7.19 Works Committee Report 6, Clause 14, headed "Other Items Considered by the Committee".

Motion:

Councillor Hall moved that the following Items contained in this Clause be referred back to the Works Committee for further consideration:

- (1) Item (b), entitled "2005 Allocation of Funds for the Enhanced Sidewalk, Laneway and Walkway Litter Cleaning Project";
- (2) Item (c), entitled "Outcome of Meeting With Representatives of the Toronto Civic Employees' Union, Local 416 – Recycling Collection Operations in Former York and Etobicoke"; and
- (3) Item (h), entitled "Bicycle Friendly Campuses Project".

Votes:

The motion by Councillor Hall carried.

The balance of the Clause was received for information.

7.20 Works Committee Report 6, Clause 12, headed "Beach Postings in 2004 (Wards 6, 13, 14, 20, 30, 32 and 44)".

Motion:

Councillor Saundercook moved that the Clause be amended by adding the following:

“That the General Manager, Toronto Water, be requested to report back to the Works Committee on the western beaches and on possible options to improve the water quality in the short term.”

Votes:

The motion by Councillor Saundercook carried.

The Clause, as amended, carried.

7.21 Administration Committee Report 5, Clause 13, headed “Report on Options for the New Wireless Telecommunications Services Request for Proposal”.

Motion:

Councillor Moscoe moved that the Clause be amended by adding the following:

“That the Chief Corporate Officer be requested to review the policy at least once every five years, and report to Council, through the Administration Committee.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.
Deputy Mayor Pantalone in the Chair.

7.22 Policy and Finance Committee Report 6, Clause 1, headed “Governing Toronto - A Review of Toronto’s Governance System”.

Motions:

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

“That the formal consultation for the review of Toronto’s Governance System not commence before the release of the Bellamy Inquiry report and the amendments to the City of Toronto Act are known.”

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

“That Council adopt the following recommendations of the Mayor contained in the Recommendations Section of the supplementary report (June 14, 2005) from Mayor

David Miller:

‘It is recommended that:

- (1) the following persons be appointed as members of the external advisory panel participating in the Governing Toronto Review:
 - (a) Ms. Ann Buller;
 - (b) Professor Sujit Choudhry; and
 - (c) Mr. Martin Connell; and
- (2) Ms. Ann Buller be appointed Chair of the panel.’ ”

Votes:

Adoption of motion (a) by Councillor Minnan-Wong:

Yes - 7	
Councillors:	Del Grande, Ford, Holyday, Kelly, Minnan-Wong, Stintz, Walker
No - 32	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Thompson, Watson

Lost by a majority of 25.

Adoption of motion (b) by Mayor Miller and Clause, as amended:

Yes - 36	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 3	
Councillors:	Ford, Holyday, Walker

Carried by a majority of 33.

7.23 Board of Health Report 5, Clause 1, headed “2005 AIDS Prevention Grants”.

Vote:

Adoption of Clause, without amendment:

Yes - 30 Councillors: Altobello, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 2 Councillors: Ford, Holyday

Carried by a majority of 28.

7.24 Board of Health Report 5, Clause 3, headed “2005/2006 Student Nutrition Program Service Subsidies”.

Motion:

Councillor Moscoe moved that the Clause be amended by adding the following:

“That:

- (1) the Board of Health be requested to direct teen nutrition programs to areas of high needs rather than areas that have been identified as priorities in the Community Safety Strategy; and
- (2) the Medical Officer of Health be requested to provide to Council, through the Board of Health, a list of nutrition programs receiving assistance, broken down by Wards.”

Votes:

The motion by Councillor Moscoe carried.

Adoption of Clause, as amended:

Yes - 31 Councillors: Altobello, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes,

	Palacio, Pantalone, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 1 Councillor:	Ford

Carried by a majority of 30.

7.25 Board of Health Report 5, Clause 2, headed “2005 Drug Prevention Grants”.

Motions:

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

“That the Medical Officer of Health be requested to conduct a review of the drug prevention grants allocation process, in consultation with the Corporate Grants Co-ordinator, and submit a report to the Board of Health.”

- (b) Councillor Ford moved that:

- (1) the Clause be received; or
(2) in the event Part (1) fails, the Clause be amended by adding the following:

“That the Medical Officer of Health be requested to report to the Board of Health on imposing a requirement that all individuals hired by the organizations receiving drug prevention grants be required to undergo drug testing and be subject to a police background check.”

- (c) Councillor Mammoliti moved that the Clause be amended by adding the following:

“That the Medical Officer of Health be requested to:

- (1) prepare, for each Member of Council, a list of grant recipients within their Wards; and
(2) report to the Board of Health on the success of the Drug Prevention Grants Program as it relates to the status of prescription drug abuse in the City of Toronto.”

Votes:

Adoption of Part (1) of motion (b) by Councillor Ford:

Yes - 9 Councillors:	Del Grande, Ford, Holyday, Minnan-Wong, Nunziata, Saundercook, Soknacki, Stintz, Thompson
No - 26	Miller

Mayor:	
Councillors:	Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Li Preti, Mammoliti, McConnell, Mihevc, Moscoe, Palacio, Pantalone, Pitfield, Rae, Walker, Watson

Lost by a majority of 17.

Part (2) of motion (c) by Councillor Mammoliti carried.

Part (1) of motion (c) by Councillor Mammoliti carried.

Motion (a) by Councillor Thompson carried.

Adoption of Part (2) of motion (b) by Councillor Ford:

Yes - 20	
Councillors:	Altobello, Carroll, Cho, Cowbourne, Del Grande, Fletcher, Ford, Holyday, Jenkins, Kelly, Minnan-Wong, Nunziata, Palacio, Pantalone, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 15	
Mayor:	Miller
Councillors:	Ashton, Chow, Davis, Di Giorgio, Filion, Giambrone, Li Preti, Mammoliti, McConnell, Mihevc, Moscoe, Pitfield, Rae, Shiner

Carried by a majority of 5.

Adoption of Clause, as amended:

Yes - 32	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Holyday, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Minnan-Wong, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 4	
Councillors:	Ford, Mammoliti, Nunziata, Thompson

Carried by a majority of 28.

Summary:

In summary, Council amended this Clause by adding the following:

“That the Medical Officer of Health be requested to:

- (1) prepare, for each Member of Council, a list of grant recipients within their Wards;
- (2) conduct a review of the drug prevention grants allocation process, in consultation with the Corporate Grants Co-ordinator, and submit a report to the Board of Health; and
- (3) report to the Board of Health on:
 - (a) imposing a requirement that all individuals hired by the organizations receiving drug prevention grants be required to undergo drug testing and be subject to a police background check; and
 - (b) the success of the Drug Prevention Grants Program as it relates to the status of prescription drug abuse in the City of Toronto.”

Mayor Miller in the Chair.

7.26 **Works Committee Report 5, Deferred Clause 6a, headed “Modifications to the Parking Regulations and Set Fines Associated With the ‘On-Street Parking and Loading Spaces for Use by Motor Coaches’ Initiative - Various Streets in South District”, and Works Committee Report 6, Clause 6, headed “Installation of Parking Machines at Various ‘Motorcoach Parking Zones’ Delineated in the Downtown Area (Wards 20, 27 and 28)”.**

Motion:

Councillor Moscoe moved that:

- (1) Works Committee Report 5, Deferred Clause 6a, be amended in accordance with the following staff Recommendations (1)(a), (1)(b), (1)(c) and (4) contained in the Recommendations Section of the supplementary report (June 9, 2005) from the Acting General Manager, Transportation Services:

“It is recommended that:

- (1) the recommendations of the Works Committee at its meeting of April 27, 2005, in considering a staff report (April 21, 2005) entitled ‘Modifications to the Parking Regulations and Set Fines associated with the On-street Parking and Loading Spaces for Use by Motor Coaches Initiative – Various Streets in South District’ (Works Committee Report 5, Clause 6a), be received and in place thereof, the

following recommendations be adopted:

- (a) authority be granted to amend the appropriate by-law to create the new offence of ‘stopping, standing or parking a bus on a signed highway during a time or day when stopping, standing or parking is prohibited’, and that the City Solicitor be directed to apply to the office of the Regional Senior Justice to amend *Part II – Provincial Offences Act* to establish a set fine amount of \$300.00;
- (b) the appropriate City staff take whatever action is necessary to amend Chapter 400, Traffic and Parking of the former City of Toronto Municipal Code and the Uniform Traffic By-law of the former Municipality of Metropolitan Toronto, and create the appropriate provision(s) to give effect to the foregoing; and
- (c) the amendments to existing parking regulations contained in Appendix A – Regulatory Amendments, attached to this report, respecting prohibited parking, time limited parking and parking meters, be approved; and
- (4) the appropriate City officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that might be required.”; and
- (2) Works Committee Report 6, Clause 6, be adopted.

Votes:

The motion by Councillor Moscoe carried.

Works Committee Report 5, Deferred Clause 6a, as amended, carried.

Works Committee Report 6, Clause 6, was adopted, without amendment.

7.27 Etobicoke York Community Council Report 5, Clause 30, headed “Amphitheatre in Earls court Park”.

The Clause was submitted without recommendation.

Motion:

Councillor Palacio moved that Council:

- (1) adopt the following staff recommendations contained in the Recommendations

Section of the supplementary report (June 8, 2005) from the General Manager, Parks, Forestry and Recreation:

“It is recommended that:

- (1) a portion of Earlscourt Park adjacent to the newly-constructed amphitheatre be named as ‘Universal Workers Union Local 183 Gardens’; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”; and

- (2) adopt the following motion:

“**WHEREAS** through the generosity of various donors over the years, \$80,000.00 has been donated for the development of an amphitheatre in Earlscourt Park, in addition to over \$500,000.00 in volunteer labour; and

WHEREAS through the generosity of the Union Local 183 and others, an ornate bandshell has been constructed in Earlscourt Park; and

WHEREAS in order to complete the project to meet the building code, safety requirements and to have it ready for the July 1st, 2005 public opening, handrails, electrical and other finishing work is still required; and

WHEREAS an additional \$40,000.00 in existing funding is required to enable Parks, Forestry and Recreation staff to undertake the remaining work, in order to meet the July 1st deadline;

NOW THEREFORE BE IT RESOLVED THAT authority be given to staff to transfer \$40,000.00 required from CPR 117-16 (Earlscourt Park Amphitheatre) to Parks, Forestry and Recreation operating account #P00078 to enable staff to undertake the timely completion of the remaining work on the Earlscourt Park amphitheatre;

AND BE IT FURTHER RESOLVED THAT the money be spent only on the completion of the amphitheatre as substantiated by fully itemized receipts and authorized by the local City Councillor and City staff.”

Votes:

The motion by Councillor Palacio carried.

The Clause, as amended, carried.

Deputy Mayor Pantalone in the Chair.

7.28 Administration Committee Report 5, Clause 1, headed “2005 Access and Equity Grant Program”.

Motion:

Councillor Nunziata moved that the Clause be amended by deleting Recommendation (2) contained in the report (May 10, 2005) from the City Manager.

Votes:

Adoption of motion by Councillor Nunziata:

Yes - 7	Councillors: Ford, Grimes, Holyday, Lindsay Luby, Nunziata, Palacio, Saundercook
No - 22	Councillors: Altobello, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Hall, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Thompson, Walker, Watson

Lost by a majority of 14.

Adoption of Clause, without amendment:

Yes - 26	Councillors: Altobello, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Thompson, Walker, Watson
No - 3	Councillors: Ford, Holyday, Nunziata

Carried by a majority of 23.

7.29 Community Services Committee Report 5, Clause 6, headed “Community Services Grants Program - 2005 Allocations”.

Vote:

Adoption of Clause, without amendment:

Yes - 24	Councillors: Altobello, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Fletcher, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe,
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	Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson
No - 2 Councillors:	Ford, Holyday

Carried by a majority of 22.

Mayor Miller in the Chair.

7.30 Administration Committee Report 3, Deferred Clause 17b, headed “Swansea Town Hall - Amendment of Purchase Order 6012609, Previously Awarded to KaRy Construction (Ward 13 - Parkdale-High Park)”.

The Clause was submitted without recommendation.

Motion:

Councillor Saundercook moved that the Clause be received.

Vote:

The motion by Councillor Saundercook carried.

7.31 North York Community Council Report 5, Clause 13, headed “All Way Stop Control - Addison Crescent (north leg) at Duncairn Road (Ward 25 - Don Valley West)”.

Vote:

Adoption of Clause, without amendment:

Yes - 27 Mayor:	Miller
Councillors:	Altobello, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Stintz, Thompson, Watson
No - 4 Councillors:	Carroll, Ford, Holyday, Shiner

Carried by a majority of 23.

7.32 North York Community Council Report 5, Clause 30, headed “All Way Stop - Barrydale Crescent at Bramble Drive (Ward 25 - Don Valley West)”.

Vote:

Adoption of Clause, without amendment:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Thompson, Watson
No - 5	
Councillors:	Carroll, Ford, Holyday, Shiner, Stintz

Carried by a majority of 21.

7.33 North York Community Council Report 5, Clause 31, headed “All Way Stop Control - King High Avenue and Laurelcrest Avenue (Ward 10 - York Centre)”.

Vote:

Adoption of Clause, without amendment:

Yes - 29	
Mayor:	Miller
Councillors:	Altobello, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 3	
Councillors:	Carroll, Ford, Holyday

Carried by a majority of 26.

7.34 North York Community Council Report 5, Clause 32, headed “All Way Stop Control - Delahaye Street at Luverne Avenue (Ward 10 - York Centre)”.

Vote:

Adoption of Clause, without amendment:

Yes - 30	Miller
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Mayor:	
Councillors:	Altobello, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 3	
Councillors:	Carroll, Ford, Holyday

Carried by a majority of 27.

Deputy Mayor Feldman in the Chair.

7.35 Community Services Committee Report 5, Clause 7, headed “Breaking the Cycle of Violence Grants Program (BTCV) - 2005 Allocations”.

Vote Be Now Taken:

Councillor Davis moved that, in accordance with §27-45C of Chapter 27 of the City of Toronto Municipal Code, the vote be now taken, the vote upon which was taken as follows:

Yes - 15	
Councillors:	Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Giambrone, Li Preti, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Thompson
No - 18	
Councillors:	Altobello, Cho, Chow, Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Jenkins, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Shiner, Stintz, Watson

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

Motion:

Councillor Mammoliti moved that the Clause be amended by adding the following:

“That the Auditor General be requested to examine the allocation of the Breaking the Cycle of Violence Grants for 2005 and report to Council through the Audit Committee.”

Votes:

Adoption of motion by Councillor Mammoliti:

Yes - 18	
Councillors:	Altobello, Ashton, Cowbourne, De Baeremaeker, Del Grande, Feldman, Ford, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Nunziata, Palacio, Pitfield
No - 18	
Mayor:	Miller
Councillors:	Carroll, Cho, Chow, Davis, Di Giorgio, Filion, Fletcher, Kelly, Milczyn, Moscoe, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson

Lost, there being a tie vote.

Adoption of Clause, without amendment:

Yes - 33	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 4	
Councillors:	Ford, Holyday, Mammoliti, Nunziata

Carried by a majority of 29.

7.36 Economic Development and Parks Committee Report 6, Clause 1, headed “2005 Commercial Research Grant Program - Grant Recommendations (All Wards)”.

Vote:

Adoption of Clause, without amendment:

Yes - 29	
Councillors:	Altobello, Ashton, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Stintz, Watson
No - 4	

Councillors: Del Grande, Ford, Moscoe, Soknacki

Carried by a majority of 25.

7.37 Economic Development and Parks Committee Report 6, Clause 2, headed “2005 Grant Recommendations for the Economic Development Sector Initiatives Program (EDSIP) and the Economic Sponsorship Initiatives (ESI) (All Wards)”.

Vote:

Adoption of Clause, without amendment:

Yes - 25 Councillors: Altobello, Carroll, Cho, Chow, Cowbourne, Davis, Di Giorgio, Feldman, Filion, Fletcher, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Soknacki, Watson
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No - 2 Councillors: Del Grande, Ford

Carried by a majority of 23.

Mayor Miller in the Chair.

7.38 Etobicoke York Community Council Report 5, Clause 28, headed “Request to Remove One City Owned Tree 33 Mervyn Avenue (Ward 5 - Etobicoke-Lakeshore)”.

The Clause was submitted without recommendation.

Motion:

Councillor Nunziata moved that the Clause be referred back to the Etobicoke York Community Council for further consideration and to allow the Community Council to hear speakers on this matter.

Vote:

The motion by Councillor Nunziata carried.

7.39 Planning and Transportation Committee Report 5, Clause 10, headed “GO Georgetown/Weston Sub-Division Corridor Rail Expansion-Environmental Assessment”.

June 14, 2005:

Vote:

The Clause was adopted, without amendment.

June 15, 2005:

Motion to Re-Open:

Councillor Nunziata, 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 Nunziata moved that the Clause be amended by adding the following:

“That the Chief Planner and Executive Director, City Planning, be requested to review whether there is a need for a new GO Station in the vicinity of Woodbine Racetrack and include comments in his report to the Planning and Transportation Committee following the completion of the current Environmental Assessment Study.”

Votes:

The motion by Councillor Nunziata carried.

The Clause, as amended, carried.

7.40 **Scarborough Community Council Report 5, Clause 13, headed “Community Donations”.**

The Clause was submitted without recommendation.

June 15, 2005:

Motion:

Councillor Stintz moved that the Clause be referred to the City Manager with a request that she submit a report to the Policy and Finance Committee regarding a policy, as part of the Councillors’ Code of Conduct, to deal with donations or any benefits which are separate from community benefits received pursuant to Section 37 of the *Planning Act* and which may appear to be linked to the granting of approvals or the waiver of requirements.

Vote:

The motion by Councillor Stintz carried.

June 16, 2005:

Motion to Re-Open:

Councillor Ootes, 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 Ootes moved that the motion by Councillor Stintz be amended by inserting, after the words “Policy and Finance Committee”, the words “in consultation with the Integrity Commissioner”.

Vote:

The motion by Councillor Ootes carried.

The motion by Councillor Stintz, as amended, carried.

Summary:

In summary, Council referred this Clause to the City Manager with a request that she submit a report to the Policy and Finance Committee, in consultation with the Integrity Commissioner, regarding a policy, as part of the Councillors’ Code of Conduct, to deal with donations or any benefits which are separate from community benefits received pursuant to Section 37 of the *Planning Act* and which may appear to be linked to the granting of approvals or the waiver of requirements.

7.41 Toronto and East York Community Council Report 5, Clause 25, headed “Front Yard Parking and Driveway Widening (All Wards)”.

Motions:

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

“That the Acting General Manager, Transportation Services, be requested to include in his policy report on Front Yard Parking to the Works Committee for the fall of 2005, a discussion and analysis of:

- (a) the effect of disqualifying residents from obtaining front yard parking or driveway widening or residential boulevard parking where there are on-street parking permits available in their area; and
 - (b) ways of giving on-street permit parking priority (not merely economic preference) to residents of properties which do not have any private parking facilities, such as a garage, driveway, or laneway.”
- (b) Councillor Del Grande moved that the Clause be amended by adding the following:
- “That the Acting General Manager, Transportation Services, be requested to recognize, notwithstanding the recommendations of the Toronto and East York Community Council, the sensitivity of widening driveways in Scarborough with a recognition to remove asphalt as an acceptable landscape and review parking allowance as it relates to ‘green space’.”
- (c) Councillor Pitfield moved that the Clause be amended by adding the following:
- “That the Acting General Manager, Transportation Services, be requested to report to the Works Committee on adopting a policy prohibiting Front Yard Parking in Ward 26.”

Vote:

Adoption of motions (a), (b) and (c), by Councillors Watson, Del Grande and Pitfield, respectively, and Clause, as amended:

Yes - 29	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Soknacki, Thompson, Watson
No - 6	
Councillors:	Feldman, Ford, Mammoliti, Minnan-Wong, Shiner, Stintz

Carried by a majority of 23.

Summary:

In summary, Council amended this Clause by adding the following:

“That the Acting General Manager, Transportation Services, be requested to:

- (1) include in his policy report on Front Yard Parking to the Works Committee for the fall of 2005, a discussion and analysis of:
 - (a) the effect of disqualifying residents from obtaining front yard parking or driveway widening or residential boulevard parking where there are on-street parking permits available in their area; and
 - (b) ways of giving on-street permit parking priority (not merely economic preference) to residents of properties which do not have any private parking facilities, such as a garage, driveway, or laneway;
- (2) recognize, notwithstanding the recommendations of the Toronto and East York Community Council, the sensitivity of widening driveways in Scarborough with a recognition to remove asphalt as an acceptable landscape and review parking allowance as it relates to 'green space'; and
- (3) report to the Works Committee on adopting a policy prohibiting Front Yard Parking in Ward 26."

Deputy Mayor Feldman in the Chair.

7.42 **Economic Development and Parks Committee Report 6, Clause 3, headed "2005 Cultural Grants Recommendations - Major Cultural Organizations (All Wards)".**

Motions:

- (a) Councillor Ford moved that:
 - (1) Council re-open Motion J(13), moved by Councillor Rae, seconded by Councillor McConnell, entitled "Major Cultural Organizations Grants Program - Funding for Pride Toronto", as adopted by City Council on May 17, 18 and 19, 2005, for further consideration; and
 - (2) this Clause be amended by deleting the \$100,000.00 Cultural Grant to Pride Toronto.
- (b) Councillor Mammoliti moved that the Clause be amended by adding the following:

"That:

 - (1) the Executive Director, Culture Division, be requested to meet with the organizers of the College Street Good Friday festivities to determine if there is any help the City of Toronto can provide, in order to assist them in organizing next year's event; and

- (2) the Art Gallery of Ontario be required, as a condition of their grant allocation, to volunteer art for display at the Toronto Zoo, from time to time.”

Vote to Re-Open:

Adoption of Part (1) of motion (a) by Councillor Ford:

Yes - 3 Councillors:	Del Grande, Ford, Holyday
No - 28 Mayor: Councillors:	Miller Altobello, Ashton, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson, Watson

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

Deputy Mayor Feldman, due to the above decision of Council, declared Part (2) of motion (a) by Councillor Ford, redundant.

Votes:

Adoption of Part (1) of motion (b) by Councillor Mammoliti:

Yes - 15 Mayor: Councillors:	Miller Altobello, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Palacio, Pantalone, Pitfield, Soknacki
No - 16 Councillors:	Carroll, Cowbourne, Feldman, Fletcher, Ford, Giambrone, Holyday, Kelly, McConnell, Mihevc, Moscoe, Rae, Shiner, Stintz, Thompson, Watson

Lost by a majority of 1.

Adoption of Part (2) of motion (b) by Councillor Mammoliti:

Yes - 10 Councillors:	Altobello, Carroll, Cho, De Baeremaeker, Del Grande, Feldman, Mammoliti, Moscoe, Palacio, Rae
No - 21 Mayor: Councillors:	Miller Cowbourne, Davis, Di Giorgio, Fletcher, Ford, Giambrone, Holyday, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Pantalone, Pitfield, Shiner, Soknacki,

Stintz, Thompson, Watson

Lost by a majority of 11.

Adoption of Clause, without amendment:

Yes - 28 Mayor: Miller Councillors: Altobello, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson, Watson
No - 3 Councillors: Del Grande, Ford, Holyday

Carried by a majority of 25.

7.43 **Economic Development and Parks Committee Report 6, Clause 4, headed “2005 Arts and Culture Grants Recommendations, Community Partnership and Investment Program - Local Arts Service Organizations (All Wards)”.**

Vote Be Now Taken:

Councillor Shiner moved that, in accordance with §27-45C of Chapter 27 of the City of Toronto Municipal Code, the vote be now taken, the vote upon which was taken as follows:

Yes - 18 Councillors: Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Feldman, Giambrone, Li Preti, Lindsay Luby, McConnell, Mihevc, Nunziata, Palacio, Pitfield, Rae, Shiner, Soknacki, Stintz
No - 9 Councillors: Altobello, Del Grande, Di Giorgio, Ford, Holyday, Mammoliti, Moscoe, Ootes, Watson

Carried, two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Clause, without amendment:

Yes - 25 Councillors: Altobello, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Giambrone, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Watson
No - 3 Councillors: Ford, Holyday, Mammoliti

Carried by a majority of 22.

7.44 Economic Development and Parks Committee Report 6, Clause 5, headed “2005 Community Festivals and Special Events Grants Program - Recommendations (All Wards)”.

Vote Be Now Taken:

Councillor Shiner moved that, in accordance with §27-45C of Chapter 27 of the City of Toronto Municipal Code, the vote be now taken, the vote upon which was taken as follows:

Yes - 27 Councillors: Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Watson
No - 6 Councillors: Altobello, Ford, Holyday, Jenkins, Minnan-Wong, Ootes

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

Vote:

Adoption of Clause, without amendment:

Yes - 30 Councillors: Altobello, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Watson
No - 3 Councillors: Del Grande, Ford, Holyday

Carried by a majority of 27.

7.45 Striking Committee Report 3, Clause 3, headed “Revisions to the 2005 Schedule of Meetings from September - December 2005, and 2006 Budget Process Timetable and Schedule of Meetings”.

Motion:

Councillor Holyday moved that the Clause be referred to the City Clerk with a request that she develop another way to accommodate the budget without wholesale changes to the Council meeting schedule.

Vote on Referral:

Adoption of motion by Councillor Holyday:

Yes - 6 Councillors: Ford, Holyday, Minnan-Wong, Nunziata, Ootes, Palacio
No - 19 Councillors: Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Giambrone, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Soknacki, Watson

Lost by a majority of 13.

Vote on Clause:

Adoption of Clause, without amendment:

Yes - 22	
Councillors:	Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Giambrone, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Palacio, Pantalone, Pitfield, Rae, Soknacki, Stintz, Watson
No - 4	
Councillors:	Ford, Holyday, Nunziata, Ootes

Carried by a majority of 18.

Deputy Mayor Pantalone in the Chair.

7.46 **Toronto and East York Community Council Report 5, Clause 8, headed “Settlement Report - Application to Amend the Zoning By-law – 430 King Street West (Trinity-Spadina, Ward 20)”.**

Motion:

Councillor Chow moved that the Clause be amended by:

- (1) amending the section, entitled “Financial Implications and Impact Statement”, contained in the report (May 17, 2005) from the Director, Community Planning, South District, to now read as follows:

“It is estimated that the Development Charges for this proposal will be \$1,656,114.40 based on July 2005 Development Charges. This is an estimate and the actual charge is assessed and collected upon issuance of the building permit.”; and

- (2) adding the following:

“That the Chief Planner and Executive Director, City Planning, report to the Toronto and East York Community Council in the fall of 2005, on the implementation plan of the community and recreation services and facilities plan for the King-Spadina area.”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

Deputy Mayor Feldman in the Chair.

7.47 **Policy and Finance Committee Report 6, Clause 2, headed “Governance of the Toronto Licensing Tribunal”.**

Motions:

- (a) Councillor Stintz moved that the Clause be amended by adding the following:
- “That the membership of the Toronto Licensing Tribunal be restricted so that Councillors who are currently sitting, or have been a Member of Council in the last three years, be prohibited from sitting on the Tribunal.”
- (b) Councillor Moscoe moved that the Clause be amended:
- (1) in accordance with the staff recommendations contained in the Recommendations Section of the report (June 13, 2005) from the City Manager; and
- (2) by adding the following:
- “That the confidential report (June 8, 2005) from the City Solicitor [Confidential Communication C.7(a)] be referred to the City Manager with a request that she meet with the City Solicitor and the Executive Director, Municipal Licensing and Standards to develop a strategy for broadening the basis for licensing through negotiations on the new *City of Toronto Act*.”
- (c) Councillor Watson moved that:
- (1) Part (2) of motion (b) by Councillor Moscoe be amended by adding the words “and report to Council, through the Policy and Finance Committee, on their final determination of what request is proposed to be made to the Province with regard to Licensing jurisdiction”; and
- (2) motion (a) by Councillor Stintz be amended by deleting the words “three years” and inserting instead the words “one year”.
- (d) Deputy Mayor Pantalone moved that motion (a) by Councillor Stintz be referred to the City Manager for consideration.
- (e) Councillor Nunziata moved that the Clause be amended by adding the following:
- “That licensing applications submitted to the Tribunal for hearing be circulated to all applicable City Programs and affected Councillors for information.”

(f) Councillor Milczyn moved that:

(1) the Clause be amended by referring the following Recommendations (3) and (4) as contained in the Recommendations Section of the report (May 24, 2005) from the City Manager to the City Manager for further consideration, pending the proclamation of the new *City of Toronto Act*:

“(3) the six positions and incumbent staff comprising the support staff to the Toronto Licensing Tribunal be transferred from the Secretariat Division of the Clerk’s Office to the Policy and Research Section of the Municipal Licensing and Standards Division; and

(4) the Deputy City Manager and Chief Financial Officer, in consultation with the Executive Director of Municipal Licensing and Standards and the City Clerk, determine the budget adjustments necessary to effect the transfer of support staff and the related costs and be authorized to adjust the impacted budgets and the actual expenditures to date for 2005, such transfer to have a net zero impact;” and

(2) Part (1) of motion (b) by Councillor Moscoe be amended to provide that the following Recommendation (1) as contained in the Recommendations Section of the report (June 13, 2005) from the City Manager be referred to the City Manager for further consideration, pending the proclamation of the new *City of Toronto Act*:

“(1) given that the Policy and Finance Committee determined that public perception of independence from the regulatory function is a key consideration in the organizational placement of the Toronto Licensing Tribunal support staff, the support staff be transferred to Court Services as a separate unit and the amendments set out in Attachment 1 of this report be adopted to implement the transfer;”.

Votes:

Adoption of motion (f) by Councillor Milczyn:

Yes - 16 Councillors: Ashton, Del Grande, Di Giorgio, Feldman, Filion, Ford, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Milczyn, Nunziata, Palacio, Stintz, Thompson
No - 12 Councillors: Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Giambrone, Li Preti, Mihevc, Moscoe, Pantalone, Pitfield, Watson

Carried by a majority of 4.

Adoption of Part (1) of motion (c) by Councillor Watson:

Yes - 28 Councillors: Ashton, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Stintz, Thompson, Watson
No - 0

Carried, without dissent.

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

Yes - 28 Councillors: Ashton, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Stintz, Thompson, Watson
No - 0

Carried, without dissent.

Adoption of Part (2) of motion (c) by Councillor Watson:

Yes - 13	Councillors: Ashton, Davis, Di Giorgio, Feldman, Ford, Giambrone, Jenkins, Kelly, McConnell, Nunziata, Palacio, Pantalone, Watson
No - 15	Councillors: Carroll, Chow, Cowbourne, De Baeremaeker, Del Grande, Filion, Holyday, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Pitfield, Stintz, Thompson

Lost by a majority of 2.

Adoption of motion (d) by Deputy Mayor Pantalone:

Yes - 11	Councillors: Ashton, Chow, Davis, Di Giorgio, Filion, Giambrone, Li Preti, McConnell, Mihevc, Moscoe, Pantalone
No - 17	Councillors: Carroll, Cowbourne, De Baeremaeker, Del Grande, Feldman, Ford, Holyday, Jenkins, Kelly, Lindsay Luby, Milczyn, Nunziata, Palacio, Pitfield, Stintz, Thompson, Watson

Lost by a majority of 6.

Adoption of motion (a) by Councillor Stintz, without amendment:

Yes - 15	Councillors: Carroll, De Baeremaeker, Del Grande, Feldman, Ford, Holyday, Jenkins, Lindsay Luby, Milczyn, Nunziata, Palacio, Pitfield, Stintz, Thompson, Watson
No - 13	Councillors: Ashton, Chow, Cowbourne, Davis, Di Giorgio, Filion, Giambrone, Kelly, Li Preti, McConnell, Mihevc, Moscoe, Pantalone

Carried by a majority of 2.

Adoption of motion (e) by Councillor Nunziata:

Yes - 19	
Councillors:	Carroll, Chow, Cowbourne, De Baeremaeker, Del Grande, Feldman, Ford, Giambrone, Kelly, Li Preti, Lindsay Luby, Milczyn, Moscoe, Nunziata, Palacio, Pitfield, Stintz, Thompson, Watson
No - 9	
Councillors:	Ashton, Davis, Di Giorgio, Fillion, Holyday, Jenkins, McConnell, Mihevc, Pantalone

Carried by a majority of 10.

Adoption of Clause, as amended:

Yes - 21	
Councillors:	Ashton, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Feldman, Fillion, Ford, Holyday, Jenkins, Kelly, Lindsay Luby, Milczyn, Moscoe, Nunziata, Palacio, Pitfield, Stintz, Thompson, Watson
No - 7	
Councillors:	Cowbourne, Di Giorgio, Giambrone, Li Preti, McConnell, Mihevc, Pantalone

Carried by a majority of 14.

