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These Minutes are to be confirmed by City Council.

## **MINUTES OF THE COUNCIL OF THE CITY OF TORONTO**

**TUESDAY, JULY 19, 2005,  
WEDNESDAY, JULY 20, 2005,  
THURSDAY, JULY 21, 2005 AND  
TUESDAY, JULY 26, 2005**

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

### **CALL TO ORDER - 9:37 a.m.**

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

The meeting opened with O Canada.

### **8.2 CONFIRMATION OF MINUTES**

Councillor Del Grande, seconded by Councillor Carroll, moved that the Minutes of the Council meeting held on June 14, 15 and 16, 2005, be confirmed in the form supplied to the Members, which carried.

### **8.3 PETITIONS**

Councillor Augimeri submitted the following Petitions in support of a Splash Pad/Water Play Area to be built outside the Ancaster Community Centre:

- (September 30, 2004) containing approximately 69 form letters from parents of children who attend the Downsview Elementary School; and
- (January 25, 2005) containing approximately 38 form letters from the parents, staff and students of the Ancaster Community.

Council received the Petitions.

#### 8.4 **ENQUIRY AND ANSWER**

Council had before it the following:

- (1) Enquiry (July 5, 2005) from Councillor Michael Walker, regarding the City's Tsunami Relief Effort (See Attachment 1, Page 302); and
- (2) Answer (July 14, 2005) from Mayor David Miller (See Attachment 2, Page 304).

Council received the Enquiry and Answer.

#### **PRESENTATION OF REPORTS**

- 8.5 Councillor Di Giorgio presented the following Reports for consideration by Council:

Deferred Clauses from June 14, 15 and 16, 2005:

Administration Committee Report 5, Clause 18a  
Etobicoke York Community Council Report 5, Clauses 7a, 15a and 16a  
Toronto and East York Community Council Report 5, Clause 18a

New Committee Reports:

Policy and Finance Committee Report 7  
Administration Committee Report 6  
Audit Committee Report 3  
Board of Health Report 6  
Community Services Committee Report 6  
Economic Development and Parks Committee Report 7  
Planning and Transportation Committee Report 6  
Works Committee Report 7

New Community Council Reports:

Etobicoke York Community Council Report 6  
North York Community Council Report 6  
Scarborough Community Council Report 6  
Toronto and East York Community Council Report 6

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

## 8.6 **DECLARATIONS OF INTEREST**

Councillor Ashton declared an interest in Administration Committee Report 6, Clause 7, headed “Actuarial Valuation - Toronto Civic Employees’ Pension and Benefit Fund as of December 31, 2004”, in that his father-in-law is a member of the subject pension fund.

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

Councillor Giambrone declared an interest in Toronto and East York Community Council Report 6, Clause 72, headed “Supplementary Report – Rezoning Application, 730 Dovercourt Road (Davenport, Ward 18)”, in that his parents own property in the immediate vicinity.

Councillor Shiner declared an interest in Motion J(7), moved by Mayor Miller, seconded by Deputy Mayor Bussin, respecting the Memorandum of Agreement between the City of Toronto and Toronto Civic Employees’ Union, Local 416, CUPE (T.C.E.U., Local 416), in that his son is a seasonal employee with the Parks, Forestry and Recreation Division.

Councillor Shiner also declared an interest in Motion J(26), moved by Councillor Chow, seconded by Deputy Mayor Pantalone, respecting an Appeal of Committee of Adjustment Decision – 400 Wellington Street West, in that his family owns property in the immediate vicinity.

## **CONSIDERATION OF REPORTS**

### **CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION**

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

Administration Committee Report 5, Clause 18a

Etobicoke York Community Council Report 5, Clauses 7a, 15a and 16a

Toronto and East York Community Council Report 5, Clause 18a

Policy and Finance Committee Report 7, Clauses 2, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 31, 32, 35, 36, 38, 39, 40, 42, 43, 44, 51, 52, 53, 55 and 56

Administration Committee Report 6, Clauses 3, 9, 14, 20, 21, 26 and 28

Audit Committee Report 3, Clauses 1, 4, 8 and 12

Board of Health Report 6, Clause 1

Community Services Committee Report 6, Clauses 3, 4, 5, 11, 13, 17, 18 and 19

Economic Development and Parks Committee Report 7, Clauses 1, 2, 3, 7, 8, 9, 10, 12, 14, 15, 16, 17, 20 and 22

Planning and Transportation Committee Report 6, Clauses 2, 4, 6 and 8

Works Committee Report 7, Clauses 3, 4, 5, 6, 7, 8, 9, 11, 13, 14 and 16

Etobicoke York Community Council Report 6, Clauses 1, 2, 3, 8, 21 and 27

North York Community Council Report 6, Clauses 6, 8, 9, 22, 23, 24, 25, 26 and 27

Scarborough Community Council Report 6, Clauses 13 and 15

Toronto and East York Community Council Report 6, Clauses 1, 2, 4, 8, 11, 13, 20, 28, 67, 68, 72, 73 and 75

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

Etobicoke York Community Council Report 5, Clauses 15a and 16a

Policy and Finance Committee Report 7, Clauses 7, 9, 10, 12, 16, 17, 18, 25, 35, 43, 52 and 53

Audit Committee Report 3, Clause 1

Board of Health Report 6, Clause 1

Community Services Committee Report 6, Clause 11

Economic Development and Parks Committee Report 7, Clauses 1, 16, 17 and 22

Planning and Transportation Committee Report 6, Clause 8

Works Committee Report 7, Clauses 5, 11 and 14

North York Community Council Report 6, Clauses 6 and 9

Toronto and East York Community Council Report 6, Clauses 2, 4, 11 and 68

**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:

Policy and Finance Committee Report 7, Clause 1 (See Minute 8.29, Page 32).

Policy and Finance Committee Report 7, Clause 45 (See Minute 8.94, Page 138).

Toronto and East York Community Council Report 6, Clause 49 (See Minute 8.52, Page 58).

Toronto and East York Community Council Report 6, Clause 56 (See Minute 8.43, Page 53).

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

**8.8 Administration Committee Report 6, Clause 9, headed “Policy for Access to Information to Members of Council at Various Stages of the Procurement Process”.**

*Motion:*

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

“That the Treasurer be directed to review procurement best practices with respect to Request for Proposal scoring, monitoring and evaluation, within the Greater Toronto Area and the Toronto Transit Commission, and report to the Administration Committee in November 2005, with his research and recommendations.”

*Votes:*

The motion by Councillor Balkissoon carried.

The Clause, as amended, carried.

**8.9 Community Services Committee Report 6, Clause 5, headed “Status Report on Child Care Subsidy Spaces for 2005”.**

*Motion:*

Councillor Mihevc moved that the Clause be amend by adding the following:

“That Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report (July 18, 2005) from the General Manager, Children’s Services Division:

‘It is recommended that:

- (1) the Children’s Services Division be authorized to receive funds allocated to the City under the provincial Best Start Plan for 2005/2006;
- (2) the General Manager report back to the September 2005 Community Services Committee and Policy and Finance Committee on the implementation of Best Start, including the specific allocation to the City, budget adjustments for 2005 and the impact on the future year budgets;
- (3) authority be granted to the Children’s Services Division to increase fee subsidy spaces at no net costs to the City in accordance with the 2005-2009 Child Care Service Plan and the Best Start Guidelines; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

*Votes:*

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

**8.10 Community Services Committee Report 6, Clause 13, headed “Kids @ Computers Scholarship Project - Impacts, Outreach and Recognition”.**

The Clause was submitted without recommendation.

*Motion:*

Councillor Pitfield moved that Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report (July 11, 2005) from the Chief Corporate Officer:

“It is recommended that:

- (1) the Toronto Children's Breakfast Club be directed to contact Computers for Schools Ontario in accordance with the City of Toronto's technology asset disposal policy in order to request a donation of surplus computers; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

*Votes:*

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

**8.11 Economic Development and Parks Committee Report 7, Clause 20, headed "Appointments to the Toronto Centre for the Arts Board of Directors".**

*Motion:*

Deputy Mayor Feldman 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 (July 11, 2005) from the Deputy City Manager:

'It is recommended that:

- (1) Council repeal By-law 149-2000 and reinvest in the Toronto Centre for the Arts Board of Directors the powers of the Board currently assumed by Council; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction in Council of any Bills that may be required.' "

*Votes:*

The motion by Deputy Mayor Feldman carried.

The Clause, as amended, carried.

**8.12 Planning and Transportation Committee Report 6, Clause 4, headed "Temporary Sign By-law - Principles and Proposed By-law Provisions for a City-Wide A-Frame and Mobile Signs By-law".**

*Motion:*

Councillor Moscoe moved that the Clause be amended by amending the definition of “school”, contained in Appendix H, entitled “Charitable and Religious Institutions, Community Organizations and Schools”, attached to the report (June 13, 2005) from the Executive Director, Municipal Licensing and Standards, by deleting Part (3) and inserting instead the following:

“(3) ‘school’ means a ‘school’ or a ‘private school’ as defined in the *Education Act*:

School:

- (a) the body of elementary school pupils or secondary school pupils that is organized as a unit for educational purposes under the jurisdiction of the appropriate board; or
- (b) the body of pupils enrolled in any of the elementary or secondary school courses of study in an educational institution operated by the Government of Ontario;

and includes the teachers and other staff members associated with the unit or institution and the lands and premises used in connection with the unit or institution.

Private School:

an institution at which instruction is provided at any time between the hours of 9:00 a.m. and 4:00 p.m. on any school day for five or more pupils who are of or over compulsory school age in any of the subjects of the elementary or secondary school courses of study and is not defined in (a) or (b).”

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

**8.13 Toronto and East York Community Council Report 6, Clause 1, headed “Final Report - Application to Amend the Rezoning By-law - 66-72 Redpath Avenue (St. Paul’s, Ward 22)”.**

*Motion:*



Councillor Walker moved that the Clause be amended in accordance with the following staff recommendation contained in the Recommendation Section of the supplementary report (July 13, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that City Council amend Toronto and East York Community Council Report 6, Clause 1, by deleting Recommendation (3) [contained in the report (June 15, 2005) from the Director, Community Planning, South District] and replacing it with the following:

‘(3) require the applicant, prior to the issuance of a building permit, to enter into a Site Plan Agreement under Section 41 of the *Planning Act*;’.”

*Votes:*

The motion by Councillor Walker carried.

The Clause, as amended, carried.

**8.14 Toronto and East York Community Council Report 6, Clause 20, headed “Request for Approval of a Variance to Chapter 297, Signs, of the former City of Toronto Municipal Code - 90 Shuter Street (Toronto Centre-Rosedale, Ward 27)”.**

*Motion:*

Councillor Rae moved that the Clause be amended by amending the recommendation of the Toronto and East York Community Council so that it now reads as follows:

“The Toronto and East York Community Council recommends that City Council approve the request for a variance to permit a fascia sign for third party advertising purposes, on the north elevation of the 11-storey building at 90 Shuter Street, on condition that the sign be non-illuminated.”

*Votes:*

The motion by Councillor Rae carried.

The Clause, as amended, carried.

**8.15 Toronto and East York Community Council Report 6, Clause 13, headed “Inclusion of Three Properties on the City of Toronto Inventory of Heritage Properties - Garrison Common North Area Study - 107 Atlantic Avenue; 7 Fraser Avenue and 89 Niagara Street (Parkdale-High Park, Ward 14 and Trinity-Spadina, Ward 19)”.**

*Motion:*

Deputy Mayor Pantalone moved that the Clause be amended by referring the following Part (a) of Recommendation (1) of the Toronto and East York Community Council, back to the Toronto and East York Community Council for further consideration at its meeting on September 19, 2005:

“(a) 107 Atlantic Avenue (Bradshaw and Company Factory);”.

*Votes:*

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

8.16 **Toronto and East York Community Council Report 6, Clause 67, headed “Requests for Endorsement of Events for Liquor Licensing Purposes (Trinity-Spadina, Wards 19 and 20; Toronto Centre-Rosedale, Ward 28 and Beaches-East York, Ward 32)”.**

*Motions:*

(a) Councillor Rae moved that the Clause be amended by amending the Recommendations of the Toronto and East York Community Council by:

(1) amending Part (c) of Recommendation (1) by revising the request for extension times for the following restaurants from 11:00 a.m. to 9:00 p.m. on Saturday, September 10, 2005 and 11:00 a.m. to 6:00 p.m. on Sunday, September 11, 2005, to 11:00 a.m. to 11:00 p.m. on Saturday, September 10, 2005 and 11:00 a.m. to 9:00 p.m. on Sunday, September 12, 2005:

- Johnny G’s, 488 Parliament Street;
- Cabbagepatch Pub & Restaurant, 488-490 Parliament Street;
- Pear Tree, 507 Parliament Street;
- Big Mamma’s Boy, 554 Parliament Street;
- Timothy’s Tikka House, 556 Parliament Street;
- Attitude Bar & Fine Fare, 580 Parliament Street; and
- Cranberries Bar and Grill, 601 Parliament Street;

(2) adding to Recommendation (1), the following event:

“the 2nd Annual Church Street Fetish Fair taking place on Sunday, August 21, 2005 from 12:00 noon until 10:00 p.m. and advise the Alcohol and Gaming Commission of Ontario that it has no objection to the request of the Church-Wellesley Village BIA to extend the service boundaries to the sidewalk of all licensed establishments within the Church-Wellesley Village BIA for the duration of this event”; and

(3) adding the following Recommendation (3):

“(3) declare the 30th Toronto International Film Festival taking place at various locations from September 8, 2005, to September 17, 2005, inclusive, to be an event of international, national and municipal significance and indicate that it has no objection to its taking place; nor to the granting of an extension of operating hours until 4:00 a.m. of the following establishments for the duration of the event:

- Rosewater, 19 Toronto Street;
- The Drake Hotel, 1150 Queen Street West;
- Flow Restaurant and Lounge, 133 Yorkville Avenue; and
- Monsoon Restaurant, 100 Simcoe Street.”

(b) Councillor Davis moved that the Clause be amended:

(1) by amending Part (d) of Recommendation (1) of the Toronto and East York Community Council to now read as follows:

“(d) Fiera 2005, taking place on August 26, 2005 from 7:00 p.m. to 12:00 midnight, and August 27, 2005 from 12:00 noon to 12:00 midnight on College Street between Shaw Street and Euclid Avenue, and advise the Alcohol and Gaming Commission that it has no objection to the following restaurants being granted an extension of their liquor licences to permit the sale and serving of alcohol on their patios to 12:00 midnight for the duration of this event:

- Il Gatto Nero – 720 College Street;
- Alto Basso – 718 College Street;
- Sicilian Sidewalk Café – 710 College Street;
- Bella Vista – 660 College Street;
- Li’ly – 656 College Street;
- Golden Wheat Bakery and Pastry – 652 College Street;
- Veni Vidi Vici – 650 College Street;
- Eat My Martini – 648 College Street;
- Bruyea Bothers Restaurant – 640 College Street;
- Urban Thai – 638 College Street;
- Souza Dal – 636 College Street;
- Cupps Coffee House – 622 College Street;
- Sutra Lounge – 612 College Street;
- Coco Lezzone – 602 College Street;
- Tempo – 596 College Street;
- L’Angolino – 50 Clinton Street;
- Café Diplomatico – 594 College Street;
- Sintra Wine Bar and Grill – 588 College Street;
- Utopia – 586 College Street;

- Brasserie Aix – 584 College Street;
- Bar Italia – 582 College Street;
- Orbit – 580 College Street;
- Riviera Bakery – 576 College Street;
- Marlowe – 558 College Street;
- Motoretta – 554 College Street;
- The Midtown – 552 College Street;
- Revival – 783 College Street;
- Viseau Restaurant – 705 College Street;
- Pizza Nova – 703 College Street;
- Sushi Bon, 695 College Street;
- Tavola Calda – 671 College Street;
- Tilt Lounge – 669 College Street;
- Standard Club – 667 College Street;
- Vivoli – 665 College Street;
- Mona’s Shawarma Falafel and Vegetables–661 College Street;
- The Fish Store – 657 College Street;
- La Porta Aperta – 651 College Street;
- Sammy Joe’s / Scarfos – 647 College Street;
- Giovanna Trattoria/Pizzeria – 637 College Street;
- Ichiban Sushi – 635 College Street;
- Zumo Juice Bar/The Pita Place – 619 College Street;
- La Forchetta Ristorante – 613 College Street;
- Wild Indigo – 607 College Street;
- Udeal Hotels and Restaurant Supplies – 599 College Street;
- Capital Trattoria – 597 College Street;
- Trattoria Giancarlo;
- Sotto Voce – 595 College Street;
- Animal Kingdom for Kids – 593 College Street;
- John’s Classic Pizza – 591 College Street;
- Temptation – 589 College Street;
- Butt’rn – 587 College Street;
- Southside Loue’s – 583 College Street;
- Joya Gourmet Grille & Wine Bar - 577 College Street;
- Liquids Lounge – 577a College Street;
- Ted’s Collision and Repair Dining Room - 573 College Street;
- Sushi Island – 571 College Street;
- Paaeez – 569 College Street;
- Sensual Café Lounge – 565 College Street;
- Shallow Groove – 559 College Street;
- Perla Restaurant – 539 College Street;
- El Bodegon – 537 College Street;
- The Mod Club – 722 College Street;
- Beba – 624 College Street;
- Sutra – 626 College Street;

- Bo Diana's Burgers – 628 College Street;
  - Vecchio Frak – 692 College Street; and
  - Ichibon Sushi, 635 College Street;”; and
- (2) by adding to Recommendation (1) of the Toronto and East York Community Council, the following events:
- “- Argo Streets Fests, taking place on Monday, August 1, 2005, Saturday, September 10, 2005 and Monday, October 10, 2005 on Bremner Boulevard; and
  - Royal Agricultural Winter Fair taking place on November 2, 2005 to November 13, 2005, at The National Trade Centre, Exhibition Place”; and
- (3) to provide that the Alcohol and Gaming Commission of Ontario be advised that the City of Toronto has no objection to the Kabin Music Lounge, 214-216 Adelaide Street West being permitted to sell and serve alcohol on an outside area of their facility from 8:00 p.m. to 2:00 a.m. for the duration of the Caribana weekend from Friday, July 29 to Sunday, July 31, 2005.

*Votes:*

Motion (a) by Councillor Rae and motion (b) by Councillor Davis carried.

The Clause, as amended, carried.

*Motion to Re-Open:*

Councillor Watson, 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:*

- (c) Councillor Watson moved that the Clause be further amended to provide that the Alcohol and Gaming Commission of Ontario be advised that the City of Toronto has no objection to the Ontario Steelpan Association being permitted to sell and serve alcohol at its Pan Alive event on Friday, July 29, 2005 at Lamport Stadium, 1155 King Street West, from 7:00 p.m. to 12:00 midnight.
- (d) Councillor Mihevc moved that the Clause be further amended to provide that the Alcohol and Gaming Commission of Ontario be advised that the City of Toronto has no objection to the change in date for Caribana 2005, now to be held on Saturday,

July 30, 2005 at Exhibition Place.

*Votes:*

Motion (c) by Councillor Watson and motion (d) by Councillor Mihevc carried.

The Clause, as further amended, carried.

*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.

*Motion:*

- (e) Deputy Mayor Pantalone moved that the Clause be further amended by adding to Recommendation (1) of the Toronto and East York Community Council, the following event:

“ ‘Ear to the Ground’ taking place on Friday, September 16, 2005 from 5:00 p.m. to 11:00 p.m., Saturday, September 17, 2005 from 11:00 a.m. to 11:00 p.m., and Sunday, September 18, 2005 from 1:00 p.m. to 8:00 p.m. at Exhibition Place at the Bandshell, Centennial Square and the Better Living Centre.”

*Votes:*

Motion (e) by Deputy Mayor Pantalone carried.

The Clause, as further amended, carried.

Deputy Mayor Bussin in the Chair.

*Motion to Re-Open:*

Councillor Davis, 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:*

- (f) Councillor Davis moved that the Clause be further amended by adding to Recommendation (1) of the Toronto and East York Community Council, the

following event:

“SummerWorks Theatre Festival, taking place on August 4 to 14, 2005, and advise the Ontario Alcohol and Gaming Commission that it has no objection to the Factory Theatre, 125 Bathurst Street being granted a temporary liquor licence extension to encompass the outdoor courtyard in conjunction with this event.”

*Votes:*

Motion (f) by Councillor Davis 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 by:

- (1) amending Part (c) of Recommendation (1) by revising the request for extension times for the following restaurants from 11:00 a.m. to 9:00 p.m. on Saturday, September 10, 2005 and 11:00 a.m. to 6:00 p.m. on Sunday, September 11, 2005, to 11:00 a.m. to 11:00 p.m. on Saturday, September 10, 2005 and 11:00 a.m. to 9:00 p.m. on Sunday, September 12, 2005:
  - Johnny G's, 488 Parliament Street;
  - Cabbagepatch Pub & Restaurant, 488-490 Parliament Street;
  - Pear Tree, 507 Parliament Street;
  - Big Mamma's Boy, 554 Parliament Street;
  - Timothy's Tikka House, 556 Parliament Street;
  - Attitude Bar & Fine Fare, 580 Parliament Street; and
  - Cranberries Bar and Grill, 601 Parliament Street;
  
- (2) amending Part (d) of Recommendation (1) so that it now reads as follows
  - “(d) Fiera 2005, taking place on August 26, 2005 from 7:00 p.m. to 12:00 midnight, and August 27, 2005 from 12:00 noon to 12:00 midnight on College Street between Shaw Street and Euclid Avenue, and advise the Alcohol and Gaming Commission that it has no objection to the following restaurants being granted an extension of their liquor licences to permit the sale and serving of alcohol on their patios to 12:00 midnight for the duration of this event:
    - Il Gatto Nero – 720 College Street;
    - Alto Basso – 718 College Street;
    - Sicilian Sidewalk Café – 710 College Street;
    - Bella Vista – 660 College Street;

- Li'ly – 656 College Street;
- Golden Wheat Bakery and Pastry – 652 College Street;
- Veni Vidi Vici – 650 College Street;
- Eat My Martini – 648 College Street;
- Bruyera Bothers Restaurant – 640 College Street;
- Urban Thai – 638 College Street;
- Souz Dal – 636 College Street;
- Cupps Coffee House – 622 College Street;
- Sutra Lounge – 612 College Street;
- Coco Lezzone – 602 College Street;
- Tempo – 596 College Street;
- L'Angolino – 50 Clinton Street;
- Café Diplomatico – 594 College Street;
- Sintra Wine Bar and Grill – 588 College Street;
- Utopia – 586 College Street;
- Brasserie Aix – 584 College Street;
- Bar Italia – 582 College Street;
- Orbit – 580 College Street;
- Riviera Bakery – 576 College Street;
- Marlowe – 558 College Street;
- Motoretta – 554 College Street;
- The Midtown – 552 College Street;
- Revival – 783 College Street;
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- Pizza Nova – 703 College Street;
- Sushi Bon, 695 College Street;
- Tavola Calda – 671 College Street;
- Tilt Lounge – 669 College Street;
- Standard Club – 667 College Street;
- Vivoli – 665 College Street;
- Mona's Shawarma Falafel and Vegetables – 661 College Street;
- The Fish Store – 657 College Street;
- La Porta Aperta – 651 College Street;
- Sammy Joe's / Scarfos – 647 College Street;
- Giovanna Trattoria/Pizzeria – 637 College Street;
- Ichiban Sushi – 635 College Street;
- Zumo Juice Bar/The Pita Place – 619 College Street;
- La Forchetta Ristorante – 613 College Street;
- Wild Indigo – 607 College Street;
- Udeal Hotels and Restaurant Supplies – 599 College Street;
- Capital Trattoria – 597 College Street;
- Trattoria Giancarlo;
- Sotto Voce – 595 College Street;
- Animal Kingdom for Kids – 593 College Street;
- John's Classic Pizza – 591 College Street;



- Temptation – 589 College Street;
- Butt’rn – 587 College Street;
- Southside Loue’s – 583 College Street;
- Joya Gourmet Grille & Wine Bar - 577 College Street;
- Liquids Lounge – 577a College Street;
- Ted’s Collision and Repair Dining Room - 573 College Street;
- Sushi Island – 571 College Street;
- Paaeez – 569 College Street;
- Sensual Café Lounge – 565 College Street;
- Shallow Groove – 559 College Street;
- Perla Restaurant – 539 College Street;
- El Bodegon – 537 College Street;
- The Mod Club – 722 College Street;
- Beba – 624 College Street;
- Sutra – 626 College Street;
- Bo Diana’s Burgers – 628 College Street;
- Vecchio Frak – 692 College Street; and
- Ichibon Sushi, 635 College Street;

(3) adding the following Parts (f) to (j) to Recommendation (1):

- “(f) Argo Streets Fests, taking place on Monday, August 1, 2005, Saturday, September 10, 2005 and Monday, October 10, 2005 on Bremner Boulevard;
- (g) SummerWorks Theatre Festival, taking place on August 4 to 14, 2005, and advise the Ontario Alcohol and Gaming Commission that it has no objection to the Factory Theatre, 125 Bathurst Street being granted a temporary liquor licence extension to encompass the outdoor courtyard in conjunction with this event;
- (h) the 2nd Annual Church Street Fetish Fair taking place on Sunday, August 21, 2005 from 12:00 noon until 10:00 p.m. and advise the Alcohol and Gaming Commission of Ontario that it has no objection to the request of the Church-Wellesley Village BIA to extend the service boundaries to the sidewalk of all licensed establishments within the Church-Wellesley Village BIA for the duration of this event; and
- (i) ‘Ear to the Ground’ taking place on Friday, September 16, 2005 from 5:00 p.m. to 11:00 p.m., Saturday, September 17, 2005 from 11:00 a.m. to 11:00 p.m., and Sunday, September 18, 2005 from 1:00 p.m. to 8:00 p.m. at Exhibition Place at the Bandshell, Centennial Square and the Better Living Centre; and
- (j) Royal Agricultural Winter Fair taking place on November 2, 2005 to November 13, 2005, at The National Trade Centre, Exhibition Place; and

- (4) adding the following new Recommendations (3) and (4):
- “(3) advise the Alcohol and Gaming Commission of Ontario that it has no objection to the following:
- (i) the change in date for Caribana 2005 now to be held on Saturday, July 30, 2005 at Exhibition Place, and indicate that it has no objection to this change in date;
  - (ii) Kabin Music Lounge, 214-216 Adelaide Street West being permitted to sell and serve alcohol on an outside area of their facility from 8:00 p.m. to 2:00 a.m. for the duration of the Caribana weekend from Friday, July 29 to Sunday, July 31, 2005; and
  - (iii) Ontario Steelpan Association being permitted to sell and serve alcohol at its Pan Alive event on Friday, July 29, 2005 at Lamport Stadium, 1155 King Street West, from 7:00 p.m. to 12:00 midnight; and
- (4) declare the 30th Toronto International Film Festival taking place at various locations from September 8, 2005, to September 17, 2005, inclusive, to be an event of international, national and municipal significance and indicate that it has no objection to its taking place; nor to the granting of an extension of operating hours until 4:00 a.m. of the following establishments for the duration of the event:
- Rosewater, 19 Toronto Street;
  - The Drake Hotel, 1150 Queen Street West;
  - Flow Restaurant and Lounge, 133 Yorkville Avenue; and
  - Monsoon Restaurant, 100 Simcoe Street.”

Mayor Miller in the Chair.

**8.17 Toronto and East York Community Council Report 6, Clause 73, headed “Info Pillar Signage - Site Specific Exemption from Chapter 297, Signs, of the former City of Toronto Municipal Code and Metro By-laws 118 and 211-79 (St. Paul’s, Ward 22 and Toronto-Danforth, Ward 29)”.**

*Motion:*

Councillor Walker moved that the Clause be amended by referring the ground sign proposed for the Yonge Lawton Parkette back to the Toronto and East York Community Council, to allow the Ward Councillor to consult with local residents.

*Votes:*

The motion by Councillor Walker carried.

The Clause, as amended, carried.

**8.18 Toronto and East York Community Council Report 6, Clause 68, headed “Road Alterations and Traffic Regulations for the St. Clair Avenue West Transit Improvement Project – St. Clair Avenue West, between Yonge Street and Tweedsmuir Avenue (St. Paul’s, Ward 21 and Ward 22)”.**

*Vote:*

The Clause was adopted, without amendment.

*Motion to Re-Open:*

Councillor Palacio, 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.

*Vote:*

The Clause was adopted, without amendment.

**8.19 Administration Committee Report 5, Clause 18a, headed “Other Items Considered by the Committee”.**

*Procedural Motion:*

Councillor Lindsay Luby moved that Council waive the necessary provisions of Chapter 27 of the City of Toronto Municipal Code, in order to consider Item (h), entitled “Recorded Vote Participation”, the vote upon which was taken as follows:

Yes - 29	
Mayor:	Miller
Councillors:	Altobello, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Fillion, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Moscoe, Nunziata, Palacio, Pitfield, Saundercook, Soknacki, Stintz, Thompson, Watson
No - 7	
Councillors:	Bussin, Di Giorgio, Feldman, Ford, Ootes, Pantalone, Shiner

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

*Motion:*

- (a) Councillor Lindsay Luby moved that Item (h), entitled “Recorded Vote Participation”, be received and that no action be taken with respect to this Item.

*Vote Be Now Taken:*

Councillor Soknacki 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 - 22	
Councillors:	Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Kelly, Lindsay Luby, Moscoe, Pantalone, Pitfield, Saundercook, Soknacki, Stintz, Thompson
No - 13	
Mayor:	Miller
Councillors:	Altobello, Balkissoon, Ford, Grimes, Holyday, Jenkins, Li Preti, Mammoliti, Milczyn, Nunziata, Palacio, Watson

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

*Motions:*

- (b) Councillor Moscoe moved that Item (h), entitled “Recorded Vote Participation”, be amended by adding the following:

“That the City Clerk include in the requested report, information on the number of motions moved by Members of Council and their success and failure rate.”

Deputy Mayor Pantalone in the Chair.

- (c) Councillor Holyday moved that Item (h), entitled “Recorded Vote Participation” be amended by rescinding the following Part (2) of the action taken by the Administration Committee:

“(2) referred the Motion, as amended, to the City Clerk for report back to the Administration Committee for its meeting on September 13, 2005.”

*Votes:*

Adoption of motion (a) by Councillor Lindsay Luby:

Yes - 36 Councillors: Altobello, Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 3 Councillors: Ford, Holyday, Nunziata

Carried by a majority of 33.

Due to the above decision of Council, motion (b) by Councillor Moscoe and motion (c) by Councillor Holyday were not put to a vote.

[Note: The balance of this Clause was received, for information, at the City Council meeting on June 14, 15 and 16, 2005.]

8.20 **Etobicoke York Community Council Report 5, Clause 7a, headed “Application for an Exemption to Toronto Municipal Code, Chapter 447, Fences - 68 Rathburn Road (Ward 4 - Etobicoke Centre)”.**

*Motion:*

Councillor Ford moved that:

- (1) the Clause be amended by deleting the recommendations of the Etobicoke York Community Council; and
- (2) Council adopt the following:

“That this application for exemption from Chapter 447, Fences, be approved.”

*Votes:*

Adoption of the motion by Councillor Ford:

Yes - 3 Councillors: Di Giorgio, Ford, Holyday
No - 29 Councillors: Altobello, Augimeri, Balkissoon, Carroll, Chow,

<p>Cowbourne, Davis, De Baeremaeker, Del Grande, Fletcher, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson</p>
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Lost by a majority of 26.

Adoption of the Clause, without amendment:

<p>Yes - 28 Councillors: Altobello, Augimeri, Balkissoon, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Watson</p>
<p>No - 2 Councillors: Ford, Holyday</p>

Carried by a majority of 26.

**8.21 Toronto and East York Community Council Report 5, Clause 18a, headed “Request for Amendment to Conditions for a Sign – 280 Spadina Avenue - Southwest Corner of Dundas Street and Spadina Avenue (Trinity-Spadina, Ward 20)”.**

The Clause was submitted without recommendation.

*Motions:*

(a) Councillor Chow moved that Council adopt the following:

“That:

- (1) the sign application for 280 Spadina Avenue be approved, subject to the existing digital board, located on top of the fascia sign, being made available to non-profit organizations for public announcements free of charge; the airtime to serve public announcements shall be not less than 12.5 percent of the available air time (720 x 15 seconds spots daily); and

- (2) the Chief Planner and Executive Director, City Planning, in consultation with appropriate staff, report to the Planning and Transportation Committee on a policy for providing funding for public art projects from fees collected from approval of signs.”
- (b) Councillor Moscoe moved that Council adopt the following:
- “That the Planning and Transportation Committee be requested to:
- (1) give consideration to amending the Official Plan to designate Special Signage Areas;
  - (2) consider designating Chinatown and Dundas Square as Special Signage Areas, and request the Chief Planner and Executive Director, City Planning to report to the Planning and Transportation Committee on the following matters:
    - (i) a definition of Chinatown and Dundas Square;
    - (ii) recommended boundaries of Special Signage Areas encompassing these areas; and
    - (iii) appropriate rules governing a Special Signage Area; and
  - (3) conduct any statutory public hearings under the *Planning Act* that may be necessary.”

*Votes:*

Motion (a) by Councillor Chow and motion (b) by Councillor Moscoe carried.

The Clause, as amended, carried.

**8.22 Policy and Finance Committee Report 7, Clause 44, headed “Municipal, Provincial and Federal Funding for Six Affordable Rental Housing Projects under the Affordable Housing Program - Community Rental Housing Funding Pilot Project Component (Wards 7, 27, 28, 31 and 32)”.**

*Motion:*

Councillor Davis moved that the Clause be amended by adding the following Part (f) to Recommendation (4) contained in the report (June 21, 2005) from the General Manager, Shelter, Support and Housing Administration:

- “(f) the Fred Victor Centre work with the prospective owner of 418 Dawes Road and the Ward Councillor to develop a tenant plan to protect the interests of the

existing tenants as a part of the conversion of the building to non-profit management, and that the tenant plan be approved by the General Manager, Shelter, Support and Housing Administration, such plan to form part of the agreements in Recommendation 4(e) above;”.

*Votes:*

The motion by Councillor Davis carried.

The Clause, as amended, carried.

8.23 **Etobicoke York Community Council Report 6, Clause 21, headed “Cruise Motel Sign - Heritage Preservation Services (Ward 6 - Etobicoke-Lakeshore)”.**

*Motion:*

Councillor Milczyn moved that the Clause be amended by adding to the end of Recommendation (3) contained the report (June 3, 2005) from the Director, Transportation Services, Etobicoke York District, the words “or, in consultation with the Ward Councillor, at another location closer to the site of the now demolished Cruise Motel”, so that Recommendation (3) now reads as follows:

- “(3) the proposed sign is located to not interfere with the visibility, operation or maintenance of the traffic control signals at the Lake Shore Boulevard West/Park Lawn Road/ Marine Parade Drive intersection or, in consultation with the Ward Councillor, at another location closer to the site of the now demolished Cruise Motel.”

*Votes:*

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

8.24 **Etobicoke York Community Council Report 6, Clause 1, headed “Final Report - Rezoning Application; Applicant: The Goldman Group, 347 Royal York Road (Ward 6 - Etobicoke-Lakeshore)”.**

*Motion:*

Councillor Grimes moved that the Clause be amended by deleting staff Recommendation (3) contained in the Recommendations Section of the report (June 20, 2005) from the Director, Community Planning, Etobicoke York District, and inserting instead the following:

- “(3) the appropriate City officials be authorized to introduce the necessary Bills to



City Council for enactment.”

*Votes:*

The motion by Councillor Grimes carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

8.25 **Community Services Committee Report 6, Clause 4, headed “Request for Proposal (RFP) No. 3806-04-0246 for the Supply and Delivery of Bunker Suits and to Provide a Care Program for the Bunker Suits”.**

*Motions:*

- (a) Councillor Moscoe moved that the Clause be amended in accordance with the staff recommendations contained in the Recommendations Section of the supplementary report (July 18, 2005) from the Treasurer and the Fire Chief and General Manager.
- (b) Councillor Mihevc moved that motion (a) by Councillor Moscoe be amended by amending Recommendation (8) contained in the supplementary report (July 18, 2005) from the Treasurer and the Fire Chief and General Manager, to now read as follows:

“(8) the City Solicitor be authorized to commence action to protect the City’s interests, including pursuing damages from Innotex Inc., resulting from Innotex Inc.’s failure to provide the bunker suit care program in accordance with its December 2004 proposal to the City, and to report back to Council as appropriate;”.

*Votes:*

Motion (b) by Councillor Mihevc carried.

Motion (a) by Councillor Moscoe, carried, as amended.

The Clause, as amended, carried.

*Summary:*

In summary, Council amended this Clause in accordance with the staff recommendations contained in the Recommendations Section of the supplementary report (July 18, 2005) from the Treasurer and the Fire Chief and General Manager, subject to amending Recommendation (8), so that the recommendations, as amended, now read as follows:

“It is recommended that the recommendations in the Community Services Committee Report 6, Clause 4 be struck and replaced with the following:

- (1) the contract for Supply and Delivery of Bunker Suits (firefighter protective clothing) be awarded to Starfield Lion Company who submitted the proposal having the overall highest scoring based on evaluations, to enter into an agreement, subject to Recommendation (2);
- (2) the appropriate City staff be authorized to negotiate and enter into an agreement for the supply and delivery of bunker suits with Starfield Lion Company. The resulting contract will be for purchase of bunker suits for a five (5) year term for the period from January 1, 2006 to December 31, 2010, total cost to the City is \$3,751,071.00, including all applicable taxes and charges, \$3,522,745.00 net of the GST, in accordance with the requirements of Toronto Fire Services consistent with the RFP, satisfactory to the Fire Chief, the Deputy City Manager/Chief Financial Officer in form and content acceptable to the City Solicitor;
- (3) the contract to provide the care program for fire fighting protective clothing (bunker suits) be awarded to Starfield Lion Company, subject to Recommendation (4);
- (4) the authority be delegated to the Fire Chief and General Manager of Fire Services to negotiate and enter into an agreement with Starfield Lion Company for the care program, resulting in a contract for a five (5) year term for the period from January 1, 2006 to December 31, 2010 at a maximum cost to the City of \$1,777,785.00 including all applicable taxes and charges, \$1,669,572.00 net of the GST, in accordance with the requirements of Toronto Fire Services consistent with the proposal and RFP, satisfactory to the Fire Chief, the Chief Financial Officer and Treasurer in form and content acceptable to the City Solicitor;
- (5) funding for the purchase of the initial order of 2,850 bunker suits for 2006 be provided from the Capital Financing Reserve Fund to a maximum cost of \$3,002,589.00 net of the GST. This amount plus financing charges of \$269,971.00 is to be repaid to the reserve fund from Fire Services' operating budget account FR0019, 6030 - Contributions to Reserves in annual payments of \$654,512.00 beginning with budget approval in 2006 and ending with budget approval in 2010;
- (6) funding for the purchase of up to 115 additional suits for each year from 2007 to 2010 be provided from the Fire Services' operating budget account FR0019, 2665 – Protective Clothing in maximum amounts of \$124,604.00, \$128,156.00, \$131,813.00, and \$135,583.00 for each year respectively said amounts being net of the GST;

- (7) any surplus in the existing operating funds of \$1,192,540.00 for the bunker suit acquisition and care programs in 2006 be used in Fire to fund extraordinary repairs, emergency replacement and maintenance of existing bunker suits used as spares for firefighters, and be used in 2007 to 2010 to fund the 115 annual additional suit acquisitions;
- (8) the City Solicitor be authorized to commence action to protect the City's interests, including pursuing damages from Innotex Inc., resulting from Innotex Inc.'s failure to provide the bunker suit care program in accordance with its December 2004 proposal to the City, and to report back to Council as appropriate; and
- (9) the appropriate City officials are authorized and directed to take the necessary action to give effect thereto."

**8.26 Works Committee Report 7, Clause 4, headed "PM10 and PM2.5 Efficient Street Sweepers for the City of Toronto (All Wards)".**

*Motion:*

Councillor Del Grande 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, six months after the street sweepers have been in place, on the effectiveness of such sweepers."

*Votes:*

The motion by Councillor Del Grande carried.

The Clause, as amended, carried.

**8.27 Community Services Committee Report 6, Clause 3, headed "Process for Condominium Corporations to Make Submissions to Toronto Fire Services Concerning the Recovery of Unpaid Fees by Condominium Corporations to the City".**

*Motion:*

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

"That a copy of the written submissions received from condominium corporations or owners of condominium units and responses from Toronto Fire Services be provided to the respective Councillors."

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

Deputy Mayor Pantalone in the Chair.

**8.28 Policy and Finance Committee Report 7, Clause 2, headed “Implementation of an Affordable Housing Committee of Council”.**

*Motions:*

- (a) Councillor Walker moved that the Clause be amended by adding to Recommendation (1), contained in the report (June 22, 2005) from the City Manager, as amended by the Policy and Finance Committee, the words “subject to amending Option 2 to provide that the review of all proposed affordable developments, and any other developments that require an Official Plan Amendment, rezonings, plans of subdivision and condominiums, site plan control and part lot control exemptions, all remain with the Community Council until the process is complete”, so that Recommendation (1) now reads as follows:

“(1) City Council establish an Affordable Housing Committee according to the terms of reference as attached in Appendix A and Option 2 contained in the report, subject to amending Option 2 to provide that the review of all proposed affordable developments, and any other developments that require an Official Plan Amendment, rezonings, plans of subdivision and condominiums, site plan control and part lot control exemptions, all remain with the Community Council until the process is complete; and”.

- (b) Councillor Mihevc moved that Part (iii) of Recommendation (I)(b) of the Policy and Finance Committee be amended by adding the words “and when it is considered by the Policy and Finance Committee, the matter be a non-deputation item”, so that Part (iii) now reads as follows:

“(iii) amending Part (4)(a), entitled ‘Reporting’, to provide that the Affordable Housing Committee report to Council through the Policy and Finance Committee, and when it is considered by the Policy and Finance Committee, the matter be a non-deputation item; and”.

*Ruling by Deputy Mayor:*

Deputy Mayor Pantalone ruled motion (b) by Councillor Mihevc out of order, as it is contrary to the provisions in Chapter 27 of the City of Toronto Municipal Code.

- (c) Councillor Stintz moved that the Clause be amended by further amending

Appendix A, entitled “Terms of Reference for the Special Affordable Housing Committee”, by adding to Part (ii) contained in Section (1), entitled “Mandate”, the words “applications that will receive funding or surplus land from either the provincial, federal or municipal levels of government”, so that Part (ii) now reads as follows:

“(ii) Managing direct funding support for affordable housing applications that will receive funding or surplus land from either the provincial, federal or municipal levels of government.”

Mayor Miller in the Chair.

(d) Councillor Holyday moved that the Clause be received.

(e) Councillor Ford moved that the Clause be amended by adding the following:

“That the City impose a freeze on building any affordable housing for the next three years.”

Deputy Mayor Bussin in the Chair.

(f) Councillor Cho move that the Clause be amended by further amending Appendix A, entitled “Terms of Reference for the Special Affordable Housing Committee”, to provide that the Committee Chair is to serve an 18-month term, and that a Chair is prohibited from serving two consecutive terms.

Deputy Mayor Pantalone in the Chair.

*Votes:*

Adoption of motion (d) by Councillor Holyday:

Yes - 10	
Councillors:	Balkissoon, Del Grande, Ford, Holyday, Minnan-Wong, Nunziata, Ootes, Rae, Stintz, Walker
No - 32	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Thompson, Watson

Lost by a majority of 22.

Adoption of motion (a) by Councillor Walker:

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

Lost, there being a tie vote.

Adoption of motion (c) by Councillor Stintz:

Yes - 40	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 2	
Councillors:	Kelly, Mammoliti

Carried by a majority of 38.

Adoption of motion (f) by Councillor Cho:

Yes - 32	
Mayor:	Miller
Councillors:	Ashton, Balkissoon, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Soknacki, Stintz, Thompson, Walker, Watson
No - 10	

Councillors: Augimeri, Bussin, Carroll, Chow, Feldman, Filion, Giambrone, Kelly, Rae, Saundercook
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Carried by a majority of 22.

Adoption of motion (e) by Councillor Ford:

Yes - 4 Councillors: Ford, Holyday, Nunziata, Ootes
No - 39 Mayor: Miller Councillors: Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 35.

Adoption of the Clause, as amended:

Yes - 34 Mayor: Miller Councillors: Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Watson
No - 9 Councillors: Balkissoon, Del Grande, Ford, Holyday, Minnan-Wong, Nunziata, Ootes, Shiner, Walker

Carried by a majority of 25.

*Summary:*

In summary, Council amended this Clause by further amending Appendix A, entitled “Terms of Reference for the Special Affordable Housing Committee”:

- (1) by adding to Part (ii) contained in Section (1), entitled “Mandate”, the words “applications that will receive funding or surplus land from either the provincial,

federal or municipal levels of government”, so that Part (ii) now reads as follows:

“(ii) Managing direct funding support for affordable housing applications that will receive funding or surplus land from either the provincial, federal or municipal levels of government.”; and

- (2) to provide that the Committee Chair is to serve an 18-month term, and that a Chair is prohibited from serving two consecutive terms.

**8.29 Policy and Finance Committee Report 7, Clause 1, headed “Organizational Framework for Affordable Housing Programs”.**

*Motion to Re-Open:*

Councillor Pitfield, 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:*

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

“That:

- (1) City Council, in its negotiations with the federal and provincial governments, request Minister Gerretson to increase allocated funds for rent geared-to-income (RGI) rent supplements (for 15 years) to allow funding on an urgent basis, based on growing vacancy rates; and
- (2) in the context of the *City of Toronto Act* discussions, the Mayor be requested to ask the Province to enable the City to determine what portion of federal and provincial housing monies will be allocated to rent supplements.”

- (b) Councillor Rae moved that the Clause be amended by adding to staff Recommendation (2) contained in the report (June 23, 2005) from the City Manager, the words “the Chief Planner and Executive Director, City Planning” after the words “General Managers”, so that Recommendation (2) now reads as follows:

“(2) the Affordable Housing Office undertake, in consultation with appropriate General Managers, the Chief Planner and Executive Director, City Planning, and staff across the civic administration, the following activities on a priority basis:”.

- (c) Councillor Moscoe moved that:



- (1) Part (1) of motion (a) by Councillor Pitfield be amended to now read as follows:

“That City Council, in its negotiations with the federal and provincial governments, request Minister Gerretson to increase allocated funds for the creation of affordable housing.”; and

- (2) Part (2) of motion (a) by Councillor Pitfield be amended to now read as follows:

“That in the context of the *City of Toronto Act* discussions, the Mayor be requested to ask the Province to enable the City to determine how best to allocate affordable housing funding from the Province.”

- (d) Deputy Mayor Feldman moved that:

- (1) Part (1) of motion (a) by Councillor Pitfield be amended to provide that rent supplement units be filled only by people on the existing Central Registry waiting list; and

- (2) the Clause be amended by adding the following:

“That the Deputy City Manager be requested to include in the requested report on the implementation of the plan, the feasibility of the following recommendation:

‘That the landlords applying for rent supplement units in their buildings be required to:

- (i) make substantial rent reductions before the City gives consideration to accepting their units;
- (ii) commit to providing units for a minimum period of time; and
- (iii) ensure that the units are in a state of good of repair.’ ”

- (e) Councillor Walker moved that the Clause be amended by adding the following:

“That where Section 37 development charges are levied, the monies from these benefits remain in the community from which they are levied.”

*Ruling by Deputy Mayor:*

Deputy Mayor Pantalone ruled motion (e) by Councillor Walker out of order as it does not

relate to this Clause.

Councillor Walker challenged the ruling of the Deputy Mayor.

*Vote to Uphold Ruling of Deputy Mayor:*

Yes - 25	
Councillors:	Altobello, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Soknacki
No - 9	
Councillors:	Augimeri, Del Grande, Ford, Grimes, Nunziata, Palacio, Shiner, Stintz, Walker

Carried by a majority of 16.

*Motion:*

- (f) Councillor Mihevc moved that Part (1) of motion (a) by Councillor Pitfield, and Part (1) of motion (c) by Councillor Moscoe be referred to the City Manager for a report to the Policy and Finance Committee, such report to be included in the Work Program and Action Plan.

*Votes:*

Adoption of motion (b) by Councillor Rae:

Yes - 35	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 3	
Councillors:	Filion, Ford, Mammoliti

Carried by a majority of 32.

Adoption of motion (f) by Councillor Mihevc:

Yes - 29	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Saundercook, Stintz, Thompson
No - 11	
Councillors:	Feldman, Ford, Holyday, Jenkins, Kelly, Li Preti, Nunziata, Pitfield, Soknacki, Walker, Watson

Carried by a majority of 18.

Due to the above decision of Council, Part (1) of motion (d) by Deputy Mayor Feldman was ruled redundant.

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

Yes - 35	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson
No - 5	
Councillors:	Balkissoon, Ford, Holyday, Walker, Watson

Carried by a majority of 30.

Part (2) of motion (a) by Councillor Pitfield, as amended, carried.

Adoption of Part (2)(i) of motion (d) by Deputy Mayor Feldman:

Yes - 35	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Thompson, Walker, Watson
No - 5	

Councillors: Carroll, Cowbourne, Holyday, Kelly, Soknacki
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Carried by a majority of 30.

Parts (2)(ii) and (2)(iii) of motion (d) by Deputy Mayor Feldman carried.

Adoption of the Clause, as amended:

Yes - 36
Mayor: Miller
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Watson
No - 5
Councillors: Ford, Holyday, Shiner, Stintz, Walker

Carried by a majority of 31.

*Summary:*

In summary, Council amended this Clause by:

- (1) adding to staff Recommendation (2) contained in the report (June 23, 2005) from the City Manager, the words “the Chief Planner and Executive Director, City Planning” after the words “General Managers”, so that Recommendation (2) now reads as follows:
  - “(2) the Affordable Housing Office undertake, in consultation with appropriate General Managers, the Chief Planner and Executive Director, City Planning, and staff across the civic administration, the following activities on a priority basis:”;
- (2) adding the following:
 

“That:

  - (a) in the context of the *City of Toronto Act* discussions, the Mayor be requested to ask the Province to enable the City to determine how best to allocate affordable housing funding from the Province;

- (b) the Deputy City Manager be requested to include in the requested report on the implementation of the plan, the feasibility of the following recommendation:

‘That the landlords applying for rent supplement units in their buildings be required to:

- (i) make substantial rent reductions before the City gives consideration to accepting their units;
  - (ii) commit to providing units for a minimum period of time; and
  - (iii) ensure that the units are in a state of good of repair.’;
- (c) the following motions be referred to the City Manager for a report to the Policy and Finance Committee, such report to be included in the Work Program and Action Plan:

- (i) Moved by Councillor Moscoe:

‘That City Council, in its negotiations with the federal and provincial governments, request Minister Gerretson to increase allocated funds for the creation of affordable housing.’; and

- (ii) Moved by Councillor Pitfield:

‘That City Council, in its negotiations with the federal and provincial governments, request Minister Gerretson to increase allocated funds for rent geared-to-income (RGI) rent supplements (for 15 years) to allow funding on an urgent basis, based on growing vacancy rates.’ ”

8.30 **Toronto and East York Community Council Report 6, Clause 8, headed “Settlement Report - Official Plan Amendment and Rezoning Application - 230, 232, 234, 236, 238, 240, 242 and 244 Bloor Street West and 1 Bedford Road and Alterations to a Heritage Building and Authority to Enter into a Heritage Easement Agreement – 230 Bloor Street West (John Lyle Studio) (Trinity-Spadina, Ward 20)”.**

The Clause was submitted without recommendation.

*Motion:*

Councillor Chow moved that Council adopt the staff recommendations contained in the Recommendations Section of the supplementary report (July 18, 2005) from the Chief Planner and Executive Director, City Planning.

*Votes:*

The motion by Councillor Chow carried.

The Clause, as amended, carried.

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

Deputy Mayor Bussin in the Chair.

*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:*

Councillor Chow moved that Council adopt the staff recommendations contained in the Recommendations Section of the report (June 22, 2005) from the Director, Community Planning, South District [as contained in the Clause] and the report (June 30, 2005) from the Director, Community Planning, South District [appended to the Clause], as amended by the following staff recommendations contained in the Recommendations Section of the supplementary report (July 18, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that City Council:

- (1) amend the report of the Director, Community Planning, South District, dated June 22, 2005, found as Report 6, Clause 8 on its agenda of July 19 - 21, 2005, by replacing Recommendation (2)(ii) and Condition No. 3 of Attachment 15: Settlement Requirements and inserting the following replacements:
  - ‘(2)(ii) the owner shall provide payment to the City in the sum of \$1.795 million for the following items: Taddle Creek Parkette, relocation and restoration John Lyle Studio façade, Annex Heritage Study, consultant funding for the Annex Visioning Study and Public Art; all prior to the first above grade building permit excepting \$370,000.00 at the time of the OMB issuing its first order approving the Zoning By-law;
- (3) Provide Public Benefits with a total value of 1.795 million under Section 37 of the *Planning Act* to include:

- 1 million for enhancement of landscaping and park equipment for Taddle Creek Parkette, with \$100,000.00 for planning the park improvements at the time of the OMB issuing its first order approving the Zoning By-law;.
  - \$500,000.00 for the relocation and restoration of the John Lyle Studio façade to the proposed south wall of the proposed courtyard on Bedford Road;
  - \$200,000.00 maximum to be provided to the City of Toronto, at the time of the OMB issuing its first order approving the Zoning By-law, for professional consulting services required in preparation of a Heritage Conservation District Plan or Plans for a study area or areas within the Annex community. Such funds are to be forwarded by the City to the Annex Residents Association to engage the consultants and oversee the study. Funds will be forwarded upon the Manager of Heritage Preservation Services being satisfied by the Annex Residents Association that the projected costs and consultants work plans are reasonable. Study areas are to be designated by Council prior to the engagement of professional consultants and resulting District Plan(s) must be to the satisfaction of the Manager of Heritage Preservation Services. Any residual dollar amounts remaining after completion of the study are to be deposited to the Toronto Heritage Grant Reserve Fund;
  - \$70,000.00 for consultant fees for a Annex Visioning Study to be paid to the City at the time of the OMB issuing its first order approving the Zoning By-law; and
  - \$25,000.00 for Public Art;'
- (2) amend the report of the Director, Community Planning, South District, dated June 30, 2005 by amending Recommendation (2) to eliminate clause (iii);
- (3) direct the Director, Community Planning, South District to report to the November 15, 2005 Toronto and East York Community Council meeting on Terms of Reference for a Visioning Study for Bloor Street West between Avenue Road and Christie;
- (4) direct the Director, Community Planning, South District in consultation with the Director of Property and Real Estate and the City Solicitor, to report to the September 19, 2005 Toronto and East York Community Council meeting respecting the use of the Intercontinental Hotel's service easement over City-owned land for the purpose of exiting Hotel valet parked cars; and

- (5) amend the report of the Director, Community Planning, South District dated June 22, 2005, by adding three additional conditions to Attachment 15: Settlement Requirements:
- submit a revised plan for the 8th floor roof to include landscaping to screen views to the Intercontinental Hotel to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with representatives of the Hotel;
  - submit a revised Streetscape Plan for the Bloor Street West frontage showing 4 street trees in boxes satisfactory to Chief Planner and Executive Director, City Planning, and the Director of Urban Forestry; and
  - submit a revised east elevation, along the existing walkway providing a greater level of architectural and material detail to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with representatives of the Intercontinental Hotel.”

*Votes:*

The motion by Councillor Chow carried.

The Clause, as amended, carried.

Deputy Mayor Pantalone in the Chair.

8.31 **Toronto and East York Community Council Report 6, Clause 75, headed “Replacement of Street Ad Locations (Trinity-Spadina, Ward 20)”.**

The Clause was submitted without recommendation.

*Motions:*

- (a) Councillor Chow moved that Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report (July 15, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that:

- (1) City Council approve this application and exempt the proposed replacement of 24 illuminated pedestal signs, for third party advertising purposes, with newly designed illuminated pedestal signs from Chapter 297 of the former City of Toronto Municipal Code; and



- (2) the applicant be advised, upon approval of variances, of the requirement to obtain the necessary sign permits from the Chief Building Official.”
- (b) Councillor Rae moved that motion (a) by Councillor Chow be amended to allow and permit the necessary approvals for replacing the old “Street Ad”, with the newly designed “Street Ad” on the following existing eleven (11) locations in Ward 27 (Toronto Centre-Rosedale):
- 572 Church Street;
  - 70 Edward Street;
  - Bay and Edward Streets;
  - 770 Bay Street;
  - Dundas Street East and Bond Street;
  - Dundas Street East and George Street north side;
  - Dundas Street East and George Street south side;
  - Queen Street East and Dalbousie Street – northeast corner;
  - Queen Street East and Mutual Street – northwest corner;
  - Shuter Street and Dalhousie Street;
  - Shuter Street and Mutual Street – southwest corner.

*Votes:*

Motion (b) by Councillor Rae carried.

Motion (a) by Councillor Chow, carried, as amended.

The Clause, as amended, carried.

**8.32 Policy and Finance Committee Report 7, Clause 19, headed “2005 Heads and Beds Levy on Institutions under Section 323 of the *Municipal Act, 2001*”.**

*Motion:*

Councillor Moscoe moved that the Clause be amended by:

- (1) adding to Recommendation (1)(i) of the Policy and Finance Committee, the words “and further that the Treasurer be requested to advise City Council only in the event that the *City of Toronto Act* permits Council to further increase this levy”, so that Recommendation (1)(i) now reads as follows:

“(i) effective January 2006, the levy amount be \$85.00 for each full time student, provincially-rated bed or resident place respectively as determined by the owner Ministry of each facility, and further, that the Treasurer be requested to advise City Council only in the event that the *City of Toronto Act* permits Council to further increase this levy; and”;

(2) adding the following:

“That City Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report (July 15, 2005) from the Treasurer:

‘It is recommended that:

- (1) Council authorize the levy and collection of taxes for the 2005 taxation year on hospitals, colleges and universities and correctional facilities as authorized by Section 323 of the *Municipal Act, 2001*;
- (2) the maximum prescribed amount of \$75.00 be applied per provincially rated hospital bed, full time student, or resident place;
- (3) By-law 594-1999 be amended to make the following changes to the capacity figures and resulting levy for 1999:

Institution	Capacity Figure Originally Provided	Revised Capacity Figure	Resulting Levy for 1999
Humber River Regional Hospital	1,384	927	\$69,525
Rouge Valley Health Centre	792	645	\$48,375
Wellesley Central Hospital	770	594	\$44,550
William Osler Health Centre	nil	508	\$38,100

- (4) By-law 504-2000 be amended to make the following change to the capacity figures and resulting levy for 2000:

Institution	Capacity Figure Originally Provided	Revised Capacity Figure	Resulting Levy for 2000
Wellesley Central Hospital	770	594	\$44,550

- (5) By-law 656-2001 be amended to make the following changes to the capacity figures and resulting levy for 2001:

Institution	Capacity Figure Originally Provided	Revised Capacity Figure	Resulting Levy for 2001
Rouge Valley Health Centre	792	645	\$48,375
St. Michael's Hospital	1,295	701	\$52,575
William Osler Health Centre	nil	508	\$38,100

- (6) the Treasurer be authorized to report back in late 2005 or early 2006 with respect to the legislative authority to levy the 2006 taxes on Institutions at the rate of \$85.00 per provincially rated hospital bed, full-time student, or resident place; and
- (7) authority be granted for the introduction of the necessary Bills in Council to give effect thereto and the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

8.33 **Policy and Finance Committee Report 7, Clause 20, headed “2005 Levy on Railway Roadways and Rights of Way and on Power Utility Transmission and Distribution Corridors”.**

*Motion:*

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

“That Council adopt the staff recommendations contained in the Recommendations Section of the supplementary report (July 15, 2005) from the Treasurer, subject to deleting Recommendation (2) and inserting instead the following:

- ‘(2) Council direct the Treasurer to implement the 2006 levy as recommended by the Policy and Finance Committee and only report back to the Policy and Finance Committee in 2006 if Council has the legislative authority to further increase this amount;’,

so that the Recommendations, as amended, now read as follows:

‘It is recommended that:

- (1) Council authorize the levy and collection of taxes for the 2005 taxation year on roadways and rights of way of railways and on transmission and distribution corridors owned by power utilities, in accordance with subsection 315 (1) of the *Municipal Act, 2001* and subsection 257.7(1) of the *Education Act*;
- (2) Council direct the Treasurer to implement the 2006 levy as recommended by the Policy and Finance Committee and only report back to the Policy and Finance Committee in 2006 if Council has the legislative authority to further increase this amount; and
- (3) authority be granted for the introduction of the necessary bill in Council to give effect thereto and the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

8.33 **Planning and Transportation Committee Report 6, Clause 2, headed “Revised Land Use Mapping for the New Official Plan - 003011”.**

*Motion:*

Councillor Moscoe moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (July 14, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that:

- (1) Council approve and replace Maps 15 and 16 from the package of revised land use plan maps forwarded to Council by Planning and Transportation Committee at its meeting on June 27, 2005;
- (2) the City Solicitor be authorized to take the necessary actions at the upcoming Ontario Municipal Board hearing to give effect to the revised Land Use Plan Maps; and
- (3) the appropriate City officials be authorized to execute any necessary

documentation, in a form satisfactory to the City Solicitor.”

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

8.34 **Policy and Finance Committee Report 7, Clause 6, headed “Bill 206 ‘An Act to Revise the Ontario Municipal Employees Retirement System Act’ ”.**

*Motions:*

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

“That the City participate in the informal Police/Fire supplemental plan discussions hosted by the Ministry of Municipal Affairs and Housing.”

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

“That the City Manager be requested to report to the Policy and Finance Committee for its meeting of September 20, 2005, on the issues raised at City Council, such report to include information from the Association of Municipalities of Ontario (AMO) on its strategies in this regard.”

*Votes:*

Motion (a) by Councillor Chow carried.

Motion (b) by Councillor Walker carried.

The Clause, as amended, carried.

8.35 **Policy and Finance Committee Report 7, Clause 51, headed “Authority for the City to Receive Donations of Cash for the Planning, Design and Development of a BMX Bicycle Racetrack Facility at Marilyn Bell Park (Ward 14 - Parkdale-High Park)”.**

*Motion:*

Councillor Watson moved that the Clause be amended by:

- (1) adding to the end of Recommendation (2) contained in the report (June 27, 2005) from the General Manager, Parks, Forestry and Recreation and the Deputy City Manager and Chief Financial Officer, as amended by the Economic Development and Parks Committee, the words “and that the fundraising effort be limited to three years

from adoption of this proposal, and if at the end of that time, the requisite funds are not raised, the donations be returned to the donors”, so that Recommendation (2) now reads:

“(2) City Council establish an obligatory reserve fund called ‘the Marilyn Bell Park BMX Racetrack and Extreme Sports Facility Reserve Fund’, the purpose of which is to receive donations for the BMX Racetrack and Extreme Sports Facility at Marilyn Bell Park, to fund the planning, design and development of the Marilyn Bell Park BMX Racetrack and Extreme Sports Facility, and that the fundraising effort be limited to three years from adoption of this proposal, and if at the end of that time, the requisite funds are not raised, the donations be returned to the donors.”; and

(2) adding the following:

“That Council adopt the following staff Recommendations (1) and (2) contained in the Recommendations Section of the supplementary report (July 19, 2005) from the General Manager, Parks, Forestry and Recreation:

‘It is recommended that:

- (1) the conceptual layout for the proposed BMX Racecourse, BMX Freestyle Area and the Skateboard Park be subject to consultation, review and input of the community, park users, and other stakeholders including the Toronto Waterfront Revitalization Corporation; and
- (2) the proponent (Michael Heaton) be requested to prepare more detailed conceptual plans based on these public consultations.’ ”

*Votes:*

The motion by Councillor Watson carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

*Motion to Re-Open:*

Councillor Watson, 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 Watson moved that Part (1) of her motion (above) be amended to read as follows:

“(1) adding to the end of Recommendation (2) contained in the report (June 27, 2005) from the General Manager, Parks, Forestry and Recreation and the Deputy City Manager and Chief Financial Officer, as amended by the Economic Development and Parks Committee, the words ‘and at the end of 3 years, the project be reviewed’, so that Recommendation (2) now reads:

‘(2) City Council establish an obligatory reserve fund called ‘the Marilyn Bell Park BMX Racetrack and Extreme Sports Facility Reserve Fund’, the purpose of which is to receive donations for the BMX Racetrack and Extreme Sports Facility at Marilyn Bell Park, to fund the planning, design and development of the Marilyn Bell Park BMX Racetrack and Extreme Sports Facility, and at the end of 3 years, the project be reviewed.’ ”

*Votes:*

The motion by Councillor Watson, as amended, carried.

The Clause, as amended, carried.

*Summary:*

In summary, Council amended this Clause by:

(1) adding to the end of Recommendation (2) contained in the report (June 27, 2005) from the General Manager, Parks, Forestry and Recreation and the Deputy City Manager and Chief Financial Officer, as amended by the Economic Development and Parks Committee, the words “and at the end of 3 years, the project be reviewed”, so that Recommendation (2) now reads:

“(2) City Council establish an obligatory reserve fund called ‘the Marilyn Bell Park BMX Racetrack and Extreme Sports Facility Reserve Fund’, the purpose of which is to receive donations for the BMX Racetrack and Extreme Sports Facility at Marilyn Bell Park, to fund the planning, design and development of the Marilyn Bell Park BMX Racetrack and Extreme Sports Facility, and at the end of 3 years, the project be reviewed.”; and

(2) adding the following:

“That Council adopt the following staff Recommendations (1) and (2) contained in the Recommendations Section of the supplementary report (July 19, 2005) from the General Manager, Parks, Forestry and Recreation:

‘It is recommended that:

- (1) the conceptual layout for the proposed BMX Racecourse, BMX Freestyle Area and the Skateboard Park be subject to consultation, review and input of the community, park users, and other stakeholders including the Toronto Waterfront Revitalization Corporation; and
- (2) the proponent (Michael Heaton) be requested to prepare more detailed conceptual plans based on these public consultations.’ ”

**8.36 Works Committee Report 7, Clause 3, headed “Request for Qualifications 9121-05-7134 - Planning Study for an Expanded Public SSO Processing System”.**

*Motion:*

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

“That the City Manager be requested to report to the Policy and Finance Committee at the earliest opportunity on the way in which a ‘Bid Down’ RFP process works in the private sector and the cost and benefits of utilizing this process at the City of Toronto.”

*Votes:*

The motion by Councillor Kelly carried.

The Clause, as amended, carried.

**8.37 Policy and Finance Committee Report 7, Clause 23, headed “Employee Indemnification Policy for Management and Excluded Staff”.**

*Motion:*

Councillor Moscoe moved that:

- (1) the Clause be referred to the Executive Director of Human Resources; and
- (2) Council:
  - (a) adopt following staff recommendation contained in the Recommendation Section of the supplementary report (July 15, 2005) from the Executive Director of Human Resources:

“It is recommended that the Executive Director of Human Resources and the City Solicitor report back to the Employee and Labour Relations Committee



with a proposed indemnification policy for elected officials.”; and

- (b) direct that the Employee Indemnification Policy for Management and Excluded Staff be submitted to City Council at the same time as the Indemnification Policy for Members of Council.