Summary:

In summary, Council amended this Clause:

- (1) by referring the following staff recommendations to the City Manager for further consideration, pending the proclamation of the new *City of Toronto Act*:
 - (a) Recommendations (3) and (4) as contained in the Recommendations Section of the report (May 24, 2005) from the City Manager:
 - “(3) the six positions and incumbent staff comprising the support staff to the Toronto Licensing Tribunal be transferred from the Secretariat Division of the Clerk’s Office to the Policy and Research Section of the Municipal Licensing and Standards Division; and

- (4) the Deputy City Manager and Chief Financial Officer, in consultation with the Executive Director of Municipal Licensing and Standards and the City Clerk, determine the budget adjustments necessary to effect the transfer of support staff and the related costs and be authorized to adjust the impacted budgets and the actual expenditures to date for 2005, such transfer to have a net zero impact;”; and
- (b) Recommendation (1) as contained in the Recommendations Section of the report (June 13, 2005) from the City Manager:
 - “(1) given that the Policy and Finance Committee determined that public perception of independence from the regulatory function is a key consideration in the organizational placement of the Toronto Licensing Tribunal support staff, the support staff be transferred to Court Services as a separate unit and the amendments set out in Attachment 1 of this report be adopted to implement the transfer;”;
- (2) in accordance with the balance of the staff recommendations contained in the Recommendations Section of the report (June 13, 2005) from the City Manager, as follows:
 - “(2) the part of the motion recommending the provision of an additional Administrative Assistant to the Chair of the Tribunal not be adopted since there is already sufficient staffing to provide these services, but that staff ensure that the existing staff provide adequate service to the Chair to carry out his duties as directed by Council;
 - (3) the technical amendments outlined in Attachment 2 be made to implement the parts of the motion to:
 - (a) generalize references to support staff;
 - (b) require that appointees complete the recommended training successfully;
 - (c) require business meetings be held at least twice a year instead of only once;
 - (d) clarify that Tribunal members may also submit reports for consideration at business meetings in addition to staff reports; and
 - (e) clarify that funds used for consulting services must be budgeted for that purpose;

and for clarity, it is not recommended that the Tribunal be expected or encouraged to submit to City Council recommended changes to the Licensing By-law since this is the role of staff and the Tribunal can describe in its Annual Report any issues that may ultimately require By-law amendment after staff review and comment on implications;

- (4) members of the Tribunal be provided with sufficient workspace, office equipment and supplies to enable them to fulfill their obligations as Tribunal members and the independence of the Tribunal be reinforced through the use of its own letterhead and other identification and for clarity, pre-printed stationery is not required because electronic templates of letterheads can be used; and
 - (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”; and
- (3) by adding the following:

“That:

- (a) the membership of the Toronto Licensing Tribunal be restricted so that Councillors who are currently sitting, or have been a Member of Council in the last three years, be prohibited from sitting on the Tribunal;
- (b) licensing applications submitted to the Tribunal for hearing be circulated to all applicable City Programs and affected Councillors for information; and
- (c) the confidential report (June 8, 2005) from the City Solicitor [Confidential Communication C.7(a)] be referred to the City Manager with a request that she meet with the City Solicitor and the Executive Director, Municipal Licensing and Standards to develop a strategy for broadening the basis for licensing through negotiations on the new *City of Toronto Act*, and report to Council, through the Policy and Finance Committee, on their final determination of what request is proposed to be made to the Province with regard to Licensing jurisdiction.”

7.48 Toronto and East York Community Council Report 6, Clause 66, headed “Car Free Sundays in Kensington Market (Trinity-Spadina, Ward 20)”.

Motions:

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

“That:

- (1) the City of Toronto, through the Transportation Services Division, continue to sponsor 2005 Pedestrian Sundays in Kensington Market (as in 2004), and reduce the 2004 City’s contribution of \$22,289 to \$14,000 for 2005, and that the cost be absorbed within the Transportation Services Division budget;

- (2) the Acting General Manager, Transportation Services, be requested to develop a program that would identify pedestrian zones and include the necessary funds in the 2006 budget submission, for consideration; and
 - (3) the supplementary report (June 14, 2005) from the Acting General Manager, Transportation Services, be received.”
- (b) Councillor Del Grande moved that the Clause be amended by adding the following:
- “That the Deputy City Manager and Chief Financial Officer be requested to report to the Policy and Finance Committee on the City’s ability to provide liability insurance coverage for approved local community events of this similar nature by treating them as City functions.”
- (c) Councillor Mihevc moved that the Clause be amended by adding the following:
- “That:
- (1) the City provide garbage and recycling containers for all of the scheduled Car Free Sundays in Kensington Market; and
 - (2) the General Manager, Solid Waste Management, be requested to report to the Works Committee, as soon as possible, on providing garbage and recycling containers for all City-approved festivals.”
- (d) Councillor Watson moved that the Clause be amended by adding the following:
- “That the staff recommendations contained in the Recommendations Section of the report (June 14, 2005) from the Acting General Manager, Transportation Services, be adopted.”
- (e) Councillor Cowbourne moved that the Clause be amended by adding the following:
- “That the Executive Director, Economic Development and Culture, in consultation with the Acting General Manager, Transportation Services, be requested to examine the existing policies of economic support to community and street events, with a view to providing an equitable level of support to all communities, and report to the Economic Development and Parks Committee.”
- (f) Councillor Pitfield moved that the Clause be amended by adding the following:
- “That the Acting General Manager, Transportation Services, be requested to report to the Works Committee on designating the Kensington Market area as a City Pedestrian zone.”

Votes:

Adoption of Part (1) of motion (a) by Councillor Chow:

Yes - 13 Councillors: Ashton, Carroll, Chow, Davis, De Baeremaeker, Fletcher, Jenkins, Li Preti, McConnell, Mihevc, Moscoe, Pantalone, Soknacki
No - 13 Councillors: Cowbourne, Del Grande, Feldman, Ford, Holyday, Kelly, Lindsay Luby, Nunziata, Palacio, Pitfield, Stintz, Thompson, Watson

Lost, there being a tie vote.

Adoption of Part (2) of motion (a) by Councillor Chow:

Yes - 18 Councillors: Ashton, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Feldman, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Soknacki, Stintz
No - 7 Councillors: Del Grande, Ford, Holyday, Nunziata, Palacio, Thompson, Watson

Carried by a majority of 11.

Ruling by Deputy Mayor:

Deputy Mayor Feldman, due to the above decisions of Council, ruled the following motions redundant:

- (1) Part (3) of motion (a) by Councillor Chow;
- (2) Motion (d) by Councillor Watson; and
- (3) Part (1) of motion (c) by Councillor Mihevc.

Councillor Chow challenged the ruling of the Deputy Mayor on Part (1) of motion (c) by Councillor Mihevc.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 12

Councillors:	De Baeremaeker, Del Grande, Feldman, Ford, Kelly, Li Preti, Nunziata, Palacio, Soknacki, Stintz, Thompson, Watson
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No - 14	
Councillors:	Ashton, Carroll, Chow, Cowbourne, Davis, Fletcher, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Pitfield

Lost by a majority of 2.

Votes:

Adoption of Part (1) of motion (c) by Councillor Mihevc:

Yes - 18	
Councillors:	Ashton, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Fletcher, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Soknacki

No - 8	
Councillors:	Del Grande, Feldman, Ford, Holyday, Kelly, Stintz, Thompson, Watson

Carried by a majority of 10.

Adoption of Part (2) of motion (c) by Councillor Mihevc:

Yes - 23	
Councillors:	Ashton, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fletcher, Ford, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Pantalone, Pitfield, Soknacki, Stintz, Thompson, Watson

No - 2	
Councillors:	Holyday, Palacio

Carried by a majority of 21.

Motion (b) by Councillor Del Grande carried.

Motion (e) by Councillor Cowbourne carried.

Adoption of motion (f) by Councillor Pitfield:

Yes - 18 Councillors:	Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Fletcher, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Stintz
No - 7 Councillors:	Ashton, Del Grande, Feldman, Ford, Kelly, Thompson, Watson

Carried by a majority of 11.

Adoption of Clause, as amended:

Yes - 24 Councillors:	Ashton, Carroll, Chow, Cowbourne, De Baeremaeker, Del Grande, Feldman, Fletcher, Ford, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Soknacki, Stintz, Watson
No - 2 Councillors:	Davis, Thompson

Carried by a majority of 22.

Summary:

In summary, Council amended this Clause by the adding the following:

“That:

- (1) the City provide garbage and recycling containers for all of the scheduled Car Free Sundays in Kensington Market;
- (2) the Deputy City Manager and Chief Financial Officer be requested to report to the Policy and Finance Committee on the City’s ability to provide liability insurance coverage for approved local community events of this similar nature by treating them as City functions;
- (3) the Acting General Manager, Transportation Services, be requested to:
 - (a) develop a program that would identify pedestrian zones and include the necessary funds in the 2006 budget submission for consideration; and
 - (b) report to the Works Committee on designating the Kensington Market

area as a City Pedestrian zone;

- (4) the General Manager, Solid Waste Management, be requested to report to the Works Committee, as soon as possible, on providing garbage and recycling containers for all City-approved festivals; and
- (5) the Executive Director, Economic Development and Culture, in consultation with the Acting General Manager, Transportation Services, be requested to examine the existing policies of economic support to community and street events, with a view to providing an equitable level of support to all communities, and report to the Economic Development and Parks Committee.”

Mayor Miller in the Chair.

7.49 **Toronto and East York Community Council Report 5, Clause 6, headed “Final Report – Official Plan Amendment and Rezoning Application – 65 - 85 and 150 East Liberty Street, 69, 80 and 90 Lynn Williams Street (King Liberty Area) (Trinity-Spadina, Ward 19)”.**

Motions:

- (a) Deputy Mayor Pantalone moved that the Clause be amended by adding the following:

“That funding of \$500,000.00 in Section 37 funds be secured for the pedestrian/bicycle connection over/under the railway tracks, to the north side of King Street West and that City staff be directed to make the necessary adjustments.”
- (b) Councillor Watson moved that the Clause be amended by adding to staff Recommendation (7) contained in the Recommendations Section of the report (May 17, 2005) from the Director, Community Planning, South District, the words “recognizing that the proposed development or design does not depend on the construction of the Front Street Extension”, so that Recommendation (7) now reads as follows:

“(7) adopt the Urban Design Guidelines for the King Liberty area as prepared by IBI Group and dated May 2005, attached as Attachment No. 5, recognizing that the proposed development or design does not depend on the construction of the Front Street Extension.”

Votes:

Motion (b) by Councillor Watson carried.

Motion (a) by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

Summary:

In summary, Council amended this Clause by:

- (1) adding to staff Recommendation (7) contained in the Recommendations Section of the report (May 17, 2005) from the Director, Community Planning, South District, the words “recognizing that the proposed development or design does not depend on the construction of the Front Street Extension”, so that Recommendation (7) now reads as follows:

“(7) adopt the Urban Design Guidelines for the King Liberty area as prepared by IBI Group and dated May 2005, attached as Attachment No. 5, recognizing that the proposed development or design does not depend on the construction of the Front Street Extension.”; and

- (2) adding the following:

“That funding of \$500,000.00 in Section 37 funds be secured for the pedestrian/bicycle connection over/under the railway tracks, to the north side of King Street West and that City staff be directed to make the necessary adjustments.”

7.50 Works Committee Report 6, Clause 3, headed “Waste Diversion Ontario Programs”.

Motion:

Councillor Pitfield moved that the Clause be referred back to the Works Committee and the General Manager, Solid Waste Management Services, and members of the Works Committee be requested to meet with representatives of Electronics Product Stewardship Canada.

Vote:

The motion by Councillor Pitfield carried.

7.51 Planning and Transportation Committee Report 5, Clause 12, headed “Revision of Business Licensing Thresholds”.

Motion:

Councillor Nunziata moved that the Clause be amended by adding the following:

“That the Executive Director, Municipal Licensing and Standards, be requested to report to the Planning and Transportation Committee on the possibility of adding

provisions affecting holistics to the restrictions in the Code 8 schedule.”

Votes:

The motion by Councillor Nunziata carried.

The Clause, as amended, carried.

7.52 Policy and Finance Committee Report 6, Clause 6, headed “Renewal of the Community Policing Partnership Program (“CPP”) Grant Agreement for the Period between April 1, 2005 and March 31, 2007”.

Deputy Mayor Bussin in the Chair.

Motion:

Councillor Thompson moved that the Clause be amended by adding the following:

“That the Toronto Police Services Board be requested to report to Council, through the Policy and Finance Committee, on:

- (1) ways of implementing a Positive Ticketing Program (charitable donations) aimed at promoting youth as part of the Community Policing program funded by the agreement with the Province; and
- (2) a funding mechanism to determine how the full salary requirement of the Officers would be met if the Community Policing Partnership Program was terminated.”

Votes:

Adoption of motion by Councillor Thompson:

Yes - 34 Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Soknacki, Stintz, Thompson, Walker, Watson
No - 1 Councillor:	Mammoliti

Carried by a majority of 33.

Adoption of Clause, as amended:

Yes - 33 Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Ford, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Soknacki, Stintz, Thompson, Walker, Watson
No - 1 Councillor:	Mammoliti

Carried by a majority of 32.

7.53 Economic Development and Parks Committee Report 6, Clause 11, headed “Request for Proposals 3907-05-7003 – Construction of an On-Site Field House and the Operation of the Soccer Field at the Keele Reservoir (Ward 8 - York West)”.

Motions:

- (a) Councillor Augimeri moved that the Clause be amended to provide that, if an agreement is reached with the Toronto Azzurri Soccer Club, the final License Agreement negotiated with the Club be submitted to the Economic Development and Parks Committee for consideration, prior to its execution.

(b) Councillor Li Preti moved that the Clause be amended by adding the following:

“That:

- (1) the Director of Revenue Services be requested to report to the next meeting of the Policy and Finance Committee on designating the property at the Keele Reservoir as a municipal Capital facility; and
- (2) the General Manager, Parks, Forestry and Recreation and the Deputy City Manager and Chief Financial Officer be requested to report to the Economic Development and Parks Committee, in September 2005, on the issues of responsibilities for utilities and community uses of the soccer field.”

(c) Councillor Ford moved that Part (2) of motion (b) by Councillor Li Preti be amended to include uses of the field for football.

Votes:

Adoption of motion (a) by Councillor Augimeri:

Yes - 21	
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Cowbourne, De Baeremaeker, Del Grande, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Moscoe, Saundercook, Soknacki, Stintz, Thompson, Watson
No - 10	
Councillors:	Cho, Davis, Di Giorgio, Li Preti, Minnan-Wong, Nunziata, Palacio, Pantalone, Pitfield, Rae

Carried by a majority of 11.

Adoption of motion (c) by Councillor Ford:

Yes - 27	
Councillors:	Altobello, Bussin, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Stintz, Thompson, Watson
No - 3	
Councillors:	Augimeri, Balkissoon, Davis

Carried by a majority of 24.

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

Yes - 30 Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Watson
No - 1 Councillor:	Cho

Carried by a majority of 29.

Adoption of Clause, as amended:

Yes - 31 Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Watson
No - 0	

Carried, without dissent.

Summary:

In summary, Council amended this Clause:

- (1) to provide that, if an agreement is reached with the Toronto Azzurri Soccer Club, the final License Agreement negotiated with the Club be submitted to the Economic Development and Parks Committee for consideration, prior to its execution; and
- (2) by adding the following:

“That:

- (a) the Director of Revenue Services be requested to report to the next meeting of the Policy and Finance Committee on designating the property at the Keele Reservoir as a municipal Capital facility; and
- (b) the General Manager, Parks, Forestry and Recreation and the Deputy City Manager and Chief Financial Officer be requested to report to the Economic

Development and Parks Committee, in September 2005, on the issues of responsibilities for utilities and community uses of the soccer field and the uses of the field for football.”

7.54 North York Community Council Report 5, Clause 2, headed “Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to permit driveway widening for a second parking space at 19 Old Orchard Grove (Ward 16 - Eglinton-Lawrence)”.

Vote:

Adoption of Clause, without amendment:

Yes - 24	
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Soknacki, Stintz, Watson
No - 6	
Councillors:	Del Grande, Ford, Giambrone, Holyday, Kelly, Thompson

Carried by a majority of 18.

7.55 North York Community Council Report 4, Deferred Clause 7a, headed “Traffic Calming Measures (speed humps) - Times Road, Stayner Avenue to Lilywood Road (Ward 15 - Eglinton-Lawrence)”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

Yes - 3	
Councillors:	Ford, Holyday, Kelly
No - 27	
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Watson

Lost by a majority of 24.

Adoption of Clause, without amendment:

Yes - 25 Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Watson
No - 7 Councillors:	Carroll, Del Grande, Ford, Holyday, Kelly, Minnan-Wong, Stintz

Carried by a majority of 18.

7.56 **Toronto and East York Community Council Report 4, Deferred Clause 22a, headed “Speed Hump Poll Results - Kenwood Avenue, between St. Clair Avenue West and Vaughan Road (St. Paul’s, Ward 21)”.**

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

Yes - 6 Councillors:	Del Grande, Ford, Holyday, Kelly, Minnan-Wong, Stintz
No - 25 Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cowbourne, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Watson

Lost by a majority of 19.

Adoption of Clause, without amendment:

Yes - 25	
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Cowbourne, De Baeremaeker, Di Giorgio, Fletcher, Hall, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Watson
No - 7	
Councillors:	Carroll, Del Grande, Ford, Giambrone, Holyday, Kelly, Stintz

Carried by a majority of 18.

7.57 Toronto and East York Community Council Report 4, Deferred Clause 23a, headed “Installation of Speed Humps - Riverdale Avenue between Broadview Avenue and Carlaw Avenue (Toronto-Danforth, Ward 30)”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

Yes - 7	
Councillors:	Ashton, Del Grande, Ford, Holyday, Kelly, Minnan-Wong, Stintz
No - 19	
Councillors:	Balkissoon, Bussin, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Lindsay Luby, McConnell, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Watson

Lost by a majority of 12.

Adoption of Clause, without amendment:

Yes - 21	
Councillors:	Ashton, Balkissoon, Bussin, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Lindsay Luby, McConnell, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Watson
No - 5	
Councillors:	Ford, Holyday, Kelly, Minnan-Wong, Stintz

Carried by a majority of 16.

7.58 North York Community Council Report 5, Clause 14, headed “Traffic Calming Measures (speed humps) - Ridgevale Drive, from Lynnhaven Road to Prince Charles Drive (Ward 15 - Eglinton-Lawrence)”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

Yes - 6	
Councillors:	Ashton, Ford, Holyday, Kelly, McConnell, Stintz
No - 22	
Councillors:	Balkissoon, Bussin, Carroll, De Baeremaeker, Del Grande, Di Giorgio, Giambrone, Grimes, Hall, Lindsay Luby, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Watson

Lost by a majority of 16.

Adoption of Clause, without amendment:

Yes - 23	
Councillors:	Ashton, Balkissoon, Bussin, De Baeremaeker, Del Grande, Di Giorgio, Giambrone, Grimes, Hall, Lindsay Luby, McConnell, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Watson
No - 5	
Councillors:	Carroll, Ford, Holyday, Kelly, Stintz

Carried by a majority of 18.

7.59 North York Community Council Report 5, Clause 51, headed “Other Items Considered by the Community Council”.

Motion:

Councillor Minnan-Wong moved that the Clause be received, subject to referring Item (b), entitled “Request for Removal of Post Road - Bridle Path Speed Bumps (Ward 25 - Don Valley West)”, contained in this Clause, back to the North York Community Council for further consideration.

Votes:

The motion by Councillor Minnan-Wong carried.

The balance of the Clause was received for information.

7.60 Etobicoke York Community Council Report 5, Clause 29, headed “Swansea Village - 3 and 6 Windermere Avenue”.

The Clause was submitted without recommendation.

Motion:

Councillor Saundercook moved that Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report (June 13, 2005) from the Chief Planner and Executive Director, City Planning Division:

“It is recommended that:

- (1) City Council authorize staff to amend Section 5.25 of the Section 37 Agreement related to 3 and 6 Windermere Avenue to permit the townhouses on Block ‘E’ to be occupied and registered as a condominium(s) with the provision of the works (including streetscape improvements) currently required by that section postponed until completion of road reconstruction on The Queensway and Windermere Avenue;
- (2) the Section 37 Agreement be further amended to require that appropriate security be taken and applied to the streetscape work in the event that the improvements are not implemented by the developer; and
- (3) City staff be authorized to take appropriate steps to implement this recommendation.”

Votes:

The motion by Councillor Saundercook carried.

The Clause, as amended, carried.

7.61 **North York Community Council Report 5, Clause 6, headed “Removal of One Privately Owned Tree - 95 Lord Seaton Road (Ward 25 - Don Valley West)”.**

Motion:

Councillor Jenkins moved that the Clause be amended by adding the following:

“That the approval of the request to permit the removal of one privately owned black walnut tree at 95 Lord Seaton Road be subject to the following conditions:

- (1) the planting of two (2) large growing native shade trees that are tolerant of juglone; one replacement tree is to be a sugar maple (*Acer saccharum*), the second replacement tree can be either a red oak (*Quercus rubra*), a tulip tree (*Liriodendron tulipifera*) or an American beech (*Fagus sylvatica*); and
- (2) the replacement trees are to have a minimum 80 mm caliper and are to be planted by October 14, 2005.”

Votes:

The motion by Councillor Jenkins carried.

The Clause, as amended, carried.

7.62 **Planning and Transportation Committee Report 5, Clause 5, headed “Avenue Studies for 2005 (Various Wards)”.**

Motions:

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

“That the Chief Planner and Executive Director, City Planning, ensure that the residents and businesses in Ward 34 are consulted on the Avenue Study on O’Connor Drive.”

- (b) Councillor Nunziata moved that the Clause be amended in accordance with the following Recommendation (2) of the Etobicoke York Community Council contained in the communication (June 6, 2005) from the Community Council, subject to amending the recommendation to read as follows:

“(2) St. Clair Avenue West from Keele Street to Scarlett Road be considered for an Avenue Study in 2006, as a priority.”

- (c) Councillor Davis moved that the Clause be amended in accordance with the following recommendation of the Toronto and East York Community Council contained in the communication (May 31, 2005) from the Community Council:

“The Toronto and East York Community Council recommends to City Council that the Avenue study for Danforth Avenue, from Greenwood Avenue to Victoria Park Avenue, be endorsed and that it be considered a high priority for an Avenue Study in 2006.”

Votes:

Motion (a) by Councillor Minnan-Wong carried.

Motion (b) by Councillor Nunziata carried.

Motion (c) by Councillor Davis carried.

The Clause, as amended, carried.

Summary:

In summary, Council amended this Clause:

- (1) in accordance with the following Recommendation (2) of the Etobicoke York Community Council contained in the communication (June 6, 2005) from the Community Council, subject to amending the recommendation to read as follows:

“(2) St. Clair Avenue West from Keele Street to Scarlett Road be considered for an Avenue Study in 2006, as a priority.”; and

- (2) in accordance with the following recommendation of the Toronto and East York Community Council contained in the communication (May 31, 2005) from the Community Council:

“The Toronto and East York Community Council recommends to City Council that the Avenue study for Danforth Avenue, from Greenwood Avenue to Victoria Park Avenue, be endorsed and that it be considered a high priority for an Avenue Study in 2006.”; and

(3) by adding the following:

“That the Chief Planner and Executive Director, City Planning, ensure that the residents and businesses in Ward 34 are consulted on the Avenue Study on O’Connor Drive.”

7.63 Toronto and East York Community Council Report 5, Clause 31, headed “Request for Installation of Speed Humps - St. Clarens Avenue, between College Street and Bloor Street West (Davenport, Ward 18)”.

Vote:

Adoption of Clause, without amendment:

Yes - 27 Councillors: Altobello, Balkissoon, Bussin, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson
No - 5 Councillors: Ford, Holyday, Kelly, Shiner, Stintz

Carried by a majority of 22.

7.64 Toronto and East York Community Council Report 5, Clause 33, headed “Request for Installation of Speed Humps - Palmerston Avenue, between Queen Street West and Robinson Street (Trinity-Spadina, Ward 20)”.

Vote:

Adoption of Clause, without amendment:

Yes - 27 Councillors: Altobello, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson
No - 7 Councillors: Carroll, Del Grande, Ford, Holyday, Kelly, Shiner, Stintz

Carried by a majority of 20.

7.65 Toronto and East York Community Council Report 5, Clause 34, headed “Request for Installation of Speed Humps - Shaw Street, between Bloor Street West and Dupont Street (Trinity-Spadina, Ward 20)”.

Vote:

Adoption of Clause, without amendment:

Yes - 26	
Councillors:	Altobello, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Walker, Watson
No - 8	
Councillors:	Carroll, Del Grande, Ford, Holyday, Kelly, Pitfield, Shiner, Stintz

Carried by a majority of 18.

7.66 Toronto and East York Community Council Report 5, Clause 35, headed “Request for Installation of Speed Humps - Humewood Drive, between Valewood Avenue and Vaughan Road (St. Paul’s, Ward 21)”.

Vote:

Adoption of Clause, without amendment:

Yes - 27	
Councillors:	Altobello, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson
No - 7	
Councillors:	Carroll, Del Grande, Ford, Holyday, Kelly, Shiner, Stintz

Carried by a majority of 20.

7.67 Policy and Finance Committee Report 6, Clause 29, headed “Other Items Considered by the Committee”.

Votes:

Receipt of Item (b), entitled “New City of Toronto Act - Governance Changes”, as contained in the Clause:

Yes - 21	
Councillors:	Altobello, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Ford, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Palacio, Pitfield, Walker, Watson
No - 9	
Councillors:	Carroll, Chow, Giambrone, Mammoliti, Milczyn, Nunziata, Ootes, Saundercook, Stintz

Carried by a majority of 12.

The balance of the Clause was received for information.

7.68 Administration Committee Report 5, Clause 12, headed “Process for Disposal of Technology Assets”.

June 14, 2005:

Mayor Miller in the Chair.

Motion:

Councillor Davis moved that the Clause be amended by amending Recommendation (3)(b) of Administration Committee by inserting the word “Toronto” between the word “to” and the words “school boards”, deleting the word “and” after the word “organizations”, and adding the words “and third party to the partners (e.g. Soyapongo, Botswana) under the Technical Exchange Program of FCM in which the City of Toronto is a participant”, so that Recommendation (3)(b) now reads as follows:

“(3)(b) after offering surplus computers to Toronto school boards, give first priority for any remaining computers to City of Toronto grant-receiving not-for-profit organizations, second priority to other not-for-profit organizations based in the City of Toronto, and third priority to our partners (e.g. Soyapongo, Botswana) under the Technical Exchange Program of FCM in which the City of Toronto is a participant;”.

Votes:

The motion by Councillor Davis carried.

The Clause, as amended, carried.

June 15, 2005:

Mayor Miller in the Chair.

Motion to Re-Open:

Councillor Mihevc, 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.

June 16, 2005:

Deputy Mayor Bussin in the Chair.

Motions:

- (a) Councillor Mihevc moved that the Clause be further amended to provide that, prior to offering the surplus computers to Computers for Schools - Ontario, the computers be made available to Members of Council for City or constituency office use.
- (b) Councillor Davis moved that the Clause be further amended by adding the following:

“That the City Manager be requested to write to the School Boards in Toronto to request that parent organizations and school councils be consulted on potential school uses when school boards are considering whether to accept TELS computers.”
- (c) Councillor Shiner moved that:
 - (1) the Clause be referred back to the Administration Committee to consider a method of disposing of the computers directly by the City to those in need; or
 - (2) if Part (1) fails, the Clause be further amended to provide that the policy not be implemented with respect to any computers which were leased from MFP, until such time as the City Solicitor has reported on the status of the litigation with MFP.

Vote on Referral:

Adoption of Part (1) of motion (c) by Councillor Shiner:

Yes - 10 Councillors:	Del Grande, Ford, Li Preti, Lindsay Luby, Minnan-Wong, Nunziata, Pitfield, Rae, Shiner, Stintz
No - 19 Mayor: Councillors:	Miller Ashton, Bussin, Carroll, Cowbourne, Davis, Di Giorgio, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, McConnell, Mihevc, Milczyn, Ootes, Pantalone, Watson

Lost by a majority of 9.

Motions:

- (d) Councillor Del Grande moved that the Clause be further amended to provide that surplus computers be offered to the citizens of Toronto.
- (e) Councillor Hall moved that motion (a) by Councillor Mihevc be amended by adding the words “subject to a limit of two (2) computers per Member (for a total of 90 surplus computers) with maintenance support provided and, should there be unclaimed computers within the 90 computers, the remainder be available to Members of Council on a first-come, first-serve basis”.

Votes:

Adoption of motion (e) by Councillor Hall:

Yes - 21 Mayor: Councillors:	Miller Augimeri, Balkissoon, Carroll, Cho, Cowbourne, Davis, Del Grande, Filion, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Palacio, Pantalone, Saundercook, Shiner
No - 13 Councillors:	Ashton, Bussin, Di Giorgio, Ford, Holyday, Li Preti, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Rae, Stintz

Carried by a majority of 8.

Adoption of motion (a) by Councillor Mihevc, as amended:

Yes - 23	
Mayor:	Miller
Councillors:	Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Filion, Giambrone, Hall, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Minnan-Wong, Moscoe, Palacio, Pantalone, Saundercook, Watson
No - 12	
Councillors:	Ashton, Di Giorgio, Ford, Holyday, Lindsay Luby, Milczyn, Nunziata, Ootes, Pitfield, Rae, Shiner, Stintz

Carried by a majority of 11.

Adoption of motion (d) by Councillor Del Grande:

Yes - 12	
Councillors:	Balkissoon, Bussin, Cho, Del Grande, Fletcher, Ford, Kelly, Li Preti, Nunziata, Palacio, Pitfield, Shiner
No - 25	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Giambrone, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Saundercook, Stintz, Watson

Lost by a majority of 13.

Adoption of motion (b) by Councillor Davis:

Yes - 28	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Watson
No - 9	
Councillors:	Carroll, Ford, Holyday, Kelly, Minnan-Wong, Rae, Saundercook, Shiner, Stintz

Carried by a majority of 19.

Adoption of Part (2) of motion (c) by Councillor Shiner:

Yes - 11 Councillors:	Cho, Del Grande, Ford, Holyday, Kelly, Li Preti, Minnan-Wong, Nunziata, Palacio, Rae, Shiner
No - 24 Mayor: Councillors:	Miller Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Pitfield, Saundercook, Watson

Lost by a majority of 13.

Adoption of Clause, as amended:

Yes - 28 Mayor: Councillors:	Miller Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Watson
No - 6 Councillors:	Ford, Holyday, Li Preti, Nunziata, Saundercook, Shiner

Carried by a majority of 22.

Summary:

In summary, Council amended this Clause:

- (1) to provide that, prior to offering the surplus computers to Computers for Schools - Ontario, the computers be made available to Members of Council for City or constituency office use, subject to a limit of two (2) computers per Member (for a total of 90 surplus computers) with maintenance support provided and, should there be unclaimed computers within the 90 computers, the remainder be available to Members of Council on a first-come, first-serve basis; and

- (2) by amending Recommendation (3)(b) of Administration Committee by inserting the word “Toronto” between the word “to” and the words “school boards”, deleting the word “and” after the word “organizations”, and adding the words “and third party to the partners (e.g. Soyapongo, Botswana) under the Technical Exchange Program of FCM in which the City of Toronto is a participant”, so that Recommendation (3)(b) now reads as follows:

“(3)(b) after offering surplus computers to Toronto school boards, give first priority for any remaining computers to City of Toronto grant-receiving not-for-profit organizations, second priority to other not-for-profit organizations based in the City of Toronto, and third priority to our partners (e.g. Soyapongo, Botswana) under the Technical Exchange Program of FCM in which the City of Toronto is a participant;” and

- (3) adding the following:

“That the City Manager be requested to write to the School Boards in Toronto to request that parent organizations and school councils be consulted on potential school uses when school boards are considering whether to accept TELS computers.”

7.69 Economic Development and Parks Committee Report 6, Clause 10, headed “Tourism Toronto Partnership - Framework for Agreement Renewal (All Wards)”.

Motions:

- (a) Deputy Mayor Pantalone moved that the Clause be amended by increasing the membership of the “Working Group to Develop the New Agreement” by one (1) member, and appointing Deputy City Manager Sue Corke to the Working Group.
- (b) Councillor Moscoe moved that the Clause be amended by adding the following:

“That the City of Toronto values the work done by Tourism Toronto and will continue to work co-operatively with Tourism Toronto for the economic enhancement of the tourism industry in this City and the Greater Toronto Region.”

Votes:

Motion (a) by Deputy Mayor Pantalone carried.

Motion (b) by Councillor Moscoe carried.

The Clause, as amended, carried.

7.70 Administration Committee Report 5, Clause 3, headed “Conducting Business with Individuals and Businesses in Arrears with the City”.

Motion:

Councillor Ootes moved that the Clause be amended by amending the staff recommendations contained in the Recommendations Section of the report (May 11, 2005) from the Treasurer, as follows:

- (1) deleting Recommendation (6) and inserting instead the following:

“(6) where the debt is under \$10,000.00 and is not an amount raised as taxes or deemed to be taxes, and where the Deputy City Manager and Chief Financial Officer has authorized the write-off of the debt as uncollectible, in accordance with the Financial Control By-law, the collection agent be allowed to offer the debtor a settlement for less than the full amount of the account owing;”;
- (2) inserting the following new Recommendation (7) and re-numbering the existing Recommendation (7) as Recommendation (8):

“(7) staff be directed to re-assign overdue accounts to the City’s second collection agent, should the first collection agent be unsuccessful after a fixed period of time, as determined by the Deputy City Manager and Chief Financial Officer; and”;

so that the staff recommendations contained in the Recommendations Section of the report (May 11, 2005) from the Treasurer, now read as follows:

“It is recommended that:

- (1) the Treasurer be directed to prepare and maintain a centralized ‘debtor watch list’ to be drawn from each of the City’s major billing systems and that the Purchasing and Materials Management Division use the debtor watch list to bring to the attention of the City Manager low bids or highest ranking proposals from individuals or businesses on the list;
- (2) the Right to Reject Debtors and Set Off Policy (the ‘Policy’) be amended by amending paragraph 5.2 to remove the requirement that all persons responding to a procurement process from PMMD include in their response a completed “Right to Reject Debtors Policy Declaration” (the ‘Declaration’), so that submission of the Declaration would no longer be required as part of the response;
- (3) the City’s RFQ and RFP documents be amended to inform respondents of the City’s Right to Reject Debtors and Set Off Policy as amended;

- (4) the City Manager use the guidelines as outlined in Appendix A to this report in exercising her discretion under the Policy;
- (5) the City Manager be authorized to further define criteria to be applied by staff within the intent of the guidelines referred to in Appendix A;
- (6) where the debt is under \$10,000.00 and is not an amount raised as taxes or deemed to be taxes, and where the Deputy City Manager and Chief Financial Officer has authorized the write-off of the debt as uncollectible, in accordance with the Financial Control By-law, the collection agent be allowed to offer the debtor a settlement for less than the full amount of the account owing;
- (7) staff be directed to re-assign overdue accounts to the City's second collection agent, should the first collection agent be unsuccessful after a fixed period of time, as determined by the Deputy City Manager and Chief Financial Officer; and
- (8) the Director of Purchasing and Materials Management, in consultation with the City Solicitor, be authorized to make technical amendments to the Policy to ensure that it accurately reflects the process set out in this report."

Votes:

The motion by Councillor Ootes carried.

The Clause, as amended, carried.

7.71 Policy and Finance Committee Report 6, Clause 18, headed "City of Toronto Nominee to the Greater Toronto Airports Authority".