*Vote:*

The motion by Councillor Moscoe carried.

8.38 **Audit Committee Report 3, Clause 8, headed “2004 Audited Consolidated Financial Statements”.**

*Motion:*

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

“That the Treasurer be requested to:

- (1) prepare a Capital Asset Accounting (fixed asset accounting) System implementation plan in anticipation of the Canadian Institute of Chartered Accountants Public Sector Accounting Board’s pending recommendations that local governments move to full accrual accounting for their financial statements; and
- (2) report to the Administration Committee meeting on November 7, 2005 on the implementation plan.”

*Votes:*

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

8.39 **Toronto and East York Community Council Report 6, Clause 28, headed “Maintenance of a Wooden Fence - Withrow Avenue flank of 466 Pape Avenue (Toronto-Danforth, Ward 30)”.**

The Clause was submitted without recommendation.

*Motion:*

Councillor Fletcher moved that Council adopt the staff recommendations contained in the Recommendations Section of the report (June 17, 2005) from the Manager, Right of Way Management, Transportation Services, Toronto and East York District [as contained in the

Clause].

*Votes:*

The motion by Councillor Fletcher carried.

The Clause, as amended, carried.

Deputy Mayor Feldman in the Chair.

8.40 **Etobicoke York Community Council Report 6, Clause 27, headed “Status and Directions Report - Ontario Municipal Board Appeals, Official Plan Amendment and Rezoning Application Applicant: Amexon Holdings Inc. and Menkes Lakeshore Ltd., 60-80 Park Lawn Road and 2200 Lake Shore Boulevard West (Ward 6 - Etobicoke-Lakeshore)”.**

The Clause was submitted without recommendation.

*Motion:*

Councillor Grimes moved that Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (July 18, 2005) from the Director, Community Planning, Etobicoke York District.

*Votes:*

The motion by Councillor Grimes carried.

The Clause, as amended, carried.

*Summary:*

In summary, Council adopted the staff recommendations contained in the Recommendations Section of the confidential report (July 18, 2005) from the Director, Community Planning, Etobicoke York District. The following recommendations, together with Attachments 1, 2 and 3 are now public, and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information that is subject to solicitor-client privilege:

“It is recommended that:

- (1) City Council authorize the City Solicitor and appropriate staff to appear at the Ontario Municipal Board to oppose the Official Plan amendment and rezoning applications by Menkes Developments Ltd. and Amexon Holdings Inc. for mixed-use development at 2200 Lake Shore Boulevard West, and at 10 and

60-80 Park Lawn Road; and

- (2) City Council authorize the City Solicitor to retain appropriate outside consultants to appear at the Ontario Municipal Board in support of the City's opposition to the applications."

8.41 **Etobicoke York Community Council Report 6, Clause 3, headed "Final Report - Official Plan Amendment and Rezoning Application; Applicant: Monarch Construction Limited/Waterview Corporation 2115 - 2139 Lake Shore Boulevard West (Ward 6 - Etobicoke-Lakeshore)".**

*Motions:*

- (a) Councillor Grimes moved that the Clause be amended by adding to Part (g)(vii) of Section (23), headed "Section 37/Development Agreements", contained in the report (June 20, 2005) from the Director, Community Planning, Etobicoke York District, the words "in consultation with the Ward Councillor", so that Part (g)(vii) now reads as follows:

"(g)(vii) \$45,000.00 towards Mimico BIA Public Art, in consultation with the Ward Councillor".

- (b) Councillor Milczyn moved that the Clause be amended by adding to Recommendation (1) of the Etobicoke York Community Council, the words "subject to amending the draft Zoning By-law so that the standards for height, and setbacks of the podia of future buildings be identical to the standards utilized for the podia of the buildings already built and approved on the 'Central Site' ", so that Recommendation (1) now reads as follows:

"(1) the staff recommendations in the Recommendations Section of the report (June 20, 2005) from the Director, Community Planning, Etobicoke York District, be adopted subject to amending the draft Zoning By-law so that the standards for height, and setbacks of the podia of future buildings be identical to the standards utilized for the podia of the buildings already built and approved on the 'Central Site'; and".

*Vote:*

The Clause, as amended by motion (a) by Councillor Grimes and motion (b) by Councillor Milczyn, carried.

8.42 **Audit Committee Report 3, Clause 4, headed "Outstanding Audit Recommendations Follow-up Process".**

*Motion:*

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

“That in the initial stages of the Auditor General’s new follow-up process, the administration staff response time be extended by three months, due to the expected high work volume.”

*Votes:*

The motion by Councillor Balkissoon carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

8.43 **Toronto and East York Community Council Report 6, Clause 56, headed “Temporary Road Occupation to Accommodate Construction Staging Area on Mutual Street Flankage - 76 Shuter Street (Toronto Centre-Rosedale, Ward 27)”.**

*Motion to Re-Open:*

Councillor Rae, 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 Rae moved that the Clause be amended by amending the staff recommendations in the Recommendations Section of the report (June 16, 2005) from the Director, Transportation Services, Toronto and East York District, by:

- (1) deleting from Recommendation (1) the words “for a period of twenty months” and inserting instead the words “from August 1, 2005 to March 31, 2007, inclusive”, so that Recommendation (1) now reads as follows:

“(1) in order to facilitate construction of a 15-storey condominium at a site on the north-west corner of Shuter Street and Mutual Street, the sidewalk on the west side of Mutual Street, between a point 9.0 metres north of Shuter Street and a point 29.0 metres further north, be closed to pedestrian traffic from August 1, 2005 to March 31, 2007 inclusive;”;

- (2) deleting from Recommendation (2) the words “a point 44.0 metres north of Shuter Street, be rescinded permanently” and inserting instead the words “Dundas Street East, be rescinded”, so that Recommendation (2) now reads as follows:

“(2) the existing maximum 60-minute parking regulation from 8:00 a.m. to 6:00 p.m. on the east side of Mutual Street, from Shuter Street to Dundas Street East, be rescinded;”;

- (3) inserting at the end of Recommendation (7) the words “except for the 60-minute parking regulation mentioned in Recommendation (2)”, so that it now reads as follows:

“(7) upon completion of this project, Mutual Street revert to its pre-construction traffic and parking operation except for the 60-minute parking regulation mentioned in Recommendation (2); and;”.

*Votes:*

The motion by Councillor Rae carried.

The Clause, as amended, carried.

8.44 **Policy and Finance Committee Report 7, Clause 39, headed “Implementation of Multi-Unit Waste Reduction Levy”.**

*Motion:*

Councillor Carroll moved that the Clause be amended by inserting in Recommendation (C) of the Works Committee, contained in the communication (June 29, 2005) from the Committee, the words “and co-op housing units”, so that Recommendation (C) now reads as follows:

“(C) the staff from Solid Waste Management Services be allocated to meet with and work with condominium associations and co-op housing units to assist in the development of practices to meet the City’s waste diversion targets.”

*Votes:*

The motion by Councillor Carroll carried.

The Clause, as amended, carried.

8.45 **Works Committee Report 7, Clause 13, headed “Agreements with Sadr Investments Inc., the Regional Municipality of York and the City of Vaughan for the Extension of City Services to a Development at 5690 Steeles Avenue West”.**

*Motion:*

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

“That the agreements be reviewed by the Steeles Avenue Sub-Committee, and the Sub-Committee recommend a template agreement to the Works Committee for similar situations along Steeles Avenue.”

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

8.46 **Works Committee Report 7, Clause 9, headed “Municipal Access Agreement for Telecommunications Installations - Teraspan Networks Inc. (All Wards)”.**

*Motion:*

Councillor Moscoe moved that the Clause be amended by adding the following Part (14) to the Summary of Key Terms, contained in the report (June 23, 2005) from the Acting General Manager, Transportation Services:

“(14) The company agrees to erect signage on each installation site, to a standard mandated by the City, notifying the public of the nature of the installation, and agrees to financial penalties for failure to observe this provision.”

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

8.47 **Community Services Committee Report 6, Clause 17, headed “Operator of an Emergency Shelter for Homeless Adults Request for Proposal 9155-04-7392 (Ward 15 - Eglinton-Lawrence)”.**

*Motion:*

Councillor Moscoe moved that the Clause be amended to provide that the project be subject to Site Plan Control.

*Votes:*

The motion by Councillor Moscoe carried.

Adoption of the Clause, as amended:

Yes - 33	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Thompson, Watson
No - 3	
Councillors:	Ford, Holyday, Saundercook

Carried by a majority of 30.

**8.48 Etobicoke York Community Council Report 6, Clause 2, headed “Final Report - Official Plan Amendment and Rezoning Application; Applicant: Princeway Investments 2 and 6 Royal York Road (Ward 6 - Etobicoke-Lakeshore)”.**

*Motion:*

Councillor Grimes moved that the Clause be amended by:

- (1) adding to the end of Recommendation (4) contained in the report (June 20, 2005) from the, Director, Community Planning, Etobicoke York District, the words “such contribution to be in the amount of \$700,00.00, to be allocated among Mimico Train Station relocation, public park improvements, community facilities, and public art, in the Mimico community, in consultation with the local Ward Councillor”, so that Recommendation (4) now reads as follows:

“(4) before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement under Section 37 of the *Planning Act*, providing public benefits in exchange for the increase in permitted height and density on the property, as set out in this report, such contribution to be in the amount of \$700,00.00, to be allocated among Mimico Train Station relocation, public park improvements, community facilities, and public art, in the Mimico community, in consultation with the local Ward Councillor; and”;

and

- (2) adding the following:

“That the Director, Community Planning, Etobicoke York District report to the Etobicoke York Community Council on the final details of the Section 37 agreement

prior to bringing forward the implementing Bills for adoption.”

*Votes:*

The motion by Councillor Grimes carried.

The Clause, as amended, carried.

**8.49 Scarborough Community Council Report 6, Clause 15, headed “Animal Services City of Pickering and Town of Markham”.**

*Motion:*

Councillor Kelly moved that the Clause be referred to the Medical Officer of Health for a report to the Board of Health for its meeting on September 26, 2005.

*Vote on Referral:*

The motion by Councillor Kelly carried.

**8.50 Scarborough Community Council Report 6, Clause 13, headed “Renaming of Tam O’Shanter Park in Honour of Former Councillor Ron Watson”.**

*Vote:*

Adoption of the Clause, without amendment:

Yes - 34	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Thompson, Watson
No - 2	
Councillor:	Ford, Minnan-Wong

Carried by a majority of 32.

**8.51 Works Committee Report 7, Clause 6, headed “Co-ordinated Street Furniture Program (All Wards)”.**

*Motion:*



Councillor Carroll moved that the Clause be amended in accordance with the following recommendations of the Planning and Transportation Committee contained in the Recommendations Section of the communication (June 27, 2005) from the Committee:

“The Planning and Transportation Committee recommends that City Council adopt the staff recommendations contained in the Recommendations Section of the report (June 15, 2005) from the Acting General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning, subject to adding the following to:

- (a) the Section of the report entitled ‘Current Initiatives and Activities’:
  - ‘(ix) Postering Kiosk;’; and
- (b) the section of the report entitled ‘Related Street Amenity Elements’:
  - ‘(vii) Billboard Advertising and Clothing Drop Boxes’.”

*Votes:*

The motion by Councillor Carroll carried.

The Clause, as amended, carried.

**8.52 Toronto and East York Community Council Report 6, Clause 49, headed “Proposed Construction Staging Area - 299 Queen Street West (CHUM City Building) - John Street, between Richmond Street West and Queen Street West (Trinity-Spadina, Ward 20)”.**

*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:*

Councillor Chow moved that the Clause be amended by deleting from staff Recommendation (1) contained in the report (June 20, 2005) from the Director, Transportation Services, Toronto and East York District, the words “for a period of approximately six months”, and inserting instead the words “from July 1, 2005 to December 31, 2005”, so that Recommendation (1) now reads as follows:

- “(1) in order to facilitate exterior renovation of a five-storey commercial building at the site municipally known as Premises No. 299 Queen Street West, the curb lane and sidewalk on the east side of John Street, between Richmond Street West and Queen Street West, as shown on the attached print of Drawing No. 421F-7920, dated June 2005, be closed to traffic in order to establish a construction staging area from July 1, 2005 to December 31, 2005;”.

*Votes:*

The motion by Councillor Chow carried.

The Clause, as amended, carried.

**8.53 Works Committee Report 7, Clause 7, headed “Utility Cut Repair Issues - Roads and Sidewalks (All Wards)”.**

*Motion:*

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

“That the City Solicitor be requested to report to the Works Committee on the feasibility of establishing a by-law that requires a timeframe for utility companies to do utility locates from the date requested by the City, with substantial penalties for failure to observe the mandated timeframe, such penalties to be either financial or expressed in terms of priority in the issuance of permits required by the utility company.”

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

**8.54 Policy and Finance Committee Report 7, Clause 32, headed “Humber Treatment Plant - Centrifuge Pre-Selection for the Waste Activated Sludge (WAS) Thickening Facility, Request for Quotation (RFQ) 6709-05-3079 (Ward 5 - Etobicoke Lakeshore)”.**

The Clause was submitted without recommendation.

*Motions:*

- (a) Councillor Moscoe moved that Council adopt the staff recommendations contained in the Recommendations Section of the report (July 4, 2005) from the Executive Director, Technical Services and Treasurer [as contained in the Clause].

- (b) Councillor Ashton moved that the Clause be referred back to the Policy and Finance Committee, and the Request for Quotation be reissued.

*Vote on Referral:*

Adoption of motion (b) by Councillor Ashton:

Yes - 17	
Councillors:	Ashton, Balkissoon, Cho, Di Giorgio, Feldman, Ford, Holyday, Lindsay Luby, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Shiner, Thompson, Watson
No - 20	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Filion, Grimes, Hall, Jenkins, Kelly, Mihevc, Pantalone, Pitfield, Rae, Saundercook, Stintz

Lost by a majority of 3.

*Votes:*

Adoption of motion (a) by Councillor Moscoe:

Yes - 25	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Stintz, Watson
No - 11	
Councillors:	Ashton, Cho, Feldman, Ford, Holyday, Minnan-Wong, Nunziata, Ootes, Palacio, Shiner, Thompson

Carried by a majority of 14.

The Clause, as amended, carried.

Deputy Mayor Bussin in the Chair.

**8.55 Administration Committee Report 6, Clause 14, headed “Metroland Publishing Open Contract Number 47009067 Globe and Mail Open Contract Number 47009074”.**

*Motions:*

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

“That the revised Attachment A, appended to the Briefing Note (July 15, 2005) from the Deputy City Manager and Chief Financial Officer respecting this Clause, be referred to the Administration Committee with a request that the Committee consider setting a maximum spending limit for the individual publications based on the spending to date.”

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

“That:

- (1) the Chief Corporate Office be requested to report annually to the Administration Committee, as part of the budget process, outlining the budget and actual expenditures for the previous year by program; and
- (1) the Budget Advisory Committee, during the 2006 budget process, be requested to give consideration to reducing the advertising budget for all divisions by \$500,000.00.”

- (c) Councillor Del Grande moved that the Clause be amended to provide that the Chief Corporate Officer be authorized to increase the contract values for Metroland and the Globe and Mail, but have corresponding decreases in other projected target values for other publications.

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

“That the Chief Corporate Officer be requested to:

- (1) ensure that the next REOI process is open to all Toronto ethnic media and that the multi-lingual media are aware of the requirements of the process; and
- (2) provide an opportunity for instructions within the current purchasing by-law to assist with understanding in how to complete the process.”

- (e) Councillor Stintz moved that the Clause be amended by adding the following:

“That the Chief Corporate Officer be requested to convene a vendors’ meeting prior to the next REOI process.”

*Votes:*

Adoption of motion (c) by Councillor Del Grande:

Yes - 14 Councillors:	Altobello, Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Lindsay Luby, Minnan-Wong, Nunziata, Palacio, Shiner, Stintz, Thompson
No - 20 Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Davis, Filion, Fletcher, Jenkins, Kelly, Li Preti, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Watson

Lost by a majority of 6.

Adoption of motion (a) by Councillor Shiner:

Yes - 20 Councillors:	Ashton, Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson, Watson
No - 14 Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Davis, Filion, Fletcher, Jenkins, Li Preti, Mihevc, Pantalone, Rae

Carried by a majority of 6.

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

Yes - 28 Councillors:	Altobello, Bussin, Carroll, Cho, Chow, Davis, Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson, Watson
No - 4 Councillors:	Augimeri, Filion, Pantalone, Rae

Carried by a majority of 24.

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

Yes - 27 Councillors:	Altobello, Ashton, Carroll, Cho, Davis, Del Grande, Feldman, Filion, Fletcher, Ford, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn,
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	Minnan-Wong, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson, Watson
No - 7	
Councillors:	Augimeri, Bussin, Chow, Hall, Moscoe, Pantalone, Rae

Carried by a majority of 20.

Adoption of motion (d) by Councillor Hall:

Yes - 35	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Davis, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 0	

Carried, without dissent.

Adoption of motion (e) by Councillor Stintz:

Yes - 35	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Davis, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 0	

Carried, without dissent.

Adoption of the Clause, as amended:

Yes - 34	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Davis, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 1	

Councillor: Ford

Carried by a majority of 33.

*Summary:*

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

“That:

- (1) the Budget Advisory Committee, during the 2006 budget process, be requested to give consideration to reducing the advertising budget for all divisions by \$500,000.00;
- (2) the Chief Corporate Officer be requested to:
  - (a) convene a vendors’ meeting prior to the next REOI process;
  - (b) ensure that the next REOI process is open to all Toronto ethnic media and that the multi-lingual media are aware of the requirements of the process;
  - (c) provide an opportunity for instructions within the current purchasing by-law to assist with understanding in how to complete the process; and
  - (d) report annually to the Administration Committee, as part of the budget process, outlining the budget and actual expenditures for the previous year by program; and
- (3) the revised Attachment A, appended to the Briefing Note (July 15, 2005) from the Deputy City Manager and Chief Financial Officer respecting this Clause, be referred to the Administration Committee with a request that the Committee consider setting a maximum spending limit for the individual publications based on the spending to date.”

**8.56 Administration Committee Report 6, Clause 20, headed “405 and 390-444 Dufferin Street - Expropriation of Property Interests - Dufferin Street Jog Elimination at Queen Street West - Proposed Dufferin Street Underpass Project (Ward 18 - Davenport)”.**

*Motions:*

- (a) Councillor Kelly moved that the Clause be amended to provide that:

- (1) the funds allocated for this project in the 2005 Capital Budget and future years be deleted;
  - (2) the project be implemented in the form recommended by the report of the Inquiry Officer, as contained in Schedule (C) of this report; and
  - (3) the funds allocated for this project in the 2005 Capital Budget and future years be used instead for road improvements across the City.
- (b) Councillor Shiner moved that the Clause be received.
- (c) Councillor Holyday moved that consideration of this matter be postponed until after Council has dealt with the Front Street Extension.

*Vote on Deferral:*

Adoption of motion (c) by Councillor Holyday:

Yes - 13	
Councillors:	Altobello, Augimeri, Cho, Feldman, Ford, Holyday, Lindsay Luby, Nunziata, Ootes, Palacio, Shiner, Stintz, Thompson
No - 17	
Councillors:	Bussin, Carroll, Davis, Del Grande, Di Giorgio, Filion, Grimes, Hall, Jenkins, Kelly, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Saundercook, Watson

Lost by a majority of 4.

*Votes:*

Adoption of motion (b) by Councillor Shiner:

Yes - 11	
Councillors:	Del Grande, Feldman, Ford, Holyday, Kelly, Li Preti, Nunziata, Ootes, Shiner, Stintz, Thompson
No - 25	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Hall, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Saundercook, Soknacki, Walker, Watson

Lost by a majority of 14.



*Ruling by Deputy Mayor:*

Deputy Mayor Bussin ruled Parts (1) and (3) of motion (a) by Councillor Kelly out of order as they relate to the 2005 Capital Budget, which has already been approved by Council.

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

Yes - 11	
Councillors:	Del Grande, Feldman, Ford, Holyday, Kelly, Li Preti, Nunziata, Ootes, Shiner, Stintz, Thompson
No - 25	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Hall, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Saundercook, Soknacki, Walker, Watson

Lost by a majority of 14.

Adoption of the Clause, without amendment:

Yes - 27	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Saundercook, Soknacki, Walker, Watson
No - 10	
Councillors:	Del Grande, Feldman, Ford, Holyday, Kelly, Nunziata, Ootes, Shiner, Stintz, Thompson

Carried by a majority of 17.

*Summary:*

In summary, Council adopted this Clause without amendment.

Mayor Miller in the Chair.

**8.57 Policy and Finance Committee Report 7, Clause 40, headed “Deteriorated Retaining Wall - Turner Road Flank of 29 Hillcrest Drive (Ward 21 - St. Paul’s)”.**

The Clause was submitted without recommendation.

*Motion:*

Councillor Mihevc moved that Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report (July 18, 2005) from the Acting General Manager, Transportation Services:

“It is recommended that:

- (1) the City proceed with the slope stabilization and the construction of a retaining wall (back of sidewalk) on the Turner Road flank of 29 Hillcrest Drive at an estimated cost of \$120,000.00; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

*Votes:*

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

**8.58 Policy and Finance Committee Report 7, Clause 55, headed “Proposed Transaction between the Hummingbird Centre and Castlepoint Development”.**

*Motion:*

Councillor Moscoe moved that:

- (1) the Clause be referred back to the Policy and Finance Committee for consideration at its meeting on September 20, 2005; and
- (2) copies of this Clause be forwarded to the Hummingbird Centre for the Performing Arts Board of Directors and to the St. Lawrence Neighbourhood Association.

*Vote:*

The motion by Councillor Moscoe carried.

**8.59 North York Community Council Report 6, Clause 27, headed “Requests for Endorsement of Events for Liquor Licensing Purposes”.**

*Motion:*

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

“That City Council declare the following events to be of municipal and/or community significance:

- (1) the Salvadorean Cultural Association on Sunday, August 21, 2005, from 1:00 p.m. to 10:00 p.m. at Yorkgate Mall; and
- (2) the Hispanic Congress on Sunday, August 21, 2005, from 11:00 a.m. to 11:00 p.m. at Elm Park and Booth Arena.”

*Votes:*

The motion by Councillor Li Preti carried.

The Clause, as amended, carried.

Deputy Mayor Bussin in the Chair.

8.60 **Administration Committee Report 6, Clause 26, headed “3-1-1 Customer Service Strategy: 2005 Capital Budget Request and 2006/2007 Capital Budget Progress Report”.**

*Motions:*

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

- (1) deleting Recommendations (3) and (4) contained in the Recommendations Section of the communication (June 22, 2005) from the e-City Committee, and inserting instead the following:

“(3) that the 3-1-1 Call Centre be established within Metro Hall but not in the Council Chamber;

(4) that the 2006 estimated 3-1-1 Capital Budget requested for the retrofitting of a Call Centre at Metro Hall be included in the total estimated Capital Budget requirements to be submitted to the Budget Advisory Committee for consideration during the 2006 budget deliberations;” and

- (2) adding the following:

“That the Deputy City Manager and Chief Financial Officer be requested to:

- (a) report to the Administration Committee on a schedule of improvements that will enhance the usability and availability of the Council Chamber at Metro Hall for meetings/conferences; and

- (b) begin the process for having the Council Chambers at Metro Hall historically designated.”
- (b) Councillor Milczyn moved that:
- (1) the Clause be amended by adding the following Part (f) to Recommendation (1) contained in the report (June 17, 2005) from the City Manager:
- “(f) \$0.050 million for independent overall-project plan validation services;”; and
- (2) Part (2)(b) of motion (a) by Councillor Moscoe be amended by adding the words “and that Heritage Preservation Services be requested to ensure that full documentation of the original state of the Metro Hall Council Chamber is prepared”.
- (c) Councillor Ootes moved that the Clause be amended by deleting Recommendation (3) contained in the Recommendations Section of the communication (June 22, 2005) from the e-City Committee; and further, that the Chief Corporate Officer be requested to report to Administration Committee at its meeting of September 13, 2005, on alternative locations for the Call Centre, including Metro Hall but excluding the Council Chamber.

Deputy Mayor Feldman in the Chair.

- (d) Councillor Mihevc moved that the Clause be amended by adding the following:
- “That the Deputy City Manager and Chief Financial Officer, in consultation with the Toronto Transit Commission, be requested to report to the Administration Committee on the possibility of including an IT platform for real time transit passenger information in the proposal call, similar to the one now in operation in the call centre in the San Francisco area.”
- (e) Councillor Ford moved that this Clause be received.

Deputy Mayor Bussin in the Chair.

*Votes:*

Adoption of motion (e) by Councillor Ford:

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

Lost by a majority of 33.

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

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

Carried by a majority of 33.

Adoption of motion (c) by Councillor Ootes:

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

Lost by a majority of 5.

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

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

Lost by a majority of 3.

Due to the above decision of Council, Deputy Mayor Bussin declared motion Part (2)(a) of motion (a) by Councillor Moscoe redundant.

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

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

Carried by a majority of 29.

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

Yes - 22	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, Davis, De Baeremaeker, Di Giorgio, Feldman, Hall, Jenkins, Kelly, Li Preti, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Saundercook, Shiner
No - 17	
Councillors:	Altobello, Carroll, Del Grande, Ford, Giambrone, Grimes, Holyday, Lindsay Luby, Milczyn, Minnan-Wong, Pitfield,

Rae, Soknacki, Stintz, Thompson, Walker, Watson

Carried by a majority of 5.

Adoption of motion (d) by Councillor Mihevc:

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

Carried by a majority of 29.

Adoption of the Clause, as amended:

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

Carried by a majority of 33.

*Summary:*

In summary, Council amended this Clause by:

- (1) adding the following Part (f) to Recommendation (1) contained in the report (June 17, 2005) from the City Manager:

“(f) \$0.050 million for independent overall-project plan validation services;” and

(2) adding the following:

“That:

- (a) the Deputy City Manager and Chief Financial Officer, in consultation with the Toronto Transit Commission, be requested to report to the Administration Committee on the possibility of including an IT platform for real time transit passenger information in the proposal call, similar to the one now in operation in the call centre in the San Francisco area; and
- (b) the Deputy City Manager and Chief Financial Officer be requested to begin the process for having the Council Chamber at Metro Hall historically designated, and that Heritage Preservation Services be requested to ensure that full documentation of the original state of the Metro Hall Council Chamber is prepared.”

8.61 **Toronto and East York Community Council Report 6, Clause 72, headed “Supplementary Report – Rezoning Application, 730 Dovercourt Road (Davenport, Ward 18)”.**

*Motion:*

Deputy Mayor Pantalone moved that the Clause be amended by adding the following:

“That City Council adopt the following staff recommendation contained in the Recommendation Section of the supplementary report (July 21, 2005) from the Chief Planner and Executive Director, City Planning:

‘It is recommended that Council confirm its instructions that the City Solicitor oppose the revised applications at the Ontario Municipal Board hearing now scheduled to commence on September 20, 2005, based on the principles set out in the January 24, 2005, and June 29, 2005, reports of the Director, Community Planning, South District as modified by Attachment 1 to the report of the Director, Community Planning, South District dated July 21, 2005.’ ”

*Votes:*

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.



8.62 **North York Community Council Report 6, Clause 26, headed “Special Occasion Permit Request - Community Event - The Canadian Hispanic Day Parade - John Booth Arena (Ward 8 - York West)”.**

*Motion:*

Councillor Carroll moved that the Clause be amended by deleting the recommendation of the North York Community Council, and adopting instead the following:

“It is recommended that Council adopt:

- (1) the following first Operative Paragraph contained in the Resolution submitted by Councillor Li Preti, Ward 8 - York West:

**‘NOW THEREFORE BE IT RESOLVED THAT**, for liquor licensing purposes, City Council declare this to be an event of municipal and/or community significance, and that it has no objection to the event taking place, and that the Alcohol and Gaming Commission of Ontario be so advised.’; and

- (2) the following staff Recommendations (1) and (3) contained in the Recommendations Section of the supplementary report (July 15, 2005) from the General Manager, Parks, Forestry and Recreation:

‘It is recommended that:

- (1) the waiving of permit fees and any other direct costs that would be charged to the Canadian Hispanic Day Committee not be supported; and
  - (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’; and
- (3) the following:

‘That the Director of Internal Audit be requested to review the costs tabulated in Appendices A, B and C of the report (July 15, 2005) from the General Manager, Parks, Forestry and Recreation, meet with the Canadian Hispanic Day Committee and appropriate City staff to determine whether there are outstanding balances, and report on this matter to the Economic Development and Parks Committee; and in the meantime, the Special Occasion Permit not be withheld because of outstanding balances.’ ”

*Votes:*

The motion by Councillor Carroll carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

**8.63 Community Services Committee Report 6, Clause 18, headed “Tenant Support Grant Program - 266 Sherbourne Street”.**

*Procedural Motion:*

Councillor Carroll moved that this Clause be considered as a ‘time sensitive’ item, the vote upon which was taken as follows:

Yes - 30	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 6	
Councillors:	Ford, Holyday, Minnan-Wong, Nunziata, Ootes, Palacio

Carried by a majority of 24.

Deputy Mayor Bussin in the Chair.

*Motion:*

Councillor Holyday moved that the Clause be received.

*Votes:*

Adoption of the motion by Councillor Holyday:

Yes - 8 Councillors:	Del Grande, Ford, Hall, Holyday, Kelly, Minnan-Wong, Ootes, Thompson
No - 25 Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Chow, Davis, De Baeremaeker, Giambrone, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Walker, Watson

Lost by a majority of 17.

Adoption of the Clause, without amendment:

Yes - 28 Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Chow, Davis, De Baeremaeker, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 7 Councillors:	Del Grande, Ford, Holyday, Kelly, Minnan-Wong, Ootes, Thompson

Carried by a majority of 21.

Mayor Miller in the Chair.

8.64 **Community Services Committee Report 6, Clause 19, headed “Tenant Support Grant Program - 545, 555 and 565 Sherbourne Street Tenants Association”.**

*Procedural Motion:*

Councillor Carroll moved that this Clause be considered as a ‘time sensitive’ item, the vote upon which was taken as follows:

Yes - 30	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 6	
Councillors:	Ford, Holyday, Minnan-Wong, Nunziata, Ootes, Palacio

Carried by a majority of 24.

Deputy Mayor Bussin in the Chair.

*Motion:*

Councillor Holyday moved that the Clause be received.

*Votes:*

Adoption of the motion by Councillor Holyday:

Yes - 7	
Councillors:	Del Grande, Ford, Grimes, Hall, Holyday, Kelly, Ootes
No - 25	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Chow, Davis, De Baeremaeker, Giambrone, Jenkins, Li Preti, Lindsay Luby, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker

Lost by a majority of 18.

Adoption of the Clause, without amendment:

Yes - 24	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Chow, Davis, De Baeremaeker, Giambrone, Jenkins, Li Preti, Lindsay Luby, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker
No - 8	
Councillors:	Del Grande, Ford, Grimes, Hall, Holyday, Kelly, Ootes, Thompson

Carried by a majority of 16.

**8.65 Economic Development and Parks Committee Report 7, Clause 2, headed “Event Enhancement Strategy (All Wards)”.**

*Motion:*

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

“That the following recommendations be referred to the Deputy City Manager for a report to the Economic Development and Parks Committee:

‘That:

- (1) Attachment 1, referred to in Recommendation (1) of the report (June 16, 2005) from the Deputy City Manager, be amended by adding to Section 10, the words “including the charge backs to the City for events sponsored by the City in Dundas Square”, so that Section 10 now reads:

“10. Review of all City service fees related to event production. Propose strategies to examine, clarify and possibly adjust fees where applicable. The Deputy City Manager will work with the Chief Financial Officer and other Divisions to explore options and to develop an implementation plan with associated costs prior to Council consideration of the 2006 budget process, including the charge backs to the City for events sponsored by the City in Dundas Square”; and

- (2) the Toronto Police Services Board be requested to report to the Economic Development and Parks Committee on the feasibility of establishing a special policing unit, funded entirely by the City, in order to replace the need for paid duty for events.”

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

**8.66 North York Community Council Report 6, Clause 23, headed “Encroachment Agreement - 21 De Vere Gardens (Ward 16 - Eglinton-Lawrence)”.**

*Motion:*

Councillor Stintz moved that consideration of the Clause be deferred to the next regular meeting of City Council on September 28, 2005.

*Vote on Deferral:*

The motion by Councillor Stintz carried.

**8.67 Policy and Finance Committee Report 7, Clause 8, headed “Corporate and Commercial Board Remuneration”.**

*Motions:*

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

“That the City Manager be requested to submit to the Policy and Finance Committee an overview of those ABCs and Special Purpose Bodies on which the City has appointees, whether they earn a stipend and the rationale behind the stipend format.”

(b) Councillor Saundercook moved that the Clause be amended by deleting Recommendation (3) contained in the report (June 27, 2005) from the City Manager, and inserting instead the following:

“(3) remuneration for the citizen Chair of the Toronto Hydro Corporation and all other citizen Members remain at the current rate;”.

*Votes:*

Adoption of motion (b) by Councillor Saundercook:

Yes - 15	
Councillors:	Altobello, Del Grande, Di Giorgio, Kelly, Milczyn, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 12	
Mayor:	Miller
Councillors:	Bussin, Carroll, Chow, Davis, De Baeremaeker, Ford, Hall, Holyday, Lindsay Luby, Mihevc, Moscoe

Carried by a majority of 3.

Adoption of motion (a) by Councillor Hall:

Yes - 13	
Mayor:	Miller

Councillors:	Altobello, Bussin, De Baeremaeker, Del Grande, Ford, Hall, Holyday, Lindsay Luby, Moscoe, Pitfield, Walker, Watson
No - 15	
Councillors:	Carroll, Chow, Davis, Di Giorgio, Jenkins, Kelly, Mihevc, Milczyn, Ootes, Palacio, Rae, Saundercook, Shiner, Stintz, Thompson

Lost by a majority of 2.

Adoption of the Clause, as amended:

Yes - 24	
Mayor:	Miller
Councillors:	Altobello, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Hall, Holyday, Jenkins, Kelly, Mihevc, Milczyn, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 4	
Councillors:	Bussin, Ford, Lindsay Luby, Moscoe,

Carried by a majority of 20.

8.68 **Policy and Finance Committee Report 7, Clause 13, headed “Agreement for the Transfer of Federal Gas Tax Revenues and Agreement in Principle for the Transfer of Funds for Public Transit under the New Deal for Cities and Communities”.**

*Motion:*

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

“That the City Manager be requested to report to the Policy and Finance Committee meeting of September 20, 2005, on the timelines for the flow of the Gas Tax funding.”

*Vote:*

Adoption of the Clause, as amended by the motion by Councillor Chow:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Ford, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 0	

Carried unanimously.

**8.69 Economic Development and Parks Committee Report 7, Clause 8, headed “Interim Report on Options for Free Recreation Programs for Children and Youth (All Wards)”.**

*Motions:*

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

“That City Council adopt the following Resolution:

‘**WHEREAS** recently the Federal Minister of Public Health, Dr. Carolyn Bennett, and the Provincial Minister of Education, Gerard Kennedy, both promised funding for mandatory swimming programs for children;

**NOW THEREFORE BE IT RESOLVED THAT** the City support the offering of free swimming lessons for all Grade 3 (age 8) students on the condition that the annual operating funds be found through the federal and provincial governments; and

**AND BE IT FURTHER RESOLVED THAT** the Aquatic and Pool Strategy Working Group report to City Council, through the Economic Development and Parks Committee, in October 2005 on providing swimming lessons for Grade 3 children and the success it has in bringing funding from the federal and provincial governments.’ ”

- (b) Councillor Hall moved that the Clause be referred, without recommendation, to the Aquatic and Pool Strategy Working Group for consideration.

*Vote on Referral:*

Adoption of motion (b) by Councillor Hall:



Yes - 9 Councillors:	Ford, Hall, Holyday, Milczyn, Saundercook, Shiner, Stintz, Walker, Watson
No - 19 Mayor: Councillors:	Miller Altobello, Bussin, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Giambrone, Jenkins, Kelly, Lindsay Luby, Mihevc, Moscoe, Palacio, Pitfield, Rae, Thompson

Lost by a majority of 10.

*Motions:*

- (c) Councillor Kelly moved that the Clause be amended by adding to Recommendation (1) contained in the report (June 21, 2005) from the General Manager, Parks, Forestry and Recreation, the words “such report to also include an analysis of the Scarborough Recreation and Parks programs which were in place prior to amalgamation”, so that Recommendation (1) now reads as follows:

“(1) Parks, Forestry and Recreation consult with the community and staff on preliminary options for free recreation programs for children and youth, reporting back in spring 2006 with a final set of options for Council’s consideration, such report to also include an analysis of the Scarborough Recreation and Parks programs which were in place prior to amalgamation; and”; and

- (d) Councillor Davis moved that motion (a) by Councillor Chow be amended by adding to the first Operative Paragraph, the words “by the School Boards and/or the City”, so that the first Operative Paragraph now reads as follows:

**“NOW THEREFORE BE IT RESOLVED THAT** the City support the offering of free swimming lessons for all Grade 3 (age 8) students by the School Boards and/or the City, on the condition that the annual operating funds be found through the federal and provincial governments; and”.

*Votes:*

Motion (c) by Councillor Kelly carried.

Motion (d) by Councillor Davis carried.

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

Yes - 27	Miller
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Mayor:	
Councillors:	Altobello, Bussin, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Giambrone, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 2	
Councillors:	Ford, Hall

Carried by a majority of 25.

Adoption of the Clause, as it pertains to Recommendation (1) contained in the report (June 21, 2005) from the General Manager, Parks, Forestry and Recreation, as amended:

Yes - 19	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Chow, Davis, De Baeremaeker, Giambrone, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Moscoe, Palacio, Rae, Soknacki, Walker, Watson
No - 10	
Councillors:	Del Grande, Di Giorgio, Ford, Hall, Milczyn, Pitfield, Saundercook, Shiner, Stintz, Thompson

Carried by a majority of 9.

Adoption of the balance of the Clause, as amended:

Yes - 21	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Giambrone, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Rae, Soknacki, Walker, Watson
No - 8	
Councillors:	Ford, Hall, Holyday, Pitfield, Saundercook, Shiner, Stintz, Thompson

Carried by a majority of 13.

*Summary:*

In summary, Council amended this Clause by:

- (1) adding to Recommendation (1) contained in the report (June 21, 2005) from the

General Manager, Parks, Forestry and Recreation, the words “such report to also include an analysis of the Scarborough Recreation and Parks programs which were in place prior to amalgamation”, so that Recommendation (1) now reads as follows:

“(1) Parks, Forestry and Recreation consult with the community and staff on preliminary options for free recreation programs for children and youth, reporting back in spring 2006 with a final set of options for Council’s consideration, such report to also include an analysis of the Scarborough Recreation and Parks programs which were in place prior to amalgamation; and”;

(2) adding the following:

“That City Council adopt the following Resolution:

‘**WHEREAS** recently the Federal Minister of Public Health, Dr. Carolyn Bennett, and the Provincial Minister of Education, Gerard Kennedy, both promised funding for mandatory swimming programs for children;

**NOW THEREFORE BE IT RESOLVED THAT** the City support the offering of free swimming lessons for all Grade 3 (age 8) students by the School Boards and/or the City, on the condition that the annual operating funds be found through the federal and provincial governments; and

**AND BE IT FURTHER RESOLVED THAT** the Aquatic and Pool Strategy Working Group report to City Council, through the Economic Development and Parks Committee, in October 2005 on providing swimming lessons for Grade 3 children and the success it has in bringing funding from the federal and provincial governments.’ ”

**8.70 Economic Development and Parks Committee Report 7, Clause 9, headed “2005 Recreation Grants Program - Recommendations and Appeals (All Wards)”.**

*Motions:*

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

“That all funding increases for both new and existing organizations within the Recreation Grants Program for the South District be frozen until such time as the funding in the other operating Districts has increased such that the distribution of the allocations is equitable on population, such freeze to commence in 2005.”

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

“That any additional funds allocated through the 2006 Recreation Grants Program be

allocated to priority communities outside the downtown core pursuant to the forthcoming strategy to be reported by the City Manager.”

*Permission to Withdraw Motion:*

Councillor Del Grande, with the permission of Council, withdrew his motion (a).

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

“That:

- (1) all future grants progress reports list agencies that serve the entire City in a separate category and not by their headquarters; and
- (2) the Scadding Court Community Centre be requested to assist the recreational needs of the Alexandra Park Residents Association, and the General Manager of Parks, Forestry and Recreation be requested to report to the Economic Development and Parks Committee for its November 9, 2005 meeting on how the two associations may assist each other and what joint projects are being undertaken.”

*Votes:*

Adoption of motion (b) by Councillor Moscoe:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 27.

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

Yes - 27	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 26.

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

Adoption of the Clause, as amended:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 27.

*Summary:*

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

“That:

- (1) all future grants progress reports list agencies that serve the entire City in a separate category and not by their headquarters;
- (2) any additional funds allocated through the 2006 Recreation Grants Program be allocated to priority communities outside the downtown core pursuant to the forthcoming strategy to be reported by the City Manager; and

- (3) the Scadding Court Community Centre be requested to assist the recreational needs of the Alexandra Park Residents Association, and the General Manager of Parks, Forestry and Recreation be requested to report to the Economic Development and Parks Committee for its November 9, 2005 meeting on how the two associations may assist each other and what joint projects are being undertaken.”

**8.71 Economic Development and Parks Committee Report 7, Clause 10, headed “2005 Community Festivals and Special Events Grants Program - Appeals (All Wards)”.**

*Motion:*

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

“That any additional funds allocated through the 2006 Community Festivals and Special Events Grants Program be allocated to priority communities outside the downtown core pursuant to the forthcoming strategy to be reported by the City Manager.”

*Votes:*

Adoption of the motion by Councillor Moscoe:

Yes - 22	Councillors: Altobello, Bussin, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Holyday, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker
No - 6	Councillors: Carroll, Fletcher, Ford, Giambrone, Hall, Watson

Carried by a majority of 16.

Adoption of the Clause, as amended:

Yes - 27	Councillors: Altobello, Bussin, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	Councillor: Ford

Carried by a majority of 26.

**8.72 Economic Development and Parks Committee Report 7, Clause 14, headed “Operation of Beverage Services for Cold Drink Vending Machines and Pouring Rights - Request for Proposal (RFP) 0604-05-0151 (All Wards)”.**

*Motions:*

- (a) Councillor Chow moved that the Clause be amended by deleting the recommendation of the Economic Development and Parks Committee, and that Council adopt the following:

“That a new RFP be issued to seek 100 percent healthy beverages, such as 100 percent fruit juices, milk and water.”

- (b) Councillor Mihevc moved that the Clause be amended by:

- (1) deleting from Recommendation (2) contained in the report (June 16, 2005) from the General Manager, Parks, Forestry and Recreation, all of the words after the date “October 31, 2010”, so that Recommendation (2) now reads as follows:

“(2) authority be delegated to the General Manager of Parks, Forestry and Recreation to negotiate and execute a License Agreement with The Pepsi Bottling Group in form and content, consistent with the RFP and acceptable to the City Solicitor for the period from November 1, 2005 to October 31, 2010; and”;

- (2) adding the following:

“That:

- (a) a comparative nutritional guide be illustrated and fixed to the front of all vending machines to demonstrate the difference between healthy options and unhealthy options provided by each vending machine in a user-friendly format;
- (b) water fountains in Parks, Forestry and Recreation facilities with vending machines, be maintained at a high standard and routinely thoroughly sanitized; and

- (c) at the end of the above licence agreement, the General Manager, Parks, Forestry and Recreation be requested to report to Council, through the Economic Development and Parks Committee, for approval of RFP criteria, prior to proceeding to tender, such report to address the option of:
- (i) providing 100 percent juice, water and milk in vending machines; and
  - (ii) with the exception of water, providing products that will not be delivered in a serving size greater than 250 ml.”
- (c) Councillor Davis moved that the Clause be amended by adding the following:

“That the General Manager of Parks, Forestry and Recreation report to the Economic Development Committee on September 12, 2005, on the feasibility of placing health warnings on vending machines that include pop.”

*Vote Be Now Taken:*

Councillor Giambrone 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 - 20	
Councillors:	Altobello, Bussin, Carroll, Davis, Del Grande, Fletcher, Giambrone, Hall, Kelly, Lindsay Luby, Moscoe, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 7	
Councillors:	Cho, Chow, De Baeremaeker, Holyday, Jenkins, Mihevc, Milczyn

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

*Votes:*

Adoption of motion (a) by Councillor Chow:



Yes - 10 Councillors:	Bussin, Cho, Chow, Davis, De Baeremaeker, Fletcher, Mihevc, Moscoe, Palacio, Shiner
No - 18 Mayor: Councillors:	Miller Altobello, Carroll, Del Grande, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Milczyn, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Watson

Lost by a majority of 8.

Part (1) of motion (b) by Councillor Mihevc carried.

*Ruling by Deputy Mayor:*

Deputy Mayor Bussin ruled Part (2)(b) of motion (b) by Councillor Mihevc out of order as it does not relate to this Clause.

Adoption of Part (2)(a) of motion (b) by Councillor Mihevc:

Yes - 17 Mayor: Councillors:	Miller Altobello, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Fletcher, Giambrone, Holyday, Jenkins, Mihevc, Moscoe, Pitfield, Rae, Shiner
No - 12 Councillors:	Del Grande, Ford, Hall, Kelly, Lindsay Luby, Milczyn, Palacio, Saundercook, Soknacki, Stintz, Thompson, Watson

Carried by a majority of 5.

Part (2)(c) of motion (b) by Councillor Mihevc carried.

Due to the above decisions of Council, Deputy Mayor Bussin declared motion (c) by Councillor Davis redundant.

Adoption of the Clause, as amended:

Yes - 22	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, De Baeremaeker, Del Grande, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Milczyn, Palacio, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Watson
No - 7	
Councillors:	Cho, Chow, Davis, Fletcher, Mihevc, Moscoe, Shiner

Carried by a majority of 15.

*Summary:*

In summary, Council amended this Clause by:

- (1) deleting from Recommendation (2) contained in the report (June 16, 2005) from the General Manager, Parks, Forestry and Recreation, all of the words after the date “October 31, 2010”, so that Recommendation (2) now reads as follows:

“(2) authority be delegated to the General Manager of Parks, Forestry and Recreation to negotiate and execute a License Agreement with The Pepsi Bottling Group in form and content, consistent with the RFP and acceptable to the City Solicitor for the period from November 1, 2005 to October 31, 2010; and”; and

- (2) adding the following:

“That:

- (a) at the end of the above licence agreement, the General Manager, Parks, Forestry and Recreation be requested to report to Council, through the Economic Development and Parks Committee, for approval of RFP criteria, prior to proceeding to tender, such report to address the option of:
- (i) providing 100 percent juice, water and milk in vending machines; and
  - (ii) with the exception of water, providing products that will not be delivered in a serving size greater than 250 ml.; and
- (b) a comparative nutritional guide be illustrated and fixed to the front of all vending machines to demonstrate the difference between healthy options and unhealthy options provided by each vending machine in a user-friendly format.”

**8.73 Works Committee Report 7, Clause 8, headed “2005 Pedestrian Sundays in Kensington Market”.**

*Ruling by Deputy Mayor:*

Councillor Watson requested Deputy Mayor Bussin to rule on whether this Clause was in order.

Deputy Mayor Bussin ruled this Clause out of order as City Council had previously decided this matter at its meeting of June 14, 15 and 16, 2005 [Toronto and East York Community Council Report 5, Clause 66, headed “Car Free Sundays in Kensington Market”].

Councillor Chow challenged the ruling of the Deputy Mayor.

*Vote to Uphold Ruling of Deputy Mayor:*

Yes - 19 Councillors:	Altobello, Bussin, Cho, De Baeremaeker, Del Grande, Ford, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Moscoe, Palacio, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 9 Mayor: Councillors:	Miller Carroll, Chow, Davis, Fletcher, Giambrone, Mihevc, Milczyn, Pitfield

Carried by a majority of 10.

*Summary:*

In summary, this Clause was ruled out of order.

**8.74 North York Community Council Report 6, Clause 22, headed “Encroachment Agreement Application - 1887 Avenue Road (Ward 16 - Eglinton-Lawrence)”.**

*Ruling by Deputy Mayor:*

Deputy Mayor Bussin ruled that as no officials from the Municipal Licensing and Standards Division were in attendance to respond to questions from Councillor Ford, this matter would be postponed until July 26, 2005.

Councillor Giambrone challenged the ruling of the Deputy Mayor.

*Vote to Uphold Ruling of Deputy Mayor:*

Yes - 7	
Councillors:	Bussin, Del Grande, Ford, Hall, Holyday, Jenkins, Palacio
No - 21	
Mayor:	Miller
Councillors:	Altobello, Carroll, Cho, Chow, Davis, De Baeremaeker, Fletcher, Giambrone, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson

Lost by a majority of 14.

*Motion:*

Councillor Ford moved that this Clause be received.

*Votes:*

Adoption of the motion by Councillor Ford:

Yes - 1	
Councillor:	Ford
No - 26	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Cho, Chow, De Baeremaeker, Del Grande, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson

Lost by a majority of 25.

Adoption of the Clause, without amendment:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 25.

**8.75 North York Community Council Report 6, Clause 25, headed “Traffic Management - Rosewell Avenue at Cheritan Avenue (Ward 16 - Eglinton-Lawrence)”.**

*Votes:*

Adoption of the Clause, without amendment:

Yes - 27	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 26.

Deputy Mayor Pantalone in the Chair.

**8.76 Policy and Finance Committee Report 7, Clause 24, headed “Workforce Reduction Costs 2005”.**

*Motions:*

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

“That the City Manager be requested to:

- (1) report to the Employee and Labour Relations Committee and City Council on the current number of full-time, part-time and seasonal employees employed by the City of Toronto and its Agencies, Boards and Commissions, and include in that report the number of vacant positions; and
- (2) include as part of the quarterly variance report (Operating Budget) the number of full-time, part-time and seasonal employees employed by the City of Toronto and its Agencies, Boards and Commissions, by division.”

- (b) Councillor Shiner moved that the Clause be referred to the Deputy City Manager and Chief Financial Officer, with a request that he report to the November 22, 2005 meeting of the Policy and Finance Committee on the following:
- (1) City Divisions be requested to fund their 2005 work force reductions through under-expenditures, and the Deputy City Manager and Chief Financial Officer submit a report to the Policy and Finance Committee on any funding required; and
  - (2) for 2006, budget estimate costs for work force reductions and funding for the work force reserve fund, be included in the budget for the Division which requires the funding.

*Vote on Referral:*

Adoption of motion (b) by Councillor Shiner:

Yes - 21	
Mayor:	Miller
Councillors:	Cho, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Hall, Holyday, Kelly, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Stintz, Walker
No - 15	
Councillors:	Ashton, Augimeri, Bussin, Carroll, Davis, Filion, Giambrone, Grimes, Jenkins, Mihevc, Pantalone, Rae, Soknacki, Thompson, Watson

Carried by a majority of 6.

*Proposal by Deputy Mayor:*

Deputy Mayor Pantalone proposed that the Deputy City Manager and Chief Financial Officer be requested to address the recommendations contained in motion (a) by Councillor Pitfield, when he reports to the Policy and Finance Committee on this matter.

Council concurred in the proposal by the Deputy Mayor.

*Summary:*

In summary, Council referred this Clause to the Deputy City Manager and Chief Financial Officer, with a request that he report to the November 22, 2005 meeting of the Policy and Finance Committee on the following:

- (1) City Divisions be requested to fund their 2005 work force reductions through

- under-expenditures, and the Deputy City Manager and Chief Financial Officer submit a report to the Policy and Finance Committee on any funding required;
- (2) for 2006, budget estimate costs for work force reductions and funding for the work force reserve fund, be included in the budget for the Division which requires the funding;
  - (3) reporting to the Employee and Labour Relations Committee and City Council on the current number of full-time, part-time and seasonal employees employed by the City of Toronto and its Agencies, Boards and Commissions, and include in that report the number of vacant positions; and
  - (4) including as part of the quarterly variance report (Operating Budget) the number of full-time, part-time and seasonal employees employed by the City of Toronto and its Agencies, Boards and Commissions, by division.

**8.77 Policy and Finance Committee Report 7, Clause 26, headed “Domestic Development Working Group Recommendations on Support for the Film Industry”.**

*Extension to Question:*

Councillor Kelly spoke for a period of five minutes. Councillor Del Grande moved that, in accordance with §27-27 of Chapter 27, Council Procedures, of the City of Toronto Municipal Code, Councillor Kelly be permitted a five-minute extension in order to conclude his remarks, the vote upon which was taken as follows:

Yes - 21	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Cho, Davis, De Baeremaeker, Del Grande, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Walker, Watson
No - 7	
Councillors:	Bussin, Carroll, Di Giorgio, Feldman, Rae, Saundercook, Stintz

Carried by a majority of 14.

*Motion:*

- (a) Councillor Kelly moved that the Clause be amended by adding to Recommendation (2) contained in the communication (June 23, 2005) from the Film, Television and Commercial Production Committee (Film Board), the words “and request the City Manager to report to the Policy and Finance Committee on September 20, 2005, on the criticism of the City of Toronto film and land use policies, made by Don Carmody in his communication to the Mayor dated July 6, 2005”, so that Recommendation (2) now reads as follows:

“(2) the City call for an end to all federal and provincial policies that mitigate against film and television production in Toronto, and request the City Manager to report to the Policy and Finance Committee on September 20, 2005, on the criticism of the City of Toronto film and land use policies, made by Don Carmody in his communication to the Mayor (July 6, 2005); and”.

*Ruling by Deputy Mayor:*

Councillor Shiner requested the Deputy Mayor to rule on whether motion (a) by Councillor Kelly was in order given the subject matter of this Clause. Deputy Mayor Pantalone ruled that a request for a report on City policies was in order.

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

“That the Prime Minister of Canada and the Premier of Ontario be requested to immediately extend the Federal and Provincial Tax Credits offered outside of Toronto for film and television productions, to all parts of the television and film industry that work in Toronto.”

*Votes:*

Adoption of motion (a) by Councillor Kelly:

Yes - 9	
Councillors:	Del Grande, Ford, Grimes, Holyday, Kelly, Minnan-Wong, Nunziata, Ootes, Soknacki
No - 25	
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Jenkins, Li Preti, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Stintz, Watson

Lost by a majority of 16.

Adoption of motion (b) by Councillor Shiner:



Yes - 34 Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 1 Councillor:	Ford

Carried by a majority of 33.

Adoption of the Clause, as amended:

Yes - 34 Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 1 Councillor:	Ford

Carried by a majority of 33.

**8.78 Administration Committee Report 6, Clause 21, headed “City Hall and Metro Hall Cafes and the Civic Centre Cafeterias (All Wards)”.**

*Vote:*

Adoption of the Clause, without amendment:

Yes - 24 Councillors:	Ashton, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Mihevc, Milczyn, Ootes, Pantalone, Rae, Soknacki, Watson
No - 9 Councillors:	Augimeri, Minnan-Wong, Moscoe, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Stintz

Carried by a majority of 15.

**8.79 Economic Development and Parks Committee Report 7, Clause 15, headed “Major Recreation Grants Program – Variety - The Children’s Charity (Ward 36 - Scarborough Southwest)”.**

*Motion:*

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

“That the General Manager, Parks, Forestry and Recreation be requested to report to the Economic Development and Parks Committee for its meeting on October 17, 2005, on any funding available due to under-expenditures.”

*Votes:*

Adoption of the motion by Councillor Ashton:

Yes - 33	Councillors: Ashton, Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 1	Councillor: Holyday

Carried by a majority of 32.

The Clause, as amended, carried.

**8.80 Works Committee Report 7, Clause 16, headed “Other Items Considered by the Committee”.**

*Motion:*

Councillor Carroll moved that Item (s), entitled “Idling Control By-law: Improving Enforcement” contained in this Clause, be referred back to the Works Committee for further consideration.

*Votes:*

The motion by Councillor Carroll carried.

The balance of the Clause was received, for information.

**8.81 Policy and Finance Committee Report 7, Clause 36, headed “Enforcement of Mandatory Waste Diversion By-laws for Single Family Residences”.**

*Vote:*

Adoption of the Clause, without amendment:

Yes - 23	
Councillors:	Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook
No - 11	
Councillors:	Ashton, Ford, Holyday, Li Preti, Milczyn, Minnan-Wong, Ootes, Shiner, Soknacki, Stintz, Watson

Carried by a majority of 12.

**8.82 North York Community Council Report 6, Clause 24, headed “Payment-in-Lieu of Parking - Maurice Afriat Tortuga Holdings - Adam Brown, Brown Dryer Karol, Agent - 1677 Avenue Road (Ward 16 - Eglinton-Lawrence)”.**

*Vote:*

Adoption of the Clause, without amendment:

Yes - 31	
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Filion, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 2	
Councillors:	Del Grande, Ford

Carried by a majority of 29.

**8.83 Policy and Finance Committee Report 7, Clause 42, headed “The Children’s Report Card”.***Motion:*

Councillor Ford moved that:

- (1) the Clause be received; and
- (2) in the event Part (1) above does not carry, the Clause be amended to provide that the Children’s Report Card be printed in black and white.

*Votes:*

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

Yes - 5	
Councillors:	Del Grande, Ford, Grimes, Milczyn, Minnan-Wong
No - 27	
Councillors:	Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson

Lost by a majority of 22.

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

Yes - 9	
Councillors:	Del Grande, Ford, Grimes, Kelly, Milczyn, Minnan-Wong, Nunziata, Palacio, Watson
No - 23	
Councillors:	Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Li Preti, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz

Lost by a majority of 14.

Adoption of the Clause, without amendment:

Yes - 28

Councillors:	Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 4	
Councillors:	Del Grande, Ford, Milczyn, Minnan-Wong

Carried by a majority of 24.

**8.84 Economic Development and Parks Committee Report 7, Clause 7, headed “Parks, Forestry and Recreation Revenue Review - Phase II (All Wards)”.**

*Vote:*

Adoption of the Clause, without amendment:

Yes - 28	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Watson
No - 3	
Councillors:	Minnan-Wong, Shiner, Stintz

Carried by a majority of 25.

Mayor Miller in the Chair.

**8.85 Economic Development and Parks Committee Report 7, Clause 3, headed “A Focused Revitalization Program in Support of Toronto’s Employment Districts and Employment Areas (All Wards)”.**

*Motions:*

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

“That the Executive Director of Economic Development be requested to review the feasibility of applying an Employment Revitalization (ER) designation to the Orfus Road Employment Area as an industrial district in transition, and report to the Economic Development and Parks Committee on the outcome of this review.”

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

“That the Executive Director of Economic Development be requested to give consideration to selecting the Consumers Road Employment Area as a priority Employment Revitalization Area.”

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

“That the Executive Director of Economic Development be requested to give consideration to selecting the Etobicoke City Centre area as a priority Employment Revitalization Area.”

- (d) Councillor Stintz moved that the Clause be amended by adding the following:

“That the Chief Planner and Executive Director, City Planning, be requested to review the feasibility of encouraging the rezoning of commercial properties to multi-use, instead of strictly residential use, to ensure the commercial tax base does not continue to erode.”

*Votes:*

The Clause, as amended by motion (a) by Councillor Moscoe, motion (b) by Councillor Carroll, motion (c) by Councillor Milczyn and motion (d) by Councillor Stintz, carried.

*Summary:*

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

“That:

- (1) the Chief Planner and Executive Director, City Planning, be requested to review the feasibility of encouraging the rezoning of commercial properties to multi-use, instead of strictly residential use, to ensure the commercial tax base does not continue to erode;
- (2) the Executive Director of Economic Development be requested to:

- (a) give consideration to selecting the following areas as priority Employment Revitalization Areas:
  - (i) the Etobicoke City Centre area; and
  - (ii) the Consumers Road Employment; and
- (b) review the feasibility of applying an Employment Revitalization (ER) designation to the Orfus Road Employment Area as an industrial district in transition, and report to the Economic Development and Parks Committee on the outcome of this review.”

Deputy Mayor Pantalone in the Chair.

**8.86 Administration Committee Report 6, Clause 28, headed “Court Service Agreement with GO Transit for Provincial Offences Fines”.**

*Motion:*

Councillor Moscoe moved that consideration of the Clause be deferred to the next regular meeting of City Council on September 28, 2005, and that the Director of Court Services be requested to report at that time on the feasibility of a similar agreement to be negotiated with the Toronto Transit Commission, with revenues raised from Provincial Offence charges issued by TTC constables forwarded to the TTC less the administration costs incurred by Toronto Court Services.

*Vote on Deferral:*

The motion by Councillor Moscoe carried.

**8.87 Planning and Transportation Committee Report 6, Clause 6, headed “Licensing Strategy to Deal with Illegal Body Rub Activity in Licensed Premises”.**

*Motions:*

- (a) Councillor Milczyn moved that the Clause be amended:
  - (1) by deferring consideration of Recommendation (4)(x) contained in the Recommendations Section of the report (June 20, 2005) from the Executive Director, Municipal Licensing and Standards until the Chief Planner and Executive Director, City Planning brings forward possible amendments to the Zoning By-law which would have the same effect;

- (2) by adding to Recommendation (2) of the Planning and Transportation Committee the words “and the Executive Director of Municipal Licensing and Standards consult with the Holistic Health Research Foundation of Canada in the evaluation of submissions from the Associations”, so that Recommendation (2) now reads as follows:

“(2) the fees for Holistic licenses be maintained as presently constituted and the Executive Director of Municipal Licensing and Standards consult with the Holistic Health Research Foundation of Canada in the evaluation of submissions from the Associations;”;

- (3) by adding the following:

“That:

- (i) the Executive Director of Municipal Licensing and Standards be requested to submit amendments to the Municipal Licensing By-law to the October 6, 2005 meeting of the Planning and Transportation Committee which would:
- (a) regulate establishments whose primary business is the provision of manicures and/or pedicures, skin care, and/or spa treatments, to be a new Business Class known as ‘Personal Grooming and Care Salons’;
  - (b) amend the hours of operation for Holistic and Traditional Medicine Establishments to be 10:00 a.m. to 9:00 p.m., Monday to Saturday, and 12:00 noon to 5:00 p.m. on Sundays and Holidays;
  - (c) amend the hours of operation for Body Rub Parlours to be 10:00 a.m. to 9:00 p.m., Monday to Saturday, and 12:00 noon to 5:00 p.m. on Sundays and Holidays; and
  - (d) establish formal protocols for sharing licensing information about problem properties and investigations with surrounding municipalities;
- (ii) the Chief Planner and Executive Director, City Planning Division, be requested to report to the October 6, 2005 meeting of the Planning and Transportation Committee with amendments to the City-wide Zoning Code to provide for the following restrictions:



- (a) no Holistic or Traditional Medicine Establishment shall be located within 200 metres of any licensed Adult Entertainment Parlour and Body Rub Parlour;
  - (b) no Personal Grooming and Care Salon shall be located within 200 metres of any licensed Adult Entertainment Parlour or Body Rub Parlour; and
  - (c) no establishment whose use is the provision of physical contact for sexual gratification as defined in the *Municipal Act, 2001*, be located within 200 metres of any residential zone, licensed Adult Entertainment Parlour, or Body rub Parlour;
- (iii) a 'Task Force for the Regulation of the Sex Trade in Toronto' be established with membership to be comprised of:
- federal, provincial and municipal officials; and
  - a prominent member of the legal professional who specializes in criminal law; and
- the Terms of Reference of this Task Force to include, but not be limited to, recommending a regulatory framework for the Sex Trade which addresses Land Use, Business Licensing, Health and Safety, Security and Policing, Taxation, and Immigration matters;
- (iv) the Toronto Police Services Board be requested to direct that the Toronto Police Service establish a formal protocol to co-ordinate operations and share information with Municipal By-law Enforcement to control the sex trade; and
  - (v) Mayor Miller and Police Chief Bill Blair be requested to conduct a walking tour of The Queensway together with the local Councillor and community members, to see the extent of the sex trade in the neighbourhood.”; and
- (4) in accordance with the staff recommendations contained in the Recommendations Section of the confidential report (July 13, 2005) from the City Solicitor.

Deputy Mayor Bussin in the Chair.

(b) Councillor Saundercook moved that:

- (1) the Clause be amended:

- (i) by amending the recommendations of the Planning and Transportation Committee by deleting Recommendation (1)(a) and inserting instead the following:

“(1) City Council:

- (a) adopt the staff recommendations contained in the Recommendations Section of the report (June 20, 2005) from the Executive Director, Municipal Licensing and Standards, subject to:

- (i) amending Recommendation (4)(x) by deleting the words ‘within 200 metres’ and inserting instead, the words ‘within 500 metres’, so that Recommendation (4)(x) now reads as follows:

‘(4)(x) No Holistic or Traditional Medicine Establishment shall be located within 500 metres of any licensed Adult Entertainment Parlour and Body Rub Parlour;’ ”;

- (ii) by amending Recommendation (3) of the Planning and Transportation Committee to include Body Rub Parlours and Holistic and Traditional Medicine Establishments if a \$35.00 increase is to be applied to all license holders;

- (iii) by adding the following:

“That the Police Chief be requested to delegate a senior official to work closely with Municipal Licensing and Standards on shutting down all illegal Body Rub Establishments.”; and

- (iv) to provide that the Toronto Municipal Code Chapter 545, Licensing, be amended to provide that Holistic and Traditional Medicine operations become a new category separate from Body Rub Parlours; and

- (2) Part (3)(i)(c) of motion (a) by Councillor Milczyn be amended to provide that the hours of operation for all legal Body Rub Parlours will be 9:00 a.m. to 9:00 p.m. Monday to Saturday, and 12:00 noon to 5:00 p.m. on Sunday and Holidays.

- (c) Councillor Thompson moved that:

- (1) the Clause be amended by adding the following:

“That:

- (i) a Working Group be formed, chaired by a Member of the Planning and Transportation Committee and consisting of staff from the Municipal Licensing and Standards Division, the Planning Division, the Toronto Police Service, the Canada Customs and Revenue Agency, the Federal Ministry of Citizenship and Immigration, and other appropriate municipal and federal agencies, as well as the Canadian Banking Association and the Insurance Bureau of Canada, to identify, report on and propose options to address the municipal and criminal concerns related to illegal body rub activity, to the Planning and Transportation Committee in six months. In addition, the Working Group should include a prominent member of the legal profession who has successfully dealt with similar issues;
  - (ii) upon receipt of the report, the Planning and Transportation Committee, form a Sub-Committee of Councillors to undertake community consultation related to the report and proposed options contained therein;
  - (iii) the Sub-Committee report back to the Planning and Transportation Committee within three months with its recommendations to address the municipal and criminal concerns related to illegal body rub activity; and
  - (iv) the Deputy City Manager be requested to report to the Planning and Transportation Committee on the feasibility of requiring landlords to include in their leases with Body Rub Parlours, Holistic Centres, or Traditional Medicine Centres, an explicit provision that the lease will be terminated upon conviction of the Body Rub Parlour, Holistic Centre, or Traditional Medicine Centre for operating without a valid business license issued pursuant to Chapter 545 of the Toronto Municipal Code, or for a criminal conviction related to the operation of the Body Rub Parlour, Holistic Centre or Traditional Medicine Centre.”; and
- (2) Part (3)(i) of motion (a) by Councillor Milczyn be amended by adding the following new part:

“require the installation of security cameras in the common areas of Body Rub Parlours, Holistic Centres and Traditional Medicine Centres as a requirement for the issuance or renewal of a licence for health and safety of employees and clients.”