Motions:

- (a) Mayor Miller moved that the Clause be amended by adding the following:

"That Council nominate Mr. Naseer (Irfan) Syed as the City of Toronto nominee for appointment to the Greater Toronto Airports Authority Board of Directors, for one year or until his successor is recommended by the City."
- (b) Councillor Ford moved that the Clause be referred to the Nominating Committee for further consideration.

- (c) Councillor Holyday moved that motion (b) by Councillor Ford be amended by adding the words “and the GTAA be advised of the delay in the consideration of this matter by City Council and be requested to provide an extension in time for the City to submit the name of a nominee”.
- (d) Councillor Walker moved that motion (b) by Councillor Ford be amended by adding the words “and that the Nominating Committee be given the authority to make the final recommendation to the GTAA and report its action to City Council for information”.

Votes:

Adoption of motion (c) by Councillor Holyday:

Yes - 9	
Councillors:	Del Grande, Ford, Hall, Holyday, Nunziata, Ootes, Shiner, Walker, Watson
No - 27	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Grimes, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Soknacki

Lost by a majority of 18.

Adoption of motion (d) by Councillor Walker:

Yes - 8	
Councillors:	Balkissoon, Del Grande, Ford, Hall, Nunziata, Ootes, Pitfield, Walker
No - 31	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson

Lost by a majority of 23.

Adoption of motion (b) by Councillor Ford, without amendment:

Yes - 6	
Councillors:	Del Grande, Ford, Holyday, Nunziata, Ootes, Walker
No - 33	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson

Lost by a majority of 27.

Adoption of motion (a) by Mayor Miller:

Yes - 34	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 5	
Councillors:	Del Grande, Ford, Holyday, Nunziata, Walker

Carried by a majority of 29.

Adoption of Clause, as amended:

Yes - 34	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 5	
Councillors:	Del Grande, Ford, Holyday, Nunziata, Walker

Carried by a majority of 29.

Summary:

In summary, Council amended this Clause by adding the following:

“That Council nominate Mr. Naseer (Irfan) Syed as the City of Toronto nominee for appointment to the Greater Toronto Airports Authority Board of Directors, for one year or until his successor is recommended by the City.”

7.72 Works Committee Report 4, Deferred Clause 1a, headed “Solid Waste Management Services Multi-Year Business Plan”.

Motions:

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

“That:

- (1) an Excessive Packaging Review Committee be established, consisting of three members of the Works Committee selected from the Works Committee, and representatives from the environmental groups, citizen groups, manufacturers and the retail sector; and
- (2) the Excessive Packaging Review Committee have a mandate to:
 - (a) define excessive packaging;
 - (b) undertake a review of products that are excessively packaged;
 - (c) design a campaign to:
 - (i) encourage companies to reduce packaging; and
 - (ii) educate the public to reject products that are excessively packaged; and
 - (d) explore through the City Solicitor:
 - (i) the possibility of a retail levy against merchants who carry products that are deemed to be excessively packaged;
 - (ii) the feasibility of requiring businesses, through their business licenses, to label products that the City deems to be excessively packaged;

- (iii) the feasibility of requiring businesses to remove excessive packaging prior to a product that is excessively packaged being sold;
 - (iv) a publicity campaign to encourage the public to remove excessive packaging from a product and leave it with the merchant before they remove it from the store;
 - (v) the feasibility of banning waste from specific products that are excessively packaged from the waste stream; and
 - (vi) the feasibility of prohibiting businesses from offering customers cardboard boxes to carry out groceries.”
- (b) Councillor Davis moved that motion (a) by Councillor Moscoe be amended by adding the following:
 - “(3) (a) the City Manager be requested to submit a report to the Works Committee on establishing a grant program for the 2006 budget, to encourage citizen participation in activities that will reduce excessive packaging; and
 - (b) the proposed Committee be given the responsibility for reviewing and recommending proposals on the distribution of funds in the grant program.”
- (c) Councillor Cowbourne moved that Part (d) of motion (a) by Councillor Moscoe be amended by adding the following:
 - “(vii) the feasibility of requiring businesses to accept responsibility for the disposal of all excess packaging of goods purchased at their respective retail establishment;”.
- (d) Councillor Stintz moved that motion (a) by Councillor Moscoe be referred to the Chair of the Works Committee with a request that the Chair forward the motion in the form of a letter addressed to the appropriate Federal Minister, on behalf of the City of Toronto.

Vote Be Now Taken:

Councillor Saundercook moved that, in accordance with §27-45C of Chapter 27 of the City of Toronto Municipal Code, the vote be now taken, the vote upon which was taken as follows:

Yes - 19 Councillors:	Augimeri, Carroll, Cho, Cowbourne, Di Giorgio, Ford, Hall, Li Preti, Lindsay Luby, McConnell, Minnan-Wong, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz
No - 12 Councillors:	Altobello, Balkissoon, Bussin, Chow, Davis, De Baeremaeker, Giambrone, Grimes, Holyday, Jenkins, Mihevc, Watson

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

Motion:

- (e) Councillor Giambrone moved that Part (2)(b) of motion (a) by Councillor Moscoe be deleted and replaced with the following:

“(b) work with the City Solicitor on finding ways to reduce packaging through creative means.”

Proposal by Deputy Mayor:

Deputy Mayor Bussin proposed that, in the event motion (d) by Councillor Stintz is adopted by Council, all other motions moved by Members of Council on this Clause also be referred to the Chair of the Works Committee.

Council concurred in the proposal by the Deputy Mayor.

Votes:

Adoption of motion (d) by Councillor Stintz:

Yes - 18 Councillors: Altobello, Balkissoon, Carroll, Cho, Del Grande, Di Giorgio, Ford, Grimes, Holyday, Kelly, Li Preti, Milczyn, Minnan-Wong, Nunziata, Pitfield, Soknacki, Stintz, Watson
No - 15 Councillors: Augimeri, Bussin, Chow, Cowbourne, Davis, De Baeremaeker, Fletcher, Giambrone, Hall, Jenkins, McConnell, Mihevc, Moscoe, Pantalone, Rae

Carried by a majority of 3.

Adoption of Clause, as amended:

Yes - 31 Councillors: Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Ford, Giambrone, Holyday, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Soknacki, Stintz, Watson
No - 0

Carried, without dissent.

Summary:

In summary, Council amended this Clause by adding the following:

“That the following motions be referred to the Chair of the Works Committee with a request that the Chair forward the motions in the form of a letter addressed to the appropriate Federal Minister, on behalf of the City of Toronto:

Moved by Councillor Moscoe:

‘That:

- (1) an Excessive Packaging Review Committee be established, consisting of three members of the Works Committee selected from the Works Committee, and representatives from the environmental groups, citizen groups, manufacturers and the retail sector; and

- (2) the Excessive Packaging Review Committee have a mandate to:
 - (a) define excessive packaging;
 - (b) undertake a review of products that are excessively packaged;
 - (c) design a campaign to:
 - (i) encourage companies to reduce packaging; and
 - (ii) educate the public to reject products that are excessively packaged; and
 - (d) explore through the City Solicitor:
 - (i) the possibility of a retail levy against merchants who carry products that are deemed to be excessively packaged;
 - (ii) the feasibility of requiring businesses, through their business licenses, to label products that the City deems to be excessively packaged;
 - (iii) the feasibility of requiring businesses to remove excessive packaging prior to a product that is excessively packaged being sold;
 - (iv) a publicity campaign to encourage the public to remove excessive packaging from a product and leave it with the merchant before they remove it from the store;
 - (v) the feasibility of banning waste from specific products that are excessively packaged from the waste stream; and
 - (vi) the feasibility of prohibiting businesses from offering customers cardboard boxes to carry out groceries.'

Moved by Councillor Cowbourne:

‘That Part (d) of the motion by Councillor Moscoe be amended by adding the following new Part (vii):

“(vii) the feasibility of requiring businesses to accept responsibility for the disposal of all excess packaging of goods purchased at their respective retail establishment;” ’

Moved by Councillor Davis:

‘That the motion by Councillor Moscoe be amended by adding the following:

- “(3) (a) the City Manager be requested to submit a report to the Works Committee on establishing a grant program for the 2006 budget, to encourage citizen participation in activities that will reduce excessive packaging; and
- (b) the proposed Committee be given the responsibility for reviewing and recommending proposals on the distribution of funds in the grant program.” ’

Moved by Councillor Giambrone:

‘That Part (2)(b) of the motion by Councillor Moscoe be deleted and replaced with the following:

“(b) work with the City Solicitor on finding ways to reduce packaging through creative means.” ’

7.73 Works Committee Report 6, Clause 2, headed “2004 Solid Waste Diversion Rates for City Agencies, Boards, Commissions and Departments and Update Regarding the Solid Waste Diversion Plans Being Implemented by These Organizations”.

Motion:

Councillor Moscoe moved that the Clause be amended to provide that:

- (1) all organizations receiving grants of any kind from the City be required to file with the City a Waste Diversion Plan, as a condition of their grant; and
- (2) the General Manager of Solid Waste Management Services be requested to work with grant staff in each Division to develop a template Waste Diversion Strategy, including reporting requirements, with a goal of achieving an individual diversion rate of 40 percent by 2007 and 60 percent by 2008.

Votes:

Adoption of motion by Councillor Moscoe:

Yes - 29 Councillors: Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Pitfield, Rae, Soknacki, Stintz, Watson
No - 3 Councillors: Di Giorgio, Ford, Minnan-Wong

Carried by a majority of 26.

The Clause, as amended, carried.

7.74 Works Committee Report 6, Clause 4, headed “Deposit-Return System for Beverage Containers”.

Motion:

Councillor Moscoe moved that the Clause be referred back to the Works Committee for further consideration.

Vote:

The motion by Councillor Moscoe carried.

7.75 Policy and Finance Committee Report 6, Clause 22, headed “Results of Canvass - Avondale Composting and Borrow Pit Site Located East of Keele Street, between Kirby Road and Teston Road (City of Vaughan)”.

Motion:

Councillor Moscoe moved that the Clause be referred to the Steeles Avenue Sub-Committee, with a request that the City Manager work with that Committee on the sale of the property within the context of the City’s relationship, and those of the City’s agencies, boards and commissions, with the City of Vaughan, and report to the Policy and Finance Committee for its meeting on October 20, 2005.

Vote:

Adoption of motion by Councillor Moscoe:

Yes - 16 Councillors: Augimeri, Bussin, Carroll, Cowbourne, De Baeremaeker, Del Grande, Fletcher, Giambrone, Hall, Kelly, Li Preti, McConnell, Mihevc, Moscoe, Nunziata, Pantalone
No - 12 Councillors: Altobello, Balkissoon, Davis, Di Giorgio, Ford, Holyday, Jenkins, Lindsay Luby, Pitfield, Soknacki, Stintz, Watson

Carried by a majority of 4.

Deputy Mayor Pantalone in the Chair.

Procedural Motion:

June 14, 2005:

Councillor Soknacki moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of Notice of Motion J(4), moved by Councillor Soknacki, seconded by Mayor Miller, respecting the Local 79 Harmonization, Job Evaluation and Pay Equity – Arbitration Award, which carried, more than two-thirds of Members present having voted in the affirmative.

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 Policy and Finance Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

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

7.76 **IN-CAMERA MEETING SESSION OF THE COMMITTEE OF THE WHOLE**

June 14, 2005:

Procedural Motion:

Councillor Moscoe, at 5:56 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Motion J(4), moved by Councillor Soknacki, seconded by Mayor Miller, respecting the Local 79 Harmonization, Job Evaluation and Pay Equity – Arbitration Award, in accordance with the provisions of the *Municipal Act, 2001*, as the confidential material attached to Motion J(4) contains information related to labour relations or employee negotiations.

Vote:

The motion by Councillor Moscoe carried.

Mayor Miller in the Chair.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 6:02 p.m. to meet privately in the Council Chamber to consider the above matter, in accordance with the provisions of the *Municipal Act, 2001*.

Committee of the Whole rose, reconvened as Council at 6:28 p.m., and met in public session in the Council Chamber.

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

7.77 **J(4) Local 79 Harmonization, Job Evaluation and Pay Equity – Arbitration Award**

Mayor Miller called upon Motion J(4), as follows:

Moved by: **Councillor Soknacki**

Seconded by: **Mayor Miller**

“**WHEREAS** an arbitration award was issued on May 18, 2005, in the matter of Local 79 harmonization, job evaluation and pay equity; and

WHEREAS the Employee and Labour Relations Committee on June 8, 2005, considered a confidential report (May 26, 2005) from the Executive Director, Human Resources and the Deputy City Manager and Chief Financial Officer, on the results of the award, and has forwarded its recommendation to City Council; and

WHEREAS in order to transfer the necessary funds to implement the award, Council authorization is required at the meeting on June 14-16, 2005;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the recommendation of the Employee and Labour Relations Committee contained in the confidential communication (June 8, 2005) from the Committee, and that the recommendation be adopted.”

Council also had before it, during consideration of Motion J(4), the following (See Attachment 1, Page 186):

- Confidential communication (June 8, 2005) from the Employee and Labour Relations Committee.
- Confidential report (May 26, 2005) from the Executive Director, Human Resources and the Deputy City Manager and Chief Financial Officer.
- Briefing Note (June 8, 2005), headed “Arbitration Award, Local 79 Harmonization, Job Evaluation and Pay Equity”, prepared by the Director, Employment Services and the Manager, Compensation and Benefits.
- Appendix A, Arbitration Award (May 18, 2005) by Robert J. Herman, in the matter of Harmonization, Pay Equity and Job Evaluation.
- Appendix B, entitled “City of Toronto Wage Survey”.

Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the *Municipal Act, 2001*, reported that no motions had been moved in Committee of the Whole for consideration by Council in conjunction with Motion J(4).

Motion:

Councillor Davis moved that Motion J(4) be amended by adding the following Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the City Manager be requested to report to the Employee and Labour Relations Committee on how the implementation of the harmonization award can be expedited.”

Votes:

The motion by Councillor Davis carried.

Adoption of Motion J(4), as amended:

Yes - 34
Mayor: Miller
Councillors: Altobello, Ashton, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 0

Carried, without dissent.

Summary:

In adopting Motion J(4), as amended, Council adopted, without amendment, the following recommendation contained in the Recommendation Section of the confidential communication (June 8, 2005) from the Employee and Labour Relations Committee. This communication is now public in its entirety:

“The Employee and Labour Relations Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the confidential report (May 26, 2005) from the Executive Director of Human Resources and the Deputy City Manager and Chief Financial Officer.”

The confidential report (May 26, 2005) from the Executive Director of Human Resources and the Deputy City Manager and Chief Financial Officer is now public in its entirety and contains the following recommendations:

“It is recommended that:

- (1) the Deputy City Manager and Chief Financial Officer be authorized to transfer funds from the Non-Program Budget to Program Budgets to allow for the 2005 increase in salary costs and the lump sum payments required, in order to implement the CUPE Local 79 Full-time Unit Arbitration Award in the matter of harmonization, pay equity and job evaluation (Appendix A); and
- (2) the appropriate City officials be authorized and directed to take the necessary action to implement the Award.”

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

Mayor Miller in the Chair.

7.78 I(1) Designation of a Graffiti Art Area in the City of Toronto

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

Moved by: Councillor Jenkins

Seconded by: Councillor Carroll

“WHEREAS Graffiti culture is evolving in the City of Toronto; and

WHEREAS Graffiti art is frequently used as a method of communication and self expression for young artists; and

WHEREAS Graffiti art should not be confused with Gang Related/Vandalism Graffiti; and

WHEREAS the tragic death of Bardia Bryan Zargham, one of Toronto’s prominent graffiti artists, otherwise known as Alfa, has increased awareness for the need for more outlets for young artists to legally channel their talents in a positive way and to promote individual self-development; and

WHEREAS many cities across the world have used graffiti in a positive way;

NOW THEREFORE BE IT RESOLVED THAT the Chief Planner and Executive Director, City Planning, in consultation with the General Manager of Economic Development and Culture and the General Manager of Parks, Forestry and Recreation, initiate a public consultation process, including the Toronto Police Service, youth, youth outreach workers, community youth organizations, and graffiti artists, to discuss and develop a plan with potential options and models for a Graffiti Art Area in order to provide opportunities for artists to express themselves in art;

AND BE IT FURTHER RESOLVED THAT the Chief Planner and Executive Director, City Planning, in consultation with the Economic Development and Culture and the Parks, Forestry and Recreation Divisions, be directed to report back to the Economic Development and Parks Committee with the outcome of the public consultation process and with recommendations on potential options and models for a graffiti art area in the City of Toronto.”

Advice by Mayor:

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 Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion I(1), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 1, Page 233)

Procedural Vote:

The vote to waive referral of Motion I(1) to the Economic Development and Parks Committee was taken as follows:

Yes - 23	
Mayor:	Miller
Councillors:	Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Giambrone, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Shiner, Watson
No - 12	
Councillors:	Altobello, Del Grande, Feldman, Fillion, Ford, Holyday, Kelly, Ootes, Saundercook, Soknacki, Stintz, Thompson

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

Disposition:

Motion I(1) was referred to the Economic Development and Parks Committee.

Deputy Mayor Feldman in the Chair.

7.79 **J(1) Fireworks Displays and Public Safety**

Councillor Carroll 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 Carroll

Seconded by: Councillor Hall

“WHEREAS the 2005 Victoria Day weekend was marred with numerous instances of dangerous and/or careless use of fireworks; and

WHEREAS, in spite of Toronto Fire’s concerted efforts, we still had an alarming number of fires that appear to be attributable to fireworks; and

WHEREAS so far this year, there have been 34 fires with an apparent ignition source

being fireworks, with 31 occurring over the last few days causing, in total, \$306,541.00 in property damage; and

WHEREAS the media aired alarming video footage, both amateur and professional, of kids using fireworks as weapons; and

WHEREAS the television news media aired a story featuring a number of local convenience stores that were selling fireworks to minors; and

WHEREAS there is growing public concern about the use of fireworks in their neighbourhoods, often with little regard for public safety; and

WHEREAS the proximity of areas of Toronto to boundaries with other GTA Municipalities may hinder local efforts to license, prohibit or regulate the sale, purchase and use of fireworks;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be requested to report to the Planning and Transportation Committee on:

- (1) the City's legislative authority to regulate the use of fireworks in the City of Toronto;
- (2) the current Provincial Set Fines for the sale of fireworks to minors;
- (3) whether private fireworks displays can be prohibited or regulated through a permit system;
- (4) the feasibility of a total ban on private fireworks displays in the City of Toronto;
- (5) the status of harmonization of by-laws regulating fireworks sale and displays in the former municipalities in the City of Toronto; and
- (6) existing laws regulating the sale and use of fireworks in New York State, Quebec and other jurisdictions as deemed appropriate by the City Solicitor;

AND BE IT FURTHER RESOLVED THAT a copy of this Motion and the above-mentioned report, when ready, be forwarded to Mr. Michael Bryant, Attorney General of Ontario, with a request that the provincial government pursue the feasibility of a province-wide ban on private fireworks displays.”

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 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(1), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(1) to the Planning and Transportation Committee was taken as follows:

Yes - 13	
Councillors:	Altobello, Carroll, Cho, Cowbourne, De Baeremaeker, Feldman, Fletcher, Hall, Lindsay Luby, Mammoliti, Moscoe, Nunziata, Palacio
No - 17	
Councillors:	Chow, Davis, Del Grande, Di Giorgio, Ford, Holyday, Jenkins, Kelly, Li Preti, Milczyn, Minnan-Wong, Ootes, Pitfield, Rae, Saundercook, Stintz, Watson

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

Council also had before it, for consideration with Motion J(1), a communication (June 14, 2005) from Eileen P. Costello, Aird and Berlis, Barristers and Solicitors, which is on file in the City Clerk's Office.

Disposition:

Motion J(1) was referred to the Planning and Transportation Committee.

Mayor Miller in the Chair.

7.80 J(2) Advertising Roof Sign at 1627 Eglinton Avenue West

Councillor Moscoe 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 Moscoe

Seconded by: Councillor Filion

“WHEREAS City Council on June 22, 23 and 24, 2004, adopted, without amendment, Toronto North Community Council Report 5, Clause 1, headed ‘Request for Approval of Variances from the former City of York Sign By-law No. 3369-79, as amended, for the erection of a back to back third party advertising Roof Sign at 1627 Eglinton Avenue West (Ward 15 – Eglinton-Lawrence)’; and

WHEREAS an application was brought about on behalf of the owner of 1627 Eglinton Ave West, in the former City of York, now the City of Toronto, for the erection of a roof top sign, having dimensions of 10 feet by 40 feet, back-to-back and revised to have dimensions of 10 feet by 20 feet on the east facing board and 10 feet by 40 feet on the west facing board; and

WHEREAS the engineer recommended that only the west face have dimensions of 10 feet by 40 feet, due to the visibility of the larger face on the east face being unknown; and

WHEREAS, such application was made for a minor variance and heard by Community Council at its June 8, 2004 meeting and the Community Council subsequently recommended approval for a sign having dimensions of 10 feet by 20 feet on the east face and 10 feet by 40 feet on the west face, which was adopted by Toronto City Council at its meeting of June 22 to 24, 2004; and

WHEREAS such sign permit (04 153132), which reflected City Council’s decision of June 22 to 24, 2004, was issued on September 23, 2004, and subsequently built; and

WHEREAS the engineer has now determined that a larger face on the east face, 10 feet by 40 feet, as opposed to 10 feet by 20 feet, which would be similar to that of the existing west face having dimensions also of 10 feet by 40, feet is warranted and will be visible; and

WHEREAS by having both faces on the one structure of similar dimensions and back-to-back, the rear exposure of the respective faces will not be visible, thereby producing a much cleaner, aesthetically pleasing structure;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto North Community Council Report 5, Clause 1, headed ‘Request for Approval of Variances from the former City of York Sign By-law No. 3369-79, as amended, for the erection of a back to back third party advertising Roof Sign at 1627 Eglinton Avenue West (Ward 15 – Eglinton-Lawrence)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the necessary provisions of the by-law of the former City of York be waived to allow and permit the necessary approvals for

the enlarging of the existing east face of the existing roof structure from 10 feet by 20 feet to 10 feet by 40 feet, a dimension similar to that of the existing west face of same structure.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(2), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 2, Page 234)

Votes:

Adoption of the first Operative Paragraph contained in Motion J(2):

Yes - 27	
Mayor:	Miller
Councillors:	Altobello, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Giambrone, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Soknacki, Thompson
No - 9	
Councillors:	Feldman, Ford, Holyday, Li Preti, Rae, Saundercook, Shiner, Stintz, Watson

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

The balance of Motion J(2) was adopted, without amendment.

7.81 **J(3) Removal of Objection - Application for Liquor Licence – Dilan Coffee, 2915 Dufferin Street**

Councillor Moscoe 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 Moscoe

Seconded by: Councillor Mihevc

“**WHEREAS** City Council on February 1, 2 and 3, 2005, adopted, without amendment, Notice of Motion J(20), headed ‘Opposition to Application for Liquor Licence – Dilan Coffee – 2915 Dufferin Street’, moved by Councillor Moscoe, seconded by Councillor Mihevc, and, in so doing, requested the City Solicitor and any

appropriate City staff to attend any anticipated Alcohol and Gaming Commission Liquor Licence Application Hearing in opposition to the granting of this application; and

WHEREAS the operators of Dilan Coffee (formerly known as Sizin Café and JJ's Upper Level) at 2915 Dufferin Street have submitted an application to the Alcohol and Gaming Commission to allow liquor to be served; and

WHEREAS Notice of Motion J(20) was submitted to the Alcohol and Gaming Commission of Ontario as the City's formal objection to the granting of the Licence; and

WHEREAS the operator of Dilan Coffee has subsequently agreed to cease daily operations at midnight and apply a restriction limiting nightly entertainment to New Year's Eve only, therefore addressing the concerns of area residents; and

WHEREAS with the restrictions imposed, granting of a liquor licence would no longer not be in the public interest;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Notice of Motion J(20), be re-opened for further consideration, and that City Council consider North York Community Council Report 5, Clause 49, headed 'Removal of Objection to Liquor Licence - 2915 Dufferin Street - Dilan Coffee House (Ward 15 - Eglinton-Lawrence)'."

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(3), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Votes:

Adoption of the first Operative Paragraph contained in Motion J(3):

Yes - 36	
Mayor:	Miller
Councillors:	Altobello, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson

No - 0

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

Adoption of the balance of Motion J(3), without amendment:

Yes - 37
Mayor: Miller
Councillors: Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 0

Carried, without dissent.

[Note: City Council, at this meeting, also adopted, without amendment, North York Community Council Report 5, Clause 49, headed “Removal of Objection to Liquor Licence - 2915 Dufferin Street - Dilan Coffee House (Ward 15 - Eglinton-Lawrence)”.]

7.82 **J(5) Regulation of Private Electricity Management Companies for Tenant Protection**

Councillor Nunziata 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 Nunziata

Seconded by: Councillor Walker and Councillor Shiner

“WHEREAS the Tenant Defence Fund was established to assist tenants and tenant groups in disputes related to rent increases, and tenancy services and charges; and

WHEREAS recent trends indicate that the landlords are attempting to reduce their overall operating costs by passing the cost of energy usage onto tenants in return for rent reductions; and

WHEREAS in return for receiving these rent reductions, tenants are encountering large monthly utility bills that total \$200.00 or more per month, that they are required to pay for the cost of electricity usage; and

WHEREAS management companies have purposely been established to provide and

operate electricity sub-metres for these units, and administer the charges for electricity usage; and

WHEREAS these companies are unregulated by the Ontario Energy Board, and are thus able to pass on these exorbitant costs to tenants in the form of administration and collection fees causing financial hardship to many tenants; and

WHEREAS the provincial government is committed to a smart metering program; and

WHEREAS the provincial government has not determined who should own and who should read the new meters; and

WHEREAS public utilities currently own and read the current meters;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto request the provincial government and the Ontario Energy Board to implement legislation to protect tenants from exorbitant fees and costs imposed on them by these unregulated electricity management companies, and that legislation be implemented for the purpose of regulating these electricity management companies;

AND BE IT FURTHER RESOLVED THAT any new electrical smart meters be owned and read by public hydro utilities;

AND BE IT FURTHER RESOLVED THAT if there is any sub-metering of multi-residential or apartment buildings, the meters be owned and read by public hydro utilities;

AND BE IT FURTHER RESOLVED THAT the Minister of Energy be requested to advise the City of Toronto Council by its next meeting on July 19, 2005, of his intentions in this regard.”

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 Policy and Finance 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(5), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(5) to the Policy and Finance Committee was taken as follows:

Yes - 27	
Mayor:	Miller
Councillors:	Altobello, Carroll, Cho, Chow, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Ford, Giambrone, Holyday, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Stintz, Thompson, Watson
No - 11	
Councillors:	Ashton, Davis, Del Grande, Filion, Fletcher, Jenkins, Kelly, Mihevc, Ootes, Rae, Soknacki

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

Deputy Mayor Bussin in the Chair.

Vote:

Adoption of Motion J(5), without amendment:

Yes - 36	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Watson
No - 0	

Carried, without dissent.

Mayor Miller in the Chair.

7.83 **J(6) To Amend the Composition of Toronto Economic Development Corporation (TEDCO)**

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 Soknacki

“WHEREAS Council, by adopting Policy and Finance Committee Report 10, Clause 2, on June 18, 19 and 20, 2002, decided that:

‘the size of the Board of Directors of TEDCO be set at 11 members comprised of:

- (a) the Mayor or his designate;
- (b) the Chair of the City’s Economic Development and Parks Committee;
- (c) two members of Council to be selected from the Economic Development and Parks Committee;
- (d) 6 citizen members, one of whom to be a designate of the Labour Council of Metro Toronto and York Region; and
- (e) the Commissioner of Economic Development, Culture and Tourism or his designate as an ex-officio non-voting member.’; and

WHEREAS the revised Shareholder Direction to the Board of Directors of TEDCO Section 3.1, in Economic Development and Parks Committee Report 2, Clause 7, adopted by Council March 1, 2 and 3, 2004, states that ‘the number of directors shall be established by Toronto City Council as it shall determine from time to time’; and

WHEREAS the Striking Committee has recommended that Deputy Mayor Feldman be appointed to the TEDCO Board as a Member from Council at large, instead of a second member from the Economic Development and Parks Committee, should Council amend TEDCO’s composition to permit this [Ref: Striking Committee Report 3, Clause 1]; and

WHEREAS work is progressing to establish a film studio on TEDCO lands, making it important to maintain a strong link between TEDCO and the Film Board, and Deputy Mayor Feldman serves on the Film Board; and

WHEREAS this would also maximize the continuity of TEDCO members at this crucial time;

NOW THEREFORE BE IT RESOLVED THAT Council amend the composition of TEDCO to provide that there be one Member from the Economic Development and

Parks Committee and one Member from Council at large, instead of two Members of Council from the Economic Development and Parks Committee, so that the composition now reads:

‘the size of the Board of Directors of Toronto Economic Development Corporation (TEDCO) be set at 11 members comprised of:

- (a) the Mayor or designate;
- (b) the Chair of the City’s Economic Development and Parks Committee;
- (c) one Member of Council from the Economic Development and Parks Committee;
- (d) one Member of Council from Council at large;
- (e) 6 citizen members, one of whom to be a designate of the Labour Council of Metro Toronto and York Region; and
- (f) the Commissioner of Economic Development, Culture and Tourism or his designate as an ex-officio non-voting member;’.

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 Policy and Finance 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(6), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(6) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(6) was adopted, without amendment.

[Note: City Council, at this meeting, also considered Striking Committee Report 3, Clause 1,

headed “Appointments of Members of Council to the Toronto Economic Development Corporation (TEDCO) for the Second Half of Council’s Term”.]

7.84 **J(7) Request to Waive Fees Associated with Street Closures for the Taste of Lawrence Festival, Wexford BIA, July 8, 9 and 10, 2005**

Councillor Thompson, with the permission of Council, withdrew the following Motion:

Moved by: Councillor Thompson

Seconded by: Councillor De Baeremaeker

“**WHEREAS** the City of Toronto Economic Development Division and the Toronto Association of Business Improvement Areas (TABIA) encourage BIAs to organize community events and festivals which attract both tourists and residents to the business areas throughout the City; and

WHEREAS BIAs promote the diversity of their neighbourhoods and the uniqueness of their business communities through local events and festivals, strengthening business vitality throughout the City of Toronto; and

WHEREAS the costs associated with organizing and promoting the events and festivals are paid from the BIA budgets and corporate sponsorships; and

WHEREAS the fees currently charged by the City to close roads for events and festivals are high, and limit the funds available to BIAs to improve the quality, quantity and community benefit of their events; and

WHEREAS the Wexford Heights BIA is hosting the second annual Taste of Lawrence community festival on July 8, 9 and 10, 2005, showcasing the diversity and vibrancy of the community;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council waive all fees associated with the closing of Lawrence Avenue East for the Taste of Lawrence festival on July 8, 9 and 10, 2005.”

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(7), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 3, Page 235)

7.85 **J(8) Ontario Municipal Board Hearing - Redevelopment of the Don Mount Court site located at 825 Dundas Street East, 46 Hamilton Street, 35 Carrol Street and 120 Broadview Avenue**

Councillor Fletcher 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 Fletcher

Seconded by: Mayor Miller

“WHEREAS the Ontario Municipal Board (OMB) has set aside five days, commencing on July 11, 2005 for the hearing of evidence on the planning applications concerning the redevelopment of Don Mount Court; and

WHEREAS Council at its meeting held on September 28, 29, 30, and October 1, 2004, enacted by-laws to amend the Official Plan and Zoning By-law to allow for the redevelopment of the Don Mount Court site to replace 232 social housing units and to allow market dwelling units, up to a limit of 255 units; and

WHEREAS following the prehearing conference at the OMB, the applicants Toronto Community Housing Corporation (TCHC), Intracorp/Marion Hill Don Mount Court Ltd., and Don Mount Court Development Corporation appealed with respect to their draft plan of subdivision to the OMB and accordingly, this appeal has been consolidated into the hearing; and

WHEREAS City staff wish to provide advice to Council on the proposed plan of subdivision, and to seek Council’s direction that City staff support the residential plan of subdivision at the hearing;

NOW THEREFORE BE IT RESOLVED THAT City Council consider and adopt the staff recommendations contained in the Recommendations Section of the report (June 13, 2005) from the City Solicitor, in support of the proposed plan of subdivision dated May 11, 2005, and direct the City Solicitor and other City staff to appear at the Ontario Municipal Board hearing commencing July 11, 2005, in support of Council’s approval.”

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 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(8), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary,

Page 230)

Procedural Vote:

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

Council also had before it, during consideration of Motion J(8), a report (June 13, 2005) from the City Solicitor, entitled "OMB Hearing concerning Don Mount Court Redevelopment 825 Dundas Street East, 35 Carroll Street, 46 Hamilton Street and 120 Broadview Avenue, Ward 30 - Toronto Danforth". (See Attachment 2, Page 210)

Vote:

Adoption of Motion J(8), without amendment:

Yes - 37	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 36.

Summary:

In adopting Motion J(8), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (June 13, 2005) from the City Solicitor:

"It is recommended that:

- (1) Council endorse its approval of the draft plan of subdivision for the Don Mount Court site, the approval for which has been consolidated into the hearing before the Ontario Municipal Board which will commence on Monday, July 11, 2005; and
- (2) the City Solicitor be authorized to take the necessary actions at the upcoming Ontario Municipal Board hearing to support the City's by-laws under appeal,

and to support the plan of subdivision submitted by the Proponents, and now consolidated into the hearing; and that the City Solicitor further support any necessary revisions to the conditions of subdivision approval pertaining to the width of the public streets and the pavement widths of those streets within the plan of subdivision.”

7.86 J(9) Regulating Payday Lending Businesses

Councillor Giambrone gave Notice of the following Motion to permit consideration at the next regular meeting of City Council on July 19, 2005:

Moved by: Councillor Giambrone

Seconded by: Councillor Fletcher

“**WHEREAS** there has been a proliferation of unregulated payday lending businesses in the City of Toronto; and

WHEREAS the Criminal Code of Canada defines the criminal rate as anything exceeding 60 percent in annual effective interest; and

WHEREAS research shows that payday lenders typically charge between 300 and 900 percent interest; and

WHEREAS there are presently no federal or provincial regulations that govern payday lenders in much of the country, including in the Province of Ontario; and

WHEREAS Toronto residents want and need access to small-sum, short-serviced loans at a fair price;

NOW THEREFORE BE IT RESOLVED THAT staff report back to the Planning and Transportation Committee as soon as possible with policy options to manage payday lending businesses; issues to be considered as part of the report back to include, but are not limited to:

- (1) the number and location of existing payday lending businesses in the City of Toronto;
- (2) recommendations for Council policy to guide future land use decisions regarding pay day lending businesses;
- (3) recommendations for Council policy to regulate payday lending businesses; and
- (4) recommendations on steps the City can take to encourage existing lending

institutions to provide low income people with better access to lending services;

AND BE IT FURTHER RESOLVED THAT the City of Toronto urge the provincial and federal governments to develop and enforce regulations for this industry and that such regulations consider the regulatory framework put forward by the national non-profit organization, Acorn Canada.”

7.87 **J(10) Request to Install Banners for the 2005 International Convention of Alcoholics Anonymous**

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 Chow

“**WHEREAS** Transportation Services has received an application from Tourism Toronto to install two banners on the Sunnyside Pedestrian Bridge, over the Gardiner Expressway, to welcome 70,000 visitors to Toronto attending the 2005 International Convention of Alcoholics Anonymous, to be held from June 28 to July 3, 2005 at the Metro Toronto Convention Centre; and

WHEREAS former Municipality of Metropolitan Toronto By-law No. 211-74 permits the installation of horizontal fabric banners spanning Metro roadways but specifically excludes ‘over expressways’; and

WHEREAS City Council, on occasion, has approved the installation of banners over expressways for certain events, such as Metro Homes Nissan Challenge, R.I.D.E. campaigns, Toronto’s Olympic Bid, World Youth Day, etc.; and

WHEREAS City staff have reviewed and approved the design and installation feasibility of the two banners on the Sunnyside Pedestrian Bridge over the Gardiner Expressway for 14 days, in accordance with Transportation Service’s policies;

NOW THEREFORE BE IT RESOLVED THAT City Council approve Tourism Toronto’s application to install two banners on the Sunnyside Pedestrian Bridge over the Gardiner Expressway from June 23 to July 7, 2005, to welcome the 2005 International Convention of Alcoholics Anonymous to 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 J(10) 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(10), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

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

Vote:

Motion J(10) was adopted, without amendment.

7.88 J(11) Change to Membership of the Budget Advisory Committee

Councillor Jenkins 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 Jenkins

Seconded by: Councillor Milczyn

“WHEREAS on May 17, 18 and 19, 2005 Council adopted Striking Committee Report 2, Clause 1, which recommended the appointment of Councillor Jenkins to the Budget Advisory Committee as a member of the Planning and Transportation Committee; and

WHEREAS Councillor Jenkins wishes to relinquish his appointment to the Budget Advisory Committee; and

WHEREAS Councillor Milczyn is willing to accept appointment to the Budget Advisory Committee; and

WHEREAS Mayor Miller and Councillor Soknacki, Chair of the Budget Advisory Committee, and Councillor Jenkins support these changes;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Striking Committee Report 2,

Clause 1, headed ‘Appointment of Members of Council as Deputy Mayor, to Standing and Other Committees of Council and to City and External Agencies, Boards, Commissions and Corporations for the Second Half of Council’s Term’, be re-opened for further consideration, only as it relates to the appointment of Councillor Jenkins to the Budget Advisory Committee;

AND BE IT FURTHER RESOLVED THAT Councillor Jenkins be removed from the Budget Advisory Committee immediately;

AND BE IT FURTHER RESOLVED THAT Councillor Milczyn be appointed to the Budget Advisory Committee for a term of office starting immediately after the end of the Council meeting scheduled for June 14, 15 and 16, 2005, and ending November 30, 2006 and until a successor is appointed.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(11), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Votes:

The first Operative Paragraph contained in Motion J(11) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(11) was adopted, without amendment.

7.89 **J(12) Revised Request to Dispense Voluntary Contribution from Shoppers Drug Mart for Streetscaping and Business Improvement Projects – 351 Queen Street East**

Councillor McConnell 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 McConnell

Seconded by: Councillor Rae

“**WHEREAS** during the review of a site plan application at 351 Queen Street East, representatives of Shoppers Drug Mart expressed an interest in providing a contribution for streetscape improvements; and

WHEREAS we are now in receipt of a voluntary donation in the amount of

\$16,391.27 from Shoppers Drug Mart for streetscape improvements in the area of Queen Street East and Parliament Street; and

WHEREAS a similar Motion was adopted by Council on April 12, 13 and 14, 2005, indicating that the funds would be used for streetscaping improvements; and

WHEREAS the community has indicated they would also like to use the funds for business improvement projects;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(39), moved by Councillor McConnell, seconded by Councillor Rae, respecting a Request to Receive Voluntary Contribution from Shoppers Drug Mart for Streetscape Improvements, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the funds be received and placed in a capital project account for the purposes of a business improvement and promotion projects in the area near Queen Street East and Parliament Street;

AND BE IT FURTHER RESOLVED THAT the Ward Councillor work with the local residents through the Corktown Residents and Business Association, and the Queen East Business and Residents Association, to identify and undertake suitable projects in the area.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(12), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 4, Page 236)

Votes:

The first Operative Paragraph contained in Motion J(12) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(12) was adopted, without amendment.

7.90 **J(13) Noise By-law Exemption For King and Queen Festival and Pan Alive as Part of the 2005 Caribana Festival**

Councillor Mihevc 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 Mihevc

Seconded by: Councillor Chow

“WHEREAS the Caribbean Cultural Committee (CCC) and the Ontario Steelpan Association (OSA) are hosting the 2005 editions of the King and Queen Extravaganza and Pan Alive, respectively, at Lamport Stadium; and

WHEREAS Pan Alive and the King and Queen Extravaganza are annual Caribana crowd favourite events; and

WHEREAS the Caribbean Cultural Committee, the traditional organizing body for the annual Caribana festival, requires an exemption to the noise by-law to allow them to continue the King and Queen event until 12:00 midnight on Friday, July 29th, 2005; and

WHEREAS the Ontario Steelpan Association (OSA), the organizing body for this year’s Pan Alive, requires an exemption to the noise by-law to allow them to continue Pan Alive until 12:00 midnight on Saturday, July 30th, 2005;

NOW THEREFORE BE IT RESOLVED THAT the Caribbean Cultural Committee (CCC) be granted an exemption from the Noise By-law to permit the King and Queen event to proceed until 12:00 midnight on Friday, July 29th, 2005;

AND BE IT FURTHER RESOLVED THAT the Ontario Steelpan Association (OSA) be granted an exemption from the Noise By-law to permit the King and Queen event to proceed until 12:00 midnight on Saturday, July 30th, 2005.”

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 Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

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.

Vote:

Adoption of Motion J(13), without amendment:

Yes - 37
Mayor: Miller
Councillors: Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 0

Carried, without dissent.

7.91 **J(14) Residential Demolition Application – 50 Gerrard Street East (Toronto Centre-Rosedale, Ward 27)**

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: Councillor McConnell

“WHEREAS City Council has approved an Official Plan Amendment and Zoning By-law to permit construction of a 190-unit residential apartment building; and

WHEREAS a registered Section 37 Agreement has secured the replacement of existing units at 50 Gerrard Street East in the new building, as well as a tenant assistance package; and

WHEREAS the owner has filed for a demolition permit for the vacant apartment building at 50 Gerrard Street East, which requires Council approval;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto adopt the staff recommendations set out in the Recommendations Section of the report (June 13, 2005) from the Chief Planner and Executive Director, City Planning.”

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 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(14), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

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

Council also had before it, during consideration of Motion J(14), a report (June 13, 2005) from the Chief Planner and Executive Director, City Planning, entitled "Residential Demolition Application, 50 Gerrard Street East, Toronto Centre-Rosedale, Ward 27". (See Attachment 3, Page 214)

Vote:

Motion J(14) was adopted, without amendment.

Summary:

In adopting Motion J(14), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (June 13, 2005) from the Chief Planner and Executive Director, City Planning:

"It is recommended that City Council approve the application to demolish the residential building at 50 Gerrard Street East with the following conditions:

- (a) that the applicant submit a Dust Control Plan and any other required information for the review and approval of the Chief Building Official, in consultation with the Medical Officer of Health, prior to the issuance of the demolition permit;
- (b) that the applicant obtain a permit from Urban Forestry Services to injure and destroy trees on private property that qualify for protection under City of Toronto Municipal Code, Chapter 813, Trees, Article III, identified in the Arborist Report prepared by Kelly's Tree Care Ltd., date stamped on December 11, 2003, prior to the issuance of the demolition permit;
- (c) that all debris and rubble be removed from the site immediately after

demolition;

- (d) that a construction fence be erected in accordance with the provisions of the Municipal Code, Chapter 363, Article III, if deemed appropriate by the Deputy Chief Building Official;
- (e) that the site be maintained free of garbage and weeds, in accordance with the Municipal Code 632-5 and 629-10, Paragraph B;
- (f) that any holes on the property be backfilled with clean fill;
- (g) that the owner construct and substantially complete the new building authorized by Building Permit Application No. 05 133340 BLD 00 NB not later than three years and 6 months from the day demolition of the existing building at 50 Gerrard Street East is commenced; and
- (h) that, on failure to complete the new building within the time specified, the City Clerk shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, the sum of \$20,000.00 for each dwelling unit contained in the building in respect of which the demolition permit is issued, and that such sum shall, until payment, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued."

7.92 **J(15) Ontario Municipal Board Hearing – Appeal of Committee of Adjustment Decision - 386 Dundas Street East and 388 Dundas Street East**

Councillor McConnell 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 McConnell

Seconded by: Councillor Davis

“WHEREAS the applicant for 386 Dundas Street East and 388 Dundas Street East proposed to construct third floor additions to the existing semi-detached dwellings containing 19 and 24 rooms respectively; and

WHEREAS the applicant for 386 Dundas Street East seeks to increase the gross floor area beyond the terms and conditions previously settled with the City and Seaton Ontario Berkeley Residents Association on September 2001 at the Ontario Municipal Board; and

WHEREAS the staff report dated May 20, 2005, outlines Planning staff concerns about the proposed third floor expansion and the over intensification of the use of the buildings; and

WHEREAS at its meeting of May 25, 2005, the Committee of Adjustment refused the applicant's minor variance application to increase the gross floor area from 1 times the lot area to 1.82 times the lot area and a window setback variance;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto direct Legal and Planning staff to support the Committee of Adjustment's decision to refuse the variances at the OMB."

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(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 Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

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 had before it, during consideration of Motion J(15), the following, which are on file in the City Clerk's Office:

- Notice of Decision (May 26, 2005) from the Acting Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel, respecting 386 Dundas Street East;
- Report (May 20, 2005) from the Director, Community Planning, South District, respecting 386 Dundas Street East;
- Notice of Decision (May 26, 2005) from the Acting Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel, respecting 388 Dundas Street East; and
- Report (May 20, 2005) from the Director, Community Planning, South District,

respecting 388 Dundas Street East.

Vote:

Adoption of Motion J(15), without amendment:

Yes - 37	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Giambone, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 0	

Carried, without dissent.

Councillor Kelly in the Chair.

7.93 **J(16) Land Transaction Respecting 20 Gothic Avenue**

Councillor Saundercook 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 Saundercook

Seconded by: Councillor Moscoe

“**WHEREAS** City Council, at its meeting held on May 21, 22 and 23, 2003, adopted Administration Committee Report 4, Clause 11, thereby approving the sale of the City-owned property at 20 Gothic Avenue (‘the Property’) by way of a three-party land exchange among York Condominium Corporations Nos. 323 and 435, Quebex Development Corporation and the City; and

WHEREAS City Council, at its meeting held on July 20, 21 and 22, 2004, adopted Administration Committee Report 5, Clause 18, thereby approving the inclusion of Monarch Construction Limited and/or its subsidiary (‘Monarch’) as a party to all agreements and documents necessary to implement the terms of the sale as previously approved by it; and

WHEREAS Monarch will acquire title to the Property and is to construct and own the new residential condominium development on the Property; and

WHEREAS various agreements amongst the parties pertaining to the land exchange, planning requirements and construction and operational issues are of a complex nature, such agreements are under negotiation but have not yet been finalized; and

WHEREAS Monarch has become increasingly concerned about the delay and the incremental costs both expended to date, and which it expects to incur for improvements to the High Park Subway Station and for storm water management in the neighbourhood that are conditions of the development; and

WHEREAS Monarch has proposed to pay the City for the land to be acquired by providing capital improvements and lands to the City and the TTC valued at \$504,000.00, with the balance of the purchase price to be paid in cash and all other terms of the transaction are to remain the same, otherwise, it will have to abandon the development project due to rising costs and delay;

NOW THEREFORE BE IT RESOLVED THAT City Council give consideration to the attached report (June 13, 2005) from the Chief Corporate Officer, entitled ‘Land Transaction Respecting 20 Gothic Avenue’, and that Council adopt the staff recommendations contained in the Recommendations Section.”

Advice by Acting Chair:

Acting Chair Kelly 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 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(16), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 5, Page 237)

Procedural Vote:

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

Council also had before it, during consideration of Motion J(16), a report (June 13, 2005) from the Chief Corporate Officer, entitled “Land Transaction Respecting 20 Gothic Avenue (Ward 13 - Parkdale High-Park)”. (See Attachment 4, Page 217)

Vote:

Adoption of Motion J(16), without amendment:

Yes - 37 Councillors: Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Ford, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 0

Carried, without dissent.

Summary:

In adopting Motion J(16), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (June 13, 2005) from the Chief Corporate Officer:

“It is recommended that:

- (1) the terms of the land transaction with respect to 20 Gothic Avenue between the City and Monarch Construction Limited et al (collectively ‘Monarch’), as authorized by City Council at its meetings on May 21, 22 and 23, 2003 and on July 20, 21 and 22, 2004, be amended to provide that Monarch pay the City for the land to be acquired by providing capital improvements and lands to the City and the TTC valued at \$504,000.00, with the balance of the purchase price to be paid in cash and all other terms of the transaction are to remain the same;
- (2) City Council approve a development charge credit in an amount equal to the component of the development charge payable with respect to the sanitary sewer, water and stormwater management services;
- (3) the City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses, on the terms recommended in Recommendation (1), and on such other terms and conditions as she may from time to time consider reasonable; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Mayor Miller in the Chair.

7.94 **J(17) St. Matthew’s Catholic Church - Our Lady of Light Festival**

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** St. Matthew’s Catholic Church will hold a Festival on September 2, 3, 4 and 5, 2005; and

WHEREAS St. Matthew’s Catholic Church has applied to the Alcohol and Gaming Commission of Ontario (AGCO) for a special occasion permit; and

WHEREAS it is a requirement of the AGCO that the local municipality in which the special occasion permit application has been made, declare the event to be a community festival of municipal significance; and

WHEREAS the Ward Councillor has received this formal request from St. Matthew’s Catholic Church;

NOW THEREFORE BE IT RESOLVED THAT City Council declare the St. Matthew’s Catholic Church festival of Our Lady of Light to be held on September 2, 3, 4 and 5, 2005, to be a community festival of municipal significance, and that it has no objection to this event taking place.”

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(17) 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(17), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(17) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Moscoe moved that Motion J(17) be adopted subject to adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the City Manager be requested to report to the Planning and Transportation Committee on the implications of designating an event as a ‘community event’ in general.”

Votes:

The motion by Councillor Moscoe carried.

Motion J(17), as amended, carried.

7.95 **J(18) Request for Additional Municipal Licensing and Standards Officer(s)**

Councillor Mammoliti 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 Mammoliti

Seconded by: Councillor Moscoe

“WHEREAS the Municipal Licensing and Standards Division’s mission is ‘to enhance the quality of life in the City of Toronto by ensuring public safety, community integrity, consumer protection, and responsible business activities’; and

WHEREAS Municipal Licensing and Standards Officers predominantly enforce the following by-laws: Fences, Grass and Weeds, Heating, Business and Trades Licensing, including taxis and other mobile businesses, holistics, adult entertainment premises, Property Maintenance, Property Standards, Abandoned Appliances, Signs, Licensing, Vital Services, Zoning, Solid Waste and Waste Diversion, Litter and Graffiti; and

WHEREAS Municipal Licensing and Standards has a total of 221 officers, including the Districts, Clean City, Taxi, Waste, Trades and Right-of-Way; and

WHEREAS in 2004, the Municipal Licensing and Standards Division had a district-wide total of 36,323 investigation requests, 19,539 complaints and 46,092 inspections; and

WHEREAS the Municipal Licensing and Standards Division, for 2005, had a district-wide total of 14,394 investigation requests, 8,332 complaints and 14,227 inspections; and

WHEREAS the Mobile Enforcement Unit, for 2004, had a district-wide total of 33,980 inspections on all classes; 5,303 summons were issued; 851 Notices of Violation were issued; and 1,966 complaints were received; and

WHEREAS the Mobile Enforcement Unit, for 2005, had a district-wide total of 10,234 inspections on all classes; 907 summonses were issued; 473 Notices of Violation were issued; and 718 complaints were received; and

WHEREAS the Division faces enforcement priorities relating to Marijuana Grow House operations, Holistics, Mobile Signs and Building Audits; and

WHEREAS it is clearly seen that the Division is highly under staffed;

NOW THEREFORE BE IT RESOLVED THAT City Council grant permission to hire one new Municipal Licensing and Standards Officer from my office salary budget or that Council endorse a recommendation to the Budget Advisory Committee to hire 44 new Municipal Licensing and Standards Officers in 2006 that would be assigned equally across the City's 44 wards."

Ruling by Mayor:

Mayor Miller ruled Motion J(18) out of order as funding for a Municipal Licensing and Standards Officer position from a Councillor's Office Budget is not an appropriate funding source.

With the permission of Council, Councillor Mammoliti revised his Motion J(18) by amending the Operative Paragraph so that it now reads as follows:

"NOW THEREFORE BE IT RESOLVED THAT City Council endorse a recommendation to the Budget Advisory Committee to hire 44 new Municipal Licensing and Standards Officers in 2006 that would be assigned equally across the City's 44 wards."

Ruling by Mayor:

Councillor Soknacki requested the Mayor to rule on whether it was in order for Council to endorse a recommendation which relates to the 2006 Operating Budget. Mayor Miller advised that Motion J(18), as revised, is now in order.

Councillor Soknacki challenged the ruling of the Mayor.

Vote to Uphold Ruling of Mayor:

Yes - 20	Miller
Mayor:	

Councillors:	Altobello, Chow, Cowbourne, Del Grande, Di Giorgio, Filion, Giambrone, Holyday, Jenkins, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone
No - 18	
Councillors:	Ashton, Carroll, Cho, Davis, De Baeremaeker, Feldman, Ford, Kelly, Lindsay Luby, Ootes, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson

Carried by a majority of 2.

Vote:

The vote to waive the necessary provisions of Chapter 27 of the City of Toronto Municipal Code to permit introduction of Notice of Motion J(18), as revised, was taken as follows:

Yes - 18	
Mayor:	Miller
Councillors:	Altobello, Ashton, Chow, Cowbourne, Del Grande, Di Giorgio, Filion, Jenkins, Mammoliti, McConnell, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Saundercook
No - 20	
Councillors:	Carroll, Cho, Davis, De Baeremaeker, Feldman, Ford, Giambrone, Holyday, Kelly, Li Preti, Lindsay Luby, Mihevc, Ootes, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson, Watson

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

Council also had before it, for consideration with Motion J(18), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 6, Page 238)

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on July 19, 2005.

7.96 J(19) Education Campaign Respecting Tree Care and Maintenance

Councillor Saundercook 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 Saundercook

Seconded by: Councillor Grimes

“WHEREAS trees in our urban environment provide countless benefits, which include improving air quality, providing us with oxygen, moderating the air temperature, providing habitat for wildlife, protecting us from the sun’s rays, preventing soil erosion, and reducing noise pollution; and

WHEREAS the incident of the falling tree that occurred on June 7, 2005, on Beresford Avenue in Ward 13 served as a ‘wake up’ call to us all, and we observed the damage that a large tree can cause if it falls; and

WHEREAS the incident on Beresford Avenue fortunately did not result in any serious injuries; and

WHEREAS the City of Toronto is responsible for trees in public areas; and

WHEREAS property owners are responsible for trees on their own properties; and

WHEREAS property owners must be made aware that they need to monitor the health and safety of the trees on their private property; and

WHEREAS the most effective and accurate way of monitoring the health and safety of trees is to have them inspected by a professional, certified tree arborist;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto, through a public education campaign, make property owners aware of their responsibilities as they relate to tree care, and that regular attention and maintenance is critical for their trees;

AND BE IT FURTHER RESOLVED THAT the City of Toronto, as part of the education campaign, suggest that property owners be encouraged to have a professional tree arborist assess the health of all large trees on their property, every five to seven years, or five to ten years, depending on the type of tree;

AND BE IT FURTHER RESOLVED THAT the City of Toronto, as part of the education campaign, make our residents aware that they can contact the Parks, Forestry and Recreation Division, should they suspect that a tree on someone else’s property is overgrown and potentially unsafe, and the complaint will be investigated and appropriate action taken.”

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(19) to the Economic Development and Parks 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(19), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 7, Page 239)

Procedural Vote:

The vote to waive referral of Motion J(19) to the Economic Development and Park Committee was taken as follow:

Yes - 13 Councillors:	Altobello, Ashton, Cho, Chow, De Baeremaeker, Di Giorgio, Filion, Mammoliti, McConnell, Mihevc, Milczyn, Pantalone, Saundercook
No - 25 Mayor: Councillors:	Miller Carroll, Cowbourne, Davis, Del Grande, Feldman, Ford, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson, Watson

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

Disposition:

Motion J(19) was referred to the Economic Development and Parks Committee.

7.97 J(20) Review of the Community Partnership and Investment Program (CPIP)

Councillor Thompson 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 Thompson

Seconded by: Councillor Carroll

“WHEREAS the City of Toronto, through its Community Partnership and Investment Program (CPIP), provides funds to various community groups and organizations; and

WHEREAS it is desirable to review this program from time to time, to ensure that the City is getting value for money and is making the best use of these funds;

NOW THEREFORE BE IT RESOLVED THAT the City Manager:

- (1) provide a status report on the implementation of Community Partnership and Investment Program (CPIP) - Program Standards and Performance Measures Framework, including a review of the use of review panels in the assessment of applications for City funding;
- (2) report to the Policy and Finance Committee on the processes in place to ensure that the City of Toronto is receiving 'value for money' on the various grant programs; and
- (3) report to the Policy and Finance Committee for its September 2005 meeting, on cross-funding approval grants by the various grants committees to groups and organizations, such report to include, but not be limited to, the following:
 - (a) total funds granted to each group from various grants committees be cross-referenced;
 - (b) name of the project(s);
 - (c) number of people in each of the projects;
 - (d) number of people who benefited;
 - (e) number of grants awarded in 1997 by the six municipal governments and the Metro Toronto government;
 - (f) percentage increase/decrease in grants awarded since amalgamation;
 - (g) map showing the area where the projects, programs and services are being offered;
 - (h) total dollar amount of grants awarded since amalgamation;
 - (i) accountability methods; and
 - (j) value for money; how effective is this as a means to achieve City objectives;

AND BE IT FURTHER RESOLVED THAT the Auditor General be requested to include a 'follow-up audit' of the City of Toronto Community Partnership and Investment Program in his 2006 work plan, to determine the extent to which programs

meet program criteria, are properly managed, controlled and monitored.”

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(20) to the Policy and Finance 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(20), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(20) to the Policy and Finance Committee was taken as follows:

Yes - 16	
Mayor:	Miller
Councillors:	Altobello, Carroll, De Baeremaeker, Del Grande, Giambrone, McConnell, Milczyn, Minnan-Wong, Nunziata, Palacio, Pitfield, Saundercook, Stintz, Watson, Thompson
No - 22	
Councillors:	Ashton, Cho, Chow, Cowbourne, Davis, Di Giorgio, Feldman, Filion, Ford, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Ootes, Pantalone, Rae, Shiner, Soknacki

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

Disposition:

Motion J(20) was referred to the Policy and Finance Committee.

7.98 J(21) Request to Waive Fees Associated with Street Closures for the Highland Creek Heritage Day Festival and Parade - June 18, 2005

Councillor Cowbourne, with the permission of Council, withdrew the following Motion:

Moved by: Councillor Cowbourne

Seconded by: Councillor Mammoliti

“WHEREAS the City of Toronto encourages community events and festivals which attract both tourists and residents to areas throughout the City; and

WHEREAS local community festivals and parades promote the diversity of their neighbourhoods and the uniqueness of their business communities, strengthen business vitality and community spirit throughout the City of Toronto; and

WHEREAS the costs associated with organizing and promoting the events and festivals are paid by community groups and corporate sponsorships; and

WHEREAS the fees currently charged by the City to close roads for events and festivals are high, and limit the funds available to local communities to improve the quality, quantity and community benefit of their events; and

WHEREAS the Highland Creek Community is hosting the 20th annual Highland Creek Heritage Day Festival and Parade on June 18, 2005, showcasing the heritage, diversity and vibrancy of the Highland Creek Village and the surrounding community;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council waive all fees associated with the road closings for the Highland Creek Heritage Day Festival on June 18, 2005.”

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(21), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 8, Page 240)

Deputy Mayor Feldman in the Chair.

7.99 J(22) Secondary Holding of Items at Council Meetings – Request for Review

June 15, 2005:

Councillor Mammoliti, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provision of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, the vote upon which was taken as follows:

Yes - 16

Councillors: Altobello, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Holyday, Kelly, Lindsay Luby, Mammoliti, Milczyn, Moscoe, Nunziata, Palacio, Pitfield, Rae

No - 12 Councillors: Carroll, Feldman, Filion, Fletcher, Ford, Hall, Jenkins, Li Preti, Ootes, Saundercook, Stintz, Watson
--

Carried by a majority of 4.

Mayor Miller in the Chair.

Councillor Mammoliti 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 Mammoliti

Seconded by: Councillor Palacio

“WHEREAS Council’s procedures permit Members of Council to hold items on the Council agenda, and the Member who holds an item is listed as the first speaker; and

WHEREAS it has become Council’s practice to permit Members of Council to advise the Chair of their desire for a ‘secondary hold’ on items that have been held by another Member; and

WHEREAS this practice is not provided for in the Council procedures, and in my view, has increased over time and prevents Council from dealing with its agenda in an efficient manner;

NOW THEREFORE BE IT RESOLVED THAT the Working Group on Council Procedures be requested to review this practice as part of its overall review of Chapter 27, Council Procedures.”

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(22) to the Policy and Finance Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(22) to the Policy and Finance Committee was taken as follows:

Yes - 22 Mayor: Miller

Councillors:	Altobello, Ashton, Carroll, Chow, Davis, De Baeremaeker, Di Giorgio, Fillion, Giambrone, Jenkins, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Thompson
No - 16	
Councillors:	Cho, Cowbourne, Del Grande, Feldman, Ford, Holyday, Kelly, Li Preti, Lindsay Luby, McConnell, Moscoe, Ootes, Shiner, Soknacki, Stintz, Watson

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

Disposition:

Motion J(22) was referred to the Policy and Finance Committee.

7.100 **J(23) Ontario Municipal Board Hearing - June 28, 2005 - 4135 Dundas Street West**

June 15, 2005:

Councillor Milczyn, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provision of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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 Hall

“**WHEREAS** the Etobicoke York Committee of Adjustment, at its meeting of January 8, 2004, granted approval to an application to demolish the existing buildings at 4135 Dundas Street West and to develop the property at the site of a 6-storey, 120-unit, residential condominium building with underground parking, with a 2.43 metre wide strip of land along Earlington Avenue; and

WHEREAS the Etobicoke York Committee of Adjustment, at its meeting of March 31, 2005, refused approval of an application to increase the number of dwelling units in the approved apartment building from 120 units to 138 units at 4135 Dundas Street West; and

WHEREAS the applicant has appealed the Committee’s decision to the Ontario Municipal Board and the Board has scheduled a one day hearing on Tuesday, June 28,

2005; and

WHEREAS the Applicant has indicated that it is willing to reduce the number of units as requested in its Application;

NOW THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor to settle the matter with the support and consultation with the Ward Councillor before the Ontario Municipal Board on the basis of a reduction in units from the 138 dwelling units originally proposed.”

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(23) to the Etobicoke York Community Council would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(23) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Motion J(23), without amendment:

Yes - 37	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 36.

7.101 J(24) Agreement for Delivery of Jobs for Youth 2005 Program

June 15, 2005:

Mayor Miller, having regard that the deadline for submission of Notices of Motions had passed, moved, with the permission of Council, that the necessary provision of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

Mayor Miller, with the permission of Council, 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: Mayor Miller

Seconded by: Councillor Carroll

“WHEREAS the Community Safety Plan identifies the need to increase economic opportunity for youth in at risk communities, and in 2004 successfully employed over 300 youth in the Jobs for Youth program; and

WHEREAS the Province of Ontario has agreed in principle to provide funding for the program; and

WHEREAS many youth in at-risk communities are trying to secure employment, and many employers have expressed a desire to employ youth;

NOW THEREFORE BE IT RESOLVED THAT the Deputy City Manager be authorized to sign agreements with the Government of Ontario to receive funds in an amount not to exceed the Government of Ontario financial contribution as the program costs for Jobs for Youth 2005 Program;

AND BE IT FURTHER RESOLVED THAT the Deputy City Manager be authorized to enter into an agreement with Tropicana Community Services for the delivery of the Jobs for Youth 2005 program;

AND BE IT FURTHER RESOLVED THAT the Deputy City Manager and Chief Financial Officer be given the authority to expend the provincial funds received to ensure the program can begin as soon as possible;

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(24) to the Community Services Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(24) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Motion J(24), without amendment:

Yes - 38
Mayor: Miller
Councillors: Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 0

Carried, without dissent.

Deputy Mayor Feldman in the Chair.

7.102 J(25) Ontario Municipal Board Hearing – Elderbrook Developments Ltd. – Northwest Corner of Finch Avenue West and York Gate Boulevard

June 15, 2005:

Councillor Moscoe, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provision of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Moscoe 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 Moscoe

Seconded by: Councillor Di Giorgio

“WHEREAS on February 16, 2005, City Council adopted the staff recommendations of the report (January 17, 2005) from the Director, Community Planning, North

District, Urban Development Services, with a number of amendments with respect to an application to amend the Zoning By-law for the former City of North York to allow the construction of 219 townhouse and semi-detached dwelling units and 780 apartment dwelling units at the northwest corner of Finch Avenue West and York Gate Boulevard, and a related draft plan of subdivision application; and

WHEREAS one of the amendments made by Council was a requirement that prior to introducing the necessary bills to amend the North York Official Plan and Zoning By-law for enactment, the owner enter into a Section 37 agreement to secure certain contributions for the provision of community amenities and for public art; and

WHEREAS the owner has appealed to the Ontario Municipal Board its zoning amendment application and its draft plan of subdivision application because the City failed to approve such applications within 90 days of the application date, and because they do not agree to the requested Section 37 contributions; and

WHEREAS an Ontario Municipal Board Hearing has been scheduled for August 15, 16 and 17, 2005; and

WHEREAS the City-initiated Official Plan Amendment as attached to the staff report would introduce a site specific policy to permit a total of 999 dwelling units on the subject property, whereas the existing Official Plan permits 1296 dwelling units; and

WHEREAS the proposed Official Plan Amendment was considered at a public meeting held pursuant to the *Planning Act* on February 8, 2005, and its approval was recommended by the North York Community Council; and

WHEREAS the proposed Official Plan Amendment was not enacted by Council because the owner did not agree to provide the requested Section 37 contribution, and as such the proposed Official Plan Amendment has not been appealed to the Ontario Municipal Board; and

WHEREAS it is advisable to have the proposed Official Plan Amendment enacted by Council this time so that, if appealed by the owner, it can be considered by the Ontario Municipal Board in conjunction with the zoning amendment and draft plan of subdivision; and

WHEREAS the proposed Official Plan Amendment should be further amended to include Council's recommendation regarding the required Section 37 contributions;

NOW THEREFORE BE IT RESOLVED THAT a Bill be enacted by Council to adopt Amendment No. 564 to the Official Plan of the City of North York."

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(25) to the North York Community Council would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(25) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Motion J(25), without amendment:

Yes - 26	
Councillors:	Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Giambrone, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Watson
No - 3	
Councillors:	Mammoliti, Ford, Li Preti

Carried by a majority of 23.

7.103 J(26) Declaration as Surplus, Closed Road Allowance and Six-Inch Reserve Strip Adjoining 1900 Bayview Avenue (Ward 25 – Don Valley West)

June 15, 2005:

Councillor Jenkins, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provision of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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 Pitfield

“WHEREAS on July 2, 2003, the Administration Committee postponed indefinitely, consideration of a report (June 18, 2003) from the Commissioner of Corporate

Services, recommending that the closed road and six-inch reserve strip adjoining 1900 Bayview Avenue be declared surplus to the City's requirements; and

WHEREAS on November 30, December 1 and 2, 2004, City Council adopted, as amended, North York Community Council Report 9, Clause 33, headed 'Final Report – OPA & Rezoning Application – TD CMB 2003 0005 – Kolter Property Company – Pate & Steele – 1900 Bayview Avenue', thereby refusing the application to amend the Official Plan and Zoning By-law to permit the construction of three condominium buildings on 1900 Bayview Avenue; and

WHEREAS City Council's decision has been appealed to the Ontario Municipal Board and the hearing is to commence on September 13, 2005; and

WHEREAS the owner of 1900 Bayview Avenue continues to be interested in acquiring the closed road and six-inch reserve strip for incorporation into its site;

NOW THEREFORE BE IT RESOLVED THAT City Council give consideration to the report (June 15, 2005) from the Chief Corporate Officer, entitled 'Declaration as Surplus, Closed Road Allowance and Six-Inch Reserve Strip Adjoining 1900 Bayview Avenue', and that Council adopt the staff recommendations contained in the Recommendations Section of the report."