- (d) Councillor Cho moved that:
- (1) the Clause be amended by:
    - (i) deleting the following Recommendation (1)(b) of the Planning and Transportation Committee:

“(b) discontinue the licensing of Traditional Chinese Medicine and Acupuncture pending provincial legislation of the practice as referred to in the communication (June 27, 2005) from George Smitherman, Minister of Health and Long-Term Care;”; and
    - (ii) adding the following:

“That the Executive Director, Municipal Licensing and Standards be requested to report to the Planning and Transportation Committee with a feasibility study requiring Holistic Medicine Practitioners who also provide massage therapy services, to install a security camera.”; and
  - (2) Part (3)(i) of motion (a) by Councillor Milczyn be amended by adding the following new part:

“a condition for licensing Body Rub Parlours be that all Body Rub Parlours, new or existing, be required to install a security camera in each and every room or place where a customer receives body rub services and that monitors of these security cameras be installed at the reception, or front area of the facility so that all body rub workers and customers are protected from possible sexual and violent exploitations, and to prevent possible illegal activities in body rub establishments.”
- (e) Councillor Ootes moved that the Clause be amended by adding the following:
- “That the Executive Director of Municipal Licensing and Standards be requested to report to the Planning and Transportation Committee meeting to be held on March 6, 2006, on a replacement of the licensing system for holistic establishments and practitioners, with a registry system requiring practitioners to show membership in a City-accredited professional association.”
- (f) Councillor Giambrone moved that:
- (1) 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 mechanisms for permitting unannounced access for inspectors, without requiring an unlocked front door.”; and

- (2) that Part (3)(i)(c) of motion (a) by Councillor Milczyn be amended by deleting the hours “10:00 a.m. to 9:00 p.m.”, and inserting instead the hours “8:00 a.m. to 9:00 p.m.”, so that Part (3)(i)(c) now reads:
- (c) amend the hours of operation for Body Rub Parlours to be 8:00 a.m. to 9:00 p.m., Monday to Saturday, and 12:00 noon to 5:00 p.m. on Sundays and Holidays; and”.
- (g) Mayor Miller moved that the Clause be amended:
- (1) by adding the following:
- “That volunteers and students be permitted to operate in non-profit settings, such as hospitals and hospices, for no remuneration, without being required to obtain a Holistic Practitioner licence.”;
- (2) by deleting the following Recommendation (6) contained in the report (June 20, 2005) from the Executive Director, Municipal Licensing and Standards, as there is no reasonable purpose for requiring health checks for holistic practitioners:
- “(6) the Medical Officer of Health be requested to report to the Board of Health, such report to be then forwarded to the Executive Director of Municipal Licensing and Standards to prepare a corresponding report to the Planning and Transportation Committee, dealing with the appropriateness of requiring health checks for Body Rub Attendants and Holistic and Traditional Medicine Practitioners;”;
- (3) to provide that the current Licensing By-law requirement that prospective Holistic Establishment Owner/Operators provide a letter from their landlord stipulating their awareness that their prospective tenant is a Holistic Establishment Operator, be struck out and a requirement be substituted instead that, on conclusion of the negotiation of a lease, the Holistic Establishment Operator must provide a copy of a letter to Municipal Licensing and Standards demonstrating that they have notified the property owner in writing of the nature of their business operation, including a copy of the licensing regulations affecting Holistic Establishments attached to that letter, and also a copy of their lease; and
- (4) by deleting Recommendation (4)(ix) contained in the report (June 20, 2005) from the Executive Director, Municipal Licensing and Standards, and inserting instead the following:
- “(4)(ix) No premises in which a Holistic or Traditional Medicine Establishment is located shall be constructed or equipped so as to

hinder or prevent the enforcement of the By-law, however, Holistic Practitioners working in a Holistic Centre shall be permitted to lock the doors of the Centre and the treatment room while working with a client, for their mutual security and safety, while indicating in a manner clearly visible from outside the Holistic Centre when they will be available, and unlock the door by that time;”.

- (h) Councillor Nunziata moved that the Clause be amended by adding the following:

“That:

- (1) the Executive Director, Municipal Licensing and Standards, be requested to prepare a report for the purpose of regulating and/or prohibiting indecent, pornographic, inappropriate or specific items of public nuisance, as it pertains to advertising for body rub parlours, massage parlours and/or holistic designations, and consult with appropriate industry representatives, Business Improvement Associations and Ratepayers Associations in the preparation of this report;
- (2) any Body Rub Parlour or Holistic Establishment advertising in media outlets include the City Business License number on the advertisement;
- (3) a copy of the actual advertisement be forwarded to the Municipal Licensing and Standards Division to ensure effective control and enforcement; and
- (4) all print publications and outlets be advised of the legal obligations of Body Rub Parlours and Holistic establishments to include the City Business License number in the advertisement.”

Deputy Mayor Pantalone in the Chair.

- (i) Councillor Grimes moved that:

- (1) Part (3)(i) of motion (a) by Councillor Milczyn be amended by adding the following new part:

“permit public entry to any Holistic or Traditional Medicine Establishment only from the primary entrance which must be facing the main street frontage of the premises;” and

- (2) the Clause be amended by adding the following:

“That no person with a criminal record be permitted to obtain or renew a Holistic License, unless they have first appeared before the Toronto Licensing Tribunal to give reasons as to why they should be granted a License, and any

Holistic owner convicted of criminal offences have its Licenses reviewed immediately by the Licensing Tribunal.”

(j) Councillor Moscoe moved that Part (4) of motion (d) by Councillor Milczyn be amended by adding to Recommendation (2) contained in the confidential report (July 13, 2005) from the City Solicitor, the words “and the hearing be limited only to matters that pertain to the increase in fees to other than holistic categories”.

(k) Councillor Ashton moved that the Clause be amended by adding the following:

“That the Mayor be requested to write to the Attorney General to impress upon the judicial system the seriousness of Criminal Code offences originating from illegal body rub activities.”

(l) Councillor Kelly moved that Part (3)(i) of motion (a) by Councillor Milczyn be amended by adding the following new part:

“increase the 2005 Business Licensing Fees from \$31.00 to \$41.00.”

(m) Councillor Ford moved that the Clause be amended by adding the following:

“That:

(1) the Executive Director, Municipal Licensing and Standards, in consultation with appropriate officials from the City of Markham, report to the Planning and Transportation Committee on October 6, 2005, on the effectiveness of the implementation of the Markham Registry By-law, in order to inform future actions regarding regulatory structures for the holistic health community to the exclusion of the sex trade in Toronto;

(2) the Executive Director, Municipal Licensing and Standards, be requested to submit an interim report to the Planning and Transportation Committee at its January 2006 meeting, on the effectiveness of the implementation of the revised Holistic Centre and Practitioners By-law, and in particular on the process of determining the legitimacy of Professional Holistic Associations; and

(3) the Executive Director, Municipal Licensing and Standards designate a staff liaison with whom representatives of the holistic community can be in regular contact, to:

(i) provide information and guidance to Municipal Licensing and Standards management and staff to assist in the effective implementation of the regulatory regime supported by Council; and

- (ii) receive reports on the progress of, and issues arising from, that implementation.”
- (n) Councillor Davis moved that Part (1) of motion (a) by Councillor Milczyn be amended by deleting the words “brings forward” and inserting instead the words “reports to the Planning and Transportation Committee on”, so that Part (1) now reads as follows:

“That Recommendation (1)(a) of the Planning and Transportation Committee be amended by deferring consideration of Recommendation 4(x) until the Chief Planner and Executive Director, City Planning reports to the Planning and Transportation Committee on possible amendments to the Zoning By-law which would have the same effect.”

*Votes:*

Adoption of Part (1)(i) of motion (b) by Councillor Saundercook:

Yes - 20	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, De Baeremaeker, Del Grande, Ford, Giambrone, Grimes, Hall, Holyday, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Palacio, Saundercook, Thompson, Walker
No - 15	
Councillors:	Bussin, Carroll, Cho, Davis, Di Giorgio, Feldman, Filion, Fletcher, Jenkins, Mihevc, Moscoe, Ootes, Rae, Soknacki, Watson

Carried by a majority of 5.

Adoption of motion (n) by Councillor Davis:

Yes - 24	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Carroll, Cho, Davis, De Baeremaeker, Feldman, Filion, Fletcher, Giambrone, Holyday, Jenkins, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Soknacki, Walker, Watson
No - 13	
Councillors:	Del Grande, Di Giorgio, Ford, Grimes, Hall, Kelly, Li Preti, Milczyn, Nunziata, Palacio, Pitfield, Saundercook, Thompson

Carried by a majority of 11.



Due to the above decision of Council, Deputy Mayor Pantalone declared Part (1) of motion (a) by Councillor Milczyn redundant.

Adoption of Part (4) of motion (g) by Mayor Miller:

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

Carried by a majority of 13.

Adoption of Part (1)(i) of motion (d) by Councillor Cho:

Yes - 7	
Councillors:	Carroll, Cho, Del Grande, Di Giorgio, Ford, Kelly, Palacio
No - 30	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Davis, De Baeremaeker, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Walker, Watson

Lost by a majority of 23.

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

Yes - 34	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Watson

No - 3 Councillors: Del Grande, Thompson, Walker
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Carried by a majority of 31.

Adoption of motion (j) by Councillor Moscoe:

Yes - 38 Mayor: Miller Councillors: Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Walker, Watson
No - 0

Carried, without dissent.

Adoption of Part (4) of motion (a) by Councillor Milczyn, as amended:

Yes - 36 Mayor: Miller Councillors: Ashton, Augimeri, Balkissoon, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Thompson, Walker, Watson
No - 2 Councillors: Cho, Rae

Carried by a majority of 34.

Due to the above decision of Council, Deputy Mayor Pantalone declared Part (1)(ii) of motion (b) by Councillor Saundercook redundant.

Adoption of Part (2) of motion (g) by Mayor Miller:

Yes - 36 Mayor: Miller
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Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Walker, Watson
No - 2	
Councillors:	Grimes, Milczyn

Carried by a majority of 34.

Adoption of Part (3) of motion (g) by Mayor Miller:

Yes - 32	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Soknacki, Watson
No - 6	
Councillors:	Balkissoon, Milczyn, Nunziata, Pitfield, Thompson, Walker

Carried by a majority of 28.

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

Yes - 23	
Mayor:	Miller
Councillors:	Ashton, Augimeri, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Thompson, Watson
No - 15	
Councillors:	Balkissoon, Bussin, Carroll, Cho, Davis, Feldman, Filion, Ford, Giambrone, Grimes, Hall, Li Preti, Rae, Soknacki, Walker

Carried by a majority of 8.

Due to the above decision of Council, Deputy Mayor Pantalone declared Part (2) of motion (f) by Councillor Giambrone redundant.

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

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

Lost, there being a tie vote.

Adoption of Part (2) of motion (d) by Councillor Cho:

Yes - 5	
Councillors:	Balkissoon, Cho, De Baeremaeker, Milczyn, Walker
No - 33	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Davis, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Watson

Lost by a majority of 28.

Due to the above decisions of Council, Deputy Mayor Pantalone declared motion (l) by Councillor Kelly redundant.

Adoption of Part (1) of motion (i) by Councillor Grimes:

Yes - 30	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Ford, Giambrone, Grimes, Holyday, Kelly, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Thompson, Walker, Watson

No - 8 Councillors: Bussin, Filion, Fletcher, Hall, Jenkins, Mihevc, Ootes, Rae
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Carried by a majority of 22.

Adoption of Part (3)(i)(a) of motion (a) by Councillor Milczyn:

Yes - 15 Councillors: Bussin, Del Grande, Di Giorgio, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Milczyn, Nunziata, Palacio, Pitfield, Rae, Saundercook
No - 23 Mayor: Miller Councillors: Ashton, Augimeri, Balkissoon, Carroll, Cho, Davis, De Baeremaeker, Feldman, Filion, Fletcher, Ford, Holyday, Kelly, Mihevc, Minnan-Wong, Moscoe, Ootes, Pantalone, Soknacki, Thompson, Walker, Watson

Lost by a majority of 8.

Adoption of Part (3)(i)(b) of motion (a) by Councillor Milczyn:

Yes - 10 Councillors: Balkissoon, Hall, Li Preti, Milczyn, Nunziata, Palacio, Pantalone, Pitfield, Thompson, Walker
No - 28 Mayor: Miller Councillors: Ashton, Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Ootes, Rae, Saundercook, Soknacki, Watson

Lost by a majority of 18.

Due to Council's decision with respect to Part (2) of motion (b) by Councillor Saundercook, Part (3)(i)(c) of motion (a) by Councillor Milczyn was not put to a vote.

*Motion to Re-Open:*

Councillor Giambrone clarified that Part (2) of his motion (f) was intended to amend Part (3)(i)(b) of motion (a) by Councillor Milczyn which pertains to the hours of operation for Holistic and Traditional Medicine Establishments [and not Part (3)(i)(c) which pertains to the hours of operation for Body Rub Parlours, as was circulated].

Councillor Giambrone, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Council's decision with respect to Part (3)(i)(b) of motion (a) by Councillor Milczyn be re-opened for further consideration, the vote upon which was taken as follows:

Yes - 30	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Ootes, Pantalone, Pitfield, Rae, Saundercook, Thompson, Walker, Watson
No - 8	
Councillors:	Ford, Hall, Li Preti, Minnan-Wong, Moscoe, Nunziata, Palacio, Soknacki

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

*Votes:*

Adoption of Part (2) of motion (f) by Councillor Giambrone which pertains to the hours of operation for Holistic and Traditional Medicine Establishments:

Yes - 25	
Mayor:	Miller
Councillors:	Augimeri, Balkissoon, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Kelly, Li Preti, Lindsay Luby, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson
No - 13	
Councillors:	Ashton, Filion, Ford, Grimes, Hall, Holyday, Jenkins, Mihevc, Minnan-Wong, Nunziata, Ootes, Soknacki, Thompson

Carried by a majority of 12.

Adoption of Part (3)(i)(d) of motion (a) by Councillor Milczyn:

Yes - 36	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn,

	Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Thompson, Walker, Watson
No - 2 Councillors:	Filion, Rae

Carried by a majority of 34.

Due to Council's decision with respect to motion (n) by Councillor Davis, Parts (3)(ii)(a) and (3)(ii)(b) of motion (a) by Councillor Milczyn were not put to a vote.

Adoption of Part (3)(ii)(c) of motion (a) by Councillor Milczyn:

Yes - 24 Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Cho, Del Grande, Di Giorgio, Filion, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Walker
No - 14 Mayor: Councillors:	Miller Carroll, Davis, De Baeremaeker, Feldman, Fletcher, Kelly, Lindsay Luby, Moscoe, Pantalone, Rae, Soknacki, Thompson, Watson

Carried by a majority of 10.

Adoption of Part (3)(iii) of motion (a) by Councillor Milczyn:

Yes - 13 Councillors:	De Baeremaeker, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Milczyn, Nunziata, Palacio, Rae, Saundercook, Thompson, Walker
No - 25 Mayor: Councillors:	Miller Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Davis, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Holyday, Kelly, Mihevc, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Soknacki, Watson

Lost by a majority of 12.

Adoption of Part (3)(iv) of motion (a) by Councillor Milczyn:

Yes - 37	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Walker, Watson
No - 1	
Councillor:	Feldman

Carried by a majority of 36.

Adoption of Part (3)(v) of motion (a) by Councillor Milczyn:

Yes - 16	
Councillors:	Ashton, Balkissoon, Cho, Di Giorgio, Feldman, Fletcher, Grimes, Jenkins, Kelly, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Soknacki
No - 22	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Filion, Ford, Giambrone, Hall, Holyday, Li Preti, Lindsay Luby, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Thompson, Walker, Watson

Lost by a majority of 6.

Adoption of Part (1)(iii) of motion (b) by Councillor Saundercook:

Yes - 35	
Mayor:	Miller
Councillors:	Ashton, Balkissoon, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Thompson, Walker, Watson
No - 3	
Councillors:	Augimeri, Feldman, Rae

Carried by a majority of 32.



Deputy Mayor Pantalone declared Part (1)(iv) of motion (b) by Councillor Saundercook redundant as a category for Holistic and Traditional Medicine operations currently exists in Toronto Municipal Code Chapter 545, Licensing.

Adoption of Parts (1)(i), (1)(ii) and (1)(iii) of motion (c) by Councillor Thompson:

Yes - 18 Councillors:	Cho, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Grimes, Hall, Holyday, Jenkins, Kelly, Milczyn, Nunziata, Palacio, Pitfield, Saundercook, Soknacki, Thompson, Walker
No - 20 Mayor: Councillors:	Miller Ashton, Augimeri, Balkissoon, Bussin, Carroll, Davis, Filion, Fletcher, Ford, Giambrone, Li Preti, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Watson

Lost by a majority of 2.

Adoption of Part (1)(iv) of motion (c) by Councillor Thompson:

Yes - 30 Councillors:	Ashton, Balkissoon, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Kelly, Li Preti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Thompson, Walker, Watson
No - 7 Mayor: Councillors:	Miller Augimeri, Ford, Holyday, Jenkins, Lindsay Luby, Soknacki

Carried by a majority of 23.

Due to the above decisions of Council with respect to Part (2) of motion (c) by Councillor Thompson, and Part (2) of motion (d) by Councillor Cho, Deputy Mayor Pantalone declared Part (1)(ii) of motion (d) by Councillor Cho redundant.

Adoption of motion (e) by Councillor Ootes:

Yes - 27	
Mayor:	Miller
Councillors:	Ashton, Balkissoon, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Soknacki, Thompson, Walker, Watson
No - 10	
Councillors:	Augimeri, Bussin, Filion, Kelly, Mihevc, Milczyn, Minnan-Wong, Moscoe, Pantalone, Rae

Carried by a majority of 17.

Adoption of Part (1) of motion (f) by Councillor Giambrone:

Yes - 34	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Thompson, Walker, Watson
No - 3	
Councillors:	Filion, Ootes, Rae

Carried by a majority of 31.

Adoption of Part (1) of motion (g) by Mayor Miller:

Yes - 37	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

Adoption of Part (1) of motion (h) by Councillor Nunziata:

Yes - 21	
Councillors:	Balkissoon, Carroll, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Milczyn, Moscoe, Nunziata, Palacio, Pitfield, Thompson, Walker, Watson
No - 16	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Davis, De Baeremaeker, Fillion, Giambrone, Lindsay Luby, Mihevc, Minnan-Wong, Ootes, Pantalone, Rae, Saundercook, Soknacki

Carried by a majority of 5.

Adoption of Parts (2) and (4) of motion (h) by Councillor Nunziata:

Yes - 12	
Councillors:	Del Grande, Di Giorgio, Fletcher, Ford, Grimes, Hall, Kelly, Li Preti, Milczyn, Nunziata, Palacio, Pitfield
No - 25	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Carroll, Davis, De Baeremaeker, Feldman, Fillion, Giambrone, Holyday, Jenkins, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Saundercook, Soknacki, Thompson, Walker, Watson

Lost by a majority of 13.

Due to the previous decisions of Council, Deputy Mayor Pantalone declared Part (3) of motion (h) by Councillor Nunziata redundant.

Adoption of Part (2) of motion (i) by Councillor Grimes:

Yes - 29	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Soknacki, Thompson, Walker
No - 8	
Councillors:	Carroll, Davis, Filion, Kelly, Mihevc, Pantalone, Rae, Watson

Carried by a majority of 21.

Adoption of motion (k) by Councillor Ashton:

Yes - 32	
Mayor:	Miller
Councillors:	Ashton, Balkissoon, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Thompson, Walker, Watson
No - 5	
Councillors:	Augimeri, Filion, Mihevc, Moscoe, Rae

Carried by a majority of 27.

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

Yes - 27	
Councillors:	Ashton, Balkissoon, Carroll, De Baeremaeker, Del Grande, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Thompson, Walker, Watson
No - 10	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Davis, Di Giorgio, Filion, Jenkins, Mihevc, Moscoe, Rae

Carried by a majority of 17.

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

Yes - 18 Councillors:	Balkissoon, Di Giorgio, Ford, Grimes, Hall, Holyday, Li Preti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Soknacki, Walker, Watson
No - 19 Mayor: Councillors:	Miller Ashton, Augimeri, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Giambrone, Jenkins, Kelly, Lindsay Luby, Moscoe, Pantalone, Rae, Thompson

Lost by a majority of 1.

Adoption of Part (3) of motion (m) by Councillor Ford:

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

Carried by a majority of 19.

Adoption of the Clause, as amended:

Yes - 37 Mayor: Councillors:	Miller Ashton, Augimeri, Balkissoon, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Walker, Watson
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No - 0
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Carried, without dissent.

*Summary:*

In summary, Council amended this Clause:

(1) by amending the recommendations of the Planning and Transportation Committee:

(a) by deleting Recommendation (1)(a) and inserting instead the following:

“(1) City Council:

(a) adopt the staff recommendations contained in the Recommendations Section of the report (June 20, 2005) from the Executive Director, Municipal Licensing and Standards, subject to:

(i) amending Recommendation (4)(x) by deleting the words ‘within 200 metres’ and inserting instead, the words ‘within 500 metres’, so that Recommendation (4)(x) now reads as follows:

‘(4)(x) No Holistic or Traditional Medicine Establishment shall be located within 500 metres of any licensed Adult Entertainment Parlour and Body Rub Parlour;’,

and deferring consideration of this recommendation, as amended, until the Chief Planner and Executive Director, City Planning reports to the Planning and Transportation Committee on possible amendments to the Zoning By-law which would have the same effect;

(ii) deleting Recommendation (4)(ix) and inserting instead the following:



‘It is recommended that:

- (1) Recommendation (3) of the Planning and Transportation Committee, that the 2005 Business Licensing Fees (both for new licences and renewals thereof) for all other businesses licensed under the Toronto Municipal Code Chapter 545, be increased by \$35.00, not be adopted; and
- (2) Recommendation (3) of the Planning and Transportation Committee be referred back to the Committee for further consideration after public notice of the Committee’s intention to discuss a proposed licensing by-law increasing licensing fees for all licensed businesses has been given in accordance with the requirements of the *Municipal Act, 2001*, and Toronto Municipal Code Chapter 545, Notice, Public, and the hearing be limited only to matters that pertain to the increase in fees to other than holistic categories.’;
- (2) to provide that the current Licensing By-law requirement that prospective Holistic Establishment Owner/Operators provide a letter from their landlord stipulating their awareness that their prospective tenant is a Holistic Establishment Operator, be struck out and a requirement be substituted instead that, on conclusion of the negotiation of a lease, the Holistic Establishment Operator must provide a copy of a letter to Municipal Licensing and Standards demonstrating that they have notified the property owner in writing of the nature of their business operation, including a copy of the licensing regulations affecting Holistic Establishments attached to that letter, and also a copy of their lease; and
- (3) by adding the following:

“That:

  - (a) the Mayor be requested to write to the Attorney General to impress upon the judicial system the seriousness of Criminal Code offences originating from illegal body rub activities;
  - (b) the Toronto Police Services Board be requested to direct that the Toronto Police Service establish a formal protocol to co-ordinate operations and share information with Municipal By-law Enforcement to control the sex trade;
  - (c) the Police Chief be requested to delegate a senior official to work closely with Municipal Licensing and Standards on shutting down all illegal Body Rub Establishments;



- (d) the Deputy City Manager be requested to report to the Planning and Transportation Committee on the feasibility of requiring Landlords to include in their leases with Body Rub Parlours, Holistic Centres, or Traditional Medicine Centres, an explicit provision that the lease will be terminated upon conviction of the Body Rub Parlour, Holistic Centre, or Traditional Medicine Centre for operating without a valid business license issued pursuant to Chapter 545 of the Toronto Municipal Code, or for a criminal conviction related to the operation of the Body Rub Parlour, Holistic Centre or Traditional Medicine Centre;
- (e) the Executive Director, Municipal Licensing and Standards, in consultation with appropriate officials from the City of Markham, report to the Planning and Transportation Committee on October 6, 2005, on the effectiveness of the implementation of the Markham Registry By-law, in order to inform future actions regarding regulatory structures for the holistic health community to the exclusion of the sex trade in Toronto;
- (f) the Executive Director, Municipal Licensing and Standards designate a staff liaison with whom representatives of the holistic community can be in regular contact, to:
  - (i) provide information and guidance to Municipal Licensing and Standards management and staff to assist in the effective implementation of the regulatory regime supported by Council; and
  - (ii) receive reports on the progress of, and issues arising from, that implementation;
- (g) the Executive Director of Municipal Licensing and Standards be requested to:
  - (i) submit amendments to the Municipal Licensing By-law to the October 6, 2005 meeting of the Planning and Transportation Committee which would:
    - (1) amend the hours of operation for Holistic and Traditional Medicine Establishments to be 8:00 a.m. to 9:00 p.m., Monday to Saturday, and 12:00 noon to 5:00 p.m. on Sundays and Holidays;
    - (2) amend the hours of operation for Body Rub Parlours to be 9:00 a.m. to 9:00 p.m., Monday to Saturday, and 12:00 noon to 5:00 p.m. on Sundays and Holidays; and
    - (3) permit public entry to any Holistic or Traditional Medicine Establishment only from the primary entrance which must be

facing the main street frontage of the premises;

- (ii) report to the Planning and Transportation Committee on mechanisms for permitting unannounced access for inspectors, without requiring an unlocked front door;
  - (iii) prepare a report for the purpose of regulating and/or prohibiting indecent, pornographic, inappropriate or specific items of public nuisance, as it pertains to advertising for body rub parlours, massage parlours and/or holistic designations, and consult with appropriate industry representatives, Business Improvement Associations and Ratepayers Associations in the preparation of this report;
  - (iv) report to the Planning and Transportation Committee meeting to be held on March 6, 2006, on a replacement of the licensing system for holistic establishments and practitioners, with a registry system requiring practitioners to show membership in a City-accredited professional association; and
  - (v) establish formal protocols for sharing licensing information about problem properties and investigations with surrounding municipalities;
- (h) the Chief Planner and Executive Director, City Planning Division, be requested to report to the October 6, 2005 meeting of the Planning and Transportation Committee with amendments to the City-wide Zoning Code to provide for the following restriction:
- ‘No establishment whose use is the provision of physical contact for sexual gratification as defined in the *Municipal Act, 2001*, be located within 200 metres of any residential zone, licensed Adult Entertainment Parlour, or Body rub Parlour.’;
- (i) no person with a criminal record be permitted to obtain or renew a Holistic License, unless they have first appeared before the Toronto Licensing Tribunal to give reasons as to why they should be granted a License, and any Holistic owner convicted of criminal offences have its Licenses reviewed immediately by the Licensing Tribunal; and
  - (j) volunteers and students be permitted to operate in non-profit settings, such as hospitals and hospices, for no remuneration, without being required to obtain a Holistic Practitioner licence.”

**8.88 Audit Committee Report 3, Clause 12, headed “Toronto Emergency Medical Services (EMS) Operational Support Review - Response to Auditor General Recommendations”.**

*Motion:*

Councillor Minnan-Wong moved that consideration of the Clause be deferred to the next regular meeting of City Council on September 28, 2005.

*Vote on Deferral:*

The motion by Councillor Minnan-Wong carried.

**8.89 Policy and Finance Committee Report 7, Clause 38, headed “Reduction of Solid Waste Bag Limit from Six to Four Items in Single-Family Homes”.**

*Motion:*

Councillor Minnan-Wong moved that consideration of the Clause be deferred to the next regular meeting of City Council on September 28, 2005.

*Vote on Deferral:*

The motion by Councillor Minnan-Wong carried.

**8.90 Administration Committee Report 6, Clause 3, headed “Council Resolution on Support for Undocumented Workers”.**

*Motion:*

Councillor Kelly moved that consideration of the Clause be deferred to the next regular meeting of City Council on September 28, 2005.

*Vote on Deferral:*

The motion by Councillor Kelly carried.

**8.91 Policy and Finance Committee Report 7, Clause 56, headed “Other Items Considered by the Committee”.**

*Vote:*

Receipt of the following Items contained in this Clause:

- Item (d), entitled “Film Permits”;
- Item (e), entitled “Space for Filming”; and
- Item (f), entitled “Portlands Area Developments”:

Yes - 32
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Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
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No - 2	Councillors: Del Grande, Kelly
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Carried by a majority of 30.

Mayor Miller in the Chair.

*Ruling by Mayor:*

Councillor Walker requested the Mayor to rule on whether Item (r), entitled “Enhancing Toronto’s Business Climate - It’s Everybody’s Business”, was properly included in the Other Items Clause or should have been a separate Clause. Mayor Miller ruled that the Item contained the Policy and Finance Committee’s direction to staff, and was properly included in the Other Items Clause.

Councillor Walker challenged the ruling of the Mayor:

*Vote to Uphold Ruling of Mayor:*

Yes - 30	Mayor: Miller
Councillors:	Altobello, Ashton, Augimeri, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Soknacki, Thompson

No - 10	Councillors: Ford, Grimes, Holyday, Jenkins, Ootes, Saundercook, Shiner, Stintz, Walker, Watson
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Carried by a majority of 20.

Deputy Mayor Pantalone in the Chair.

*Motion:*

Councillor Walker moved that Item (r), entitled “Enhancing Toronto’s Business Climate - It’s Everybody’s Business”, contained in this Clause, be referred back to the Policy and Finance Committee for further consideration.

*Votes:*

Adoption of the motion by Councillor Walker:

Yes - 11	
Councillors:	Del Grande, Ford, Holyday, Jenkins, Kelly, Li Preti, Nunziata, Palacio, Thompson, Walker, Watson
No - 17	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Carroll, De Baeremaeker, Di Giorgio, Fillion, Giambrone, Grimes, Hall, Lindsay Luby, Moscoe, Ootes, Pantalone, Pitfield, Rae, Soknacki

Lost by a majority of 6.

Receipt of Item (r), entitled “Enhancing Toronto’s Business Climate - It’s Everybody’s Business”, contained in this Clause:

Yes - 23	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Carroll, De Baeremaeker, Di Giorgio, Fillion, Giambrone, Hall, Kelly, Li Preti, Lindsay Luby, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Soknacki, Walker, Watson
No - 6	
Councillors:	Del Grande, Ford, Grimes, Holyday, Jenkins, Thompson

Carried by a majority of 17.

The balance of this Clause was received, for information.

8.92 **Policy and Finance Committee Report 7, Clause 11, headed “Status Report on Tsunami Relief Activities”.**

*Extension to Question:*

Councillor Walker asked questions for a period of five minutes. Councillor Ford moved that §27-28, Questioning to Obtain Facts, of Chapter 27, Council Procedures, of the City of Toronto Municipal Code be waived and that Councillor Walker be permitted to conclude his questions, the vote upon which was taken as follows:

Yes - 17	Councillors: Augimeri, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Ford, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Nunziata, Ootes, Palacio, Walker, Watson
No - 7	Councillors: Carroll, Filion, Mihevc, Moscoe, Pantalone, Rae, Soknacki

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

*Motion:*

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

“That the City Manager be authorized to participate in a ‘technical exchange partnership’ with the City that is determined to be the most affected by the tsunami, such as the Urban Centre of Banda Aceh, under the auspices of the Federation of Canadian Municipalities’ Technical Exchange Program and CIDA.”

*Votes:*

Adoption of the motion by Councillor Palacio:

Yes - 25	Mayor: Miller
	Councillors: Ashton, Augimeri, Carroll, De Baeremaeker, Di Giorgio, Feldman, Filion, Ford, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Soknacki, Walker
No - 3	Councillors: Del Grande, Holyday, Watson

Carried by a majority of 22.

The Clause, as amended, carried.

**8.93 Policy and Finance Committee Report 7, Clause 31, headed “Waste Collection at Existing Residential Developments (All Wards)”.**

*Motion:*

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

“That the Chief Planner and Executive Director, City Planning, be requested to report

to the Planning and Transportation Committee on applications that were in the system prior to the moratorium on waste collection on private roads within new residential developments.”

*Votes:*

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

8.94 **Policy and Finance Committee Report 7, Clause 45, headed “Building Condition Assessment and Analysis of Required Capital Reserve Funds in the Toronto Community Housing Corporation’s Downloaded Social Housing Portfolio”.**

*Motion to Re-Open:*

Councillor Palacio, 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 Palacio moved that consideration of the Clause be deferred to the next regular meeting of City Council on September 28, 2005.

*Vote on Deferral:*

The motion by Councillor Palacio carried.

*Procedural Motions for Notices of Motions to be considered at the In-Camera Meeting Sessions:*

Mayor Miller in the Chair.

**J(7) Memorandum of Agreement Between the City of Toronto and Toronto Civic Employees’ Union, Local 416, CUPE (T.C.E.U., Local 416)**

Moved by Mayor Miller, seconded by Deputy Mayor Bussin

**July 19, 2005:**

*Ruling by Mayor:*

Councillor Ootes requested Mayor Miller to rule on whether discussions respecting Motion J(7) would be held in-camera. Mayor Miller ruled that labour relations matters are to be dealt with in-camera.

Councillor Ootes challenged the ruling of the Mayor.

*Vote to Uphold Ruling of Mayor:*

Yes - 30	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Stintz, Thompson, Walker, Watson
No - 14	
Councillors:	Ashton, Chow, Ford, Kelly, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Soknacki

Carried by a majority of 16.