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(26) to the Administration Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(26) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(26), a report (June 15, 2005) from the Chief Corporate Officer, entitled "Declaration as Surplus Closed Road Allowance and Six-Inch Reserve Strip Adjoining 1900 Bayview Avenue (Ward 25 - Don Valley West)". (See Attachment 5, Page 211)

Vote:

Motion J(26) was adopted, without amendment.

Summary:

In adopting Motion J(26), without amendment, Council adopted, without amendment, the

following staff recommendations contained in the Recommendations Section of the report (June 15, 2005) from the Chief Corporate Officer:

“It is recommended that:

- (1) the closed road allowance and the six-inch reserve strip, described as Part of Lot 2 in the First Concession East of Yonge Street, subject to the retention of an easement over the entire property for access and maintenance purposes, and shown as Parts 1 and 2 on Sketch No. PS-2003-071 (the ‘Property’), be declared surplus to the City’s requirements and the Chief Corporate Officer be authorized to invite an offer to purchase the Property from the adjoining owner at 1900 Bayview Avenue, and all steps necessary to comply with Chapter 213 of the City of Toronto Municipal Code be taken; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Deputy Mayor Bussin in the Chair.

7.104 **J(27) Settlement of Legal Action between Schonfeld Inc., in its capacity as Trustee and Receiver of Kiia Architecture Inc., KiiA Technology Inc., and Rice Brydone Limited, Ehvert Engineering Inc. and City of Toronto**

June 16, 2005:

Councillor Watson, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provision of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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 Altobello

“**WHEREAS** in September, 2004, the City’s MAP Consultant KiiA Architecture Inc. (‘KiiA’) declared bankruptcy; and

WHEREAS the parties and City staff have arrived at the terms of a recommended settlement;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (June 15, 2005) from the City Solicitor.”

Advice by Deputy Mayor:

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

Procedural Vote:

The vote to waive referral of Motion J(27) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(27), a confidential report (June 15, 2005) from the City Solicitor.

Vote:

Motion J(27) was adopted, without amendment.

Summary:

In adopting Motion J(27), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report (June 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 that is subject to solicitor-client privilege.

7.105 **J(28) 1225 Danforth Avenue - Site Plan Appeal to the Ontario Municipal Board**

June 16, 2005:

Councillor Fletcher, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provision of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Fletcher 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 Fletcher

Seconded by: Deputy Mayor Bussin

“WHEREAS the owner of 1225 Danforth Avenue (the ‘Subject Lands’) submitted an application for site plan approval for nine residential row house units, one with an office component, to the City of Toronto on November 19, 2004; and

WHEREAS the plans or drawings have not yet been approved by the City; and

WHEREAS on April 22, 2005, the owner appealed the City’s refusal to approve the plans or drawings to the Ontario Municipal Board (the OMB); and

WHEREAS the OMB has scheduled a hearing on this matter for July 5, 2005; and

WHEREAS City Planning has now received the comments from the various divisions and agencies and has made recommendations and drafted conditions for site plan approval for the Subject Lands, which are set out in the report by the City Solicitor attached to this Motion; and

WHEREAS it would be appropriate that staff of the City Solicitor and the Chief Planner be authorized to attend at the Ontario Municipal Board hearing in support of the conditions set out in the report;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the staff recommendations contained in the Recommendations Section of the report (June 15, 2005) from the City Solicitor respecting the site plan for 1225 Danforth Avenue.”

Advice by Deputy Mayor:

Deputy Mayor Bussin advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(28) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(28) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(28), a report (June 15, 2005) from the City Solicitor, entitled “Site Plan Application No. 04 193796 STE 30 SA Applicant: William Holman, 1225 Danforth Avenue, Ward 30- Toronto Danforth”. (See Attachment 6, Page 224)

Vote:

Motion J(28) was adopted, without amendment.

Summary:

In adopting Motion J(28), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (June 15, 2005) from the City Solicitor:

“It is recommended that:

- (1) the site plan for the development of nine units with 68 square metres of commercial office space at 1225 Danforth Avenue, as indicated on the drawings, entitled Site Plan A1, be approved in principle, subject to the conditions as set out in Schedule ‘A’ attached to this report; and
- (2) the City Solicitor and Chief Planner be authorized to appear at the Ontario Municipal Board hearing for 1225 Danforth Avenue scheduled for July 5, 2005, and be directed to take the necessary action to give effect thereto.”

7.106 J(29) Request for Direction – Draft Plan of Condominium – 1375 Dupont Street

June 16, 2005:

Councillor Giambrone, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provision of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Giambrone 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 Giambrone

Seconded by: Councillor Carroll

“**WHEREAS** the Owner of 1375 Dupont Street, 1534739 Ontario Limited, had appealed draft plan of condominium conditions for 1375 Dupont Street and an Ontario Municipal Board hearing has been set down for Friday, June 17, 2005; and

WHEREAS staff are now satisfied with the revised conditions of draft approval and have outlined a settlement in a report dated June 13, 2005;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the report (June 13,

2005) from the City Solicitor, and direct that appropriate City staff be instructed to attend at the Ontario Municipal Board to support a settlement of the appeal of draft conditions of condominium approval.”

Advice by Deputy Mayor:

Deputy Mayor Bussin advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(29) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(29) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(29), a report (June 13, 2005) from the City Solicitor, entitled “Request for Direction Report Draft Plan of Condominium 55CDM-04-215 (04 126836 000 00 CD) 1534739 Ontario Limited - 1375 Dupont Street”. (See Attachment 7, Page 228)

Vote:

Motion J(29) was adopted, without amendment.

Summary:

In adopting Motion J(29), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (June 13, 2005) from the City Solicitor:

“It is recommended that:

- (1) the City Solicitor and appropriate City staff be instructed to attend at the Ontario Municipal Board to support a settlement of the appeal of conditions of draft condominium approval, as follows:
 - (a) the owner shall provide financial security for outstanding site plan conditions in the amount of \$70,000.00 in a manner satisfactory to the City Solicitor (\$50,000.00 for sidewalk, curb and lane improvements and \$20,000.00 for tree planting);
 - (b) the owner shall provide all necessary legal descriptions in order to process the subject application; and
 - (c) the owner shall provide a tax certificate indicating that all municipal

taxes have been paid; and

- (2) as part of the settlement, the owner shall enter into an agreement indicating that should it be determined to be impossible to plant trees in the right-of-way adjacent to the site to the satisfaction of the General Manager of Parks, Forestry and Recreation, the \$20,000.00 financial security for tree planting shall be used to cover the cost of planting additional street trees in Ward 18, preferably in the vicinity of the site, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.”

7.107 **J(30) Report Request - Amendments to Parks By-law as it Relates to Professional Dog Walkers**

June 16, 2005:

Councillor Fletcher, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provision of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Fletcher 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 Fletcher

Seconded by: Councillor Lindsay Luby

“WHEREAS at its meeting of September 28, 29, 30 and October 1, 2004 Toronto City Council passed By-law No. 854-2004 adopting Municipal Code Chapter 608 which harmonized the Parks By-law City-wide, including strengthening the section related to dogs; and

WHEREAS Chapter 608 limited to three the number of dogs one person can walk in a park, consistent with the limit of three dogs permitted in and about any dwelling unit within the City; and

WHEREAS the Parks, Forestry and Recreation By-law Enforcement Unit was established in October 2004, at which time they began approaching dog owners who were violating the code and educating/advising them of the new pending Parks By-law; and

WHEREAS By-law No. 854-2004 came into effect March 24, 2005, and Officers are

now beginning to lay charges to those owners who have been warned previously, with an associated set fine of \$255.00, plus a victim surcharge of \$60.00, totalling \$315.00 for violating section 34C of the By-law; and

WHEREAS no formal consultation process occurred as part of the Parks By-law harmonization process other than that accorded through the submission of the covering report and by-law to the Economic Development and Parks Committee; and

WHEREAS professional dog walkers and the many members of the community who use their services to walk and care for beloved family pets are seriously affected by the new by-law;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Economic Development and Parks Committee Report 6, Clause 10, headed ‘Consolidation of By-laws Regarding Toronto Parks (City-wide)’, adopted by Council on September 28, 29, 30 and October 1, 2004, be re-opened for further consideration, only as it relates to the number of dogs one person can walk in a park;

AND BE IT FURTHER RESOLVED THAT City Council direct the General Manager of Parks, Forestry and Recreation and the Executive Director of Municipal Licensing and Standards to report, as a matter of urgency, to the July 19, 2005 meeting of City Council on amendments to the above mentioned by-law that would establish a regulatory and licensing scheme for professional dog walkers, with a recommendation for an appropriate limit on the number of dogs that a professional dog walker would be permitted to walk on-leash in a public park, and that the any licensing recommendations be considered at a public meeting of the Planning and Transportation Committee;

AND BE IT FURTHER RESOLVED THAT until the report is considered by City Council:

- (1) the maximum number of dogs on-leash to be walked by professional dog walkers before enforcement be set temporarily at 5; and
- (2) violations of the poop and scoop by-law be strictly enforced at all times.”

Votes:

The first Operative Paragraph contained in Motion J(30) carried, more than two-thirds of Members present having voted in the affirmative.

Adoption of the balance of Motion J(30), without amendment:

Yes - 27

Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Ford, Giambrone, Hall, Jenkins, Kelly, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Pantalone, Pitfield, Soknacki, Watson
No - 6	
Councillors:	Grimes, Holyday, Li Preti, Minnan-Wong, Rae, Stintz

Carried by a majority of 21.

- 7.108 Consideration of the following matters was deferred to the next regular meeting of City Council on July 19, 2005, as they remained on the Order Paper at the conclusion of this meeting of Council:

Administration Committee 5

- Clause 18 - “Other Items Considered by the Committee”.
Item (h) - Recorded Vote Participation

Etobicoke York Community Council Report 5

- Clause 7 - “Application for an Exemption to Toronto Municipal Code, Chapter 447, Fences - 68 Rathburn Road (Ward 4 - Etobicoke Centre)”.
- Clause 15 - “Proposed ‘No Parking Anytime’ Prohibition on Meteor Drive (Ward 2 - Etobicoke North)”.
- Clause 16 - “Proposed ‘No Parking Anytime’ Prohibition on Greensboro Drive (Ward 2 – Etobicoke North)”.

Toronto and East York Community Council Report 5

- Clause 18 - “Request for Amendment to conditions for a Sign – 280 Spadina Avenue - Southwest corner of Dundas Street and Spadina Avenue (Trinity-Spadina, Ward 20)”.

BILLS AND BY-LAWS

Deputy Mayor Pantalone in the Chair.

- 7.109 On June 14, 2005, at 7:31 p.m., Councillor Altobello, seconded by Councillor Watson, 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. 589 By-law No. 471-2005 To confirm the proceedings of the Council at its meeting held on the 14th day of June, 2005,

the vote upon which was taken as follows:

Yes - 25 Councillors: Altobello, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson
No - 2 Councillors: Ford, Thompson

Carried by a majority of 23.

Deputy Mayor Feldman in the Chair.

7.110 On June 15, 2005, at 7:32 p.m., Councillor Palacio, seconded by Councillor Nunziata, 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. 590 By-law No. 472-2005 To confirm the proceedings of the Council at its meeting held on the 14th and 15th days of June, 2005,

the vote upon which was taken as follows:

Yes - 24 Councillors: Ashton, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fletcher, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Soknacki, Stintz, Thompson, Watson
No - 2 Councillors: Carroll, Ford

Carried by a majority of 22.

Deputy Mayor Bussin in the Chair.

- 7.111 On June 16, 2005, at 6:07 p.m., Councillor Watson, seconded by Councillor Altobello, 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. 514	By-law No. 473-2005	To amend further By-law No. 15-92 of the former Municipality of Metropolitan Toronto respecting pensions and other benefits,
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the vote upon which was taken as follows:

Yes - 29	Councillors: Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Pantalone, Pitfield, Soknacki, Stintz, Watson
No - 1	Councillor: Ford

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

- 7.112 On June 16, 2005, at 6:09 p.m., Councillor Kelly, seconded by Councillor Del Grande, 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. 458	By-law No. 474-2005	To adopt Amendment No. 1138 to the Official Plan for the former City of Scarborough with respect to the northerly portion of the lands known municipally as 215 Morrish Road.
Bill No. 459	By-law No. 475-2005	To amend former City of Scarborough Zoning By-law No. 10827, as amended, with respect to the Highland Creek Community.
Bill No. 460	By-law No. 476-2005	To amend former City of Scarborough Zoning By-law No. 11883, as amended, with respect to the lands on the south side of Ellesmere Road, east of Neilson Road.

Bill No. 461	By-law No. 477-2005	To amend By-law No. 32-92 of the former Municipality of Metropolitan Toronto to create new stopping, standing and parking offences in relation to a bus.
Bill No. 462	By-law No. 478-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, to create new stopping, standing and parking offences in relation to a bus.
Bill No. 463	By-law No. 479-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Adelaide Street West, Dundas Street West and Richmond Street West.
Bill No. 464	By-law No. 480-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Asquith Avenue, Bay Street, Cherry Street, Commissioners Street, Front Street East, Front Street West, Mill Street, Overend Street, Victoria Street and Villiers Street.
Bill No. 465	By-law No. 481-2005	To amend further Metropolitan By law No. 107-86, respecting parking meters on former Metropolitan Roads, regarding Adelaide Street West and Richmond Street West.
Bill No. 466	By-law No. 482-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto with respect to the lands known municipally as 1051 Dupont Street.
Bill No. 467	By-law No. 483-2005	To amend By-law No. 31878, as amended, of the former City of North York, regarding Bolingbroke Road.

Bill No. 468	By-law No. 484-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Addison Crescent, Duncairn Road and Hemford Crescent.
Bill No. 469	By-law No. 485-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Duncairn Road.
Bill No. 470	By-law No. 486-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Quilter Road.
Bill No. 471	By-law No. 487-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Stayner Avenue.
Bill No. 472	By-law No. 488-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Nevada Avenue.
Bill No. 473	By-law No. 489-2005	To amend By-law No. 31878, as amended, of the former City of North York, regarding Lilywood Road, Locksley Avenue and Stayner Avenue.
Bill No. 474	By-law No. 490-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Pannahill Road.
Bill No. 475	By-law No. 491-2005	To amend By-law No. 32759, as amended, of the former City of North York, regarding Yatescastle Drive.
Bill No. 476	By-law No. 492-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Yatescastle Drive.
Bill No. 477	By-law No. 493-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Yatescastle Drive.
Bill No. 478	By-law No. 494-2005	To amend By-law No. 31001 of the former City of North York, as

		amended, regarding Spenvally Drive and Yatescastle Drive.
Bill No. 479	By-law No. 495-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding King High Avenue.
Bill No. 480	By-law No. 496-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding King High Avenue.
Bill No. 481	By-law No. 497-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Claver Avenue.
Bill No. 482	By-law No. 498-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Claver Avenue.
Bill No. 483	By-law No. 499-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Barrydale Crescent.
Bill No. 484	By-law No. 500-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Barrydale Crescent and Bramble Drive.
Bill No. 485	By-law No. 501-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Laurelcrest Avenue.
Bill No. 486	By-law No. 502-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding King High Avenue and Laurelcrest Avenue.
Bill No. 487	By-law No. 503-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Delahaye Street and Luverne Avenue.

Bill No. 488	By-law No. 504-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Delahaye Street.
Bill No. 491	By-law No. 505-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Humbervale Boulevard.
Bill No. 492	By-law No. 506-2005	To amend former City of York Municipal Code Ch. 997, School Bus Loading Zone, respecting Atlas Avenue and Dundurn Crescent.
Bill No. 493	By-law No. 507-2005	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 Atlas Avenue.
Bill No. 494	By-law No. 508-2005	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 Atlas Avenue.
Bill No. 495	By-law No. 509-2005	To amend Municipal Code Chapter 349, Animals to reference Municipal Code Chapter 441, Fees, to make consequential amendments to Municipal Code Chapter 441 and to amend the fees charged for dog licenses.
Bill No. 496	By-law No. 510-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, to install pay and display parking on the north side of Kilgour Road.
Bill No. 497	By-law No. 511-2005	To amend Chapter 320, Article II, Section 320-5 of the former City of Etobicoke Zoning Code, as amended with respect to the lands known municipally as 1920 Albion Road and 225 Carrier Drive.

Bill No. 498	By-law No. 512-2005	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the operation of pedicabs in the City of Toronto.
Bill No. 499	By-law No. 513-2005	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the renewal of licences.
Bill No. 500	By-law No. 514-2005	To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to make changes to the size of various Business Improvement Area Boards of Management.
Bill No. 501	By-law No. 515-2005	To designate an area along College Street between Shaw Street and Rusholme Road, as an improvement area.
Bill No. 502	By-law No. 516-2005	To designate an area along Queen Street West between Bathurst Street and Gladstone Avenue, as an improvement area.
Bill No. 503	By-law No. 517-2005	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 Woodcroft Crescent.
Bill No. 504	By-law No. 518-2005	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 Woodcroft Crescent.
Bill No. 505	By-law No. 519-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Front Street East.
Bill No. 506	By-law No. 520-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto with respect to the lands known municipally as 5 Hanna Avenue

		being a portion of the Garrison Common North Area.
Bill No. 507	By-law No. 521-2005	To amend Municipal Code Chapter 441, Fees, to increase the fee for the registration of a death and to incorporate a provision for a fee for use of City-managed wedding chapels.
Bill No. 508	By-law No. 522-2005	To exempt certain lands on Cook Road, Delabo Drive, Kidd Terrace, Herzberg Gardens and Leitch Avenue from Part Lot Control.
Bill No. 509	By-law No. 523-2005	To amend By-law No. 482-2004 to extend the expiration of a Part Lot Control exemption for certain lands on Beachell Street and Conn Smythe Drive.
Bill No. 510	By-law No. 524-2005	To adopt a technical amendment to By-law No. 399-2005 which exempts lands known municipally as 255 Dalesford Road from Part Lot Control.
Bill No. 511	By-law No. 525-2005	To appoint a Deputy Mayor.
Bill No. 512	By-law No. 526-2005	To amend Toronto Municipal Code Chapter 27, Council Procedures, to increase the size of the Audit Committee.
Bill No. 513	By-law No. 527-2005	To appoint nine members of the City Council as members of the Toronto Transit Commission.
Bill No. 515	By-law No. 528-2005	To amend further By-law No. 34-93, a by-law "To provide for disabled person parking permit holders", being a by-law of the former Borough of East York, regarding Coxwell Avenue and Kings Park Boulevard.

Bill No. 516	By-law No. 529-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Queens Quay West.
Bill No. 517	By-law No. 530-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Woodbine Avenue and Yonge Street.
Bill No. 518	By-law No. 531-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Curzon Street, Dufferin Street and Melbourne Avenue.
Bill No. 519	By-law No. 532-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Brock Avenue and Kenilworth Avenue.
Bill No. 520	By-law No. 533-2005	To adopt Amendment No. 133-2005 to the Official Plan for the former City of Etobicoke in order to implement Site Specific Policy No. 95 affecting the lands known municipally as 3701 Lake Shore Boulevard West.
Bill No. 521	By-law No. 534-2005	To amend Chapter 330 of the former City of Etobicoke Zoning Code and Zoning By-law No. 1055-2004, with respect to lands located on the southwest corner of Lake Shore Boulevard West and Thirty Seventh Street, known municipally as 3701 Lake Shore Boulevard West.
Bill No. 522	By-law No. 535-2005	To amend Chapters 320, 324 and 326 of the former City of Etobicoke Zoning Code with respect to certain lands located on the south side of Evans Avenue, between Garroch Place and Carnarvon Avenue, to permit the development of one semi detached

		building containing two dwelling units known municipally as 99 Evans Avenue.
Bill No. 523	By-law No. 536-2005	To amend City of Toronto Municipal Code Chapter 693, Signs - Article II, Election Signs, to increase sign removal fees.
Bill No. 524	By-law No. 537-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto, respecting restaurants and related uses on College Street between Bathurst Street and Ossington Avenue.
Bill No. 525	By-law No. 538-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 526	By-law No. 539-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Ellesmere Road.
Bill No. 527	By-law No. 540-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Chatsworth Drive, Eglinton Avenue West, Lawrence Avenue West and Steeles Avenue West.
Bill No. 528	By-law No. 541-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Edith Drive, Orchard View Boulevard and Roselawn Avenue.
Bill No. 529	By-law No. 542-2005	To amend Chapters 320 and 324 of the former City of Etobicoke Zoning Code, with respect to lands known municipally as 266 Dalesford Road.
Bill No. 530	By-law No. 543-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines,

		to incorporate rates set by the Toronto Parking Authority.
Bill No. 531	By-law No. 544-2005	To adopt Amendment No. 341 to the Official Plan for the former City of Toronto with respect to the lands known municipally as 6 and 16 Plymouth Avenue.
Bill No. 532	By-law No. 545-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto with respect to lands known municipally as 6 and 16 Plymouth Avenue.
Bill No. 533	By-law No. 546-2005	To amend former City of Toronto Municipal Code Chapter 248, Parking Licences, to prohibit driveway widening with no right of appeal in Ward 18.
Bill No. 534	By-law No. 547-2005	To amend former City of Toronto Municipal Code Chapter 248, Parking Licences, to impose an interim moratorium on accepting driveway widening applications in Ward 32 until new regulations are determined.
Bill No. 535	By-law No. 548-2005	To amend former City of Scarborough Zoning By-law No. 10827, as amended, with respect to the Highland Creek Community on lands known municipally as 6363-6405 Kingston Road.
Bill No. 536	By-law No. 549-2005	To exempt lands known municipally as 134-138 Finch Avenue West from Part Lot Control.
Bill No. 537	By-law No. 550-2005	To adopt Amendment No. 132-2005 to the Official Plan for the former City of Etobicoke with respect to lands known municipally as 577 Oxford Street to permit the development of eighteen

		townhouse units and to delete Site Specific Policy No. 12.
Bill No. 538	By-law No. 551-2005	To amend Chapters 320 and 324 of the former City of Etobicoke Zoning By-law Code, as amended, with respect to certain lands located on the south side of Oxford Street, east of Royal York Road, known municipally as 577 Oxford Street, to permit the development of 18 townhouse units.
Bill No. 539	By-law No. 552-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Boston Avenue, Ferndale Avenue, Huntley Street and Queen Street East.
Bill No. 540	By-law No. 553-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Concord Avenue.
Bill No. 541	By-law No. 554-2005	To exempt certain lands on Bond Avenue and Preakness Drive from Part Lot Control.
Bill No. 542	By-law No. 555-2005	To amend former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks, to prohibit residential boulevard parking and commercial boulevard parking with no right of appeal in Ward 18.
Bill No. 543	By-law No. 556-2005	To adopt Amendment No. 564 to the Official Plan for the former City of North York with respect to lands located at the northwest corner of Finch Avenue West and York Gate Boulevard.
Bill No. 544	By-law No. 557-2005	To amend further By-law No. 196, entitled "To restrict the speed of motor vehicles", being a By-law of the former Borough of East York, regarding various highways.

Bill No. 545	By-law No. 558-2005	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 various highways.
Bill No. 546	By-law No. 559-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, respecting Elizabeth Street.
Bill No. 547	By-law No. 560-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Elizabeth Street.
Bill No. 548	By-law No. 561-2005	To exempt lands known municipally as 1100 Islington Avenue and 1 and 3 Chauncey Avenue from Part Lot Control.
Bill No. 549	By-law No. 562-2005	To authorize the alteration of the roadway by narrowing the intersection approaches on the northeast and southeast corners of the intersection of Winona Drive and Barrie Avenue.
Bill No. 550	By-law No. 563-2005	To authorize the alteration of the roadway by narrowing the intersection approaches on the southeast corner of the intersection of Emerson Avenue and Armstrong Avenue and on the southeast corner of Emerson Avenue and Millicent Street.
Bill No. 551	By-law No. 564-2005	To authorize the alteration of the roadway by the installation of raised intersections at Deer Park Crescent and Heath Street West and Deer Park Crescent and De Lisle Avenue, and the narrowing of the roadway on Pleasant Boulevard east of Yonge Street.
Bill No. 552	By-law No. 565-2005	To layout and dedicate certain land east of Caledonia Road, to form a new

		public lane extending northerly from Bowie Avenue.
Bill No. 553	By-law No. 566-2005	To layout and dedicate certain land on the north side of Ansford Avenue and the east side of Wilson Heights Boulevard for public highway purposes to form part of the public highway Ansford Avenue.
Bill No. 554	By-law No. 567-2005	To layout and dedicate certain land on the west side of Birchmount Road on the south side of Ashtonbee Road for public highway purposes to form part of the public highway Birchmount Road.
Bill No. 555	By-law No. 568-2005	To layout and dedicate certain land for public lane purposes to form part of the public lane north of Davenport Road extending westerly from Avenue Road.
Bill No. 556	By-law No. 569-2005	To layout and dedicate certain land on the south side of Deloraine Avenue, east side of Bathurst Street for public highway purposes to form part of the public highway Deloraine Avenue.
Bill No. 557	By-law No. 570-2005	To layout and dedicate certain land on the south side of Faith Avenue on the east side of Wilson Heights Boulevard for public highway purposes to form part of the public highway Faith Avenue.
Bill No. 558	By-law No. 571-2005	To layout and dedicate certain land on the south side of Finch Avenue West east of Muirkirk Road for public highway purposes to form part of the public highway Finch Avenue West.
Bill No. 559	By-law No. 572-2005	To layout and dedicate certain land on the north side of Hayden Street, east of Yonge Street for public highway

		purposes to form part of the public highway Hayden Street.
Bill No. 560	By-law No. 573-2005	To layout and dedicate certain land on the north side of Lawrence Avenue East, east of Milden Hall Road for public highway purposes to form part of the public highway Lawrence Avenue East.
Bill No. 561	By-law No. 574-2005	To layout and dedicate certain land for public lane purposes to form part of the public lane south of Eastern Avenue extending westerly from Logan Avenue, then southerly.
Bill No. 562	By-law No. 575-2005	To layout and dedicate certain land for public lane purposes to form part of the public lane south of Danforth Avenue extending easterly from Trent Avenue, then southerly.
Bill No. 563	By-law No. 576-2005	To name the proposed private lane located at 466 and 466 Rear Brunswick Avenue "Sibelius Lane".
Bill No. 564	By-law No. 577-2005	To name the proposed private lane system at 95 Grand Avenue and 255 Dalesford Road "Clockwork Lane".
Bill No. 565	By-law No. 578-2005	To name the public lane east of Jones Avenue extending southerly from Sproat Avenue "Peyton Lane".
Bill No. 566	By-law No. 579-2005	To name the proposed private lane located at 51 River Street "Raffeix Lane".
Bill No. 567	By-law No. 580-2005	To name the proposed private lane located at 255 Dalesford Road "Chimes Lane".
Bill No. 568	By-law No. 581-2005	To name the proposed private lane located west of Kipling Avenue and

		south of Dundas Street West “Viking Lane”.
Bill No. 569	By-law No. 582-2005	To name the proposed private lane at 35 Fieldway Road, being the westerly extension of the public highway Van Dusen Boulevard as “Van Dusen Boulevard” and to repeal By-law No. 299-2005.
Bill No. 570	By-law No. 583-2005	To name the proposed private lane at 120 Eringate Drive as “Ramage Lane” and to repeal By law No. 297-2005.
Bill No. 571	By-law No. 584-2005	To amend Municipal Code Chapter 598, Numbering of Properties, to incorporate the use of former municipal identifiers and make certain amendments respecting the posting of numbers on properties.
Bill No. 572	By-law No. 585-2005	To name the proposed private lane at 35 Fieldway Road as “Shires Lane” and to repeal By-law No. 298-2005.
Bill No. 573	By-law No. 586-2005	To rename the public highway Hillholme Road, located between Avenue Road and Russell Hill Road as “Hillholm Road” and to repeal By-law No. 296-2005.
Bill No. 574	By-law No. 587-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting various streets.
Bill No. 575	By-law No. 588-2005	To adopt Amendment No. 347 to the Official Plan for the former City of Toronto with respect to lands known municipally as 50 Rosehill Avenue.
Bill No. 576	By-law No. 589-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto, with respect to the lands known municipally as 50 Rosehill Avenue.

Bill No. 577	By-law No. 590-2005	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the Toronto Licensing Tribunal.
Bill No. 578	By-law No. 591-2005	To exempt lands municipally known as 85 and 87 Finch Avenue East from Part Lot Control.
Bill No. 579	By-law No. 592-2005	To name the private lane extending southerly from Staines Road opposite Mantis Road “Chicory Lane”.
Bill No. 580	By-law No. 593-2005	To name the private lane extending westerly from Brimley Road, south of Lawrence Avenue, “Corner Lane”.
Bill No. 581	By-law No. 594-2005	To layout and dedicate certain land for public lane purposes to form part of the public lane north of Queen Street West extending easterly from Soho Street.
Bill No. 582	By-law No. 595-2005	To layout and dedicate certain land on the east side of Westona Street, south of Lawrence Avenue West, for public highway purposes to form part of the public highway Westona Street.
Bill No. 583	By-law No. 596-2005	To layout and dedicate certain land on the south side of Lawrence Avenue West, east of Westona Street, for public highway purposes to form part of the public highway Lawrence Avenue West.
Bill No. 584	By-law No. 597-2005	To exempt lands municipally known as 8, 10 and 12 Clairtrell Road from Part Lot Control.
Bill No. 585	By-law No. 598-2005	To repeal Article I, Building Permits, of Chapter 363, Building Construction and Demolition, of the City of Toronto Municipal Code, and replace it with a new Article I.

Bill No. 586	By-law No. 599-2005	To adopt Amendment No. 349 to the Official Plan for the former City of Toronto with respect to lands known municipally as 65, 75, and 85 East Liberty Street, 69 Lynn Williams Street; 150 East Liberty Street, 80 Lynn Williams Street and 90 Lynn Williams Street being portions of the Garrison Common North Area for the lands known as the Inglis Lands.
Bill No. 587	By-law No. 600-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto as amended by By-law No. 566-2000, and By-law No. 684-2003 with respect to the lands known municipally as 65, 75, and 85 East Liberty Street; 69 Lynn Williams Street; 150 East Liberty Street; 80 Lynn Williams Street; and 90 Lynn Williams Street being portions of the Garrison Common North Area, for the lands known as the Inglis Lands.
Bill No. 588	By-law No. 601-2005	To adopt Amendment No. 36 to the Official Plan of the City of Toronto in order to implement a site-specific amendment affecting the lands known municipally as 1300 and 1340 Leslie Street,

the vote upon which was taken as follows:

Yes - 28	
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Pantalone, Pitfield, Soknacki, Stintz, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 27.

7.113 On June 16, 2005, at 6:10 p.m., Councillor Moscoe, seconded by Councillor Soknacki, 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. 591	By-law No. 602-2005	To confirm the proceedings of the Council at its meeting held on the 14th, 15th and 16th days of June, 2005,
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the vote upon which was taken as follows:

Yes - 29	
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Pantalone, Pitfield, Soknacki, Stintz, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 28.

The following Bills were withdrawn:

Bill No. 489	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Meteor Drive.
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Bill No. 490	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Greensboro Drive.
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OFFICIAL RECOGNITIONS:

7.114 Condolence Motions

Mayor Miller in the Chair.

June 14, 2005:

Deputy Mayor Pantalone, seconded by Mayor Miller, moved that:

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Mr. Domenic Troiano on Wednesday May 25, 2005, in his 59th year; and

WHEREAS Mr. Troiano was an internationally renowned and outstanding guitarist working with Mr. Ronnie Hawkins, The Guess Who, Mandala, Bush and the James Gang and also recording with such artists as Ms. Diana Ross, Mr. Joe Cocker, Mr. David Clayton Thomas and Ms. Etta James; and

WHEREAS Domenic Troiano worked as both a musician and composer of sound tracks for films and television programs such as Night Heat, Diamonds and Hot Shots; and

WHEREAS Mr. Troiano was inducted into the Canadian Music Hall of Fame in 1996; and

WHEREAS Domenic Troiano was known as a ‘musician’s musician’, guitarist, composer, and producer, and was well respected in Toronto’s artistic community; and

WHEREAS Mr. Troiano will be greatly missed by countless musicians, co-workers and friends for his intelligence, musical skill and gentle spirit; and

WHEREAS Domenic Troiano gave to the people of the City of Toronto and to Canada a dedicated life marked by an important sense of artistic commitment and high musical standard and will be sadly missed by all those he knew; and

WHEREAS Mr. Troiano, as someone who was born in Modugno, Italy and immigrated with his parents at the age of three, represents the immigrant experience of the millions of people in the Greater Toronto Area who in a similar way, have enriched us all in many different ways;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to his mother Pasqua Troiano, sister Gina Troiano, brother Frank Troiano, sister-in-law Rita Troiano and nephews Marcus Troiano and Julian Troiano.”

Councillor Grimes, seconded by Mayor Miller, moved that:

“**WHEREAS** the Mayor and Members of Toronto City are saddened to learn of the sudden passing of Ben Paskus on May 25, 2005; and

WHEREAS Ben Paskus was a Grade 6 student of St. Ambrose Catholic School in South Etobicoke, and was a few days shy of his twelfth birthday; and

WHEREAS Ben Paskus' young life was cut short due to an accident while bicycling in the neighbourhood; and

WHEREAS Ben Paskus was known as an athletic, funny, energetic and kind person; and

WHEREAS Ben Paskus was admired and liked by his teachers; and

WHEREAS Ben Paskus was called 'the mediator' by his friends, as he always stood by them; and

WHEREAS Ben Paskus was regarded as a leader amongst his classmates who was well-known in his school; and

WHEREAS Ben Paskus was a cheerful person who always greeted his classmates with a friendly smile and will be greatly missed by his classmates, friends and school;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Mayor and Members of City Council, our sincere sympathy to his mother, Louise Lemieux, his father Edward Paskus, brothers Luke and Jacob and the entire Paskus family."

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

Council rose and observed a moment of silence in memory of the late Domenic Troiano and Ben Paskus.

7.115 Presentations/Introductions/Announcements:

June 14, 2005:

Mayor Miller in the Chair.

Councillor Cho, with the permission of Council, during the afternoon session of the meeting, introduced 12 Mayors from different Cities across South Korea, present at the meeting to learn more about the municipal government of the City of Toronto.