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 this Notice of Motion, 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(7) 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(7) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

**J(8) Personnel Matter respecting the City Clerk**

Moved by Mayor Miller, seconded by Deputy Mayor Pantalone

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 this Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

**J(9) Personnel Matter respecting the City Manager**

Moved by Mayor Miller, seconded by Deputy Mayor Pantalone



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 this Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

**J(46) Personnel Matter Respecting the Integrity Commissioner**

Moved by Mayor Miller, seconded by Councillor Soknacki

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 this Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

**July 19, 2005:**

Deputy Mayor Pantalone in the Chair.

*Procedural Motion:*

Deputy Mayor Pantalone, at 6:04 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matters on the Order Paper for this meeting of Council, in accordance with the provisions of the *Municipal Act, 2001*:

- (a) Motion J(7), moved by Mayor Miller, seconded by Deputy Mayor Bussin, regarding a Memorandum of Agreement Between the City of Toronto and Toronto Civic Employees' Union, Local 416, CUPE (T.C.E.U., Local 416), as the confidential report (July 19, 2005) from the City Manager and the Deputy City Manager and Chief Financial Officer, attached to Motion J(7), contains information related to labour relations or employee negotiations;
- (b) Motion J(8), moved by Mayor Miller, seconded by Deputy Mayor Pantalone, regarding a Personnel Matter respecting the City Clerk, as the confidential report (July 18, 2005) from Mayor Miller, attached to Motion J(8), contains personal information about an identifiable individual; and
- (c) Motion J(9), moved by Mayor Miller, seconded by Deputy Mayor Pantalone, regarding a Personnel Matter respecting the City Manager, as the confidential report (July 18, 2005) from Mayor Miller, attached to Motion J(9), contains personal information about an identifiable individual.

*Vote:*

The motion by Deputy Mayor Pantalone carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 6:07 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the *Municipal Act, 2001*.

Committee of the Whole rose, reconvened as Council at 7:28 p.m., and met in public session in the Council Chamber.

Deputy Mayor Pantalone took the Chair and called the Members to order.

- 8.96 **J(7) Memorandum of Agreement Between the City of Toronto and Toronto Civic Employees' Union, Local 416, CUPE (T.C.E.U., Local 416)**  
Moved by Mayor Miller, seconded by Deputy Mayor Bussin

*Report of the Committee of the Whole:*

Deputy Mayor Pantalone, in accordance with the provisions of the *Municipal Act, 2001*, reported that Committee of the Whole had not concluded its consideration of Motion J(7). (See Minute 8.99, Page 144)

- 8.97 **J(8) Personnel Matter respecting the City Clerk**  
Moved by Mayor Miller, seconded by Deputy Mayor Pantalone

Deputy Mayor Pantalone called on Motion J(8), as follows:

**Moved by: Mayor Miller**

**Seconded by: Deputy Mayor Pantalone**

**“WHEREAS** the current fixed term employment contract for the City Clerk ends on September 3, 2006; and

**WHEREAS** the Employer is required to notify the Employee at least 12 months prior to the end of the Term (i.e. by September 3, 2005) concerning continuation of the employment relationship; and

**WHEREAS** the incumbent has indicated an interest in ongoing employment with the City;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the confidential report dated July 18, 2005, from Mayor Miller with respect to a personnel matter pertaining to the City Clerk and that such confidential report be adopted.”

Council also had before it, during consideration of Motion J(8), a confidential report (July 18, 2005) from Mayor Miller.

*Report of the Committee of the Whole:*

Deputy Mayor Pantalone, 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 with Motion J(8).

*Vote:*

Motion J(8) was adopted, without amendment.

In adopting Motion J(8), without amendment, Council adopted, without amendment, the confidential report (July 18, 2005) from Mayor Miller. The following recommendation of the Mayor contained in the Recommendation Section of the report is now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about an identifiable individual:

“It is recommended that the employment of Ulli Watkiss in the position of City Clerk be continued beyond the end of the current employment contract with compensation to continue in the current range, subject to terms and conditions to be negotiated consistent with the new form of employment agreement.”

**8.98 J(9) Personnel Matter respecting the City Manager**

Deputy Mayor Pantalone called on Motion J(9), as follows:

**Moved by: Mayor Miller**

**Seconded by: Deputy Mayor Pantalone**

**“WHEREAS** the current fixed term employment contract for the City Manager ends on November 5, 2006; and

**WHEREAS** the Employer is required to notify the Employee at least 15 months prior to the end of the Term (i.e. by August 5, 2005) concerning continuation of the employment relationship; and

**WHEREAS** the incumbent has indicated an interest in ongoing employment with the City;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the confidential report dated July 18, 2005 from Mayor Miller with respect to a personnel

matter pertaining to the City Manager and that such confidential report be adopted.”

Council also had before it, during consideration of Motion J(9), a confidential report (July 18, 2005) from Mayor Miller.

*Report of the Committee of the Whole:*

Deputy Mayor Pantalone, 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 with Motion J(9).

*Vote:*

Motion J(9) was adopted, without amendment.

In adopting Motion J(9), without amendment, Council adopted, without amendment, the confidential report (July 18, 2005) from Mayor Miller. The following recommendation of the Mayor contained in the Recommendation Section of the report is now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about an identifiable individual:

“It is recommended that the employment of Shirley Hoy in the position of City Manager be continued beyond the end of the current employment contract with compensation to continue in the current range, subject to terms and conditions to be negotiated consistent with the new form of employment agreement.”

**July 20, 2005:**

Mayor Miller in the Chair.

*Procedural Motion:*

Mayor Miller, at 9:46 a.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matters on the Order Paper for this meeting of Council, in accordance with the provisions of the *Municipal Act, 2001*:

- (a) Motion J(7), moved by Mayor Miller, seconded by Deputy Mayor Bussin, respecting a Memorandum of Agreement Between the City of Toronto and Toronto Civic Employees' Union, Local 416, CUPE (T.C.E.U., Local 416), as the confidential report (July 19, 2005) from the City Manager and the Deputy City Manager and Chief Financial Officer, attached to Motion J(7), contains information related to labour relations or employee negotiations; and
- (b) Policy and Finance Committee Report 7, Clause 27, headed “Appointment of Chair of Toronto Licensing Tribunal”, as this Clause contains personal information about

identifiable individuals.

*Vote:*

The motion by Mayor Miller carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 9:52 a.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the *Municipal Act*.

Committee of the Whole rose, reconvened as Council at 12:15 p.m., and met in public session in the Council Chamber.

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

8.99 **J(7) Memorandum of Agreement Between the City of Toronto and Toronto Civic Employees' Union, Local 416, CUPE (T.C.E.U., Local 416)**

Mayor Miller called on Motion J(7), as follows:

**Moved by: Mayor Miller**

**Seconded by: Deputy Mayor Bussin**

**“WHEREAS** the City of Toronto reached a tentative agreement with the Toronto Civic Employees' Union, Local 416 CUPE (outside workers) on Sunday, July 10, 2005; and

**WHEREAS** this agreement is the first negotiated settlement between the parties, without third party intervention, in the history of the amalgamated City of Toronto; and

**WHEREAS** this Memorandum of Agreement represents a significant change and improvement in labour-management relations within the City of Toronto; and

**WHEREAS** the City Manager and Deputy City Manager and Chief Financial Officer have prepared a confidential report dated July 19, 2005, regarding the Memorandum of Agreement Between the City of Toronto and the Toronto Civic Employees' Union, Local 416, CUPE (T.C.E.U., Local 416);

**NOW THEREFORE BE IT RESOLVED THAT** Council consider the confidential report dated July 19, 2005, from the City Manager and the Deputy City Manager and Chief Financial Officer, and that the staff recommendations contained in the Recommendations Section of the report be adopted.”

Council also had before it, during consideration of Motion J(7), the following:

- Confidential report (July 19, 2005) from the City Manager and the Deputy City Manager and Chief Financial Officer; and
- Memorandum of Agreement between the City of Toronto and the Toronto Civic Employees' Union (T.C.E.U.), Local 416 (See Attachment 3, Page 307).

*Report of the Committee of the Whole:*

Mayor Miller, in accordance with the provisions of the *Municipal Act, 2001*, reported that the following motions had been moved in Committee of the Whole for consideration by Council with Motion J(7):

- (a) Councillor Hall moved that Motion J(7) be adopted subject to adding the following Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** the Labour Relations Steering Committee be requested to report to the appropriate Standing Committee on the parameters under which the Steering Committee will operate, such as provision of a business case, for any consideration of contracting in, including but not limited to, cost comparison of salaries, benefits, equipment purchases, performance of contracted operator and efficacy of the contractor being a comparator for performance, and consultation with the affected Community Councils.”

- (b) Councillor Pitfield moved that Motion J(7) be adopted subject to 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 within six (6) months on the anticipated savings, by Division, from the Continuous Improvement Program and the Hours of Work Initiative in each of the four years of the contract.”

- (c) Councillor Rae moved that Motion J(7) be adopted subject to 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 the implications and migration concerns of the payment of a lump sum payment in the amount of the annualized value of the across the board increases as applied to ‘red circled’ employees.”

Deputy Mayor Feldman in the Chair.

*Motions in Public Session:*

- (d) Councillor Milczyn moved that Motion J(7) be adopted subject to adding the following Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** the City Manager be requested to report to City Council, through the Works Committee, on the possibility of CUPE Local 416 participating in a competitive bidding process along with the private sector, prior to the termination of the waste collection contracts in the former areas of Etobicoke and York.”

- (e) Councillor Holyday moved that motion (d) by Councillor Milczyn be amended to provide that the report also include information on how a competitive bidding process could be conducted for garbage collection in all areas of the City.
- (f) Councillor Nunziata moved that Motion J(7) be adopted subject to adding the following Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** the City Manager, when reporting to City Council on any future negotiated agreement with the Toronto Civic Employee Unions, include a cost comparison between past and current contracts.”

- (g) Councillor Lindsay Luby moved that motion (b) by Councillor Pitfield be amended to provide that similar reports be submitted to the end of the contract, on a semi-annual basis.
- (h) Councillor Moscoe moved that motion (d) by Councillor Milczyn be amended by deleting the words “through the Works Committee” and inserting instead “through the Employee and Labour Relations Committee and the Policy and Finance Committee”, so that the additional Operative Paragraph now reads as follows:

**“AND BE IT FURTHER RESOLVED THAT** the City Manager be requested to report to City Council, through the Employee and Labour Relations Committee and the Policy and Finance Committee, on the possibility of CUPE Local 416 participating in a competitive bidding process along with the private sector, prior to the termination of the waste collection contracts in the former areas of Etobicoke and York.”

*Votes:*

Adoption of motion (a) by Councillor Hall:

Yes - 42	Miller
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Mayor:	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

Adoption of motion (g) by Councillor Lindsay Luby:

Yes - 42	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

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

Yes - 42	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson,
No - 0	

Carried, without dissent.



Adoption of motion (c) by Councillor Rae:

Yes - 42
Mayor: Miller
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 0

Carried, without dissent.

Adoption of motion (e) by Councillor Holyday:

Yes - 18
Councillors: Ashton, Balkissoon, Del Grande, Feldman, Ford, Grimes, Holyday, Jenkins, Kelly, Li Preti, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Soknacki, Stintz, Thompson
No - 24
Mayor: Miller
Councillors: Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Lindsay Luby, Mihevc, Moscoe, Palacio, Pantalone, Rae, Saundercook, Walker, Watson

Lost by a majority of 6.

Adoption of motion (h) by Councillor Moscoe:

Yes - 34
Mayor: Miller
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Stintz, Thompson, Walker, Watson
No - 8
Councillors: Ford, Holyday, Lindsay Luby, Milczyn, Minnan-Wong, Ootes, Saundercook, Soknacki

Carried by a majority of 26.

Adoption of motion (d) by Councillor Milczyn, as amended:

Yes - 31	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Carroll, Cowbourne, Del Grande, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Soknacki, Stintz, Thompson, Watson
No - 11	
Councillors:	Bussin, Cho, Chow, Davis, De Baeremaeker, Di Giorgio, Mihevc, Moscoe, Pantalone, Rae, Walker

Carried by a majority of 20.

Adoption of motion (f) by Councillor Nunziata:

Yes - 39	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 3	
Councillors:	Carroll, Giambrone, Rae

Carried by a majority of 36.

Adoption of Motion J(7), as amended:

Yes - 33	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Walker, Watson

No - 9 Councillors: Balkissoon, Del Grande, Ford, Holyday, Kelly, Minnan-Wong, Nunziata, Ootes, Stintz
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Carried by a majority of 24.

*Summary:*

In summary, Council adopted Motion J(7) subject to adding the following new Operative Paragraphs:

**“AND BE IT FURTHER RESOLVED THAT** the Labour Relations Steering Committee be requested to report to the appropriate Standing Committee on the parameters under which the Steering Committee will operate, such as provision of a business case, for any consideration of contracting in, including but not limited to, cost comparison of salaries, benefits, equipment purchases, performance of contracted operator and efficacy of the contractor being a comparator for performance, and consultation with the affected Community Councils;

**AND BE IT FURTHER RESOLVED THAT** the City Manager be requested to:

- (1) report to the Employee and Labour Relations Committee within six (6) months and, thereafter, to the end of the contract, on a semi-annual basis, on the anticipated savings, by Division, from the Continuous Improvement Program and the Hours of Work Initiative in each of the four years of the contract;
- (2) report to the Employee and Labour Relations Committee on the implications and migration concerns of the payment of a lump sum payment in the amount of the annualized value of the across the board increases as applied to ‘red circled’ employees; and
- (3) report to City Council, through the Employee and Labour Relations Committee and the Policy and Finance Committee, on the possibility of CUPE Local 416 participating in a competitive bidding process along with the private sector, prior to the termination of the waste collection contracts in the former areas of Etobicoke and York;

**AND BE IT FURTHER RESOLVED THAT** the City Manager, when reporting to City Council on any future negotiated agreement with the Toronto Civic Employee Unions, include a cost comparison between past and current contracts.”

In adopting Motion J(7), as amended, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report (July 19, 2005) from the City Manager and the Deputy City Manager and Chief Financial

Officer. The following staff recommendations contained in the Recommendations Section of the report and the Memorandum of Agreement between the City and Local 416 are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to labour relations or employee negotiations:

“It is recommended that:

- (1) the attached Memorandum of Agreement between the City and Local 416 be ratified by Council;
- (2) the appropriate City officials be authorized to make the necessary amendments to rates of pay, benefits and other contract improvements;
- (3) the Deputy City Manager and Chief Financial Officer be authorized to transfer funds from the Non-Program Budget to Program Budgets, based on the value of the wage rate increase for each classification and number of positions within each Program; and
- (4) the appropriate City officials be authorized to make the necessary adjustments to the Operating Budgets of the Divisions to accommodate the above benefit improvements.”

Mayor Miller in the Chair.

**8.100 Policy and Finance Committee Report 7, Clause 27, headed “Appointment of Chair of Toronto Licensing Tribunal”.**

*Report of the Committee of the Whole:*

Mayor Miller, in accordance with the provisions of the *Municipal Act, 2001*, reported that City Council, at the in-camera portion of its meeting, had issued confidential instructions to staff, that are to remain confidential in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they contain personal information about identifiable individuals.

*Motion in Public Session:*

Councillor Jenkins moved that the Clause be amended to provide that, in order to have the greatest selection of candidates, the vacancy on the Toronto Licensing Tribunal be filled by both the advertising process and the invitation process.

*Votes:*

The motion by Councillor Jenkins carried.

The Clause, as amended, carried.

*Summary:*

In summary, Council amended this Clause to provide that, in order to have the greatest selection of candidates, the vacancy on the Toronto Licensing Tribunal be filled by both the advertising process and the invitation process.

City Council, at the in-camera portion of its meeting, also issued confidential instructions to staff, which are to remain confidential in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they contain personal information about identifiable individuals.

*Procedural Motion:*

Deputy Mayor Feldman, at 3:22 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matter on the Order Paper for this meeting of Council, in accordance with the provisions of the *Municipal Act, 2001*:

- Economic Development and Parks Committee Report 7, Clause 12, headed “Closure of the Chalkfarm Community Recreation Centre - Relocation of Recreation Programs and Services (Ward 7 - York West)”, as it contains information that is subject to solicitor-client privilege.

*Vote:*

Adoption of the motion by Deputy Mayor Feldman:

Yes - 16	
Mayor:	Miller
Councillors:	Augimeri, Balkissoon, Chow, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Hall, Holyday, Lindsay Luby, Mammoliti, Nunziata, Palacio, Walker, Watson
No - 8	
Councillors:	Bussin, Davis, Ford, Ootes, Saundercook, Shiner, Stintz, Thompson

Carried by a majority of 8.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 3:30 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 4:45 p.m., and met in public session in the Council Chamber.

Deputy Mayor Pantalone took the Chair and called the Members to order.

**8.101 Economic Development and Parks Committee Report 7, Clause 12, headed “Closure of the Chalkfarm Community Recreation Centre - Relocation of Recreation Programs and Services (Ward 7 - York West)”.**

The Clause was submitted without recommendation.

*Report of the Committee of the Whole:*

Deputy Mayor Pantalone, in accordance with the provisions of the *Municipal Act, 2001*, reported that City Council, at the in-camera portion of its meeting, had issued confidential instructions to staff, that are to remain confidential in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they contain personal information about identifiable individuals.

In addition, Deputy Mayor Pantalone reported that the following motions had been moved in Committee of the Whole for consideration by Council with this Clause:

- (a) Deputy Mayor Feldman moved that Council adopt the following:

“That the City not vacate the Centre until and unless a successful Order to Vacate is mandated by the Courts, and the Landlord be advised of the City’s intention to continue to operate programs at the present location at the Chalkfarm Community Recreation Centre on the same terms that the City presently has.

- (b) Councillor Shiner moved that Council receive the supplementary report (July 12, 2005) from the General Manager, Parks, Forestry and Recreation.

*Votes:*

Adoption of motion (a) by Deputy Mayor Feldman:

Yes - 37

Councillors: Altobello, Ashton, Augimeri, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

No - 0

Carried, without dissent.

Motion (b) by Councillor Shiner carried.

The Clause, as amended, carried.

*Summary:*

In summary, Council adopted the following:

“That:

- (1) the City not vacate the Centre until and unless a successful Order to Vacate is mandated by the Courts, and the Landlord be advised of the City’s intention to continue to operate programs at the present location at the Chalkfarm Community Recreation Centre on the same terms that the City presently has; and
- (2) the supplementary report (July 12, 2005) from the General Manager, Parks, Forestry and Recreation be received.”

City Council, at the in-camera portion of its meeting, also issued confidential instructions to staff, which are to remain confidential in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they contain information that is subject to solicitor-client privilege.

*Procedural Motion:*

Councillor Grimes, at 6:43 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matter on the Order Paper for this meeting of Council, in accordance with the provisions of the *Municipal Act, 2001*:

- Motion J(46), moved by Mayor Miller, seconded by Councillor Soknacki, regarding a Personnel Matter respecting the Integrity Commissioner, as the confidential report (July 18, 2005) from Mayor Miller, attached to Motion J(46), contains personal information about an identifiable individual.

*Vote:*

The motion by Councillor Grimes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 6:55 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 8:56 p.m., and met in public session in the Council Chamber.

Deputy Mayor Pantalone took the Chair and called the Members to order.

**8.102 J(46) Personnel Matter Respecting the Integrity Commissioner**

Deputy Mayor Pantalone called on Motion J(46), as follows:

**Moved by: Mayor Miller**

**Seconded by: Councillor Soknacki**

**“WHEREAS** Mayor Miller has submitted a confidential report (July 18, 2005) respecting a personnel matter pertaining to the Integrity Commissioner;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the confidential report (July 18, 2005) from Mayor Miller, and that the recommendations of the Mayor contained in Recommendations Section of the report be adopted.”

Council also had before it, during consideration of Motion J(46), a confidential report (July 18, 2005) from Mayor Miller.

*Fiscal Impact Statement:*

City Council also had before it, during consideration of Motion J(46), a confidential Fiscal Impact Statement (July 19, 2005) from the Deputy City Manager and Chief Financial Officer.

Deputy Mayor Bussin in the Chair.

*Report of the Committee of the Whole:*

Deputy Mayor Bussin, in accordance with the provisions of the *Municipal Act*, reported that no motions had been moved in Committee of the Whole for consideration by Council with Motion J(46).

*Motions in Public Session:*

- (a) Councillor Moscoe moved that Motion J(46) be adopted subject to adding the following Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT:**



- (1) City Council establish an Advisory Task Force to meet with and assist the Integrity Commissioner in making recommendations to Council with respect to his mandate and a protocol for handling complaints;
  - (2) the Task Force membership be composed of five Members of Council, to be appointed by the Mayor and the Integrity Commissioner, to include:
    - (a) two Members who have direct knowledge of the process; and
    - (b) three Members who have not been through the process;and other Members of Council be solicited for their views on this matter; and
  - (3) upon City Council approval, the Task Force meet with the Integrity Commissioner within a timeframe that permits his report to be tabled at the Policy and Finance Committee for its meeting on October 20, 2005.”
- (b) Councillor Mihevc moved that Motion J(46) be adopted subject to adding the following Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** the Integrity Commissioner be requested to develop:

- (1) affidavits and evidence requirements before a complaint is submitted; and
  - (2) a first phase mechanism to make an initial determination as to whether a complaint is frivolous or vexatious or made in bad faith.”
- (c) Councillor Hall moved that motion (a) by Councillor Moscoe be amended by adding to the end of Part (1), the words “with the work to be concluded once the report is tabled”, so that Part (1) now reads as follows:

“(1) City Council establish an Advisory Task Force to meet with and assist the Integrity Commissioner in making recommendations to Council with respect to his mandate and a protocol for handling complaints, with the work to be concluded once the report is tabled;”.

*Votes:*

Adoption of Motion J(46), as amended by motion (a) by Councillor Moscoe, motion (b) by Councillor Mihevc, and motion (c) by Councillor Hall:

Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 1 Councillor:	Ford

Carried by a majority of 31.

*Summary:*

In summary, Council adopted this Motion, subject to adding the following new Operative Paragraphs:

**“AND BE IT FURTHER RESOLVED THAT** the Integrity Commissioner be requested to develop:

- (1) affidavits and evidence requirements before a complaint is submitted; and
- (2) a first phase mechanism to make an initial determination as to whether a complaint is frivolous or vexatious or made in bad faith;

**AND BE IT FURTHER RESOLVED THAT:**

- “(1) City Council establish an Advisory Task Force to meet with and assist the Integrity Commissioner in making recommendations to Council with respect to his mandate and a protocol for handling complaints, with the work to be concluded once the report is tabled;
- (2) the Task Force membership be composed of five Members of Council, to be appointed by the Mayor and the Integrity Commissioner, to include:
  - (a) two Members who have direct knowledge of the process; and
  - (b) three Members who have not been through the process;
 and other Members of Council be solicited for their views on this matter; and
- (3) upon City Council approval, the Task Force meet with the Integrity Commissioner within a timeframe that permits his report to be tabled at the Policy and Finance Committee for its meeting on October 20, 2005.”

In adopting Motion J(46), as amended, Council adopted, without amendment, the confidential report (July 18, 2005) from Mayor Miller. The following recommendations of the Mayor contained in the Recommendations Section of the report are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about an identifiable individual:

“It is recommended that:

- (1) Mr. David Mullan’s employment as part-time Integrity Commissioner be continued for a term not to exceed two years, effective September 1, 2005;
- (2) the City Manager be authorized to negotiate with Mr. Mullan, terms and conditions of employment consistent with his part-time status; and
- (3) the appropriate City officials be authorized and directed by Council to take the necessary action to give effect thereto.”

**MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION**

Mayor Miller in the Chair.

**8.103 I(1) Regulating Payday Lending Businesses**

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

**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.”

*Ruling by Mayor:*

Councillor Ford requested the Mayor to rule on whether Motion I(1) was within the jurisdiction of City Council or was an issue to be addressed by the federal government.

Mayor Miller ruled that Motion I(1) was in order, as it was essentially a report request.

Councillor Ford challenged the ruling of the Mayor.

*Vote to Uphold Ruling of the Mayor:*

Yes - 34	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 8	
Councillors:	Del Grande, Ford, Holyday, Kelly, Milczyn, Minnan-Wong, Ootes, Soknacki

Carried by a majority of 26.

*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 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 I(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 365)

*Procedural Vote:*

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

Yes - 29	
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Jenkins, Mammoliti, Mihevc, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Thompson, Walker, Watson
No - 13	
Mayor:	Miller
Councillors:	Ashton, Balkissoon, Del Grande, Ford, Holyday, Kelly, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Ootes, Stintz

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

*Vote:*

Adoption of Motion I(1), without amendment:

Yes - 34	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Jenkins, Li Preti, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Pitfield, Rae,

Saundercook, Shiner, Thompson, Walker, Watson	
No - 8 Councillors:	Del Grande, Ford, Holyday, Kelly, Lindsay Luby, Ootes, Soknacki, Stintz

Carried by a majority of 26.

8.104 I(2) **Request for Additional Municipal Licensing and Standards Officer(s)**

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

**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 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."

*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(2) 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 I(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 1, Page 371)

*Procedural Vote:*

The vote to waive referral of Motion I(2) to the Policy and Finance Committee was taken as follows:

Yes - 19	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Giambrone, Hall, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Ootes, Palacio, Rae
No - 23	
Councillors:	Ashton, Balkissoon, Carroll, Cho, Chow, Di Giorgio, Feldman, Ford, Holyday, Jenkins, Kelly, Li Preti, Mihevc, Minnan-Wong, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

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

*Disposition:*

Motion I(2) was referred to the Policy and Finance Committee.

**8.105 J(1) The Seizure of Motor Vehicles Involved in Prostitution Related Offences**

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 Thompson**

**“WHEREAS** repeated studies have established a strong and positive correlation between increased incidents of prostitution and drug use, which in turn leads to the attraction of drug users in neighbourhoods; and

**WHEREAS** there has been a litany of complaints about the effects of street prostitution on residential neighborhoods including noise, traffic congestion, litter including condoms and needles, and the harassment of residents; and

**WHEREAS** the increase in prostitution and drug related activities has had negative impacts on communities and has become of great concern to various neighbourhood residents, businesses and community services; and

**WHEREAS** legislation enacted in 1985 by the Federal Government which prohibits communicating in a public place for the purpose of buying or selling sexual services has been largely ineffective in addressing the issue of prostitution and its resulting problems; and

**WHEREAS** in April 2002, the Government of Saskatchewan proclaimed the *Highway Traffic Amendment Act, 2001*, which gives police the authority to seize and impound any vehicle used to commit an offence under Sections 211, 212 or 213 of the Criminal Code, including prostitution; and

**WHEREAS** the *Highway Traffic Act* of Manitoba contains a section called the ‘Seizure of Vehicles in Prostitution Related Offences’ which allows a peace officer, who on reasonable grounds, believes that a motor vehicle is being operated in the course of committing an offence under Sections 211, 212 and 213 of the Criminal Code (Canada), to seize the vehicle and take it into the custody of the law; and

**WHEREAS** Bill 28 (*The Motor Vehicle Act of Nova Scotia*) ‘provides that where a municipality has passed a by-law dealing with the seizure and forfeiture of a motor vehicle involved in the commission of a prostitution-related offence, a peace officer may detain a motor vehicle where the peace officer is satisfied that the vehicle was being operated in the course of committing an offence under Section 211, 212 or 213 of the Criminal Code’;



**NOW THEREFORE BE IT RESOLVED THAT** the City of Toronto enter into discussions with the Attorney General of Ontario in order to gain powers similar to municipalities in Nova Scotia, that would give police the authority to seize and impound any vehicle used to commit an offence under Sections 211, 212 or 213 of the Criminal Code;

**AND BE IT FURTHER RESOLVED THAT** the issue of the City of Toronto gaining powers similar to municipalities in Nova Scotia, that would give police the authority to seize and impound any vehicle used to commit an offence under Sections 211, 212 or 213 of the Criminal Code, be included in any discussions concerning the *New City of Toronto Act*.”

*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 J(1) 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(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 2, Page 372)

*Procedural Vote:*

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

Yes - 24	
Councillors:	Altobello, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Feldman, Fletcher, Ford, Giambrone, Hall, Holyday, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Palacio, Rae, Shiner, Stintz, Thompson, Walker, Watson
No - 18	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Chow, Davis, Di Giorgio, Filion, Jenkins, Kelly, Li Preti, Mihevc, Ootes, Pantalone, Pitfield, Saundercook, Soknacki

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

*Disposition:*

Motion J(1) was referred to the Policy and Finance Committee.

**8.106 J(2) Free Parking for Canadian Veterans**

Councillor Walker 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 Walker**

**Seconded by: Councillor Jenkins**

**“WHEREAS** the Honourable Albina Guarnieri, Minister of Veterans Affairs did, on the 5th day of November, 2004, declare that 2005 shall be the ‘Year of the Veteran’, in honour of those who served this country and in recognition of the 60th anniversary of the end of the Second World War; and

**WHEREAS** the Honourable Harindar Takhar, Minister of Transportation did, on the 23rd day of December, 2003, present the first graphic ‘Veteran Licence Plate’ to a veteran of the Second World War; and

**WHEREAS** the Ministry of Transportation continues to issue said Veteran Licence Plates to eligible Ontarians who served or are serving in the Canadian Armed Forces, the Allied Forces, the Merchant Navy or the Ferry Command; and

**WHEREAS** it is appropriate that the City of Toronto demonstrate its support of Canadian Veterans and further honour those who served and who continue to serve their country; and

**WHEREAS** the City of Hamilton has already taken the initiative to pass By-law No. 05-157, which amends the by-laws relating to on-street parking and municipal parking facilities to allow free parking for Veterans within its municipal boundaries;

**NOW THEREFORE BE IT RESOLVED THAT**, during permitted hours, all vehicles bearing a valid Ontario Veteran Licence Plate be exempted from standard parking fees at all on-street parking meters and in municipally operated parking facilities for the duration of 2005;

**AND BE IT FURTHER RESOLVED THAT** the appropriate traffic by-laws be amended and City staff take appropriate action to give effect to the foregoing.”

*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 J(2) 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(2), 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 3, Page 373)

*Procedural Vote:*

The vote to waive referral of Motion J(2) to the Policy and Finance Committee was taken as follows:

Yes - 31	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, De Baeremaeker, Del Grande, Filion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Walker
No - 11	
Councillors:	Chow, Cowbourne, Davis, Di Giorgio, Feldman, Kelly, Mihevc, Pantalone, Rae, Thompson, Watson

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

Deputy Mayor Feldman in the Chair.

*Vote:*

Adoption of Motion J(2), without amendment:

Yes - 41	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

Deputy Mayor Bussin in the Chair.

*Motion to Re-Open:*

Councillor Walker, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(2) be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

*Motion:*

Councillor Walker moved that Motion J(2) be adopted, subject to:

- (1) deleting the first Operative Paragraph and inserting instead and following:

**“NOW THEREFORE BE IT RESOLVED THAT**, for the duration of 2005, during permitted hours, all vehicles bearing a valid Ontario Veteran Licence Plate be exempted from standard parking fees at all on-street parking meters and parking machines, at parking machines and parking meters in municipally operated parking facilities, and in municipally operated parking facilities where attendants are stationed;” and

- (2) adding the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** City Council request that the same exemption be adopted by the agencies, boards and commissions of the City which charge for parking by the public at their facilities.”

*Vote:*

The motion by Councillor Walker carried.

Motion J(2), as amended, carried.

Mayor Miller in the Chair.

8.107 **J(3) Report of Integrity Commissioner on Complaint of Violation of Councillor's Code of Conduct (Complaint 1)**

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

**Moved by: Mayor Miller**

**Seconded by: Deputy Mayor Feldman**

**“WHEREAS** City Council appointed David Mullan as the Integrity Commissioner for the City of Toronto to provide independent and consistent complaint prevention and resolution, advice, opinion and education respecting the application of the Code of Conduct for Members of Council, and other by-laws/policies governing the ethical behaviour of members, including general interpretation of the *Municipal Conflict of Interest Act*; and

**WHEREAS** the Integrity Commissioner has submitted a report dated July 8, 2005, forwarding a confidential attachment in response to a complaint of Violation of the Councillor's Code of Conduct;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the report dated July 8, 2005, from the Integrity Commissioner, and that the report be received for information.”

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(3), a Fiscal Impact Statement from the 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 365)

Council also had before it, during consideration of Motion J(3), the following:

- report (July 8, 2005) from the Integrity Commissioner (See Attachment 4, Page 317); and
- confidential report (July 9, 2005) from the Integrity Commissioner. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals.

*Motion:*

Councillor Balkissoon moved that Motion J(3) be received.

*Vote:*

Adoption of motion by Councillor Balkissoon:

Yes - 38	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 0	

Carried, without dissent.

8.108 **J(4) Report of Integrity Commissioner on Complaint of Violation of Councillor's Code of Conduct (Complaint 2)**

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

**Moved by: Mayor Miller**

**Seconded by: Deputy Mayor Feldman**

**“WHEREAS** City Council appointed David Mullan as the Integrity Commissioner for the City of Toronto to provide independent and consistent complaint prevention and resolution, advice, opinion and education respecting the application of the Code of Conduct for Members of Council, and other by-laws/policies governing the ethical behaviour of members, including general interpretation of the *Municipal Conflict of Interest Act*; and

**WHEREAS** the Integrity Commissioner has submitted a report dated July 8, 2005, forwarding a confidential attachment in response to a complaint of Violation of the Councillor's Code of Conduct;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the report dated July 8, 2005, from the Integrity Commissioner, and that the report be received for information.”