Deputy Mayor Pantalone in the Chair.

Deputy Mayor Pantalone, during the afternoon session of the meeting, introduced the following international language students from Brazil, present at the meeting to observe local government:

- Anna Resende;
- Mayra Zika; and
- Ludmilla Sacco.

June 15, 2005:

Deputy Mayor Feldman in the Chair.

Mayor Miller, during the morning session of the meeting, proclaimed June 2005 as “Seniors’ Month” in the City of Toronto, and presented a copy of the proclamation to Councillor Gay Cowbourne, Chair, Roundtable on Seniors, to mark the occasion.

Councillor Cowbourne addressed the Council in regard to the valuable contribution made by volunteer senior citizens to various activities in the City of Toronto.

Mayor Miller in the Chair.

Councillor Lindsay Luby, with the permission of Council, during the afternoon session of the meeting, addressed the Council in regard to Toronto’s Information Technology and Communication section; advised the Council that Toronto had been chosen as one of the top seven Intelligent Communities of the Year; and presented the Award for this recognition to the Mayor, Council and the businesses and citizens of the City of Toronto, to mark the occasion.

Mayor Miller, on behalf of Council, extended the appreciation of Council to Councillor Lindsay Luby for representing the City of Toronto at the Intelligent Community Forum.

Councillor Soknacki, with the permission of Council, during the afternoon session of the meeting, addressed the Council in regard to the Toronto Atmospheric Fund (TAF) and noted that the City of Toronto provides funding to TAF, in the amount of \$300,000.00 to \$400,000.00 per year, to fund environmental initiatives.

Mayor Miller, on behalf of Council, extended the appreciation of Council to Councillor Soknacki for representing the City of Toronto at the International Smog Summit.

Councillor Mihevc, with the permission of Council, addressed the Council as Chair of the Roundtable on Access, Equity and Human Rights, and advised the Council that June 19, 2005, is the 60th birthday of Aung San Suu Kyi, the daughter of General Aung San who negotiated Burma’s independence from Britain in 1947, and who was assassinated by rivals in the same year. Councillor Mihevc detailed various aspects of the life of Suu Kyi, one of the world’s most renowned freedom fighters and advocates of non-violence, having served as the figurehead for Burma’s struggle for democracy, and further advised the Council that, in commemorating Suu Kyi’s 60th birthday, the City of Toronto is joining thousands of activists from around the world, as the Council of the City and County of San Francisco declared June 19, 2005, as “Aung San Suu Kyi Day”, the City Council of Edinburgh, Scotland, will

honour Aung San Suu Kyi with the Freedom of the City Award, and the US Congressional Human Rights Caucus is co-hosting a birthday celebration in Washington, D.C.

June 16, 2005:

Deputy Mayor Bussin in the Chair.

Councillor Ootes, during the morning session of the meeting, introduced the Grades 4 and 5 students of Jackman Avenue Public School, present at the meeting.

7.116 **MOTIONS TO VARY ORDER OR WAIVE PROCEDURE**

Mayor Miller in the Chair.

Vary the order of proceedings of Council:

June 14, 2005:

Councillor Thompson, at 10:10 a.m., moved that Council vary the order of its proceedings to consider Policy and Finance Committee Report 6, Clause 6, headed “Renewal of the Community Policing Partnership Program (‘CPP’) Grant Agreement for the Period between April 1, 2005 and March 31, 2007”, on Thursday, June 16, 2005, at 9:30 a.m., and that the Chief of the Toronto Police Service be requested to be present in the Council Chamber for the debate on this Clause, which carried.

Deputy Mayor Pantalone in the Chair.

Councillor Chow, at 4:45 p.m., moved that Council vary the order of its proceedings to now consider Board of Health Report 5, Clause 2, headed “2005 Drug Prevention Grants”, the vote upon which was taken as follows:

Yes - 27	
Councillors:	Altobello, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Hall, Jenkins, Kelly, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 5	
Councillors:	Ford, Holyday, Nunziata, Ootes, Palacio

Carried by a majority of 22.

June 15, 2005:

Deputy Mayor Feldman in the Chair.

Councillor Hall, at 11:45 a.m., moved that Council vary the order of its proceedings to now consider Notice of Motion J(1), moved by Councillor Carroll, seconded by Councillor Hall, regarding Fireworks Displays and Public Safety, which carried.

June 16, 2005:

Deputy Mayor Bussin in the Chair.

Councillor Nunziata, at 11:37 a.m., moved that Council vary the order of its proceedings to now consider all Clauses on the Order Paper for this meeting of Council related to traffic calming, the vote upon which was taken as follows:

Yes - 25	Councillors: Altobello, Augimeri, Balkissoon, Bussin, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Giambrone, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Soknacki, Stintz, Watson
No - 4	Councillors: Davis, Ford, Holyday, Minnan-Wong

Carried by a majority of 21.

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

June 14, 2005:

Mayor Miller in the Chair.

Councillor Moscoe, at 7:25 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. recess and that Council continue in session, in order to conclude consideration of Community Services Committee Report 5, Clause 6, headed "Community Services Grants Program - 2005 Allocations", which carried, more than two-thirds of Members present having voted in the affirmative.

June 15, 2005:

Deputy Mayor Feldman in the Chair.

Councillor Ford, at 12:29 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 12:30 p.m. recess, in order to conclude consideration of Economic Development and Parks Committee Report 6, Clause 3, headed “2005 Cultural Grants Recommendations - Major Cultural Organizations (All Wards)”, the vote upon which was taken as follows:

Yes - 14	
Councillors:	Carroll, Di Giorgio, Ford, Giambrone, Holyday, Li Preti, McConnell, Minnan-Wong, Moscoe, Palacio, Pantalone, Pitfield, Saundercook, Stintz
No - 15	
Mayor:	Miller
Councillors:	Cho, Cowbourne, Davis, Del Grande, Feldman, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, Nunziata, Ootes, Watson

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

Deputy Mayor Pantalone, at 7:25 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. recess and that Council continue in session, in order to conclude consideration of Toronto and East York Community Council Report 5, Clause 66, headed “Car Free Sundays in Kensington Market (Trinity-Spadina, Ward 20)”, which carried, more than two-thirds of Members present having voted in the affirmative.

June 16, 2005:

Deputy Mayor Bussin in the Chair.

Councillor Ford, at 5:48 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 6:00 p.m. adjournment and that Council continue in session, in order to conclude consideration of all matters remaining on the Order Paper for this meeting of Council, the vote upon which was taken as follows:

Yes - 21	
Councillors:	Augimeri, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Fletcher, Ford, Giambrone, Hall, Holyday, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Pitfield, Soknacki
No - 12	
Councillors:	Altobello, Balkissoon, Cho, Di Giorgio, Grimes, Jenkins, Kelly, Li Preti, Pantalone, Rae, Stintz, Watson

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

Councillor Di Giorgio, at 5:49 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 6:00 p.m. adjournment and that Council continue in session, in order to conclude consideration of Policy and Finance Committee Report 6, Clause 22, headed “Results of Canvass - Avondale Composting and Borrow Pit Site Located East of Keele Street, between Kirby Road and Teston Road (City of Vaughan)”, the vote upon which was taken as follows:

Yes - 22	
Councillors:	Augimeri, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Hall, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Soknacki, Watson
No - 11	
Councillors:	Altobello, Balkissoon, Cho, Ford, Grimes, Holyday, Jenkins, Kelly, Li Preti, Nunziata, Stintz

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

7.117 ATTENDANCE

June 14, 2005	9:40 a.m. to 12:30 p.m.*	Roll Call 10:24 a.m.	2:10 p.m. to 5:00 p.m.*	Roll Call 3:24 p.m.	Ctte. of the whole in-Camera 6:05 p.m.	6:30 p.m. to 7:30 p.m.*
Miller	x	-	x	-	x	x
Altobello	x	x	x	-	x	x
Ashton	x	-	x	x	x	x
Augimeri	-	-	-	-	-	-
Balkissoon	-	-	-	-	-	-
Bussin	-	-	-	-	-	-

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June 14, 2005	9:40 a.m. to 12:30 p.m.*	Roll Call 10:24 a.m.	2:10 p.m. to 5:00 p.m.*	Roll Call 3:24 p.m.	Ctte. of the whole in-Camera 6:05 p.m.	6:30 p.m. to 7:30 p.m.*
Carroll	x	x	x	x	x	x
Cho	x	x	x	-	-	-
Chow	x	-	x	-	x	x
Cowbourne	x	x	x	x	x	x
Davis	x	-	x	x	x	x
De Baeremaeker	x	x	x	x	x	x
Del Grande	x	x	x	x	x	x
Di Giorgio	x	x	x	x	x	x
Feldman	-	-	x	x	x	x
Filion	x	-	x	x	x	-
Fletcher	x	-	x	x	x	x
Ford	x	x	x	x	-	x
Giambrone	x	x	x	-	x	x
Grimes	x	x	x	-	x	x
Hall	x	x	x	x	x	x
Holyday	x	x	x	x	x	x
Jenkins	x	x	x	-	x	x
Kelly	x	-	x	x	x	x
Li Preti	x	x	x	-	x	x
Lindsay Luby	-	-	-	-	-	x
Mammoliti	x	x	x	-	x	-
McConnell	x	x	x	-	x	x
Mihevc	x	x	x	x	x	x
Milczyn	-	-	-	-	-	-
Minnan-Wong	x	-	x	-	x	-
Moscoe	x	x	x	x	x	x
Nunziata	x	x	x	x	x	x
Ootes	x	x	x	x	-	-
Palacio	x	-	x	x	x	x
Pantalone	x	x	x	x	x	x

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June 14, 2005	9:40 a.m. to 12:30 p.m.*	Roll Call 10:24 a.m.	2:10 p.m. to 5:00 p.m.*	Roll Call 3:24 p.m.	Ctte. of the whole in-Camera 6:05 p.m.	6:30 p.m. to 7:30 p.m.*
Pitfield	x	-	x	x	x	x
Rae	x	-	x	-	x	x
Saundercook	x	x	x	-	x	x
Shiner	x	x	x	x	-	-
Soknacki	x	x	x	-	x	x
Stintz	x	-	x	x	x	x
Thompson	x	x	x	x	x	x
Walker	x	-	x	-	x	x
Watson	x	-	x	-	x	x
Total	39	25	40	24	36	35

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

June 15, 2005	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 7:30 p.m.*	Roll Call 3:10 p.m.	Roll Call 3:26 p.m.	Roll Call 4:15 p.m.	Roll Call 4:48 p.m.	Roll Call 6:05 p.m.
Miller	x	x	x	x	-	-	-
Altobello	x	x	x	x	-	-	-
Ashton	x	x	-	-	-	-	x
Augimeri	-	-	-	-	-	-	-
Balkissoon	-	-	-	-	-	-	-
Bussin	-	-	-	-	-	-	-
Carroll	x	x	x	x	x	x	x
Cho	x	x	-	x	-	-	-
Chow	x	x	-	-	-	x	x
Cowbourne	x	x	x	x	x	x	x
Davis	x	x	x	x	x	x	x
De Baeremaeker	x	x	x	x	x	-	x
Del Grande	x	x	x	x	x	x	x
Di Giorgio	x	x	x	x	x	x	x
Feldman	x	x	x	x	-	x	x
Filion	x	x	x	-	-	x	-

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June 15, 2005	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 7:30 p.m.*	Roll Call 3:10 p.m.	Roll Call 3:26 p.m.	Roll Call 4:15 p.m.	Roll Call 4:48 p.m.	Roll Call 6:05 p.m.
Fletcher	x	x	-	x	x	x	-
Ford	x	x	x	x	x	x	x
Giambrone	x	x	x	x	x	x	-
Grimes	x	x	-	-	-	x	-
Hall	x	-	-	-	-	-	-
Holyday	x	x	x	x	x	x	x
Jenkins	x	x	-	-	x	x	x
Kelly	x	x	x	x	x	x	x
Li Preti	x	x	x	x	x	-	x
Lindsay Luby	x	x	x	x	x	x	x
Mammoliti	x	x	x	x	-	-	-
McConnell	x	x	x	x	x	x	-
Mihevc	x	x	x	x	-	x	x
Milczyn	x	x	x	x	-	-	x
Minnan-Wong	x	x	-	-	x	-	x
Moscoe	x	x	x	x	x	x	-
Nunziata	x	x	-	x	x	x	x
Ootes	x	x	-	-	x	-	-
Palacio	x	x	x	-	x	x	x
Pantalone	x	x	-	x	x	x	x
Pitfield	x	x	-	x	x	x	x
Rae	x	x	x	x	x	-	-
Saundercook	x	x	-	-	-	x	-
Shiner	x	x	x	x	-	-	-
Soknacki	x	x	-	-	x	-	-
Stintz	x	x	x	x	x	x	x
Thompson	x	x	x	x	-	x	x
Walker	-	-	-	-	-	-	-
Watson	x	x	x	x	x	x	x
Total	41	40	27	30	26	27	25

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

June 16, 2005	9:40 a.m. to 12:30 p.m.*	Roll Call 10:55 a.m.*	2:10 p.m. to 6:11 p.m.*
Miller	x	x	x
Altobello	x	-	x
Ashton	x	-	x
Augimeri	x	x	x
Balkissoon	x	-	x
Bussin	x	x	x
Carroll	x	x	x
Cho	x	x	x
Chow	x	-	x
Cowbourne	x	x	x
Davis	x	x	x
De Baeremaeker	x	x	x
Del Grande	x	x	x
Di Giorgio	x	x	x
Feldman	-	-	-
Filion	-	x	-
Fletcher	x	x	x
Ford	x	x	x
Giambrone	x	x	x
Grimes	x	-	x
Hall	x	x	x
Holyday	x	x	x
Jenkins	x	x	x
Kelly	x	x	x
Li Preti	x	x	x
Lindsay Luby	x	x	x
Mammoliti	x	-	x
McConnell	x	x	x
Mihevc	x	-	x

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June 16, 2005	9:40 a.m. to 12:30 p.m.*	Roll Call 10:55 a.m.*	2:10 p.m. to 6:11 p.m.*
Milczyn	x	-	x
Minnan-Wong	x	x	x
Moscoe	x	-	x
Nunziata	x	x	x
Ootes	x	-	x
Palacio	x	x	x
Pantalone	x	x	x
Pitfield	x	x	x
Rae	x	x	x
Saundercook	x	x	x
Shiner	x	-	x
Soknacki	x	-	x
Stintz	x	x	x
Thompson	x	x	-
Walker	x	x	x
Watson	x	x	x
Total	43	32	42

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

Council adjourned on June 16, 2005, at 6:11 p.m.

**DAVID R. MILLER,
Mayor**

**ULLI S. WATKISS,
City Clerk**

ATTACHMENT 1 [Notice of Motion J(4)]

Confidential communication (June 8, 2005) from the Employee and Labour Relations Committee, entitled “Local 79 Harmonization, Job Evaluation and Pay Equity – Arbitration Award (In-Camera – Labour Relations or Employee Negotiations)”. This communication and all attachments are now public in their entirety. (See Minute 7.77, Page 96):

Recommendation:

The Employee and Labour Relations Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the confidential report (May 26, 2005) from the Executive Director of Human Resources and the Deputy City Manager and Chief Financial Officer.

Action Taken by the Committee:

The Employee and Labour Relations Committee requested the Executive Director of Human Resources and the Deputy City Manager and Chief Financial Officer to prepare a briefing note which can be circulated publicly to Members of Council.

Background:

The Employee and Labour Relations Committee on June 8, 2005, considered a confidential report (May 26, 2005) from the Executive Director of Human Resources and the Deputy City Manager and Chief Financial Officer, entitled “Local 79 Harmonization, Job Evaluation and Pay Equity – Arbitration Award”, such report to be considered in-camera as it relates to labour relations or employee negotiations.

(Report (May 26, 2005) addressed to
the Employee and Labour Relations Committee,
from the Executive Director, Human Resources
and the Deputy City Manager and Chief Financial Officer.)

Purpose:

To advise of the results of the arbitration award dated May 18, 2005, which addresses issues outstanding from amalgamation for the CUPE Local 79 Fulltime Unit with respect to rate and job classification harmonization, job evaluation and pay equity.

To obtain Council’s authorization to transfer the funds necessary to implement the award.

Financial Implications and Impact Statement:

Implementation of the award is to be phased in over 5 years. The increased cost for 2005 is \$4.314 million as follows:

Pay Equity plan up to Dec. 30, 2004	\$ 500,000.00
Evaluation of 335 harmonized jobs:	
50% staggered implementation	\$2,064,308.00
Lump sum payment in lieu of retro.....	\$1,750,000.00
 Total	 \$4,314,308.00

This increase will have no incremental financial impact on the 2005 Operating Budget since the arbitration award was anticipated and sufficient funds were provided in the Non-Program Budget. The provision was approved by Council at its meeting of February 21-25, 28 and March 1, 2005. The Non-Program Account provision will be allocated to Programs' 2005 Operating Budgets based on the value of the wage rate increase for each classification and the number of positions within each program. The effective date of the new wage rates is December 31, 2004.

The additional budget impact for 2006 is \$3.4 million, representing the second 50 percent implementation in moving employees to the next closest step on their new wage rate.

Future year costs as employees progress through the steps of their salary range are estimated at \$9.6 million in 2007, \$6.7 million in 2008 and \$5.5 million in 2009, resulting in a total estimated financial impact of \$29.5 million.

Many of the costs which are generated as a result of this award would have to be incurred in any event because of the City's contractual obligations to implement harmonization and job evaluation as well as its on-going statutory obligation to maintain pay equity.

Recommendations:

It is recommended that:

- (1) the Deputy City Manager and Chief Financial Officer be authorized to transfer funds from the Non-Program Budget to Program Budgets to allow for the 2005 increase in salary costs and the lump sum payments required, in order to implement the CUPE Local 79 Fulltime Unit Arbitration Award in the matter of harmonization, pay equity and job evaluation (Appendix A); and
- (2) the appropriate City officials be authorized and directed to take the necessary action to implement the Award.

Background:

The need to harmonize job classifications and wages was a direct result of the amalgamation of the seven former municipalities/Metro. There were approximately 2,500 job classifications to be harmonized with rates of pay varying between positions performing the same or similar functions.

In May of 2000, the City and CUPE Local 79 arrived at the first collective agreement for the new City of Toronto which contained a commitment to agree to a job evaluation process which would allow the parties to evaluate all of the jobs in accordance with a comprehensive gender neutral comparison system.

The parties met on 27 occasions to establish new or merged classifications and to develop and implement a process for determining the rates of pay for the new/merged classifications as per the letter of intent on harmonization.

In May of 2002, the matter went before an arbitration board. Lack of progress over the following year led the parties to agree to an expedited process in February 2003, in which all three letters of intent on the related issues of harmonization, job evaluation and pay equity would be dealt with together.

In 2004, the parties agreed to appoint Robert J. Herman to serve as a sole mediator/arbitrator to determine all issues arising out of the collective agreement relating to rate and job classification harmonization, job evaluation and pay equity.

Comments:

The award is the product of lengthy and comprehensive discussions between the parties, prolonged mediation efforts and arbitration on substantive issues.

Once finalized, this award brings to resolution three large and complex issues that are a direct result of the amalgamation of the seven municipalities constituting the new City of Toronto:

- (1) The requirement to harmonize the wage schedules of over 10,000 employees. This process has been on-going for some seven years and is finally resolved as a result of this arbitral award.
- (2) Compliance with provisions of the *Pay Equity Act*: upon the creation of the new City of Toronto, the parties were under an obligation to bargain for a pay equity plan appropriate to the new City of Toronto. The arbitrator's award confirms that the pay equity plans are in compliance with the provisions of the *Pay Equity Act*.
- (3) The requirement for a job evaluation process which would allow the parties to evaluate all of the jobs in accordance with a comprehensive gender neutral system.

As a result of this award, some 2,500 jobs which existed after amalgamation will be consolidated into approximately 337 positions which will make it much easier for Divisions to administer the jobs and ensure effective service delivery. The resulting rates are not out of line compared to other municipalities. Sample benchmark comparators from a wage survey are presented in Appendix B.

The resolution of these issues eliminates the necessity of maintaining different wage administration programs for some jobs which work 40 hours a week and other jobs which work 35 hours a week. The new Job Evaluation Program also eliminates the necessity to maintain a different system between physical and clerical jobs.

By bringing this matter to a resolution, the parties have avoided a lengthy and costly litigation battle which could have taken years more. The issues disposed of by this award have been at the centre of on-going conflict between the City and its employees since the advent of amalgamation and have been significant issues in the two strikes which have occurred with Local 79 since the year 2000. With the issuance of this award, these issues will be removed from the bargaining table.

The award in its entirety is made conditional upon the parties agreeing to and preparing, executing and posting the two pay equity plans within 30 days of the date of the award. One plan covers the period May 11, 2000 to December 30, 2004. The second plan covers the period from December 31, 2004. Arbitrator Herman found that the two plans were in full compliance with all the terms of the Collective Agreement and the *Pay Equity Act*.

Conclusions:

Once the parties post the two pay equity plans resulting from the award, the award is finalized and brings to resolution three large and complex issues that are a direct result of the amalgamation of the seven municipalities constituting the City of Toronto.

Provision has been made in the 2005 Non-Program Operating Budget to fund the 2005 financial impact of \$4.3 million and authority is now required to reallocate this funding to the various City Program Operating Budgets. Many of the costs which are generated as a result of this award would have had to have been incurred in any event because of the City's contractual obligations to implement harmonization and job evaluation as well as its on-going statutory obligation to maintain pay equity.

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List of Attachments:

Appendix A: Arbitration Award

Appendix B: Wage Survey Comparators

Appendix A - Arbitration Award

IN THE MATTER OF AN ARBITRATION

BETWEEN:

CITY OF TORONTO

(the "Employer")

AND

CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 79

(the "Union")

AND IN THE MATTER OF HARMONIZATION, PAY EQUITY AND JOB
EVALUATION

ARBITRATOR

ROBERT J. HERMAN

APPEARANCES

FOR THE EMPLOYER

EDWARD T. MCDERMOTT
JOANNE GREENE

FOR THE UNION

J. JAMES NYMAN
AND OTHERS**AWARD**

1. This Award disposes of all matters relating to harmonization, pay equity and job evaluation arising out of a collective agreement between the Canadian Union of Public Employees, Local 79 (hereinafter "Local 79") and the City of Toronto (hereinafter the "City") entered into on May 11, 2000 covering approximately 10,500 full-time employees employed by the City. Hearings into these matters commenced approximately three years ago initially before a Board of Arbitration. Subsequently, the parties agreed to proceed before me sitting as a Sole Arbitrator. The parties have agreed that I have jurisdiction to determine all issues relative to and including a harmonized classification and wage rate structure, the contents of a job evaluation program, the appropriate wage line arising therefrom, the timing of placement of employees on the wage line and the entitlement and quantum of retroactive compensation, if any, payable as well as the pay equity plan(s) which comply with the *Pay Equity Act* from

effective commencement date of the first collective agreement (May 11, 2000) to the date of this Award. The Award that follows is the product of lengthy and comprehensive discussions and negotiations between the parties, prolonged mediation efforts and ultimately argument on various substantive issues. The parties are to be commended for their stamina, determination and co-operation in pursuit of their objectives in what I think can fairly be described as a Herculean task to rationalize the horrifically inconsistent wage rate and classification structures legislatively imposed upon them by the creation of the City on January 1, 1998.

BACKGROUND

2. The City came into existence on January 1, 1998. It is a product of the fusion of seven former municipalities and reflects a massive restructuring of municipal institutions effected through special legislation encompassed by two *City of Toronto Acts* (Bill 103 and Bill 148). It is the largest municipality in the country with in excess of 35,000 employees and a budget of approximately \$7.2 billion annually.

3. In an attempt to provide for the restructuring and rationalization of labour relations arising out of the creation of the City and other municipal and hospital amalgamations embarked upon by the Progressive Conservative Government, the Legislature enacted the *Public Sector Labour Relations Transition Act* (the “Act”). The Act set out a framework for the establishment of an appropriate bargaining unit structure within a newly created employer and the assignment of bargaining rights to bargaining agents for each of the reconfigured bargaining units. It also delineated the rights, duties and obligations of bargaining agents, the newly created employer and the employees affected by an amalgamation during two transition periods. The first encompassed the period from the date of amalgamation to the date the restructured bargaining units with assigned bargaining agents became effective. The second captured the period from the date the restructured bargaining units with assigned bargaining agents became effective to the date the employer and the bargaining agent for each of the restructured bargaining units entered into a collective agreement.

4. Under the Act, the City upon its creation as a successor to the seven municipalities became a party to over 50 collective agreements including six collective agreements with Local 79. In June 1998, Local 79 filed an application pursuant to the Act requesting the Ontario Labour Relations Board (the “Board”) to restructure the bargaining units at the City and further determine the bargaining agent for each restructured bargaining unit. The exercise before the Board encompassed several days of negotiations and hearings throughout the remainder of 1998. The Board did not issue its final orders disposing of all issues until January 7, 1999.

5. The Board assigned bargaining rights to Local 79 for four of the bargaining units it determined appropriate for collective bargaining. The four bargaining units are comprised of approximately 17,000 employees, the largest of which covers employees in the full-time unit who perform a myriad of clerical, technical and support functions. The functional parameters of the unit are aptly illustrated by the job profiles that form part of this Award and are set out in Appendix D hereto.

6. The full-time bargaining unit configured by the Board included employees who prior to January 1, 1998, were covered by approximately 23 different collective agreements with all seven of the predecessor municipalities. It also included a large number of employees employed by the seven predecessor municipalities who were not covered by any collective agreement.

7. Under the *Act*, the 23 collective agreements were conceptually treated as a single collective agreement described as a composite collective agreement. Effective January 7, 1999, Local 79 and the City became parties to the composite collective agreement. Shortly thereafter, Local 79 gave the City notice to bargain a first collective agreement for each of the four bargaining units assigned to Local 79. Bargaining extended over a 14-month period and unfortunately culminated in a strike in late March 2000. In mid April 2000, the parties resolved their differences and entered into four collective agreements with each collective agreement deemed to be effective as of May 11, 2000.

COMPENSATION AND CLASSIFICATION STRUCTURE

8. The several thousand employees falling within the full-time bargaining unit at the unit's inception occupied over 2,500 different classifications. As can be expected, many of the classifications captured similar functions common to all of the former municipalities. The main issues that separated them from one another were their source of origin (predecessor municipality) and the compensation practices of the former municipality from which they were derived.

9. Additionally, these overlapping classifications were also distinguishable in many instances on the basis of assigned hours of work. Although the bargaining unit as configured by the Board was described as a full-time bargaining unit, employees did not work uniform hours. Some, such as dental hygienists employed by the former City of North York, worked 25 hours weekly, other employees worked 35 or 40 hours weekly and still others (e.g., grandparented part-time employees employed by the old City of Toronto) worked as little as 20 hours weekly.

10. While the bargaining unit contained many duplicate classifications, it also included a much larger number of classifications unique to a specific predecessor municipality and many others with a greater or lesser degree of overlap in functions. Each of the predecessor municipalities had its own classification structure based on a multiplicity of variables including collective agreement obligations, organizational structure, service delivery requirements and compensation practices.

11. Needless to say, the classification structure of the bargaining unit at its inception, consisting of the aggregation of the classifications occupied by the employees as of the date of the Board's order, was irrational and unyielding. As cumbersome as the classification structure was, it paled in light of the considerable dissonance inherent in the concomitant wage rate structure.

12. Each of the seven predecessor municipalities had its own specific compensation practices. Some of the former municipalities administered in conjunction with their bargaining agents complex and sophisticated job evaluation programs which were designed to establish and maintain an internally coherent wage rate structure based on the relative value of jobs as measured in various factors of rating derived from negotiated agreements. Others were far less sophisticated focusing loosely on both internal and external comparators.

13. Prior to May 11, 2000, all employees were covered by a composite collective agreement that included the collective agreements by which they were governed between the date of amalgamation and the date of the first agreement with the new City. The employees under each of those agreements already had their own pay equity plans, which, under the *Public Sector Labour Relations Transition Act* and the *Pay Equity Act*, were binding until the new agreement came into effect. The programs, however, varied greatly from municipality to municipality. Each had a separate Gender Neutral Comparison System ("GNCS"). Each had unique banding arrangements to measure relative value. Some provided for pay equity through a job comparison system. Others utilized job evaluation as the method for achieving pay equity.

14. Under the *Public Sector Labour Relations Transition Act*, existing terms and conditions of employment were frozen as of the transition date, January 1, 1998, and remained so until the effective date of the first collective agreement between the parties (May 11, 2000). Although all employees of the predecessor municipalities became employees of the City as of that date, the terms and conditions of employment for those employees covered by collective agreements prior to January 1, 1998, continued to be dictated by the predecessor collective agreements. The divergent wage rate structures inherited by the City were further skewed by the different expiry dates of the approximately 23 collective agreements which formed the composite collective agreement binding upon the City, Local 79 and the full-time employees identified by the Board as falling within the full-time bargaining unit. Some of the predecessor collective agreements had nominally expired on December 31, 1997, and employees covered by these collective agreements did not receive wage rate increases after that date. Other collective agreements had a nominal expiry date of December 31, 1998, and

employees covered by these collective agreements received negotiated wage rate increases under these collective agreements on January 1, 1998.

BARGAINING

15. It took the parties 14 months to agree on a full-time collective agreement. In context this should surprise no one. The exercise entailed the integration of terms and conditions of employment derived from 23 collective agreements and the employment policies of seven predecessor municipalities applicable to a significant number of employees who prior to the Board's order were not subject to any collective agreement. As was to be expected, the rationalization of the wage rate and classification structure and the determination of the methodology for the administration of wage rates into the future was the subject of intense negotiations and considerable controversy.

16. A cursory glance at the wage rates paid by the 7 predecessor municipalities on December 31, 1997, would have revealed that a number of wage rates were higher in the Old City of Toronto than in any other of the predecessor municipalities. The reasons for these higher wage rates were attributable to a number of factors including the job evaluation program that Local 79 and the Old City had administered jointly from 1978 onwards.

17. Local 79 not surprisingly in bargaining proposed rationalizing the wage rate and classification structure applicable to the full-time bargaining unit by applying the Old City of Toronto/Local 79 job evaluation program and then utilizing the program on a go forward basis for future wage rate administration. The City, fearful of the potential costs of the Local 79 position, rejected the proposal suggesting that it would lead to bankruptcy and indicating it wanted nothing to do with job evaluation. Rationalization of the wage rate and classification structure together with the methodology for future wage rate administration remained a critically unresolved issue when Local 79 struck the City in late March 2000. The parties, eventually, resolved the issues and settled their collective agreement.

18. The pertinent portions of the collective agreement are as follows:

LETTER OF INTENT

Rate and Job Classification Harmonization Process

The parties agree that the harmonization of wages and restructuring of job classifications must be completed as soon as reasonably possible. To effect this purpose, the parties agree to the following process to resolve and determine the issues in dispute.

1. The City and Local 79 will establish a Harmonization Committee within thirty (30) days following ratification of up to twenty (20) members, ten (10) appointed by each party and shall meet the forthwith following the appointment of the Committee members. Local 79 members will receive their regular rate of pay for time spent in carrying out the Committee's responsibilities during their regular working hours.

2. Among the Committee's responsibilities shall be the following:
 - (a) the creation of new or merged job classifications from the existing classifications where, in the opinion of the Committee, it is appropriate or necessary to do so; and
 - (b) the development and implementation of a process for determining the rates of pay for any new or merged job classifications.
3. The Committee may identify, by way of survey or otherwise, the core duties and responsibilities of, and all the relevant information in connection with job classifications and shall be provided with such information as is reasonably necessary to accomplish its purpose.
4. Any resolved matters will be agreed upon in writing signed by the designated representatives of Local 79 and the City. Positions taken at the Committee by either party or their representatives are without prejudice to any position either party may take at Arbitration.
5. The parties shall agree on the appointment of a mediator to assist them in reaching agreement and, failing agreement, as the chair of the Board of Arbitration set out below. The parties agree to share the costs of the mediator/arbitrator.
6. The mediator will determine the process and procedure for mediation in consultation with the parties.
7. If the parties have not reached an agreement on all of the wage rates and job classifications by December 31, 2000, or such later date as may be agreed upon in writing, either Local 79 or the City may refer the outstanding rates and classifications, including all matters relating to implementation dates (retroactivity) to a Board of Arbitration for a final and binding determination. The Board will be composed of one person nominated by each of the parties with the mediator as the Chair.
8. Both parties will name their nominees to the Board of Arbitration within ten (10) calendar days of the referral, or such later date as the parties may agree in writing. The parties will co-operate to ensure that the hearing(s) will be held as soon as possible. To this end, the parties will ask the mediator/arbitrator immediately upon appointment to schedule at least twenty (20) days for hearings over the months of January, February and March, 2001.
9. The powers of the Board of Arbitration and all other matters in relation to the arbitration shall be as set out in Section 48 of the *Ontario Labour Relations Act*, except as modified by paragraph 4 of the Memorandum of Agreement dated March 23, 2000.

10. A draft decision of the Board of Arbitration on all outstanding wage rates and job classifications, including implementation dates (retroactivity), will be delivered to the parties as expeditiously as possible following the conclusion of the hearings. The parties will have fourteen (14) days from the date they receive the draft decision, or such longer period of time as they may agree in writing, to meet and agree on all such rates and classifications. These meetings may be with the assistance of the mediator/arbitrator if both parties wish. Failing agreement in that time, the draft decision of the Board of Arbitration shall become final and binding on all parties.