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(4), 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 365)

Council also had before it, during consideration of Motion J(4), the following:

- report (July 8, 2005) from the Integrity Commissioner (See Attachment 5, Page 319); and
- confidential report (July 8, 2005) from the Integrity Commissioner. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals.

*Motion:*

Councillor Balkissoon moved that Motion J(4) be received.

*Vote:*

Adoption of motion by Councillor Balkissoon:

Yes - 38	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 0	

Carried, without dissent.

**8.109 J(5) Report of Integrity Commissioner on Complaint of Violation of Councillor's Code of Conduct (Complaint 3)**

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

**Moved by: Mayor Miller**

**Seconded by: Deputy Mayor Feldman**

**“WHEREAS** City Council appointed David Mullan as the Integrity Commissioner for the City of Toronto to provide independent and consistent complaint prevention and resolution, advice, opinion and education respecting the application of the Code of Conduct for Members of Council, and other by-laws/policies governing the ethical behaviour of members, including general interpretation of the *Municipal Conflict of Interest Act*; and

**WHEREAS** the Integrity Commissioner has submitted a report dated July 8, 2005, forwarding a confidential attachment in response to a complaint of Violation of the Councillor's Code of Conduct;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the report dated July 8, 2005, from the Integrity Commissioner, and that the report be received for information.”

*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 365)

Council also had before it, during consideration of Motion J(5), the following:

- report (July 8, 2005) from the Integrity Commissioner (See Attachment 6, Page 321); and
- confidential report (July 8, 2005) from the Integrity Commissioner. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals.



*Motion:*

Councillor Balkissoon moved that Motion J(5) be received.

*Vote:*

Adoption of motion by Councillor Balkissoon:

Yes - 38	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 0	

Carried, without dissent.

8.110 **J(6) Report of Integrity Commissioner on Complaint outside the Commissioner's Jurisdiction (Complaint 4)**

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

**Moved by: Mayor Miller**

**Seconded by: Deputy Mayor Feldman**

**“WHEREAS** City Council appointed David Mullan as the Integrity Commissioner for the City of Toronto to provide independent and consistent complaint prevention and resolution, advice, opinion and education respecting the application of the Code of Conduct for Members of Council, and other by-laws/policies governing the ethical behaviour of members, including general interpretation of the *Municipal Conflict of Interest Act*; and

**WHEREAS** the Integrity Commissioner has submitted a report dated July 8, 2005, in response to a complaint against a Councillor that did not come within the Integrity Commissioner's jurisdiction, as set out in the Code of Conduct for Members of Council;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the report dated July 8, 2005, from the Integrity Commissioner, and that the recommendations contained in the report be adopted.”

*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 365)

Council also had before it, during consideration of Motion J(6), the following:

- report (July 8, 2005) from the Integrity Commissioner (See Attachment 7, Page 323); and
- communication (July 4, 2005) from L. David Roebuck, Heenan Blaikie, addressed to the Integrity Commissioner, which is on file in the City Clerk’s Office.

*Motion:*

Councillor Balkissoon moved that Motion J(6) be received.

*Vote:*

Adoption of motion by Councillor Balkissoon:

Yes - 38	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 0	

Carried, without dissent.

**8.111 J(10) Request for City Legal and Planning Staff Representation at Ontario Municipal Board (OMB) Appeal for 462 Birchmount Road (Application A049/05SC)**

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

**Moved by: Councillor Altobello**

**Seconded by: Councillor De Baeremaeker**

**“WHEREAS** the applicant of 462 Birchmount Road made an application to the Committee of Adjustment for a variance to use the land to the rear of the existing supermarket, located in Unit 18, as a storage area for non-perishable food items; and

**WHEREAS** the Committee of Adjustment, Scarborough Panel, considered the application to permit a 114-square metre (1,224 square feet) open storage area to the rear of 462 Birchmount Road, Unit 18, as the Zoning By-law permits lands not covered by buildings to be used only for off-street vehicle parking and landscaping purposes; and

**WHEREAS** the general intent and purpose of this requirement is to ensure that commercial and ancillary activity takes place in enclosed buildings only; and

**WHEREAS** the applicant is proposing to place trailers in parking spaces at the rear of the building for storage of perishable goods and other items to be sold inside the supermarket; and

**WHEREAS** the Committee of Adjustment is of the opinion that the trailers will create an unacceptable blight for the adjacent properties, the proposed use would be more appropriately conducted inside the building and, in the opinion of the Committee, the variances do not maintain the general intent of the Zoning By-law; and

**WHEREAS** the Committee of Adjustment, Scarborough Panel, refused the application because, in their opinion, the variance is not minor; and

**WHEREAS** the owners have appealed the Committee of Adjustment Decision to the Ontario Municipal Board;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor and Planning staff be directed to attend the hearing of the Ontario Municipal Board to support the Committee of Adjustment’s decision to refuse the application.”

*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 J(10) to the Scarborough Community Council would have to be waived in order to now consider this Motion.

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(10), a Fiscal Impact Statement from the 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 365)

*Procedural Vote:*

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

Council also had before it, during consideration of Motion J(10), a Notice of Decision (May 11, 2005) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Scarborough Panel, respecting 462 Birchmount Road, and a Site Plan and Location Map which are on file in the City Clerk's Office.

*Vote:*

Motion J(10) was adopted, without amendment.

**8.112 J(11) Request for City Legal Representation at Ontario Municipal Board (OMB) Appeal for 51 Pitt Avenue (Applications B004/05SC, A006/05SC and A007/05SC)**

Councillor Altobello, with the permission of Council, withdrew the following Notice of Motion:

**Moved by: Councillor Altobello**

**Seconded by: Councillor De Baeremaeker**

**“WHEREAS** the owners of the land at 51 Pitt Avenue made applications to the Committee of Adjustment to divide the land to create two lots for single family residential development and for variances to permit each lot having a frontage of 7.62 metres (25 feet) on Pitt Avenue and a lot area of 246 square metres, as the zoning By-law requires a minimum frontage of 12 metres (39.3 feet) on a public street and a minimum lot area of 371 sq. m. (3,994 square feet); and

**WHEREAS** the Committee of Adjustment, Scarborough Panel, considered the provisions of Section 51 (24) of the *Planning Act*, was not satisfied that the proposal is compatible with the existing lot arrangement and development on Pitt Avenue and was of the opinion the variances would not maintain the general intent and purpose of the Zoning By-law; and

**WHEREAS** the Committee of Adjustment, Scarborough Panel, refused the applications; and

**WHEREAS** the owners have appealed the Committee of Adjustment Decision to the Ontario Municipal Board; and

**WHEREAS** the Ontario Municipal Board has scheduled a hearing for these appeals on Thursday, July 21, 2005;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor be directed to attend the hearing of the Ontario Municipal Board and be authorized to hire outside planning staff to support the Committee of Adjustment decision to refuse the applications.”

*Fiscal Impact Statement:*

City Council had before it, for consideration with 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 365)

Council also had before it, for consideration with Motion J(11), the following, which are on file in the City Clerk’s Office:

- Notice of Decision - Consent (April 20, 2005) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Scarborough Panel, and Proposed Lot Division Plan for 51 Pitt Avenue;
- Notice of Decision – Minor Variance/Permission (April 20, 2005) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Scarborough Panel, and Proposed Lot Division Plan, showing variances for both lots (lot frontage and lot area) for 51 Pitt Avenue; and
- Appointment for Hearing (June 15, 2005) from the Ontario Municipal Board.

**8.113 J(12) Designation of the Bloor West Village Ukrainian Festival as an Event of Municipal Significance**

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** the Bloor West Village Ukrainian Festival will hold its Community Festival on August 26, 27 and 28, 2005; and

**WHEREAS** the Bloor West Village Ukrainian Festival has requested a liquor licence for beer tents on a section of Bloor Street West, closed to vehicular traffic on Bloor Street West, between Jane Street and Clendenan Road; and

**WHEREAS** the Bloor West Village Ukrainian Festival has indicated that the locations of the two beer tents will be on Bloor Street, east of Armadale Avenue on Bloor Street, and east of Windermere Avenue; and

**WHEREAS** the Ward Councillor has received this formal request from the Bloor West Village Ukrainian Festival;

**NOW THEREFORE BE IT RESOLVED THAT** City Council declare the Bloor West Village Ukrainian Festival to be an event of municipal significance and advise the Alcohol and Gaming Commission of Ontario that it has no objection to this event taking place.”

*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 J(12) 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(12), 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(12) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(12) was adopted, without amendment.

**8.114 J(13) Request for Fence Exemption - 1½ Beaumont Road (Ward 27 - Toronto Centre-Rosedale)**

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 Giambrone**

**“WHEREAS** the owner of 1½ Beaumont Road has applied to the City for an exemption from Chapter 447 of the Toronto Municipal Code – Fences, with respect to the height of a proposed fence at 1½ Beaumont Road; and

**WHEREAS** the Executive Director of Municipal Licensing and Standards has reviewed this request, in consultation with the Transportation Services Division, and has prepared the attached report to Council;

**NOW THEREFORE BE IT RESOLVED THAT** Council adopt the staff recommendations contained in the Recommendations Section of the report (July 14, 2005) from the Executive Director, Municipal Licensing and Standards.”

*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 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(13) to the Toronto and East York Community Council was taken as follows:

Yes - 42	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

Council also had before it, during consideration of Motion J(13), a report (July 14, 2005) from the Executive Director, Municipal Licensing and Standards. (See Attachment 8, Page 329)

*Vote:*

Motion J(13) was adopted, without amendment.

*Summary:*

In adopting Motion J(13), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (July 14, 2005) from the Executive Director, Municipal Licensing and Standards:

“It is recommended that:

- (1) the owner of 1½ Beaumont Road file with Transportation Services of the City of Toronto, for its approval, a site plan, and cross-section and elevation drawings detailing the physical characteristics of the site, any landscaping and/or alterations to the existing grades as they impact the public right-of-way, the actions to be undertaken to address the grade change and steps to be undertaken to mitigate the impacts on the existing tree and hydro pole in the area; and
- (2) the fence exemption be granted, conditional upon the owner completing the work as approved by Transportation Services, to its satisfaction, and entering into an encroachment agreement with the City, if necessary.”



8.115 **J(14) Confirmation of Intention to Designate Under Part IV of the *Ontario Heritage Act* - 200 Russell Hill Road**

Councillor Walker 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 Walker**

**Seconded by: Councillor Jenkins**

**“WHEREAS** City Council at its meeting on May 17, 18 and 19, 2005, by its adoption, without amendment, of Motion J(18), moved by Councillor Walker, seconded by Councillor Jenkins, entitled ‘Designation of 200 Russell Hill Road Under the *Ontario Heritage Act*’, stated its intention to designate the property at 200 Russell Hill Road for its cultural resource value or interest; and

**WHEREAS** the *Ontario Heritage Act* requires Council to consult with the Toronto Preservation Board before giving notice of its intention to designate; and

**WHEREAS** the Toronto Preservation Board, at its meeting of June 9, 2005, considered a staff report (May 25, 2005) from the Director, Policy and Research, City Planning, regarding this matter; and

**WHEREAS** the Toronto Preservation Board adopted the staff report which recommended to City Council that it not state its intention to designate the property; and

**WHEREAS** the staff report also recommended that if, after its consultation with the Toronto Preservation Board, Council determines to state its intention to designate the property at 200 Russell Hill Road, a consultant be retained by the City Solicitor to develop the Reasons for Designation so that notice can be given;

**NOW THEREFORE BE IT RESOLVED THAT** City Council confirm its Intention to Designate the property at 200 Russell Hill Road under Part IV of the *Ontario Heritage Act*, and that the City Solicitor be authorized to retain a consultant to develop the Reasons for Designation;

**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:*

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 a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 4, Page 374)

*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.

Deputy Mayor Bussin in the Chair.

Council also had before it, during consideration of Motion J(14), a report (May 25, 2005) from the Director, Policy and Research, City Planning. (See Attachment 9, Page 331)

*Motion:*

Councillor Rae moved that Motion J(14) be received.

*Vote:*

The motion by Councillor Rae carried.

Mayor Miller in the Chair.

**8.116 J(15) Designation of Casa Loma and Area as Heritage Conservation District**

Councillor Walker 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 Walker**

**Seconded by: Councillor Mihevc**

**“WHEREAS** the City of Toronto is the owner of significant heritage resources in the Casa Loma area, including Casa Loma, its stables and Spadina House; and

**WHEREAS** the residential area surrounding Casa Loma, including the area north of the escarpment bounded by Bathurst Street, St. Clair Avenue West and Poplar Plains Road, displays a heritage character and is experiencing redevelopment; and

**WHEREAS** the *Ontario Heritage Act* permits Council to undertake a study which would examine the character of an area to determine if that area should be preserved as a Heritage Conservation District, possible boundaries and the objectives of such a designation;

**NOW THEREFORE BE IT RESOLVED THAT** City Council direct that a study be undertaken to determine whether the Casa Loma area might be suitable for designation as a Heritage Conservation District under the *Ontario Heritage Act*;

**AND BE IT FURTHER RESOLVED THAT** the findings and recommendations of the study be reported to the Toronto Preservation Board and the Toronto and East York Community Council;

**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:*

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 365)

*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.

*Vote:*

Motion J(15) was adopted, without amendment.

**8.117 J(16) Release of Development Agreements from Railway Lands Block 20/23 (Phases I and II) to Permit the Conveyance of Condominium Units**

Councillor Chow 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 Chow**

**Seconded by:**            **Deputy Mayor Pantalone**

“**WHEREAS** Concord Adex Developments Corp. (‘Concord Adex’) is the owner of Railway Lands Block 20/23, which it is developing as condominiums in Phases I, II and III; and

**WHEREAS** Concord Adex expects to convey the units in Phase I on August 8, 2005, and the units in Phase II on September 21, 2005; and

**WHEREAS** Concord Adex has requested the City to release certain development agreements prior to these conveyances dates; and

**WHEREAS** the next City Council meeting is scheduled to be held on September 28, 29 and 30, 2005, which is after the anticipated conveyance dates; and

**WHEREAS** the City Solicitor has prepared a report (July 15, 2005) recommending the release of the development agreements, as requested by Concord Adex, subject to certain conditions; and

**WHEREAS** it is, therefore, appropriate that City Council consider the report of the City Solicitor at its July 19, 20 and 21, 2005 meeting;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the attached report (July 15, 2005) from the City Solicitor, and that the staff recommendation contained in the Recommendation Section of the report be adopted.”

*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 J(16) 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(16), 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(16) 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(16), a report (July 15, 2005) from the City Solicitor. (See Attachment 10, Page 334)

*Vote:*

Motion J(16) was adopted, without amendment.

*Summary:*

In adopting Motion J(16), without amendment, Council adopted, without amendment, the following staff recommendation contained in the Recommendation Section of the report (July 15, 2005) from the City Solicitor:

“It is recommended that authority be granted to release Phases I and II of Block 20/23 in the Railway Lands from the development agreements listed in Appendix ‘B’ to the City Solicitor’s report dated July 15, 2005, (subject to the preconditions set out in Appendix ‘B’), and that authority also be granted to enter into the necessary replacement agreement.”

#### 8.118 **J(17) Settlement of Appeals to the Revised Parkland Dedication Policy**

**July 20, 2005:**

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: Mayor Miller**

“**WHEREAS** City Council at its meeting on April 12, 13 and 14, 2005, by its adoption, without amendment, of Planning and Transportation Report 3, Clause 16, headed ‘Proposed Partial Settlement of Appeals of the New Official Plan and Full Settlement of General Appeal of the Development Charges By-law - 003011’, authorized the City Solicitor to give effect to a proposed settlement between the City and a group of developer appellants respecting a revised parkland dedication policy, Section 3.2.3.5 in the new Official Plan; and

**WHEREAS** the ratepayer appellants have objected to the proposed revised policy; and

**WHEREAS** the ratepayer objections are presently scheduled to be adjudicated by the Ontario Municipal Board in the first week of September; and

**WHEREAS** it would be desirable to settle the objections, if possible, rather than have them adjudicated at the Board;

**WHEREAS** representatives of the ratepayer appellants have circulated correspondence indicating a willingness to settle along lines that representatives of some members of the developers group have indicated a willingness to agree to; and

**WHEREAS** it would be appropriate for the City Solicitor to obtain further instructions from Council, in order to enable the parkland dedication policy issue to be comprehensively settled, if possible;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor be requested to report to the Planning and Transportation Committee for its meeting on September 12, 2005, on the ratepayer objections to the revised parkland dedication policy, following consultation with each of the parties involved in this matter, including all members of the developers' group;

**AND BE IT FURTHER RESOLVED THAT** the City Solicitor be directed to seek rescheduling of Ontario Municipal Board consideration of the parkland dedication policy from September to October, to allow for further instructions;

**AND BE IT FURTHER RESOLVED THAT** the City solicitor and staff be directed to do all things necessary to give effect thereto, with notice to the parties.”

*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 J(17) 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(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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(17) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

**July 21, 2005:**

Deputy Mayor Bussin in the Chair.

*Motion:*

- (a) Councillor Mihevc moved that:
- (1) consideration of Motion J(17) be deferred to the special Council meeting on Tuesday, July 26, 2005, to allow Planning and Legal Services staff to meet with representatives of the Ratepayers' Association to discuss and assess the legal and planning concerns and proposals raised by the Ratepayers' Association about the Parkland Dedication settlement; and
  - (2) the Chief Planner and City Solicitor be requested to provide a written report to the special July 26, 2005 Council meeting on the outcome of these discussions, including recommendations concerning the City's position in the upcoming September Ontario Municipal Board hearing.

*Vote:*

Motion (a) by Councillor Mihevc carried.

**July 26, 2005:**

Deputy Mayor Pantalone in the Chair.

Council also had before it, during consideration of Motion J(17), the following:

- communication (July 24, 2005) from William H. Roberts, Barrister and Solicitor, which is on file in the City Clerk's Office;
- confidential report (July 25, 2005) from the Chief Planner and Executive Director, City Planning, and the City Solicitor. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to litigation or potential litigation; and
- Memorandum (July 26, 2005) from Chief Planner and Executive Director, City Planning, forwarding the following correspondence which is public in its entirety and on file in the City Clerk's Office:
  - (1) package of correspondence from George Belza received Friday, July 22, 2005;
  - (2) two (2) packages of correspondence from George Belza received Sunday, July 24, 2005; and
  - (3) communication (July 24, 2005) received from Bill Roberts.

*Motion:*

- (b) Councillor Mihevc moved that Motion J(17) be amended by deleting the Operative Paragraphs and inserting instead the following new Operative Paragraph:

**“NOW THEREFORE BE IT RESOLVED THAT** Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (July 25, 2005) from the Chief Planner and Executive Director, City Planning, and the City Solicitor.”

*Votes:*

Motion (b) by Councillor Mihevc carried.

Adoption of Motion J(17), as amended:

Yes - 25	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Carroll, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Soknacki, Walker, Watson
No - 2	
Councillors:	Ford, Milczyn

Carried by a majority of 23.

*Summary:*

In adopting Motion J(17), as amended, Council adopted, without amendment, the confidential report (July 25, 2005) from the Chief Planner and Executive Director, City Planning, and the City Solicitor. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to litigation or potential litigation.

Mayor Miller in the Chair.

#### 8.119 **J(18) Withdrawal of Appeal to the Ontario Municipal Board Matter Regarding 117 Wedgewood Drive**

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



**Moved by:**                    **Councillor Shiner**

**Seconded by:**            **Councillor Stintz**

**“WHEREAS** the North York Panel of the Committee of Adjustment for the City of Toronto (the ‘Committee’) approved an application by the owner of 117 Wedgewood Drive (A0310/05NY), for the construction of a new two-storey single family detached dwelling on May 31, 2005; and

**WHEREAS** the Committee approved the two associated variances for first floor height and the elevation of the floor entrance of the garage to be located below the established grade; and

**WHEREAS** on June 14, 15 and 16, 2005, Council directed the City solicitor to appeal the minor variance decision of the Committee on behalf of the City of Toronto and to oppose the minor variance application at the Ontario Municipal Board; and

**WHEREAS** the City Solicitor appealed the decision prior to the June 15, 2005 appeal deadline; and

**WHEREAS** subsequent discussions with the new owner took place and the owner explained the special circumstances necessitating the variance for a below grade garage, indicating that an elevator is required in this dwelling for wheelchair accessibility purposes and that the elevator would not be practically accessible from the garage if the garage were on the ground level;

**NOW THEREFORE BE IT RESOLVED THAT** the City solicitor be authorized to withdraw the appeal to Ontario Municipal Board;

**AND BE IT FURTHER RESOLVED THAT** the Chief Building Official be requested to inspect the site after construction has taken place and advise appropriate City officials whether an elevator has been constructed.”

*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 J(18) to the North York Community Council would have to be waived in order to now consider this Motion.

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(18), 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(18) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(18) was adopted, without amendment.

8.120 **J(19) Expropriations of Interest in Land at the Southeast Corner of Bishop Avenue and Yonge Street**

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

**Moved by: Councillor Shiner**

**Seconded by: Councillor Stintz**

“**WHEREAS** City Council at its meeting of April 12, 13 and 14, 2005, adopted Administration Committee Report 3, Clause 22, headed ‘Expropriations of Interest in Land at the Southeast Corner of Bishop and Yonge – Toronto Transit Commission Pemberton Exit Driveway ( Finch Station)’; and

**WHEREAS** title to the said parcels of land was vested in the City on June 23, 2005, by the registration of Expropriation Plan AT839103; and

**WHEREAS** pursuant to the *Expropriations Act*, the City is required to make offers of full compensation to the registered owners of the parcel by September 23, 2005, which is prior to City Council’s next meeting on September 28, 29 and 30, 2005; and

**WHEREAS** pursuant to the Delegated Authority contained in Corporate Services Committee Report 11, Clause 1, headed ‘Acquisition and Disposal of Real Property’ adopted as amended by City Council on July 29, 30 and 31, 1998, and City Council Confirmatory By-law No. 477-1998, enacted on July 30, 1998, the City Manager has authority to approve statutory offers of compensation for expropriations, where the payment is \$500,000.00 or less; and

**WHEREAS** the offers of full compensation, to be made by September 23, 2005, are based on an independent consultant’s appraisal report which is pending and likely to be over the City Manager’s \$500,000.00 Delegated Authority limit by an amount to be determined;

**NOW THEREFORE BE IT RESOLVED THAT** City Council, for these statutory offers, waive the City Manager's \$500,000.00 Delegated Authority limit so that the statutory offers to the registered owners of the parcel would be possible by September 23, 2005."

*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 J(19) to the North York Community Council would have to be waived in order to now consider this Motion.

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(19), 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 5, Page 375)

*Procedural Vote:*

The vote to waive referral of Motion J(19) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(19) was adopted, without amendment.

**8.121 J(20) Request of the Mayor to Call a Meeting of the Public Safety and Emergency Preparedness Political Reference Group**

Councillor Soknacki 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 Soknacki**

**Seconded by: Councillor Ashton**

**"WHEREAS** the hearts and thoughts of the people of the City of Toronto are with the people of London, England, as a result of the recent bombings on the London public transportation network; and

**WHEREAS** the Mayor of the City of London has attributed the effective response of emergency services to preparatory exercises undertaken by the authorities prior to the attacks; and

**WHEREAS** the City of Toronto has a Public Safety and Emergency Preparedness Political Reference Group composed of the Mayor, the Deputy Mayor, and the Chairs of the Community Services Committee, the Toronto Transit Commission (TTC) and the Board of Health; and

**WHEREAS** the residents of the City of Toronto are seeking reassurance that the City of Toronto has undertaken all reasonable steps to prevent such attacks, and is prepared to respond effectively if such attacks should happen in Toronto;

**NOW THEREFORE BE IT RESOLVED THAT** the Mayor be requested to call a meeting of the Public Safety and Emergency Preparedness Political Reference Group, as soon as possible, such meeting to include (but not be limited to) a presentation from the City Manager showing updated and detailed plans on what steps the City, its agencies, boards, commissions and divisions, have taken and will take to prevent and respond to such attacks, if such attacks should happen in the City of Toronto;

**AND BE IT FURTHER RESOLVED THAT** the appropriate City staff be requested to undertake an exercise or exercises to test emergency preparedness and response;

**AND BE IT FURTHER RESOLVED THAT** the appropriate City staff be requested to schedule ongoing updates and exercises to keep the City of Toronto in a reasonable state of preparedness;

**AND BE IT FURTHER RESOLVED THAT**, after the meeting of the Public Safety and Emergency Preparedness Political Reference Group, the Mayor be requested to reassure the residents of the City of Toronto by providing a summary of the current state of emergency preparedness.”

*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 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(20) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Adoption of Motion J(20), without amendment:

Yes - 38	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 3	
Councillors:	Augimeri, Ford, Rae

Carried by a majority of 35.

**8.122 J(21) Request for an Extension to an Existing Liquor Licence – Armenian Community Centre, 45 Hallcrown Place, on behalf of Saint Mary Armenian Apostolic Church of Toronto**

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 Del Grande**

“**WHEREAS** a request for an extension to an existing liquor licence at the Armenian Community Centre, 45 Hallcrown Place, has been received from Sarkis Ghazarian, Chairman, Board of Trustees, Saint Mary Armenian Apostolic Church of Toronto, regarding a two-day religious and social function, on the occasion of the feast of St. Mary, on Friday, August 12, 2005, from 8:00 p.m. to 1:00 a.m., and on Saturday, August 13, 2005, from 8:00 p.m. to 1:00 p.m.; and

**WHEREAS** there is no meeting of the North York Community Council scheduled prior to the date of the event;

**NOW THEREFORE BE IT RESOLVED THAT** the Alcohol and Gaming Commission of Ontario be advised that City Council has no objection to the granting of an extension to an existing liquor licence at the Armenian Community Centre, 45 Hallcrown Place, received from Sarkis Ghazarian, Chairman, Board of Trustee, Saint Mary Armenian Apostolic Church of Toronto, regarding a two-day religious and social function, on the occasion of the feast of St. Mary, on Friday, August 12, 2005, from 8:00 p.m. to 1:00 a.m., and on Saturday, August 13, 2005, from 8:00 p.m. to 1:00 p.m., and that the Alcohol and Gaming Commission of Ontario be requested to approve the application.”

*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 J(21) to the North York Community Council would have to be waived in order to now consider this Motion.

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(21), 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(21) to the North 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(21), a communication (July 4, 2005) from Sarkis Ghazarian, Chairman, Board of Trustees, Saint Mary Armenian Apostolic Church, which is on file in the City Clerk’s Office.

*Vote:*

Adoption of Motion J(21), without amendment:

Yes - 41	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Giambone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

No - 0

Carried, without dissent.

8.123 **J(22) Request for an Extension to an Existing Liquor Licence – Black Creek Pioneer Village, 1000 Murray Ross Parkway, on behalf of The Metis Arts Festival and the Celtic Sounds Festival**

Councillor Li Preti 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 Li Preti**

**Seconded by: Councillor Rae**

**“WHEREAS** a request for an extension to an existing liquor licence at Black Creek Pioneer Village, 1000 Murray Ross Parkway, has been received from Marty Brent, Manager, Black Creek Pioneer Village, regarding the following two events:

- (1) the Metis Arts Festival on Saturday, July 23, 2005, from 11:00 a.m. to 5:00 p.m., and Sunday, July 24, 2005, from 11:00 a.m. to 5:00 p.m.; and
- (2) the Celtic Sounds Festival on Saturday, August 27, 2005, from 11:00 a.m. to 5:00 p.m., and Sunday, August 28, 2005, from 11:00 a.m. to 5:00 p.m.; and

**WHEREAS** there is no meeting of the North York Community Council scheduled prior to the date of the two events;

**NOW THEREFORE BE IT RESOLVED THAT** the Alcohol and Gaming Commission of Ontario be advised that City Council has no objection to the granting of an extension to an existing liquor licence at Black Creek Pioneer Village, 1000 Murray Ross Parkway, received from Marty Brent, Manager, Black Creek Pioneer Village for the Metis Arts Festival on Saturday, July 23, 2005, from 11:00 a.m. to 5:00 p.m., and Sunday, July 24, 2005, from 11:00 a.m. to 5:00 p.m., and the Celtic Sounds Festival on Saturday, August 27, 2005, from 11:00 a.m. to 5:00 p.m., and Sunday, August 28, 2005, from 11:00 a.m. to 5:00 p.m., and that the Alcohol and Gaming Commission of Ontario be requested to approve the application.”

*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 J(22) to the North York Community Council would have to be waived in order to now consider this Motion.

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(22), 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(22) to the North 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(22), a communication (July 5, 2005) from Marty Brent, Manager, Black Creek Pioneer Village, which is on file in the City Clerk's Office.

*Vote:*

Motion J(22) was adopted, without amendment.

**8.124 J(23) Leaf Blower Use Restriction in the City of Toronto**

Councillor Walker 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 Walker**

**Seconded by: Councillor Jenkins**

**“WHEREAS**, at the present time, the Noise By-law for the City of Toronto prohibits the creation of noise by the use of leaf blowers, known as ‘powered property service tool’, between the hours of 9:00 p.m. and 7:30 a.m., or 9:00 a.m. in the case of Sundays or holidays; and

**WHEREAS** gas powered leaf blowers produce sound with a strong tonality, which is particularly objectionable, and levels generally measure in the range of 80-90 dBA; and

**WHEREAS** as of January 1, 1992, leaf blowers which produce sound levels in excess of 70 dBA at 15 metres are considered to be in violation of the Noise By-law and are, therefore, essentially banned in the City; and



**WHEREAS** the number of noise complaints resulting from the use of leaf blowers increases steadily each year, as outlined in the Committee Report (January 10, 1996) submitted from the Acting Commissioner of Public Works and the Environment for the City of Toronto; and

**WHEREAS** the Noise By-law is authorized by section 9(1) of the *City of Toronto Act*, 1971, which reads, ‘...The Council of the Corporation may pass by-laws for prohibiting or regulating the making, causing or permitting of noises or any class or classes of noises within the municipality or any defined area or areas thereof which disturbs or may disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants, or which, in the opinion of the Council, are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants.’; and

**WHEREAS** the pollution caused by leaf blowers extends beyond noise to dust, debris, mould, hydrocarbons, carbon monoxide, and ground level ozone, all of which increase the levels of pollution and/or smog in the City, resulting in a loss of quality of life for all residents; and

**WHEREAS** the City of Vancouver, B.C., has already taken the initiative to support a City-wide ban of leaf blowers (Noise Control By-law No. 6555 – November 18, 2003);

**NOW THEREFORE BE IT RESOLVED THAT** City Council amend the Noise By-law (adopted by Council on June 18-20, 2002) to include the following staff Recommendation (2)(a) contained in the Recommendations Section of the report (November 5, 2001) from the Commissioner of Urban Development Services, as amended by the Planning and Transportation Committee:

‘(2)(a) Section 4 be amended to reflect the prohibited period of time for the operation of a power device that blows or vacuums leaves, grass cuttings, debris or other similar material as follows:

- (i) at all times in Quiet Zones;
- (ii) at all times on residential properties except during the months of October and November for leaf removal;
- (iii) between 6:00 p.m. and 8:00 a.m. Monday to Saturday and at all times on Sunday on non-residential properties; and
- (iv) on Smog Alert days;

**AND BE IT FURTHER RESOLVED THAT** the appropriate City staff, by mechanism of the Noise and Pollution by-laws, investigate unconditionally banning the operation of any powered leaf blower, electric or gas, in the City of Toronto;

**AND BE IT FURTHER RESOLVED THAT** the appropriate City staff take the necessary actions to give effect to the foregoing.”,

the vote upon which was taken as follows:

Yes - 17	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Cho, Chow, Davis, De Baeremaeker, Fillion, Jenkins, Mihevc, Minnan-Wong, Pitfield, Saundercook, Shiner, Stintz, Walker, Watson
No - 25	
Councillors:	Altobello, Balkissoon, Bussin, Carroll, Cowbourne, Del Grande, Di Giorgio, Feldman, Ford, Giambrone, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Rae, Soknacki, Thompson

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

*Fiscal Impact Statement:*

City Council had before it, for consideration with Motion J(23), 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 376)

*Disposition:*

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on September 28, 2005.

**8.125 J(24) Request of the Federal Government to Investigate Allegations of Active Chinese Agents in Canada**

Councillor Walker 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 Walker**

**Seconded by: Councillor Balkissoon**

“**WHEREAS** Falun Dafa (Gong) is a peaceful mind and body philosophy practiced though meditation and deliberate exercise; and

**WHEREAS** after originating in China in 1992, Falun Dafa is now practiced in over 60 countries by millions of people, including Canadians; and

**WHEREAS** since July 1999, the Chinese Communist Party has conducted a campaign of persecution against all Falun Dafa practitioners in China; and

**WHEREAS** in the last month, there have been defectors from China who have held high positions in the Chinese Communist Party who testify that the campaign of persecution against Falun Dafa practitioners extends outside the borders of China and into countries such as Canada and Australia; and

**WHEREAS** these defected past Chinese officials have testified that there are thousands of Chinese government agents ('spies') throughout the world, including Canada, who are instructed by the Chinese Communist Party to observe and interrupt Falun Dafa practitioners' activities and their relations with the public in any way possible, including influencing foreign governments; and

**WHEREAS** on July 6, 2005, Michel Juneau-Katsuya, a former CSIS agent, while in an interview on an Australian radio program, corroborated the claims that Chinese nationals and agents have aggressively infiltrated Canada and do interfere in the affairs of Chinese Canadians, most notably Falun Dafa practitioners; and

**WHEREAS** Michel Juneau-Katsuya also discussed that the Federal Government in Canada is somewhat aware of the Chinese Communist Party's actions on Canadian soil but the Federal government may not see the investigation of these foreign activities as a priority, due to diplomatic concerns such as economic relations between China and Canada; and

**WHEREAS** the Canadian government should aggressively protect the freedom and security of all of its citizens and should seriously investigate any allegations of foreign government interference occurring on Canadian soil;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council request the Federal Government to investigate the claims made by the defected Chinese officials and Mr. Juneau-Katsuya, the former CSIS agent, to root out any illegal activities occurring in Canada committed by the Chinese government and/or its representatives;

**AND BE IT FURTHER RESOLVED THAT** Toronto City Council hereby stands against any violation of human rights, life and liberty, here or abroad, and recognizes the need to ensure the safety and security of all Torontonians;

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

*Ruling by Mayor:*

Councillor Milczyn requested the Mayor to rule on whether Motion J(24) was within the jurisdiction of City Council.