PRINCIPLES FOR HARMONIZATION

1. All available information, including financial information, necessary for the Harmonization Committee to carry out its responsibilities will be provided by the City in full and on a timely basis. The mediator/arbitrator will have the jurisdiction to order the production of any such information.
2. The effective date for implementation, including retroactivity, if any, of any matter referred to arbitration is to be determined by the Board of Arbitration. However, where as a result of the harmonization process an employee's current wage rate is greater than the classification rate established for the employee, the employee shall continue to receive all negotiated wage increases and increment increases otherwise provided for under this Agreement. In addition, and for the sake of greater clarity, no employee shall suffer any reduction in the employee's current wage rate until the expiry of this Agreement and any extension of the terms and conditions of this Agreement by law. For the purpose of the renegotiation of this Agreement, it is understood that the wage rates shall be determined by the Harmonization process.
3. It is agreed that as of the date of execution of this Agreement that the parties have not been able to identify and agree upon the methods to be used by the Harmonization Committee in carrying out its responsibilities as described in the Letter of Intent. Accordingly, if the Committee is unable to agree upon the methods, either party may advance before the Board of Arbitration whatever methods it considers appropriate.
4. The parties acknowledge that there are a number of outstanding wage rate issues currently pending under existing job evaluation programs/pay equity programs provided for either separately or under Collective Agreements which form part of the composite Collective Agreement. Accordingly, the parties agree that these issues shall continue to be processed and, if necessary, arbitrated under the terms of the appropriate Collective Agreement. For this purpose, the relevant Collective Agreements/Pay Equity Plans will be considered until the outstanding issues have been concluded.

Article PE

PAY EQUITY

PE.01 In recognition of its commitment to achieving pay equity the City of Toronto has a number of existing pay equity plans; and

In recognition of the parties' mutual commitment to the ongoing process of pay equity and to the principle of equal pay for work of equal or comparable value;

The parties agree as follows:

- (a) The parties agree to abide by the provisions of the *Pay Equity Act*; and
- (b) Following completion of the current Collective Agreement negotiations the parties agree to meet with a view to the development of an appropriate process for achieving and maintaining the objectives of the *Pay Equity Act*.

.

LETTER OF INTENT
Job Evaluation

1. The parties agree to constitute a Committee to establish a new job evaluation program unique to the new City of Toronto.
2. The Committee shall consist of ten (10) persons, five (5) appointed by Local 79 and five (5) appointed by the City. Local 79 appointees to the Committee shall received their regular rate of pay for time spent in carrying out the Committee's responsibilities during their regular working hours.
3. In the event that the parties are not able to reach an agreement on the content and/or implementation of the new job evaluation program, the matter shall become a subject for negotiation in the renewal bargaining of this Agreement. Failing agreement, the content and/or implementation of the new job evaluation program shall be referred to arbitration pursuant to Section 40 of the *Labour Relations Act*.

POST COLLECTIVE AGREEMENT

19. The Harmonization Committee contemplated by the Letter of Intent was established shortly after the parties entered into the collective agreement. The parties were unable, however, to reach an agreement on harmonizing wage rates and classifications through the committee structure because they could not agree on the criteria appropriate to the disposition of the task. The dispute over criteria which had dominated bargaining flowed through to the Committee's endeavors.

20. Eventually, Local 79 referred the dispute to mediation/arbitration as contemplated by the Letter of Understanding.

21. The parties' efforts to construct a job evaluation program as contemplated by the Letter of Intent floundered as well. The dispute over the content of a job evaluation program was also referred to arbitration. As noted above, the parties have vested in me jurisdiction to dispose of both disputes.

DECISION

22. I have concluded that the harmonization of classifications and wage rates should be effected through and in conjunction with a job evaluation program. An integrated unitary outcome provides the parties with certainty and finality.

23. With the parties' assistance and invaluable input, I have harmonized the approximately 2,500 classifications covered by both the predecessor and current collective agreement into approximately 335 classifications. I have valued, again with the parties' assistance and co-operation, the 300+ harmonized classifications using the evaluation tools set forth in the procedures and rating manuals of the imposed job evaluation program. With the parties' assistance, I have created a wage line comprised of 20 bands with each band comprised of four steps. I have then placed, again with the assistance of the parties, each of the harmonized classifications onto the wage line in accordance with its value. Finally, and again with the parties' assistance, I have identified each employee in each of the harmonized classifications and determined that employee's wage rate by reference to the wage line and the implementation scheme identified below. As a result of the exercise, each employee in the bargaining unit has been placed into a harmonized classification, has had his/her job evaluated and has been assigned a wage rate.

(a) JOB EVALUATION PROGRAM

24. The job evaluation program is set out in Appendix "A" hereto and is to be incorporated into the collective agreement.

25. The program is unique to the new City, although it contains elements of programs in place at certain of the predecessor municipalities.

26. The program is also in full compliance with the *Pay Equity Act*. I have been requested to ensure that this Award in its entirety is in conformity with this Act and all other legislation relating to pay and compensation including all provisions of the *Employment Standards Act* in all respects. After careful review, I find that it is.

27. The job evaluation program establishes a mechanism for the initial identification of all jobs in the bargaining unit, the development of a description (job profile) and the evaluation (rating) for each job identified and described. It further ensures that all new jobs and changes to existing jobs will be evaluated in accordance with its terms.

28. The evaluation tool is in full conformity with the *Pay Equity Act*. It serves not only as a method for evaluating all jobs regardless of gender but also functions specifically for the purposes of the *Pay Equity Act* as a Gender Neutral Comparison System (GNCS).

29. Likewise, the banding of jobs as specified under the program which serves to group jobs of comparable value is in full conformity with this Act.

30. In essence, the job evaluation program provides for the establishment of a pay equity plan and a method for maintaining pay equity into the future in light of the inevitable changes in a constantly evolving organization.

(b) WAGE LINE

31. Creating a wage line is a highly complex and difficult task. I note initially that there were any number of possible wage line outcomes that would have conformed to the parties' obligations under both the collective agreement and the *Pay Equity Act*. Indeed, the parties analyzed several different outcomes for my assistance. Suffice it to say, some scenarios produced outcomes that were either extremely detrimental to the City or extremely detrimental to employees in the bargaining unit. Complicating the exercise were the variations in hours of work of employees in the bargaining unit. Most work 35 hours weekly, some work 40 hours weekly and a small number work less than 35 hours weekly.

32. It was open to me to resolve the wage line issue by ignoring the differences in hours of work and providing for a wage line based on bi-weekly or annual rates. Alternatively, I could have crafted separate wage lines reflective of specific hours of work. Neither option, however, seemed acceptable.

33. The wage line set out in Appendix "B" and to be incorporated into the collective agreement is configured on hourly rates. Use of hourly rates as the basis for the wage line ultimately somewhat increases the cost of the outcome to the City, but ensures conformity with the *Pay Equity Act* and avoids the unfairness inherent in all other approaches to this complex issue.

34. Appendix "B" generates an immediate rate increase for approximately 80 percent of the employees in the bargaining unit. In crafting the line, I was cognizant of the potential negative impact of red circling to employees and the cost implications to the City. The line as configured minimizes to the extent reasonably possible the red-circling of employee rates. Further potential reductions in red-circling on an on-going basis as will be discussed below has been effected through the determination of an implementation date.

35. The cost of implementing the attached wage line is not insignificant. However, in crafting the wage line I considered a number of cost parameters including retroactivity, implementation dates and individual placement and progression on and through the wage line. As will be discussed below, the wage line as determined should not be considered in isolation. It is the product of a careful balancing of various compensation factors including red-circling arrangements, retroactivity and the implementation mechanism. Providing for a different outcome in all or any one of these compensation factors would inevitably have triggered a completely different wage line and if the cost of any of such factors were to be increased, I would have awarded a lower wage line. Similarly, adopting a different wage line would have produced different outcomes in each of these compensation factors. This Award therefore adopts an integrated and balanced approach to all compensation factors at issue in these proceedings and one could not be altered without impacting on the others.

(c) IMPLEMENTATION

36. I have adopted an implementation date of December 31, 2004. Effective that date, each employee entitled to a rate increase is to be assigned to a wage rate which is equal to 50 percent of the difference between the employee's actual regular wage rate on that date and the next highest step of the assigned wage rate on the wage line set out in Appendix "B". On December 31, 2005, the employee will be placed at a wage rate that is equal to the actual rate of that next highest step. Progression at one-year intervals through the grid is to proceed thereafter in accordance with the terms of the collective agreement governing wage progression with the date of the first progressional increase to occur on December 31, 2006.

37. The December 31, 2004 date was selected for a number of reasons. The current collective agreement notionally expired on December 31, 2004. The parties' history, like the history of the predecessor parties, has been generally to negotiate across the board wage increases on a percentage basis retroactive to the expiry date of the predecessor collective agreement. The December 31, 2004 date provides the parties with a comprehensive integrated wage rate and classification structure from which to measure and apply any wage rate increases to be negotiated in the ongoing renewal bargaining. If the past holds true and across the board increases are negotiated retroactive to January 1, 2005, the individual employee rates established pursuant to the implementation scheme identified above effective December 31, 2004, subject to any agreement in bargaining to the contrary, would be adjusted upwards retroactively by any percentage increase negotiated from the negotiated retroactivity date. Similarly, the wage line itself, subject to an agreement to the contrary in bargaining, would be adjusted upwards to accommodate negotiated retroactive increases. While my understanding of potential outcomes in bargaining the renewal collective agreement is not germane to this Award, it should, nevertheless, be understood that if the past is any guide, the number of employees red-circled pursuant to this Award and the impact of red-circling will be reduced almost immediately following its issuance, assuming the parties settle their collective agreement shortly thereafter.

38. It should also be apparent from the implementation process which I have adopted that all employees receiving a wage rate increase pursuant to the Award's implementation will be

assigned an anniversary date of December 31 for the purposes of progression through the grid. The new anniversary date should not be confused with seniority and service dates, which remain unaffected by this Award. In opting for a fixed anniversary date of December 31 for all such employees for purposes of progressional increases, I was cognizant of the potential administrative problems that the City might face. However, the maintenance of the existing anniversary dates for progression purposes would have resulted in serious inequities and in any event, the City has sufficient time to make the necessary administrative changes flowing from the Award. Any progressional increases given after December 31, 2004 and prior to the date of issuance of the Award will, however, have to be adjusted in order to comply with this Award.

39. Because I have adopted an implementation date of December 31, 2004, undoubtedly some employees will have received progressional increases after December 31, 2004 and the date the parties satisfy the conditions set forth in paragraph 48 of this Award. For each of these employees, the following will apply:

1. Effective the date following the day the employee received his/her progressional increase, the employee shall be assigned to a wage rate which is equal to 50 percent of the difference between the employee's actual regular wage rate on that date and the next highest step of the assigned wage rate on the wage line set out in Appendix "B".
2. One year following the date identified in paragraph 1 above, the employee will be placed at a wage rate which is equal to the actual rate of such next highest step.
3. Progression at one year intervals is to proceed thereafter in accordance with the terms of the collective agreement governing progression with the date of the first progressional increase to occur two years following the date of the employee's progressional increase received after December 31, 2005 and before the date of this Award.

There are a small number of positions where the rates for the pre-harmonized positions equate exactly with the rates of the harmonized position. For purposes of clarity, employees who occupy these positions as of today's date will retain their anniversary date of hire as their progressional date under the Collective Agreement.

40. In staging implementation in the manner ordered, I considered the wage line imposed. I again reiterate that the wage line generates significant compensation entitlements. Full implementation (i.e. immediate grid placement on the basis of current grid placement) was not appropriate in view of the wage line adopted and had it been fully implemented on December 31, 2004, I would not have ordered the wage line set forth in Appendix "B".

41. Because the wage line is effective as of December 31, 2004, and because employee placement on the wage line is not to be fully implemented until December 31, 2005, it is possible that a person hired between the date this Award issues and December 31, 2005, even if placed at step 1 of the appropriate classification rate, will be paid more than an employee in

the same classification who is covered by this Award. In my view this is an unacceptable result. Accordingly, with respect to any classification in which an employee covered by this Award is paid less than step 1 of the wage rate for the classification, an employee hired into the classification between the date of issuance of this Award and December 31, 2005 shall be paid the lowest wage rate paid during said period to an employee covered by the Award in that classification. On December 31, 2005 the new hire's wage rate will be adjusted to step 1 of the classification rate and the new hire will be assigned an initial anniversary date for progression purposes of December 31, 2005.

(d) RETROACTIVITY

42. There will be no retroactivity except as payable from December 31, 2004, to the date of this Award. The City is ordered to pay a lump sum in the amount of 1.75 million dollars to be divided equally amongst each employee receiving a wage rate increase pursuant to this Award. This amount approximates on an adjusted basis the sum payable to members of the Toronto Civic Employees Union, Local 416 Canadian Union of Public Employees pursuant to an Award issued by Arbitrator Mitchnick in his disposition of the harmonization dispute between the City and Local 416.

43. As I have repeatedly noted, there were a significant number of different wage lines which I could have adopted and which would have satisfied both the parties' collective agreement obligations and the *Pay Equity Act*. Had I been inclined to provide full or partial retroactivity prior to December 31, 2004, I would not have adopted the wage line set out in Appendix "B". Full or partial retroactivity using Appendix "B" would have generated inappropriate costs to the City. Moreover, as part of the exercise in determining the wage line, as well as retroactivity, if any, I reviewed the application of the GNCS (which I have already indicated conforms and complies with the *Pay Equity Act*) to all jobs in the bargaining unit prior to their harmonization on the basis of gender using a straight gender based job comparison scheme. Subject to a small number of exceptions, application of the GNCS to all jobs pre-harmonization during the period from May 11, 2000 to December 30, 2004 on a job to job comparison basis resulted in no gender based inequities for the purposes of the *Pay Equity Act*.

44. Under the GNCS, with certain exceptions, for every female predominated job as defined by the *Pay Equity Act* there existed a male predominated comparator of equivalent value that is paid the same or a lower amount of compensation. Where no male predominated comparator existed, I used the proportional value method. Suffice it to say, during the period May 11, 2000 to December 30, 2004, only a relatively small number of female predominated jobs were underpaid. In light of this result, there is no reason to deviate in any way, by ordering retroactivity, from the results of the delicate costing exercise which is central to this Award and in particular, to the crafting of the wage line and the determination of the implementation date of the blended harmonization/job evaluation result. However, it should be clear that in order to ensure a measure of finality to the parties' dispute, inherent in the outcome is the necessity for the parties to formulate two pay equity plans reflective of this Award. In essence, the delicate balancing of all compensation factors includes a

consideration of appropriate outcomes for the entire period commencing with the effective date of the first collective agreement. My determination of the appropriate outcome of all of the harmonization/job evaluation issues is inextricably linked to my determination of an appropriate pay equity result including the appropriate pay equity result for the period up to the December 31, 2004 implementation date.

45. The wage line, the implementation date, the absence of retroactivity, red-circling and the methodology and timing of placement on the wage line ultimately are conditional upon achieving and implementing an appropriate pay equity plan from May 11, 2000 to December 30, 2004, the results of which are identified in Appendix "F" attached, and the payment of retroactive compensation hereunder to all such persons entitled thereunder from May 11, 2000 to December 30, 2004.

46. Accordingly, the parties are to prepare, execute and post two pay equity plans in conformity with this Award. My initial inclination was to order the preparation, execution and posting of the two plans. However, because of the complex jurisdictional arrangements arising out of the relationship between terms of the collective agreement, Section 48(12)(j) of the *Labour Relations Act* and the *Pay Equity Act*, as well as the delicate balancing of all compensation factors central to the Award, I have concluded that it would be inappropriate for me to issue such orders. The jurisdictional arrangements are such that the parties can themselves provide finality to all issues of compensation arising under this Award, the parties' collective agreement, the *Pay Equity Act*, statutes relative to pay and compensation including the *Employment Standards Act*, by voluntarily preparing, executing and posting the two pay equity plans referred to in this Award, which under the *Pay Equity Act* binds the parties and all employees.

47. I reiterate that I have found that the two plans referred to in this Award are in full compliance with all of the terms of the collective agreement, the *Pay Equity Act* and all other statutes relating to pay and compensation including all provisions of the *Employment Standards Act*.

48. Accordingly, this Award in its entirety is made conditional upon the parties agreeing to and preparing, executing and posting the two plans within 30 days of today's date. A failure to satisfy this condition renders this Award null and void *ab initio* and if such occurs, the parties may request that further hearing dates be scheduled.

(e) RED-CIRCLING

49. An employee who occupied a pre-harmonization position the highest rate of pay for which as of the implementation date (December 31, 2004) exceeded the Step 4 rate of the classification into which the employee's position was harmonized will be red-circled; i.e., the employee's actual rate as of today's date will be frozen. The employee shall not receive any wage progression increases or other wage increases until the Step 4 rate of the harmonized classification is the same or exceeds the highest rate which was payable immediately prior to the implementation date (December 31, 2004) for the pre-harmonized position. For the purpose of wage progression, the employee shall be assigned an anniversary date which is the date the Step 4 rate of the harmonized classification is the same, or exceeds the highest rate which was payable immediately prior to the implementation date (December 31, 2004) for the pre-harmonized position, and the employee's next progression date (if any) shall be one year thereafter.

50. I have rejected Local 79's argument in support of green-circling for reasons related to the manner in which I equilibrated the various factors of compensation described above. It is important to note that under any wage line scenario, including Local 79's bargaining position in 1999/2000, some employees were bound to be red-circled.

(f) JOB EVALUATION COMMITTEE

51. The parties are in the best position to determine the appropriate number of members on this Committee, as they will have the best sense of the work to be done and the size of the task, but they currently have different views as to the number of members required. Accordingly, there shall be three members from each of the parties on the Committee. This number represents my best assessment at this time of the number needed to perform the work of the Committee. The parties are able, of course, to jointly agree to amend this number should they so choose.

52. Consistent with other provisions of the collective agreement dealing with compensation for Local 79 members performing union work, union members on the Committee shall receive the wages and benefits appropriate to their regular jobs.

(g) APPENDICES

53. As noted above, Appendix "A", comprised of two components (i.e. the GNCS and a Procedural Manual) which together make up the Job Evaluation Program, is incorporated herein.

54. As also noted above, Appendix "B", which is the wage line is incorporated herein.

55. Appendix "C", which identifies the harmonized classifications and the predecessor jobs folded into the harmonized classifications, is incorporated herein.

56. Appendix “D”, which consists of the Job Profiles and the Ratings established pursuant to Appendix “A”, is incorporated herein.

57. Appendix “E” identifies all employees employed in the bargaining unit as of December 31, 2004 affected by this Award and sets out each employee’s pre-harmonization classification and harmonized classification.

58. Appendix “F” identifies the results of the Pay Equity exercise and the compensation payable hereunder for the period May 11, 2000 to December 30, 2004.

(h) ADDITIONAL MATTERS

59. The parties have provided me with extensive data and performed a number of tasks both with and without my assistance and direction in verifying the accuracy of employee placement into classifications. While I believe that all employees have been properly placed as of the implementation date into the correct classification, there is the remote possibility of errors in this regard. Accordingly, the Job Evaluation Committee established under Appendix “A” is directed to entertain and consider any claim made by an employee that he/she was improperly placed into a classification. Because I regard claims of improper placement as factual and well within the competence of the Committee to determine, the Committee’s decision shall be final and shall not be subject to review through a grievance or otherwise. If the Committee cannot agree on disposition of a claim, I order that placement shall remain as set out in this Award and in particular, Appendix “E” hereto.

CONCLUSION

60. The parties are directed to amend their collective agreement to conform to the terms of this Award.

61. I wish to thank City officials and members of the Local 79 Harmonization Committee for their assistance throughout. Without in any way diminishing the contributions of others not named, special thanks are extended to Joanne Greene, the City’s Manager of Compensation and Pay Equity, and to Wayne Furukawa and Gail O’Hara of the Local 79 Committee, whose assistance was invaluable. I am also deeply indebted to counsel for the City and Local 79, respectively, in this matter. Without their enormous efforts and spirit of mutual respect and co-operation, these matters would not likely have been capable of final determination without additional years of confrontational litigation.

62. I will remain seized of this matter to deal with all issues arising from this Award, including matters relating to implementation.

Dated at Toronto, this 18th of May, 2005

Robert J. Herman – Arbitrator

City of Toronto Wage Survey

2004 Rates	Caseworker Social Services			Client Support Analyst 1			Corporate Buyer			Early Childhood Educator 2			Public Health Inspector			Public Health Nurse			Recreationist			Support Assistant C		
Participants	Minimum Hourly Rate	Maximum Hourly Rate	Hours of Work	Minimum Hourly Rate	Maximum Hourly Rate	Hours of Work	Minimum Hourly Rate	Maximum Hourly Rate	Hours of Work	Minimum Hourly Rate	Maximum Hourly Rate	Hours of Work	Minimum Hourly Rate	Maximum Hourly Rate	Hours of Work	Minimum Hourly Rate	Maximum Hourly Rate	Hours of Work	Minimum Hourly Rate	Maximum Hourly Rate	Hours of Work	Minimum Hourly Rate	Maximum Hourly Rate	Hours of Work
City of Toronto (New Wage Schedule effective Dec 31, 2004)	26.24	28.75	35	27.68	30.33	35	27.68	30.33	35	23.57	25.83	35	30.81	33.76	35	30.81	33.76	35	23.57	25.83	40	21.18	23.21	35
Region of Halton	24.65	29.99	35	23.92	29.90	35	23.92	29.90	35	16.84	21.03	35	26.90	33.63	35	27.60	33.97	35	NM (No Match)	NM	NM	16.84	21.03	35
City of Hamilton (* = these are 2003 rates, 2004 & 2005 contract increases not settled yet)	23.55	26.77	35	27.94	32.87	35	26.96	30.64	35	22.87	25.99	35	29.00	32.96	35	24.32*	33.15*	35	24.24	27.54	35	19.64	21.35	35
York Region	26.36	28.64	35	27.20	29.57	35	22.75	24.73	35				31.11	33.81	35	29.72	34.84	35				19.73	21.44	35
Peel Region	25.3	30.46	35	26.92 (NU rate-effective Sep. 23-04)	33.65 (NU rate-effective Sep. 23-04)	35	23.99 (NU rate-effective Sep. 23-04)	29.98 (NU rate-effective Sep. 23-04)	35	NM (Region of Peel has one level of ECE, however, it is not a good match to ECE 2)	NM	NM	26.92 (NU rate-effective Sep. 23-04)	33.65 (NU rate-effective Sep. 23-04)	35	28.85	34.59	35	NM (Region of Peel does not have Recreational facilities)	NM	NM	NM	NM	NM
Regional Municipality of Waterloo	23.22	26.42	35	20.47	23.27	35	20.47	23.27	35	20.47	23.27	35	26.69	30.32	35	25.06	34.20	35	NM	NM	NM	15.75	17.93	35
City of Brampton	NM			\$20.64	\$22.87	35	\$21.89	\$24.26	35	NM			NM			NM			\$17.46	\$20.54	35	\$15.93	\$18.74	35
City of Ottawa	24.52	28.68	35	23.63	27.64	35	26.67 (Effective Jan 1, 2003, Awaiting Arb's decision)	32.45 (Effective Jan 1, 2003, Awaiting Arb's decision)	35	20.06	23.48	35	26.29	30.77	35	26.67 (Effective Jan 1, 2003, Awaiting Arb's decision)	32.45 (Effective Jan 1, 2003, Awaiting Arb's decision)	35	23.63	27.64	40	20.96	24.52	35

(Briefing Note (June 8, 2005), headed “Arbitration Award, Local 79 Harmonization, Job Evaluation and Pay Equity”, prepared by the Director, Employment Services and the Manager, Compensation and Benefits.)

Issue:

The City of Toronto and CUPE Local 79 have received an arbitration award resolving issues outstanding from amalgamation with respect to:

Rate and Job Classification Harmonization;
Job Evaluation; and
Pay Equity,

for the CUPE Local 79 Fulltime Unit.

The award is the product of lengthy and comprehensive discussions and negotiations between the parties, prolonged mediation efforts and arbitration on substantive issues. This process has been ongoing for some 7 years and is finally resolved as a result of this arbitration award.

Background:

The need to harmonize job classifications and wages was a direct result of the amalgamation of the 7 former municipalities/Metro. There were approximately 2,500 job classifications to be harmonized with rates of pay varying between positions performing the same or similar functions .

In May of 2000, the City and CUPE Local 79 arrived at the first collective agreement for the new City of Toronto which contained a commitment to agree to a job evaluation process which would allow the parties to evaluate all of the jobs in accordance with a comprehensive gender neutral comparison system.

The parties met on 27 occasions to establish new or merged classifications and to develop and implement a process for determining the rates of pay for the new/merged classification as per the letter of intent on harmonization.

In May of 2002, the matter went before an arbitration board. Lack of progress over the following year led the parties to agree to an expedited process in February 2003, in which all 3 letters of intent on the related issues of harmonization, job evaluation and pay equity , would be dealt with together.

In 2004 the parties agreed to appoint Robert J. Herman to serve as a sole mediator/arbitrator to determine all issues arising out of the collective agreement relating to rate and job classification harmonization, job evaluation and pay equity.

High Level Summary of the Award:

- Harmonization of approximately 2,500 classifications to 337 classifications.
- Evaluation of the 337 classifications using the evaluation tools, procedures and rating manuals of the job evaluation program.
- Creation of a wage line comprised of 20 bands and placement of each harmonized job on the wage line.
- Use of hourly rates as the basis for the wage line to ensure conformity with the *Pay Equity Act*.
- Each employee in the fulltime bargaining unit placed into a harmonized classification.
- Determination that the program is in full compliance with the *Pay Equity Act*.
- An implementation date of December 31, 2004:
 - employees placed in the next closest step, with a staged implementation:
 - 50 percent of the increase applied December 31, 2004 and 50 percent applied December 31, 2005, and
 - progression at one-year intervals through the grid after that, the first progressional increase to occur December 31, 2006.
- No retroactivity except as payable from December 31, 2004, to the date of the award, BUT, the City is ordered to pay a lump sum in the amount of \$1.75 million in lieu of retro to be divided equally amongst each employee receiving a wage rate increase.
- Red-circled employees will have their rate frozen and will not receive any wage increases until the step 4 rate of the harmonized classification is the same or exceeds it.

Key Points:

- This award brings to resolution three large and complex issues that are a direct result of the amalgamation of the seven municipalities constituting the new City of Toronto:
 1. The requirement to harmonize the wage schedules of over 10,000 employees.

2. Compliance with provisions of the *Pay Equity Act*: upon the creation of the New City of Toronto, the parties were under an obligation to bargain for a pay equity plan appropriate to the New City of Toronto. The arbitrator's award confirms that the pay equity plans are in compliance with the provisions of the *Pay Equity Act*.
 3. The requirement for a job evaluation process which would allow the parties to evaluate all of the jobs in accordance with a comprehensive gender neutral system .
- The cost of implementation is to be phased in and all progression increases will be suspended for a period of time in order to spread the cost of arriving at this solution.
 - As a result of this award, some 2,500 jobs which existed after amalgamation will be consolidated into approximately 337 positions which will make it much easier to administer the jobs of approximately 10,000 employees who form part of Local 79's full-time unit.
 - The resolution of these issues also eliminates the necessity of maintaining different wage administration programs for some jobs which work 40 hours a week and other jobs which work 35 hours a week. The new Job Evaluation Program also eliminates the necessity to maintain a different system between physical and clerical jobs.
 - The consolidation of jobs will make it easier for Divisions of the City to ensure effective service delivery.
 - The issues disposed of by this award have been at the centre of on-going conflict between the City and its employees since the advent of amalgamation and have been significant issues in the two strikes which have occurred with Local 79 since the year 2000.
 - The resulting rates are not out of line compared to other municipalities.

Prepared for: Members of Council

Prepared by: Alison Anderson
Director Employment Services
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Joanne Greene
Manager Compensation & Benefits
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Date: June 8, 2005

ATTACHMENT 2 [Notice of Motion J(8)]

Report (June 13, 2005) from the City Solicitor, entitled “OMB Hearing concerning Don Mount Court Redevelopment, 825 Dundas Street East, 35 Carroll Street, 46 Hamilton Street and 120 Broadview Avenue, Ward 30 - Toronto Danforth”. (See Minute 7.85, Page 112):

Purpose:

This report seeks Council authorization for its legal, planning and works staff to support at the Ontario Municipal Board hearing commencing July 11, 2005, a plan of subdivision prepared May 11, 2005, by the Proponents of the project who include the Toronto Community Housing Corporation (TCHC), Intracorp/Marion Hill Don Mount Court Ltd., and Don Mount Court Development Corporation.

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendations:

It is recommended that:

- (1) Council endorse its approval of the draft plan of subdivision for the Don Mount Court site, the approval for which has been consolidated into the hearing before the Ontario Municipal Board which will commence on Monday, July 11, 2005; and
- (2) the City Solicitor be authorized to take the necessary actions at the upcoming Ontario Municipal Board hearing to support the City’s by-laws under appeal, and to support the plan of subdivision submitted by the Proponents, and now consolidated into the hearing; and that the City Solicitor further support any necessary revisions to the conditions of subdivision approval pertaining to the width of the public streets and the pavement widths of those streets within the plan of subdivision.

Background:

The Don Mount Court site is the first major redevelopment of public housing units in the City. The Toronto Community Housing Corporation (TCHC) and other Proponents brought forward planning applications to demolish the old units and to create a new subdivision that would knit the street pattern back into its surrounding community. At its meeting of September 28, 29, 30 and October 1, 2004, City Council enacted an official plan amendment and a zoning by-law to implement the new project. There will be a mix of public housing units with units that will be sold at market prices. The applicable zoning By-law No. 866-2004 provides that no more than 255 market units are to be created in the north-west quadrant of the site closest to Dundas Street East. The zoning bylaw also requires 232 replacement social housing units to be provided and maintained on other portions of the site.

The by-laws, enacted by Council, have been appealed to the Ontario Municipal Board by a residents' association known as the Riverside Area Residents Association (RARA) and a hearing has been set to commence on Monday, July 11, 2005. Five days have been set aside for the hearing.

Subsequently, TCHC and the associated corporations, appealed their draft plan of subdivision to the Ontario Municipal Board, and the Board has agreed to consolidate the subdivision application into the July hearing.

When considering the planning applications last fall, City Council amended the staff recommendations to provide for certain rights-of-way widths and pavement widths. The Council decision reads as follows:

“18(n) provide a minimum right-of-way width of 16.0 metres, or such lesser amount as deemed appropriate by the Acting Commissioner of Works and Emergency Services, with pavement widths of 7.3 metres and a reinforced concrete sidewalk of 1.65 metres in width on one side of the street, permitting parking on the other side for the Munro Street Extension (Block 7), the Carroll Street Realignment (Block 8) and that part of Kintyre Avenue in Block 10, and providing a pavement width of 6 metres with no parking for that part of Kintyre Avenue in Block 9 on the final Plan of Subdivision prior to registration.”

In the past few months, there have been many meetings and consultations with City staff concerning the draft plan of subdivision. In May of this year, the Proponents amended their plan of subdivision to allow for requested changes such as:

- an increase in the size of the new park that will be created in the south-west quadrant of the site;
- Kintyre Avenue will be re-aligned in a north-westerly direction to give a better alignment to its intersection with Carroll Street; and
- the new stretch of Munro Street between Kintyre and Dundas will be 15.0 metres in width for the right-of-way with a clear 6.0 metres of pavement. Parking would be prohibited in areas of that Munro extension to allow access to housing units by fire vehicles. The width of right-of-way for the southerly portion of Munro running between Kintyre Avenue and Thompson Street is to be 11.0 metres.

Staffs from respective departments have been meeting with consultants for the Proponents to further tweak the plan of subdivision, now revised to May 11, 2005. That plan is attached to this report as Schedule “A”.

Conclusions:

The residential plan of subdivision for the redevelopment of the Don Mount Court site has been appealed and the merits of the plan have been consolidated into the OMB hearing concerning the official plan amendment and zoning by-law enacted by City Council to implement the Don Mount Court project. City staff have worked with the Proponents to refine that plan, and staff now seek Council's authority to support the plan of subdivision before the Board.

Contact:

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Attachment – Plan, Schedule 'A'

ATTACHMENT 3 [Notice of Motion J(14)]

Report (June 13, 2005) from the Chief Planner and Executive Director, City Planning, entitled "Residential Demolition Application, 50 Gerrard Street East, Toronto Centre-Rosedale, Ward 27". (See Minute 7.91, Page 121):

Purpose:

To report on an application to demolish a three-storey apartment building at 50 Gerrard Street East pursuant to Section 33 of the *Planning Act* and the *City of Toronto Act*, as amended.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council approve the application to demolish the residential building at 50 Gerrard Street East with the following conditions:

- (a) that the applicant submit a Dust Control Plan and any other required information for the review and approval of the Chief Building Official in consultation with the Medical Officer of Health, prior to the issuance of the demolition permit;
- (b) that the applicant obtain a permit from Urban Forestry Services to injure and destroy trees on private property that qualify for protection under City of Toronto Municipal Code, Chapter 813, Trees, Article III, identified in the Arborist Report prepared by Kelly's Tree Care Ltd., date stamped on December 11, 2003, prior to the issuance of the demolition permit;
- (c) that all debris and rubble be removed from the site immediately after demolition;
- (d) that a construction fence be erected in accordance with the provisions of the Municipal Code, Chapter 363, Article III, if deemed appropriate by the Deputy Chief Building Official;
- (e) that the site be maintained free of garbage and weeds, in accordance with the Municipal Code 632-5 and 629-10, Paragraph B;
- (f) that any holes on the property be backfilled with clean fill;
- (g) that the owner construct and substantially complete the new building authorized by Building Permit Application No. 05 133340 BLD 00 NB not later than three years and 6 months from the day demolition of the existing building at 50 Gerrard Street East is commenced; and

- (h) that, on failure to complete the new building within the time specified, the City Clerk shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, the sum of \$20,000.00 for each dwelling unit contained in the building in respect of which the demolition permit is issued, and that such sum shall, until payment, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.

Background:

The 50 Gerrard Street East property contains a three-storey, 27-unit apartment building. The property is part of a larger 'L' shaped site with frontage on the north side of Gerrard Street East and the west side of Church Street. The 'L' shaped site consists of three properties: 50 and 56 Gerrard Street East and 380 Church Street.

At its meeting of November 30, December 1 and 2, 2004, City Council adopted Official Plan Amendment No. 323 to the former City of Toronto Official Plan and Zoning By-law No. 1070-2004 to permit a 190-unit residential building on the site. Council's approval secured the replacement of the existing 27 rental units at 50 Gerrard Street East in the new building and a tenant assistance package pursuant to an Agreement under Section 37 of the *Planning Act*.

Since Council's December 2004 approval, the owner has carried out the tenant notification requirements and the tenant assistance package. Today, the existing building at 50 Gerrard Street East is vacant.

Comments:

During the planning application review process, demolition of the existing building at 50 Gerrard Street East was reviewed and discussed at three community consultation meetings as well as a meeting with the tenants at 50 Gerrard Street East.

The owner has now applied to demolish the existing building under Section 33 of the *Planning Act*. Under the former City of Toronto Municipal Code, the Chief Building Official can issue a demolition permit on behalf of City Council for residential properties containing less than six dwelling units. Council approval is required for residential properties containing six or more dwelling units. The existing apartment building contains 27 units.

The owner is seeking issuance of a demolition permit under subsection 33(3) of the *Planning Act*. This varies from the City's standard approach, which is to issue a demolition permit once a building permit for the replacement building has been issued pursuant to subsection 33(6) of the *Planning Act*.

In this case, subsection 2.3(1) of the registered Section 37 Agreement requires the submission of a full building permit application for at least the rental replacement portion of the new building before the issuance of a demolition permit. The owner has complied with this requirement. The Building Division is currently reviewing Building Permit Application No. 05 133340 BLD 00 NB for the new residential building. As well, the Site Plan Control application is nearing completion.

In light of the above, the issuance of a demolition permit subject to conditions is appropriate to help facilitate implementation of the new residential building approved by Council and assist the owner in meeting their August 2007 target for completion of the new building.

Under the *City of Toronto Act, 1991 (No. 4)*, the City has the authority to impose reasonable conditions having regard to the nature of the property to be demolished. In this case, conditions relating to fencing on the site, removal of debris and maintenance of the site, fill material, a dust control plan and approval to remove privately owned trees are appropriate. As well, Recommendations (g) and (h) identify conditions addressing the construction of the replacement building in a reasonable period. These conditions have been discussed with the owner's representatives.

Conclusions:

City Council adopted Official Plan Amendment No. 323 and Zoning By-law No. 1070-2004 to permit a new residential building containing 190 units on a redevelopment site, which includes 50 Gerrard Street East. Demolition of the existing three-storey apartment building is required to construct the new residential building. The owner has carried out the tenant notification requirements, the tenant assistance package and submitted a full building permit application, as secured in the Section 37 Agreement. Today, the existing building at 50 Gerrard Street East is vacant. Accordingly, it is reasonable to approve the application to demolish the existing building, subject to the recommended conditions, to help facilitate implementation of redevelopment plans.

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ATTACHMENT 4 [Notice of Motion J(16)]

Report (June 13, 2005) from the Chief Corporate Officer, entitled “Land Transaction Respecting 20 Gothic Avenue (Ward 13 - Parkdale High-Park)”. (See Minute 7.93, Page 125):

Purpose:

To recommend that the terms of the proposed land exchange agreement with respect to the sale and development of the City-owned lands located at 20 Gothic Avenue be revised in order to reflect the incremental cost of development on the site.

Financial Implications and Impact Statement:

Under the original terms of this land exchange transaction, the City was to receive net proceeds in the amount of \$750,000.00 payable in cash on closing. The developer is now proposing to provide capital improvements for the City’s and TTC’s benefit valued at \$264,000.00; to transfer additional lands to the City valued at \$240,000.00 for TTC use; and to pay the balance of the purchase price of \$246,000.00 in cash on closing.

Further, as a condition of building approval, the developer is required to construct at its own expense certain municipal works, including stormwater management works, the cost of which is currently estimated at \$458,600.00. It is proposed that a development charge credit be approved in an amount equal to the component of the charge related to sanitary sewers, water and stormwater management services. This credit is currently estimated at approximately \$160,000.00.

The Deputy City Manager and Chief Financial Officer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) the terms of the land transaction with respect to 20 Gothic Avenue between the City and Monarch Construction Limited et al (collectively “Monarch”), as authorized by City Council at its meetings on May 21, 22 and 23, 2003 and on July 20, 21 and 22, 2004, be amended to provide that Monarch pay the City for the land to be acquired by providing capital improvements and lands to the City and the TTC valued at \$504,000.00, with the balance of the purchase price to be paid in cash and all other terms of the transaction are to remain the same;
- (2) City Council approve a development charge credit in an amount equal to the component of the development charge payable with respect to the sanitary sewer, water and stormwater management services;

- (3) the City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses, on the terms recommended in Recommendation (1), and on such other terms and conditions as she may from time to time consider reasonable; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

By adoption of Clause No. 11 of Report No. 4 of the Administration Committee on May 21, 22 and 23, 2003, City Council authorized the sale of 20 Gothic Avenue (the "Property") to Quebex Development Corporation ("Quebex"). The sale of the Property is part of a land exchange agreement wherein Quebex is to convey an existing development site on Quebec Avenue to York Condominium Corporations Nos. 323 and 435 (the "Condominiums"). The Condominiums, which are the current tenants of the Property under a long-term lease with the City, will surrender their leasehold interest to the City as well as make an additional payment to it. The Property is then to be conveyed to Quebex for development of a residential condominium.

By adoption of Clause No. 18 of Report No. 5 of the Administration Committee on July 20, 21 and 22, 2004, City Council approved the inclusion of Monarch Construction Limited and/or its subsidiary ("Monarch") as a party to all agreements and documents necessary to implement the terms of the sale as previously approved by it. Monarch, therefore, will acquire title to the Property and is to construct and own the new residential condominium development.

Because of the complex nature of the transaction, various agreements amongst the parties pertaining to the land exchange, planning requirements and construction and operational issues are required. These agreements have not yet been finalized.

Comments:

The development of the Property will entail construction over a section of the High Park Subway Station. Although most of the technical issues relative to this component of the proposed development have been resolved and are in the final stage of documentation, this has been a protracted and complex process. Monarch has become increasingly concerned about the delay and the incremental costs both expended to date and which it expects to incur for future City and TTC requirements that are conditions of the development; in particular, for improvements to the High Park Subway Station and for stormwater management in the neighbourhood. Monarch contends that these improvements are upgrades that otherwise would have been undertaken by the City and the TTC over time and that, given the delay to date, if these incremental costs have to be absorbed in their entirety into its development budget, the project will no longer be viable.

In support of its claims, Monarch has submitted a summary of these incremental costs which it has or will incur during project development.

City and TTC staff have reviewed Monarch's summary of incremental costs and concluded that of that an amount of \$264,000.00 is attributable to capital improvements to the High Park Subway Station for items such as waterproofing and installation of a hydro ductbank. The remaining costs, however, were considered by the City and TTC to be part of the construction costs allowed for during negotiations of the purchase price of the Property between the parties although in some instance there is an municipal incidental benefit.

In an attempt to reduce its cash expenditure on this project, Monarch also proposed the conveyance of two parcels of land ("Monarch's Lands") adjacent to an existing TTC transit facility at 410 Queens Quay West in favour of the City in exchange for credit toward the purchase price of the Property. A sketch showing the Monarch's Lands is attached as Appendix "A".

TTC staff have considered Monarch's land offer and have confirmed an interest in acquiring Monarch's Lands for TTC purposes. A City staff appraisal indicates that Monarch's Lands would have a value of \$240,000.00 to the TTC given its adjacent transit facility.

Under the terms of the land exchange agreement as authorized by City Council, Monarch was to pay the City an amount of \$1,000,000.00, inclusive of a cash payment of \$250,000.00 pursuant to Section 37 of the *Planning Act*. The net proceeds of sale which would have been taken into general revenue from this land exchange agreement were therefore in the amount of \$750,000.00.

Monarch has now proposed that it will provide \$504,000.00 of equivalent benefits to the City and TTC in the form of capital improvements to the High Park Subway Station and by transfer of lands adjacent to 410 Queens Quay West in lieu of cash. Monarch has requested a credit for this amount and proposes to pay the balance of the purchase price in cash in the amount of \$246,000.00 to complete the land exchange transaction. Monarch will remain liable for the cash payment of \$250,000.00 pursuant to Section 37 of the *Planning Act*. If the above restructuring is not approved, Monarch has stated that it will have to abandon this development project due to rising costs and delay.

Stormwater Management Tank

The topography of the Property is an existing overland flow route serving a drainage area of approximately 6 ha of lands in the area. A major storm would result in storm water being conveyed through the Property over to Bloor Street West to the south. The proposed development on the Property would block the drainage route and cause flooding of the Property and adjacent properties in the event of a major storm.

As a condition of the development approval, Monarch is required to construct a stormwater management tank ("SWMT") at a cost of approximately \$458,600.00. The provision of a

SWMT at the Property will not only collect storm water from the Property but also storm water from the immediate area. It is considered reasonable that a development charge credit in an amount equal to the component of the development charge payable with respect to the sanitary sewer, water and stormwater management services be allowed to Monarch to reflect the provision of the SWMT otherwise not required on other development sites and which will serve the wider community.

Conclusions:

Since all parties to the land exchange agreement have expended a tremendous amount of time and financial commitment to this development project over the last two years and as there is a municipal benefit from this innovative residential development over transit facilities, Monarch's proposal to provide equivalent value in lieu of a portion of the cash balance to the City to complete the land exchange agreement is reasonable. City Council should approve Monarch's proposed amendments to the land exchange transaction with a view to facilitating the development of the Property.

Contacts:

Name:	Joe Casali	Chuck Donohue, P. Eng.
Position:	Director, Real Estate Services	Acting Executive Director of Facilities and Real Estate Services
Telephone:	(416) 392-7202	(416) 397-5151
E-mail:	jasali@toronto.ca	cdonohue@toronto.ca
Report No.:	CC05-75	
Prepared by:	Neubert Li (416) 392-1243	

List of Attachments:

Site Maps

Appendix "A" - sketch showing the Monarch's Lands

(The attachments to this report are on file in the City Clerk's Office.)

ATTACHMENT 5 [Notice of Motion J(26)]

Report (June 15, 2005) from the Chief Corporate Officer, entitled “Declaration as Surplus Closed Road Allowance and Six-Inch Reserve Strip Adjoining 1900 Bayview Avenue (Ward 25 - Don Valley West)”. (See Minute 7.103, Page 144):

Purpose:

To secure authority to declare the closed road allowance and six inch reserve strip surplus to municipal requirements.

Financial Implications and Impact Statement:

Revenue will be generated from the eventual sale.

Recommendations:

It is recommended that:

- (1) the closed road allowance and the six-inch reserve strip, described as Part of Lot 2 in the First Concession East of Yonge Street, subject to the retention of an easement over the entire property for access and maintenance purposes, and shown as Parts 1 and 2 on Sketch No. PS-2003-071 (the “Property”), be declared surplus to the City’s requirements and the Chief Corporate Officer be authorized to invite an offer to purchase the Property from the adjoining owner at 1900 Bayview Avenue and all steps necessary to comply with Chapter 213 of the City of Toronto Municipal Code be taken; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

In 1936, the former City of Toronto acquired a parcel of vacant land extending westerly from Bayview Avenue between Mount Pleasant Cemetery and 1900 Bayview Avenue, subject to a restrictive covenant that the southerly six-inch strip shall not be dedicated as public highway. The parcel was not acquired through expropriation proceedings. In 1946 the parcel, save and except the six-inch strip, was transferred to the former Township of North York and in 1947 dedicated as public highway, pursuant to North York By-law No. 5114. In 1968, this public highway was stopped up and closed pursuant to North York By-law No. 21951. The easterly portion of the closed highway fronting Bayview Avenue was sold to the former Canadian Memorial Chiropractic College located at 1900 Bayview Avenue and the westerly portion was transferred back to the former City of Toronto.

In 2003, Kolter Property Company, the owner of 1900 Bayview Avenue, expressed interest in

acquiring the Property. The Administration Committee, at its meeting held on July 2, 2003, deferred, sine die, consideration of a report (June 18, 2003) from the Commissioner of Corporate Services recommending that the Property be declared surplus.

Comments:

On November 30, December 1 and 2, 2004, City Council adopted as amended Clause No. 33 of Report No. 9 of the North York Community Council entitled “Final Report – OPA & Rezoning Application – TD CMB 2003 0005 – Kolter Property Company – Pate & Steele – 1900 Bayview Avenue”, thereby refusing the application to amend the Official Plan and Zoning By-law. Kolter Property Company has appealed Council’s decision to the Ontario Municipal Board and the hearing is scheduled to begin on September 13, 2005. Kolter Property Company continues to be interested in acquiring the Property.

Due to the passage of time since the original circulation to the City’s Agencies, Boards, Commissions and Departments was undertaken, staff of Parks, Forestry and Recreation have now advised that an easement is required for access, maintenance and management of trees and parkland. As the Property is heavily treed, a detailed site analysis and an arborist report would need to be sought and analyzed by staff prior to the final disposal of the Property being considered by Council. Staff of Toronto Water have also advised that an easement is required for access and maintenance of an access road and a stormwater outfall in Sherwood Park. Accordingly, this report recommends that the Property be declared surplus to municipal requirements, subject to the retention of an easement for the foregoing purposes.

Details of the Property are as follows:

Subject Property: Closed road allowance and six-inch reserve strip adjoining 1900 Bayview Avenue

Legal Description: Part of Lot 2 in the First Concession East of Yonge Street and shown as Parts 1 and 2 on Sketch No. PS-2003-071

Assessment Roll Number: Part of 1908-08-1-080-10800

Approximate Dimensions:

Closed Road Allowance:	East/West Measurement:	90.85 m	(298.6.45 ft)
	North/South Measurement:	20.12 m	(66.01 ft)

Six-Inch Reserve Strip:	East/West Measurement:	189.85 m	(622.87 ft)
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Approximate Site Area: 1898 m² (20,430.5 ft²)

Current Use: Vacant Land

Easement Requirements:	Easement to be retained by the City over the entire Property for the purposes of access and maintenance of trees, parkland, an access road and a stormwater outfall.
Zoning:	RM3
Official Plan:	G-INS – General-Institutional
New Official Plan:	Institutional

In order to proceed with a sale of property, the City must comply with the procedures governing disposal of property. Section 268 of the *Municipal Act, 2001*, requires that, before disposing of any property, Council must declare the property to be surplus by by-law or resolution, give notice to the public of the proposed sale and obtain at least one appraisal of the market value of the property, unless exempted from doing so.

Conclusions:

As there is no municipal interest in retaining ownership of the Property, provided an easement as set out above is retained, City Council should declare the Property surplus to the City's requirements and authorize the Chief Corporate Officer to invite an offer to purchase from the adjoining owner at 1900 Bayview Avenue, subject to the retention of an easement in favour of the City.

Contact:

Joe Casali Director, Real Estate Services Estate Telephone: (416) 392-7202 E-Mail: jcasali@toronto.ca Report No.: cc05-101 Prepared By: Carla Inglis (416) 392-7212	Chuck Donohue, P. Eng. Acting Executive Director, Facilities & Real Estate (416) 397-5151 cdonohue@toronto.ca
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List of Attachments:

Site Map
Sketch No. PS-2003-071

(The attachments to this report are on file in the City Clerk's Office.)

ATTACHMENT 6 [Notice of Motion J(28)]

Report (June 15, 2005) from the City Solicitor, entitled “Site Plan Application No. 04 193796 STE 30 SA, Applicant: William Holman, 1225 Danforth Avenue, Ward 30- Toronto Danforth”. (See Minute 7.105, Page 147):

Purpose:

To recommend site plan approval and conditions and to authorize City Staff to attend an Ontario Municipal Board hearing to uphold City Council’s decision.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) the site plan for the development of nine units with 68 square metres of commercial office space at 1225 Danforth Avenue, as indicated on the drawings, entitled Site Plan A1, be approved in principle, subject to the conditions as set out in Schedule “A” attached to this report; and
- (2) the City Solicitor and Chief Planner be authorized to appear at the Ontario Municipal Board hearing for 1225 Danforth Avenue scheduled for July 5, 2005, and be directed to take the necessary action to give effect thereto.

Background:

The lands known municipally as 1225 Danforth Avenue (the “Subject Lands”) are located at the southeast corner of Danforth Avenue and Ladysmith Avenue. The proposal is to construct eight freehold residential townhouse units and one mixed-use unit with a commercial component at grade, in a back-to-back townhouse format with underground parking (the “Project”). The access for the underground parking will be off Ladysmith Avenue. In addition, a common element condominium is proposed in conjunction with the townhouses.

The owner received a minor variance permission from the Committee of Adjustment on February 17, 2005, for relief from providing one visitor parking space for the Project and a reduction in the main floor level depth and percentage of the street frontage for commercial space on condition that:

1. the revised plans as prepared by William Holman and dated February 15, 2005 showing the revised slope ramp and parking space widths of 3 metres be filed with the Committee of Adjustment for their record, and the Commissioner of Urban Development Services for the Site Plan Approval file; and
2. the slope of the driveway be limited to a slope no greater than 5 percent.

The Committee of Adjustment also approved a Consent application to sever the Subject Lands into nine parcels of land and two parcels for common elements with conditions.

The owner of the Subject Lands submitted an application for site plan approval for the Project on November 19, 2004. The plans and drawings have not yet been approved by the City. The *Planning Act* provides that where a municipality has not approved plans or drawings for site plan within 30 days after they are submitted to the municipality, the owner is entitled to refer the plans or drawings to the Ontario Municipal Board (the "OMB"). The owner appealed the matter to the OMB on April 22, 2005, and the matter has now been set down for a hearing on July 5, 2005. The application was circulated to the relevant City departments and comments have now been received. City Planning is in the process of advising the owner of the conditions of site plan approval.

Conclusions:

Now that the matter has been scheduled for a hearing, it is urgent that the recommendations and conditions set out in this report be approved and that Staff be authorized to attend at the hearing to ensure that the conditions are upheld.

Contact:

Ray Kallio, Solicitor
Telephone: 416-397-4063, Fax: 416-397-5624
E-mail: rkallio@toronto.ca

List of Attachments:

Attachment 1: Schedule A
Attachment 2: Site Plan A1

Attachment 1: Schedule A

1. The owner be required to:
 - (a) provide and maintain a minimum of one parking space on the Subject Lands to serve each townhouse unit;
 - (b) provide and maintain a minimum width of 3.0 metres for the integral garages;

- (c) extend the concrete sidewalks through the site access with 2.0 metre flares on both sides of the driveway and eliminate and/or depress curb returns across sidewalks to ensure a level surface;
- (d) eliminate any existing curb cuts on Danforth Avenue and Ladysmith Avenue that do not form parts of the new access, and restore the public rights-of-way to City of Toronto standards, at no cost to the City;
- (e) indicate the driveway slope on the site plan and revise the slope of the access driveway to not exceed 5 percent;
- (f) include a clause in all offers of purchase and sale and in the common element condominium declaration advising all future owners that the refuse and recycling material generated by Unit Nos. 5 to 9 inclusive will be collected curbside by the City from a single location adjacent to the driveway from Ladysmith Avenue;
- (g) apply for revised municipal numbering prior to filing an application for a building permit;
- (h) submit, prior to site plan approval, site servicing plans, a grading and drainage plan and a storm water management report to the satisfaction of the Executive Director, Technical Services;
- (i) submit, prior to site plan approval, all environmental site assessment reports describing the current site conditions and the proposed remedial action plans to the Executive Director, Technical Services for peer review;
- (j) pay all costs associated with the City retaining a third-party peer review consultant and submit, prior to site plan approval, a certified cheque payable to the City of Toronto in the amount of \$3,000.00, as a deposit towards the cost of the peer review;
- (k) submit, prior to site plan approval, a Statement from a Professional Engineer (sealed and dated), for peer review and concurrence, that, based on all necessary supporting environmental documents that:
 - (i) the site 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 site, that has migrated from the site to the adjacent rights-of-way, that would exceed applicable MOE Guideline objectives or regulations;

- (l) enter into an agreement with the City, prior to site plan approval, should it be determined that remediation of the adjacent rights-of-way are required, in which the owner, or the party responsible for the contamination, commits to carrying out a remedial work plan acceptable to the City;
 - (m) submit, prior to occupancy, a Record of Site Condition (RSC) to the Commissioner of Works and Emergency Services with respect to the statement submitted by a Professional Engineer; and
 - (n) submit revised drawings with respect to Condition Nos. 1(b), 1(e) and 1(h) above, for the review and approval of the Executive Director, Technical Services; and
 - (o) revise the landscape plan to show two trees on the City Boulevard adjacent to Ladysmith Avenue to the satisfaction of the Forestry Division if servicing below the surface permits.
2. The owner be advised:
- (a) of the need to make separate applications to the General Manager, Transportation Services for permits to carry out any works involving construction in, or occupancy of, the public rights-of-way; and
 - (b) that a condition of the approved consent application creating freehold individual freehold townhouse units required the owner to apply for the registration of a common element condominium to the satisfaction of the City Solicitor.

(Attachment 2, headed "Site Plan A1", is on file in the City Clerk's Office.)

ATTACHMENT 7 [Notice of Motion J(29)]

Report (June 13, 2005) from the City Solicitor, entitled "Request for Direction Report Draft Plan of Condominium 55CDM-04-215 (04 126836 000 00 CD) 1534739 Ontario Limited - 1375 Dupont Street". (See Minute 7.106, Page 228):

Purpose:

To advise City Council of an appeal to the Ontario Municipal Board of the above condominium application and to seek Council direction to the City Solicitor to attend the Ontario Municipal Board in support of a settlement of the appeal.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) the City Solicitor and appropriate City staff be instructed to attend at the Ontario Municipal Board to support a settlement of the appeal of conditions of draft condominium approval, as follows:
 - (a) the owner shall provide financial security for outstanding site plan conditions in the amount of \$70,000.00 in a manner satisfactory to the City Solicitor (\$50,000.00 for sidewalk, curb and lane improvements and \$20,000.00 for tree planting);
 - (b) the owner shall provide all necessary legal descriptions in order to process the subject application; and
 - (c) the owner shall provide a tax certificate indicating that all municipal taxes have been paid; and
- (2) as part of the settlement, the owner shall enter into an agreement indicating that should it be determined to be impossible to plant trees in the right-of-way adjacent to the site to the satisfaction of the General Manager of Parks, Forestry and Recreation, the \$20,000.00 financial security for tree planting shall be used to cover the cost of planting additional street trees in Ward 18, preferably in the vicinity of the site, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.

Background:

The subject application relates to an appeal of condominium conditions for 1375 Dupont Street.

This site was the subject of an Official Plan and Zoning By-law amendment which was adopted by City Council at its meeting held on April 14, 15 and 16, 2003. The Official Plan and Zoning amendments allowed the applicant to construct a seven-storey, 80-unit condominium building with at-grade commercial uses and an underground parking garage at the southeast corner of Lansdowne Avenue and Dupont Street. This proposal was later modified to consist of 74 residential units, 5 of which are live-work units with at-grade and below-grade parking.

The Official Plan and Zoning By-law amendment were appealed by two neighbouring property owners. The City Solicitor appeared at the Ontario Municipal Board in support of a motion by the Owner of 1375 Dupont Street seeking the dismissal of two appeals launched against Zoning By-law 536-2003 and Official Plan Amendment 260. The Ontario Municipal Board issued its order on January 19, 2004, dismissing the appeals.

On January 17, 2005, draft condominium approval was granted subject to conditions.

The Owner has now appealed the draft conditions of condominium approval. Abridged notice for this hearing was approved by the Ontario Municipal Board, as this matter is solely between the applicant and the City, and a hearing has been set down for June 17th, 2005.

Comments:

Staff from City Planning, Works and Emergency Services and Parks have agreed on the amount of security required to fulfill the applicant's outstanding site plan matters and staff are satisfied that the proposed conditions of draft condominium approval are acceptable.

City staff have been working with the applicant to try and resolve the outstanding issues in this matter and come to an agreement on the specific wording of the conditions of draft approval.

Conclusions:

It is recommended that the City Solicitor and appropriate City staff be instructed to attend at the Ontario Municipal Board to support the recommendations outlined in this report.

Contact:

Amanda S. Hill, Solicitor
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FISCAL IMPACT STATEMENT SUMMARY
Notices of Motion
Submitted by the Deputy City Manager and Chief Financial Officer
Council Meeting – June 14, 15 and 16, 2005

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
I(1)	Designation of a Graffiti Art Area in the City of Toronto	\$10,000	\$0	Refer to Standing Committee. See FIS.
J(1)	Fireworks Displays and Public Safety	\$0	\$0	Consider.
J(2)	Advertising Roof Sign at 1627 Eglinton Avenue West	\$(635.47)	\$0	Consider. See FIS.
J(3)	Removal of Objection - Application for Liquor Licence – Dilan Coffee, 2915 Dufferin Street	\$0	\$0	Consider.
J(4)	Local 79 Harmonization, Job Evaluation and Pay Equity – Arbitration Award			Already dealt with by City Council. See Confidential Report attached to Motion.
J(5)	Regulation of Private Electricity Management Companies for Tenant Protection	\$0	\$0	Consider.
J(6)	To Amend the Composition of Toronto Economic Development Corporation (TEDCO)	\$0	\$0	Consider.
J(7)	Request to Waive Fees Associated with Street Closures for the Taste of Lawrence Festival, Wexford BIA, July 8, 9 and 10, 2005	\$75,000	\$0	Refer to Standing Committee. See FIS.

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
J(8)	Ontario Municipal Board Hearing - Redevelopment of the Don Mount Court site located at 825 Dundas Street East, 46 Hamilton Street, 35 Carrol Street and 120 Broadview Avenue	\$0	\$0	See Report attached to Motion.
J(9)	Regulating Payday Lending Businesses	\$0	\$0	Notice Only.
J(10)	Request to Install Banners for the 2005 International Convention of Alcoholics Anonymous	\$0	\$0	Consider.
J(11)	Change to Membership of the Budget Advisory Committee	\$0	\$0	Consider.
J(12)	Revised Request to Dispense Voluntary Contribution from Shoppers Drug Mart for Streetscaping and Business Improvement Projects - 351 Queen Street East	\$0	\$(16,391.27)	Consider. See FIS.
J(13)	Noise By-law Exemption for King and Queen Festival and Pan Alive as Part of the 2005 Caribana Festival	\$0	\$0	Consider.
J(14)	Residential Demolition Application – 50 Gerrard Street East (Toronto Centre-Rosedale, Ward 27)	\$0	\$0	See Report attached to Motion.

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
J(15)	Ontario Municipal Board Hearing – Appeal of Committee of Adjustment Decision - 386 Dundas Street East and 388 Dundas Street East	\$0	\$0	See Report attached to Motion.
J(16)	Land Transaction Respecting 20 Gothic Avenue	\$246,000	\$504,000	See Report attached to Motion and FIS.
J(17)	St. Matthew's Catholic Church - Our Lady of Light Festival	\$0	\$0	Consider.
J(18)	Request for Additional Municipal Licensing and Standards Officer(s)	\$25,000	\$50,000 up to \$3.3 million	Refer to Standing Committee. See FIS.
J(19)	Education Campaign Respecting Tree Care and Maintenance	\$0.35 million to \$1 million	\$0	Refer to Standing Committee. See FIS.
J(20)	Review of the Community Partnership and Investment Program (CPIP)	\$0	\$0	Consider.
J(21)	Request to Waive Fees Associated with Street Closures for the Highland Creek Heritage Day Festival and Parade, June 18, 2005	\$25,000	\$0	Refer to Standing Committee. See FIS.

FISCAL IMPACT STATEMENT 1 [Notice of Motion I(1)]
(See Minute 7.78, Page 99)

Financial Implications:

Operating

Current year impacts: \$ 10,000 Future year impacts: \$ _____

Future years
 Following year

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

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

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

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)

Debt service costs: \$ _____ (net)

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – I(1) The cost for public consultation process is estimated to be \$10,000.00. City Planning Division staff be requested to include in their report to the Economic Development and Parks Committee, the related costs associated with the recommended models for a Graffiti Art Area.

- Consider Refer to Standing Committee

Submitted by: _____
 Deputy City Manager and Chief Financial Officer

Date: June 15, 2005

**FISCAL IMPACT STATEMENT 2 [Notice of Motion J(2)]
(See Minute 7.80, Page 103)**

Financial Implications:

Operating

Current year impacts: (\$635.47) Future year impacts: _____

Future years
 Following year

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

Budget adjustments: \$ _____

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

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

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)
 Debt service costs: \$ _____ (net)

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(2) –Should City Council approve the variance from the former City of York Sign By-law and authorize the increase in sign dimensions, the additional revenue to the City would be \$635.47.

- Consider Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: June 15, 2005

FISCAL IMPACT STATEMENT 3 [Notice of Motion J(7)]
(See Minute 7.84, Page 111)

Financial Implications:

Operating

Current year impacts: \$75,000.00 Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved operating budget	<input checked="" 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

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

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

Budget adjustments: \$ _____ (net)

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 - J(7) - To obtain Council's authorization to waive fees for the Taste of Lawrence Festival. This event would incur costs across multiple City programs, including Transportation Services, Police Services and the TTC. Cost estimates include Transportation Services, including signage, road cleanup, barricades, staff overtime (\$45,000), paid duty and administration fees for Police Services (\$15,000) and TTC route diversions (\$15,000). These costs, except for staff overtime, are usually recovered from the community organization involved. As a matter of policy and precedence and related to the large number of similar events per year City-wide, it is not recommended that these costs be waived. It is recommended that the issue be forwarded to Standing Committee for consideration.

- Consider Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: June 15, 2005

**FISCAL IMPACT STATEMENT 4 [Notice of Motion J(12)]
(See Minute 7.89, Page 118)**

Financial Implications:

Operating

Current year impacts: \$ _____ Future year impacts: \$ _____

Future years
 Following year

Funding sources (specify):

Accommodation within approved operating budget Third party funding
 New revenues Tax rate impact
 Reserve/Reserve Fund contributions Other

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: (\$16,391.27) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

Accommodation within approved capital budget Third party funding
 New revenues Debt
 Reserve/Reserve Fund contributions Other

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)
 Debt service costs: \$ _____ (net)

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(12) –The revenue to be received is \$16,391.27 in a voluntary contribution from Shoppers Drug Mart to be used for business improvement and promotion projects in the area near Queen Street East and Parliament Street; net cost to the City is zero.

- Consider Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: June 15, 2005

FISCAL IMPACT STATEMENT 5 [Notice of Motion J(16)]
(See Minute 7.93, Page 125)

Financial Implications:

<input checked="" type="checkbox"/> Operating
<input checked="" type="checkbox"/> Current year impacts: <u>\$246,000.00</u> (net)
<input type="checkbox"/> Future year impacts: \$ _____ (net)
<input type="checkbox"/> Following year
<input type="checkbox"/> Future years
<input checked="" type="checkbox"/> Funding sources (specify):
<input type="checkbox"/> Accommodation within approved operating budget
<input type="checkbox"/> New revenues
<input type="checkbox"/> Reserve/Reserve Fund contributions
<input checked="" type="checkbox"/> Other (Cash receipts from sale of land)
<input type="checkbox"/> Third party funding
<input type="checkbox"/> Tax rate impact
<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: <u>\$504,000.00</u> (net)
<input type="checkbox"/> Future year impacts: \$ _____ (net)
<input type="checkbox"/> Following year
<input type="checkbox"/> Future years
<input checked="" type="checkbox"/> Funding sources (specify):
<input type="checkbox"/> Accommodation within approved capital budget
<input type="checkbox"/> New revenues
<input type="checkbox"/> Reserve/Reserve Fund contributions
<input checked="" type="checkbox"/> Other (completion of capital improvements; transfer of additional lands)
<input type="checkbox"/> Third party funding
<input type="checkbox"/> Debt
<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 – J(16) – For further information, please review financial impact statement within staff report attached to this notice of Motion. As discussed in the subsequent section of the financial impact statement, a \$160,000.00 development charge credit is proposed to be approved based on the fact that the developer, at its own expense, is to construct storm water management works, which is typically accounted for within any/all development charges. As such, the development charge credit ensures that the costs associated with the sanitary sewer, water and storm water management services are not duplicated.

- Consider
- Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: June 15, 2005

FISCAL IMPACT STATEMENT 6 [Notice of Motion J(18)]
(See Minute 7.95, Page 129)**Financial Implications:**

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>25,000</u>	<input checked="" type="checkbox"/> Future year impacts: <u>\$50,000 up \$3.3 million</u>
	<input type="checkbox"/> Future years
	<input type="checkbox"/> Following year
<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 checked="" type="checkbox"/> Impact on staffing levels: <u>1 - 44</u> (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):

Notice of Motion – J(18) – Councillor Mammoliti's budget is fully committed. The annual salary and benefits of a Municipal Licensing and Standards Officer is \$75,000. Should Council decide to hire the Officer in September of this year, the budget impact would be \$25,000 in 2005 (four months impact), and \$50,000 in 2006 (8 months impact). As per City policy, pre-approvals for Operating Budgets cannot be completed for future years, thus the matter could be referred to Planning and Transportation Committee and Budget Advisory Committee for consideration with the 2006 Operating Budget.

- Consider Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: June 15, 2005

**FISCAL IMPACT STATEMENT 7 [Notice of Motion J(19)]
(See Minute 7.96, Page 132)**

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>350K – 1M</u> (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input checked="" 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 checked="" type="checkbox"/> Impact on staffing levels: <u>TBD</u> (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):

Notice of Motion – J(19) – Funding is not currently available in the Parks, Forestry and Recreation Operating Budget for a public education campaign relating to private tree care. Based on the length and depth of such an awareness campaign, the estimated costs would range from \$0.350M to well over \$1M. The resulting campaign would further exacerbate pressure on Forestry Services, where responses to an application under the Private Tree By-law now average 3 weeks to 30 days.

- Consider
- Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: June 15, 2005

FISCAL IMPACT STATEMENT 8 [Notice of Motion J(21)]
(See Minute 7.98, Page 136)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
Current year impacts: \$25,000.00	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input checked="" type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input checked="" 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	
<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):

Notice of Motion – J(21) – To obtain Council's authorization to waive fees for the Highland Creek Heritage Festival and Parade. This event would incur costs across multiple City programs, including Transportation Services, Police Services and the TTC. Cost estimates include Transportation Services, including signage, road cleanup, barricades, staff overtime (\$15,000), paid duty and administration fees for Police Services (\$5,000) and TTC route diversions (\$5,000). These costs, except for staff overtime, are usually recovered from the community organization involved. As a matter of policy and precedence and related to the large number of similar events per year City-wide, it is not recommended that these costs be waived. It is recommended that the issue be forwarded to Standing Committee for consideration.

- Consider
- Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: June 15, 2005