Mayor Miller ruled that Motion J(24) was in order.

Councillor Milczyn challenged the ruling of the Mayor.

*Vote to Uphold Ruling of the Mayor:*

Yes - 20	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Balkissoon, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Filion, Giambrone, Jenkins, Mihevc, Minnan-Wong, Nunziata, Palacio, Pitfield, Thompson, Walker, Watson
No - 22	
Councillors:	Ashton, Bussin, Cho, Cowbourne, Di Giorgio, Feldman, Ford, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Ootes, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz

Lost by a majority of 2.

*Disposition:*

Due to the above decision of Council, Notice of Motion J(24) was ruled out of order.

#### 8.126 **J(25) Rescinding Paid Parking at Parking Machines and Meters on Public Holidays**

Councillor Hall 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 Hall**

**Seconded by: Councillor Palacio**

“**WHEREAS** residents of the City of Toronto were obligated to pay for parking at Toronto Parking Authority ‘Pay and Display’ meters during this year’s Victoria Day and Canada Day holidays; and

**WHEREAS** residents were unaware of the parking enforcement blitz and are still not properly informed of parking enforcement policy as it pertains to statutory civic holidays; and

**WHEREAS** past practice was to not ticket on statutory holidays; and

**WHEREAS** current by-laws provide the right to ticket vehicles during statutory holidays; and

**WHEREAS** all Torontonians enjoy visiting family and friends during statutory holidays, such as New Year's Day, Victoria Day, Canada Day, Simcoe Day, Labour Day, Canadian Thanksgiving and Christmas;

**NOW THEREFORE BE IT RESOLVED THAT** the City's traffic by-laws be amended to rescind the requirement to pay for parking on public holidays at pay and display machines and parking meters on City streets;

**AND BE IT FURTHER RESOLVED THAT** City staff take appropriate action to give effect to the foregoing;

**AND BE IT FURTHER RESOLVED THAT** this take effect commencing for the August 1, 2005 Civic Holiday (Simcoe Day).”

*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 J(25) to the Works Committee would have to be waived in order to now consider this Motion.

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(25), 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 377)

*Procedural Vote:*

The vote to waive referral of Motion J(25) to the Works Committee was taken as follows:

Yes - 13	
Councillors:	Augimeri, Cho, Cowbourne, Del Grande, Ford, Hall, Mammoliti, Nunziata, Ootes, Palacio, Pitfield, Shiner, Walker
No - 29	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Chow, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Pantalone, Rae, Saundercook, Soknacki, Stintz, Thompson, Watson

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

*Disposition:*

Motion J(25) was referred to the Works Committee.

#### 8.127 **J(26) Appeal of Committee of Adjustment Decision - 400 Wellington Street West**

Councillor Chow 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 Chow

**Seconded by:** Deputy Mayor Pantalone

“**WHEREAS**, the Committee of Adjustment on May 25, 2005, approved the variances requested by 1413881 Ontario Limited for the property at 400 Wellington Street West, subject to a condition that access to the underground garage and servicing be from the rear of the property off of the existing lane, not Wellington Street West; and

**WHEREAS** members of the community have appealed this decision to the Ontario Municipal Board; and

**WHEREAS** the reasons for the appeal are that the ‘existing lane’ presently serves as the only direct north-south pedestrian linkage between King Street West and Wellington Street West in the large block bounded by Portland Street to the west and Spadina Avenue to the east and is currently used extensively by pedestrians; and

**WHEREAS** requiring vehicular and servicing access for the proposed development to be located off the existing lane is inappropriate, insofar as it has the potential for considerable pedestrian-vehicle conflicts;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor be directed to attend at the Ontario Municipal Board in support of the appeal and to request that the condition imposed by the Committee of Adjustment be eliminated and replaced with a condition requiring that primary vehicular access to the proposed development be from Wellington St. West, using the existing curb cut on the east side of the property.”

*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 J(26) 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(26), 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(26) 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(26), a Notice of Decision – Minor Variance/Permission (May 27, 2005) from the Acting Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel, respecting 400 Wellington Street West.

Deputy Mayor Bussin in the Chair.

*Vote:*

Adoption of Motion J(26), without amendment.

Yes - 21	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Fletcher, Giambrone, Hall, Jenkins, Lindsay Luby, Mihevc, Moscoe, Palacio, Pitfield, Rae, Saundercook, Stintz, Thompson
No - 6	
Councillors:	Del Grande, Ford, Holyday, Kelly, Milczyn, Watson

Carried by a majority of 15.

Mayor Miller in the Chair.

8.128 **J(27) Reporting Procedure on Notices of Motions referred to Agencies, Boards and Commissions**

Councillor Nunziata 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 Nunziata

**Seconded by:** Councillor Ootes

“**WHEREAS** Chapter 27 of the Toronto Municipal Code sets out procedures for the consideration of Notices of Motions and, specifically, Section 27-31.A of Chapter 27 states that Notices of Motions submitted to Council shall be referred directly to the Standing Committee, Community Council, agency, board or commission by the Clerk for consideration; and

**WHEREAS** City Council, at its May 17, 18 and 19, 2005 meeting, referred Notice of Motion J(27), entitled ‘The Implication of Bill 164, the *Tobacco Control Statute Law Amendment Act, 2004*, on Charity Bingo’, to the Board of Health for its consideration; and

**WHEREAS** the Board of Health, at its June 7, 2005 meeting, had the referred Notice of Motion submitted to its meeting through a communication from the City Clerk; and



**WHEREAS** the minutes of the Board's June 7, 2005 meeting indicate that the Chair of the Board of Health ruled the aforementioned Motion to be out of order as the Board of Health had already taken a position on this issue and the Board's position was presented to the Legislature by the Chair and the Medical Officer of Health, and the request in the Motion was also contrary to the Board of Health's current position; and

**WHEREAS** the Chair's ruling was not challenged by the Board of Health Members and, therefore, the Notice of Motion was not properly considered by the Board of Health as requested by Council; and

**WHEREAS** Section 27-83 of Chapter 27 of the Municipal Code, Council Procedures, does specify that the Toronto Board of Health shall report to Council; and

**WHEREAS** the Board of Health's mandate and jurisdiction is established through the *Health Protection and Promotion Act*, and Section 40 of the Board of Health's own procedures by-law does specify that only Board of Health recommendations on budget and corporate policy matters shall be reported to the Council; and

**WHEREAS** current Council meeting procedures and current Board meeting procedures are not clear on the reporting requirements of the Board of Health to reply to matters specifically referred to it, such as Notice of Motions, so that Council is informed of the disposition of business referred to the Board from Council;

**NOW THEREFORE BE IT RESOLVED THAT** the Council Procedures and Meeting Management Working Group be requested to consider this procedural issue and report to Council, through the Policy and Finance Committee, on procedural improvements to ensure that matters referred by Council to agencies, boards and commissions, such as the Board of Health, are properly considered and reported back to City Council to ensure proper and complete disposition on referrals of Notices of Motions decided by City Council."

*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 J(27) 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(27), 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(27) to the Policy and Finance Committee was taken as follows:

Yes - 20	
Councillors:	Altobello, Ashton, Augimeri, Cho, Davis, Del Grande, Feldman, Grimes, Hall, Holyday, Kelly, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Shiner, Stintz, Walker, Watson
No - 22	
Mayor:	Miller
Councillors:	Balkissoon, Bussin, Carroll, Chow, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Ford, Giambrone, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Pantalone, Rae, Saundercook, Soknacki, Thompson

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

*Disposition:*

Motion J(27) was referred to the Policy and Finance Committee.

**8.129 J(28) Declaration of the 2005 Lake Shore Mardi Gras Festival as an Event of Municipal Significance**

Councillor Grimes 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 Grimes**

**Seconded by: Councillor Saundercook**

**“WHEREAS** the 2nd Annual Lake Shore Mardi Gras Festival is an important festival activity within the City of Toronto and will be held on Saturday, August 13, 2005 from 12:00 noon to 9:00 p.m. and Sunday, August 14, 2005, from 12:00 noon to 7:00 p.m., in Colonel Samuel Smith Park; and

**WHEREAS** the 2nd Annual Lake Shore Mardi Gras Festival is an enriching event, providing the community with many opportunities for sharing, and is organized in co-operation with the Grenadier Group; and

**WHEREAS** the 2nd Annual Lake Shore Mardi Gras Festival is seeking, on behalf of its participants, a special occasion permit under the Community Festival Section of the *Ontario Liquor License Act*; and

**WHEREAS** pursuant to Section 40 of the Regulations of the *Ontario Liquor License Act*, an application for a special occasion permit for an event that is a community festival must be made by the local Council for the Municipality in which the event is to occur;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the City of Toronto deem the 2nd Annual Lake Shore Mardi Gras Festival to be an event of municipal and/or community significance, and advise that the Alcohol and Gaming Commission of Ontario that it has no objection to this event taking place.”

*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 J(28) 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(28), 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(28) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(28) was adopted, without amendment.

**8.130 J(29) 89 Kingsway Crescent – Application for Demolition under Section 34 of the Ontario Heritage Act – Ward 5 (Etobicoke - Lakeshore)**

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 Lindsay Luby**

**“WHEREAS** City Council at its meeting of July 20, 21 and 22, 2004, adopted, as amended, Etobicoke York Community Council Report 6, Clause 33, headed ‘Notice of Intention to Designate 89 Kingsway Crescent under the *Ontario Heritage Act* (Ward 5 – Etobicoke-Lakeshore)’, and, in so doing, stated its intention to designate the property at 89 Kingsway Crescent under Part IV of the *Ontario Heritage Act*; and

**WHEREAS** on July 5, 2005, the solicitors for the owners of 89 Kingsway Crescent made application to City Council for consent to the demolition of the building at 89 Kingsway Crescent; and

**WHEREAS** the Chief Planner and Executive Director, City Planning, wishes to report upon the demolition application and obtain directions from City Council; and

**WHEREAS** pursuant to the *Ontario Heritage Act*, if City Council fails to notify the owner of its decision within 90 days of receipt of the application, then City Council will have been deemed to have consented to the demolition application; and

**WHEREAS** the next meeting of City Council, at which this matter could be considered, is September 28, 29 and 30, 2005; and

**WHEREAS** it is appropriate to consider the report of the Chief Planner and Executive Director, City Planning, at this meeting, as it is a time sensitive matter, and to ensure that City Council is not deemed to have consented to the demolition application;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the report (July 11, 2005) from Chief Planner and Executive Director, City Planning, and that the staff recommendations contained in the Recommendations Section of the report be adopted.”

*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 J(29) 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(29), 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(29) to the Etobicoke 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 (July 11, 2005) from the Chief Planner and Executive Director, City Planning (See Attachment 11, Page 339).

*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 (July 11, 2005) from Chief Planner and Executive Director, City Planning:

“It is recommended that:

- (1) City Council refuse the heritage permit application to demolish the building located on the property at 89 Kingsway Crescent (Isaac Scott House) under Section 34 of the Ontario Heritage Act; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

**8.131 J(30) Request for City Staff to Meet with Officials of the Greek Community of Toronto to Explore Opportunities to Provide Space for City Programming in the New Hellenic Cultural Centre at 411 Ellesmere Road**

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: Mayor Miller**

**“WHEREAS** the Greek Community of Toronto was established, in 1911, to be the umbrella organization to assist its representative organizations and membership in finding ways to foster, preserve and enhance the Greek heritage, as well as assisting the Hellenic community to integrate into the Canadian mosaic; and

**WHEREAS** the Greek Community of Toronto today represents 200 organizations and in excess of 150,000 individual members of Hellenic decent throughout the City of Toronto and surrounding areas; and

**WHEREAS** the Greek Community of Toronto has become the catalyst with its member organizations and their membership, in creating a vision to build a New Hellenic Cultural Centre to provide a larger 75,000 sq. ft. state of the art facility where the organizations can continue to provide their educational, cultural, athletic, youth, seniors and social programs; and

**WHEREAS** once completed, the New Hellenic Cultural Centre will be expanding their programs and services by creating a library, cultural program rooms, sports facilities, theatre and community offices for their organizations and general community use; and

**WHEREAS** the New Hellenic Cultural Greek Community of Toronto was approved for funding in the amount of \$2 million dollars, through the Canada/Ontario Infrastructure Program - Sports, Culture and Tourism Partnership funding, and the Agreement for the funding was signed on February 24, 2004; and

**WHEREAS** the signed agreement with Federal and Provincial governments has a requirement that the facility must be substantially completed by the end of February 2006, before the approved funding is further advanced to the Greek Community of Toronto; and

**WHEREAS** the New Hellenic Cultural Centre will be a positive visual and architectural addition to the streetscape of Canadian Drive, as well as providing much needed additional space and programs, which will be available to the general community, and this cultural centre will provide a space where various communities can interact; and

**WHEREAS** the United Way has identified the area where the New Hellenic Cultural Centre is to be located as ‘an area in need’, requiring more facilities and programming for the community; and

**WHEREAS** the costs associated with the building permit application are quite exorbitant, and the funds that are being spent on filing the building permit application can be invested into programming which both the Hellenic community and the general public can benefit from;

**NOW THEREFORE BE IT RESOLVED THAT** the appropriate City staff meet with the officials of the Greek Community of Toronto with regard to an agreement to provide space within the proposed community centre for City programs and staff report back on a strategy to credit the value of the space against various City application fees and charges.”

*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 J(30) 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(30), 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 378)

*Procedural Vote:*

The vote to waive referral of Motion J(30) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Motion:*

Councillor Thompson moved that Motion J(30) be adopted, subject to deleting the Operative Paragraph and inserting instead the following new Operative Paragraphs:

**“NOW THEREFORE BE IT RESOLVED THAT** the General Manager, Parks, Forestry and Recreation, be requested to report to Economic Development and Parks Committee, in consultation with Planning and Transportation staff, for its meeting of September 12, 2005, on ‘High Needs Areas’, as stated by the United Way report, on a strategy on the appropriateness and viability of offering programming offsets in exchange for City fees, such report to include, but not be limited to:

- (a) sustainability of programming;
- (b) priority setting; and
- (c) budget impacts;

**AND BE IT FURTHER RESOLVED THAT** the various City application fees and charges be deferred until such time as staff has reported back to the Economic Development and Parks Committee.”

*Votes:*

The motion by Councillor Thompson carried.

Motion J(30), as amended, carried.

### 8.132 **J(31) Liquor License Matters – 1468 Queen Street West - Jim’s Tavern**

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 Jenkins**

**“WHEREAS** local residents, businesses and the Councillor’s office have significant concerns with respect to the criminal activity conducted in and around Jim’s Tavern (1468 Queen Street West) and the negative impact these activities have on local residents; and

**WHEREAS** members of the public feel unsafe and are intimidated by the patrons and traffic that this establishment attracts, and to which it caters, such that residents avoid walking in the vicinity, fearing for their security and well being; and



**WHEREAS** there is an escalating and ongoing threat to the safety of pedestrians, patrons, neighbours, inspectors and police officers in the area, because of the ongoing criminal activities and arrests emanating from this location and the surrounding area; and

**WHEREAS** Jim's Tavern has been the subject of investigation by both the 11 and 14 Divisions of the Toronto Police Service and the licensee is currently facing liquor license and other charges; and

**WHEREAS** the Alcohol and Gaming Commission of Ontario's (AGCO) own records show that there have been many serious liquor related infractions, including over-serving and permitting drunkenness, and one of its own liquor license inspectors was assaulted on the premises while attempting to carry out an inspection; and

**WHEREAS** the Alcohol and Gaming Commission of Ontario is in the process of issuing a Notice of Proposal with respect to the liquor sales licence of Jim's Tavern, with a hearing soon to be scheduled to address these matters; and

**WHEREAS** there is a general understanding that there is a correlation between these occurrences and the sale and service of alcohol in these premises; and

**WHEREAS** for all of the reasons noted above, the continuation of the liquor sales licence of Jim's Tavern poses an immediate and ongoing risk to public safety and is not in the public interest, having regard to the needs and wishes of the municipality in which the premises are located;

**NOW THEREFORE BE IT RESOLVED THAT** Council advise the AGCO of the City of Toronto's opposition to the continuation of this liquor sales licence, in particular the risk of public safety, and that a copy of this Resolution be forwarded to the AGCO;

**AND BE IT FURTHER RESOLVED THAT** the AGCO be requested to provide the City with an opportunity to participate in any proceedings involving the revocation of the liquor sales licence of Jim's Tavern (1468 Queen Street West) and that the City Solicitor and necessary staff be authorized to participate in any such proceedings."

*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 J(31) 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(31), 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(31) 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(31), a communication (July 15, 2005) from Bruce Voogd, Chair, Parkdale Housing Committee, which is on file in the City Clerk's Office.

*Vote:*

Motion J(31) was adopted, without amendment.

**8.133 J(32) Renewal of Lease Agreement - 305 Dawes Road (Ward 31 – Beaches-East York)**

Councillor Davis 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 Davis**

**Seconded by: Councillor Mihevc**

**“WHEREAS** by adoption of Corporate Administration Committee Report 19, Clause 27, the former Metropolitan Toronto Council, at its meeting on August 13 and 14, 1997, approved the leasing of the subject property (comprised of a two storey designated historic house) to The Centre for Creative Ministries for a term of two (2) years from September 1, 1997, subject to an option to renew for an additional three (3) years; and

**WHEREAS** by the adoption of Corporate Services Committee Report. 6, Clause 21, as amended, City Council at its meeting on June 9, 10 and 11, 1999, approved the renewal for a three-year term; and

**WHEREAS** by adoption of a Motion at its meeting on September 28 and 29, 1999, City Council approved the rent for the renewal term to be \$1,317.00 per month, and the tenant was to complete capital restoration work estimated at a minimum cost of \$75,000.00 over 3 years; and

**WHEREAS** on the authority of Corporate Services Committee Report 11, Clause 1, as amended and adopted by City Council on July 29, 30 and 31, 1998, through Delegated Authority, approval was granted in October of 2002 for a further three-year renewal; and

**WHEREAS** by way of Supplementary Letters Patent, in 2003, the tenant had changed its name from The Centre For Creative Ministries to The Hannon-Shields Centre for Leadership and Peace; and

**WHEREAS** the lease will expire on August 31, 2005, and, pending the review of the City's options for the future use of this property, it is appropriate to extend the term of the existing lease for an additional six months;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the attached report dated July 7, 2005, from the Chief Corporate Officer, and that the staff recommendations contained in the Recommendations Section of the report be adopted.”

*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 J(32) 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(32), 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(32) 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(32), a report (July 7, 2005) from the Chief Corporate Officer (See Attachment 12, Page 344).

*Vote:*

Motion J(32) was adopted, without amendment.

*Summary:*

In adopting Motion J(32), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (July 7, 2005) from the Chief Corporate Officer:

“It is recommended that:

- (1) authority be granted to enter into an agreement to renew the existing lease with The Hannon-Shields Centre for Leadership and Peace, formerly The Centre for Creative Ministries, for a term of six months commencing September 1, 2005, at a monthly rent of \$1,325.00, net, and subject to terms and conditions as outlined herein and in a form acceptable to the City Solicitor and the existing lease be considered in good standing;
- (2) authority be granted to the Chief Corporate Officer to administer and manage the lease agreement, including the provision of any consents, approvals, notices and notices of termination, provided that the Chief Corporate Officer may, at any time, refer consideration of such matter (including their content) to City Council for its determination and direction; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

8.134 **J(33) Appointments/Additions/Deletions to BIA Boards of Management (BIAs)**

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: Deputy Mayor Pantalone**

“**WHEREAS** Section 204 of the *Municipal Act* requires that Council appoint members to Business Improvement Areas (BIAs) Boards of Management; and

**WHEREAS** the College Promenade, Junction Gardens and Parkdale Village BIAs recently approved appointments/additions/deletions to their respective Boards of Management, as set out below; and

**WHEREAS** it would be beneficial to the City to have these changes approved by Council, as soon as possible, so that they may begin developing their year 2006 Capital Improvement Program;

**NOW THEREFORE BE IT RESOLVED THAT** Council adopt the Board of Management appointments/additions/deletions and changes to quorum for the College

Promenade, Junction Garden and Parkdale Village BIAs as set out below and the necessary changes be made to the City of Toronto Municipal Code, Chapter 19 (Business Improvement Areas);

<p><b>College Promenade BIA (new)</b>                  (Appointments to new Board)</p> <p>Nominees:                  Ms. Manuela Casaca                  Mrs. Bernadette Clementino                  Ms. Benvinda Dias                  Mr. John Peter Ferreira                  Mrs. Carm Lopes                  Mr. Joe Machado                  Mr. Jorge Rojas                  Mr. Mike Sinopoli                  Mr. Albino Silva</p> <p>Quorum: 5</p>	<p><b>Junction Gardens BIA</b>                  (Changes to existing Board)</p> <p>Nominees:                  Mr. Leslie Levine                  Mrs. Roma Breese</p> <p>Quorum: 6</p>	<p><b>Parkdale Village BIA</b>                  (Changes to existing Board)</p> <p>Nominees:                  Ms. Cathy Bull                  Ms. Tania Thompson                  Ms. Danijela Sanodol</p> <p>Termination:                  Mr. Peter Morrison</p> <p>Quorum: 7</p>
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*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 J(33) 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(33), 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(33) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(33) was adopted, without amendment.

8.135 **J(34) Final Report - Rezoning Application; Applicant: Greg Bettencourt, Bettencourt Designs Ltd., Architect: Greg Bettencourt, 82 Daniels (Ward 5 - Etobicoke-Lakeshore)**

Councillor Milczyn 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 Milczyn**

**Seconded by: Councillor Grimes**

**“WHEREAS** City Council at its meeting on April 12, 13 and 14, 2005, adopted, without amendment, Etobicoke York Community Council Report 3, Clause 9, headed ‘Final Report - Rezoning Application; Applicant: Greg Bettencourt, Bettencourt Designs Ltd.; Architect: Greg Bettencourt, 82 Daniels (Ward 5 - Etobicoke-Lakeshore)’; and

**WHEREAS** the applicant has requested that the Bills be forwarded for enactment at the July 19, 20, 21 and 26, 2005 meeting of City Council; and

**WHEREAS** staff from City Planning have reviewed the request and have no objection to forwarding the Bills at this time; and

**WHEREAS** staff from Technical Services have reviewed the request and have no objection to forwarding the Bills at this time, provided that the applicant provides adequate financial security for the full cost of constructing a public storm sewer along the Daniels Street frontage of the site; and

**WHEREAS** the local Councillor has also reviewed the request and has no objection to forwarding the Bills at this time;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Etobicoke York Community Council Report 3, Clause 9, headed ‘Final Report - Rezoning Application; Applicant: Greg Bettencourt, Bettencourt Designs Ltd.; Architect: Greg Bettencourt, 82 Daniels (Ward 5 - Etobicoke-Lakeshore)’ be re-opened for further consideration, only as it pertains to the requirement to obtain Site Plan approval prior to the introduction of bills;

**AND BE IT FURTHER RESOLVED THAT** City Council consider the attached report (July 14, 2005) from the Chief Planner and Executive Director, City Planning,

and the staff recommendation contained in the Recommendation Section of the report be adopted.”

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(34), 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 365)

Council also had before it, during consideration of Motion J(34), a report (July 14, 2005) from the Chief Planner and Executive Director, City Planning (See Attachment 13, Page 347).

*Votes:*

The first Operative Paragraph contained in Motion J(34) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(34) was adopted, without amendment.

*Summary:*

In adopting Motion J(34), without amendment, Council adopted, without amendment, the following staff recommendation contained in the Recommendation Section of the report (July 14, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that, notwithstanding staff Recommendation (3) of the Final Report (March 11, 2005) from the Acting Director, Community Planning, West District, and adopted by City Council on April 12, 13, and 14, 2005, the Bills be forwarded for enactment at the July 19, 20 and 21, 2005 meeting of City Council.”

**8.136 J(35) Emery Village Business Improvement Area Entry Signs**

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 Stintz**

“**WHEREAS** the installation of community identification and business improvement area signage is governed by the City of Toronto’s ‘Identification and Directional Road Signage Policy’ adopted by City Council at its meeting of April 14, 15 and 16, 2003; and

**WHEREAS** the Emery Village Business Improvement Area recently identified 10 strategic locations for the installation of business improvement area identification signage signs; and

**WHEREAS** it would be beneficial to the Emery Village BIA and the City to have these signs approved by Council as soon as possible, so that the BIA and the City may achieve a year-end installation deadline concurrent with the BIA's Capital cost-sharing budget cycle;

**NOW THEREFORE BE IT RESOLVED THAT** Council approve the location and installation of identification signage within the Emery Village Business Improvement Area, provided that their signage satisfies the requirements outlined in the City's 'Identification and Directional Road Signage Policy'."

*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 J(35) 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(35), 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(35) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(35) was adopted, without amendment.

**8.137 J(36) Ontario Municipal Board Prehearing - 350 Danforth Road**

Councillor Altobello 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 Altobello**



**Seconded by: Councillor De Baeremaeker**

**“WHEREAS** the Goldman Group has appealed its Official Plan, Zoning and Subdivision applications regarding 350 Danforth Road to the Ontario Municipal Board (OMB), which has scheduled a pre-hearing conference for July 27, 2005; and

**WHEREAS** City staff are continuing to work to resolve the issues pertaining to the Goldman Group’s planning applications and require Council’s direction with respect to these continuing negotiations and the OMB proceedings; and

**WHEREAS** the Chief Planner and Executive Director, City Planning, has prepared a report dated July 19, 2005, identifying the issues and recommending appropriate actions by staff;

**NOW THEREFORE BE IT RESOLVED THAT** Council consider the attached report (July 19, 2005) from the Chief Planner and Executive Director, City Planning, and that the staff recommendations contained in the Recommendations Section of the report be adopted.”

*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 J(36) to the Scarborough Community Council would have to be waived in order to now consider this Motion.

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(36), 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(36) to the Scarborough 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(36), a report (July 19, 2005) from the Chief Planner and Executive Director, City Planning (See Attachment 14, Page 351).

*Motion:*

Councillor Altobello moved that Motion J(36) be adopted, subject to adding the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** the Chief Planner and Executive Director, City Planning, be authorized to report directly to the September 28, 2005 Council meeting, if a settlement cannot be reached prior to that time.”

*Votes:*

The motion by Councillor Altobello carried.

Adoption of Motion J(36), as amended:

Yes - 41	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

*Summary:*

In adopting Motion J(36), as amended, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (July 19, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that City Council:

- (1) direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board prehearing conference to represent the City’s interests, as outlined in this report; and
- (2) direct staff to continue to negotiate with the applicant to resolve the outstanding matters, with a view to reaching a settlement, and the City Solicitor or the Chief Planner report back to City Council for further instructions prior to the Ontario Municipal Board hearing scheduled to commence on November 21, 2005.”

8.138 **J(37) Amendment to Section 37 Agreement for 3 Windermere 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 Grimes

**“WHEREAS** on July 26, 2001, City Council adopted By-laws Nos. 707-2001 and 708-2001 to permit comprehensive residential redevelopment of the former Stelco site; and

**WHEREAS** the first phase of that project is now under construction on Block ‘E’, being the block on the east side of Windermere Avenue; and

**WHEREAS** the Section 37 Agreement required that certain Parkettes, described as Parkettes A and B, are to be completed prior to occupancy of the first units in Block ‘E’; and

**WHEREAS** these first units will be the townhouse units, currently anticipated to be occupied and registered as a condominium(s) within the next month or two; and

**WHEREAS** Cresford Developments (‘Cresford’), the owner of the site, has advised that Parkettes A and B will not be provided in time and has asked that the Section 37 Agreement be amended to permit occupancy with a later date for the provision of the Parkettes; and

**WHEREAS** the next City Council meeting will be on September 28, 29 and 30, 2005, which is after the anticipated occupancy dates; and

**WHEREAS** the Chief Planner and Executive Director, City Planning, has prepared a report (July 15, 2005) recommending the requested amendment, subject to certain conditions; and

**WHEREAS** it is therefore appropriate that City Council consider the report from the Chief Planner and Executive Director, City Planning, at its July 19, 20 and 21, 2005 meeting;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the attached report (July 15, 2005) from the Chief Planner and Executive Director, City Planning, and that staff Recommendation (1) contained in the Recommendations Section of the report be adopted.”

*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 J(37) 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(37), 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(37) to the Etobicoke 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(37), a report (July 15, 2005) from the Chief Planner and Executive Director, City Planning (See Attachment 15, Page 362).

*Motion:*

Councillor Saundercook moved that Motion J(37) be adopted, subject to deleting from the Operative Paragraph, the words "staff Recommendation (1)" and inserting instead the words "the staff recommendations", so that the Operative Paragraph now reads as follows:

**"NOW THEREFORE BE IT RESOLVED THAT** City Council consider the attached report (July 15, 2005) from the Chief Planner and Executive Director, City Planning, and that the staff recommendations contained in the Recommendations Section of the report be adopted."

*Votes:*

The motion by Councillor Saundercook carried.

Motion J(37), as amended, carried.

*Summary:*

In adopting Motion J(37), as amended, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (July 15, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that:

- (1) City Council authorize staff to amend Section 6.3(c) 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 Parkettes A and B delayed until the completion of associated streetscape improvements;
- (2) the Section 37 Agreement be further amended to require that appropriate security be taken and applied to the Parkettes, 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.”

**8.139 J(38) Preservation of Industrial Lands for Industrial Purposes**

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 Pitfield**

“**WHEREAS** Toronto’s industrial neighbourhoods continue to be under extreme pressure from re-zoning applications that would permit non-industrial uses, and

**WHEREAS** these non-industrial uses can cause conflicts and impair the function and viability of industries; and

**WHEREAS** the City of Toronto recognizes the contribution of industry to the economic diversity of the City; and

**WHEREAS** the City of Toronto needs its industrial neighbourhoods to provide high quality employment to its increasing population; and

**WHEREAS** the Ontario Municipal Board, in a majority of its decisions, has not upheld the interests of industries in industrial neighbourhoods; and

**WHEREAS** the Ontario Municipal Board tends to ignore the City’s vision of distinctly zoned industrial neighbourhoods in favour of developers with their site-specific applications;

**NOW THEREFORE BE IT RESOLVED THAT** Council request the Minister of Municipal Affairs and Housing to direct the Ontario Municipal Board to give protection to and maintain the status quo of industrial neighbourhoods in the City through the upholding of the City’s zoning and Official Plan provisions.”

*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 J(38) 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(38), 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(38) to the Planning and Transportation Committee was taken as follows:

Yes - 25	
Councillors:	Altobello, Augimeri, Balkissoon, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Palacio, Soknacki, Stintz, Thompson, Walker, Watson
No - 16	
Mayor:	Miller
Councillors:	Ashton, Bussin, Chow, Di Giorgio, Fillion, Ford, Kelly, Li Preti, Mihevc, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner

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

*Disposition:*

Motion J(38) was referred to the Planning and Transportation Committee.

**8.140 J(39) Change from Line of Credit Guarantee to Demand Loan Guarantee for the Toronto Botanical Garden Revitalization Plan**

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 Rae**

**“WHEREAS** City Council at its meeting on February 1, 2 and 3, 2005, by its adoption, as amended, of Policy and Finance Committee Report 2, Clause 25, headed ‘Line of Credit Guarantee for the Toronto Botanical Garden Revitalization Plan’, granted the authority for the City to enter into a tri-party agreement with the Toronto Botanical Garden (TBG) and its financial institution for a line of credit guarantee in the amount of \$3,000,000.00 (inclusive of all interest payable by the TBG) for a two-year period starting on March 1, 2005, and ending on March 1, 2007; and

**WHEREAS** it has been determined that the subject line of credit is being negotiated and arranged as a demand loan to better accommodate the TBG’s cash flow requirements for the previously approved amount of \$3,000,000.00; and

**WHEREAS** due to changes in the TBG’s construction timetable, the demand loan guarantee is required for the approved two-year period, but now commencing on January 1, 2006, to January 1, 2008, inclusive; and

**WHEREAS** the issuance of a demand loan guarantee is considered a financial commitment of the City and the Deputy City Manager and Chief Financial Officer has certified that the commitment of \$3.0 million is within the City’s updated Debt and Financial Repayment Limit and does not represent any risk in addition to that which would result from the previously approved line of credit guarantee;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 2, Clause 25, headed ‘Line of Credit Guarantee for the Toronto Botanical Garden Revitalization Plan’, be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** staff Recommendations (1) and (3) contained in the Recommendations Section of the report (January 14, 2005) from the Deputy City Manager and Chief Financial Officer and the Commissioner of Economic Development, Culture and Tourism, as amended by Council, be further amended by deleting the words ‘line of credit guarantee’, and replacing them with the words ‘demand loan guarantee’;

**AND BE IT FURTHER RESOLVED THAT** staff Recommendation (1) contained in the Recommendations Section of the report, as amended by Council, be further

amended by deleting the words ‘for a two-year period starting on March 1, 2005, and ending on March 1, 2007’, and replacing them with the words ‘for a two-year period starting on January 1, 2006, and ending on January 1, 2008’.”

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(39), 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 365)

*Votes:*

The first Operative Paragraph contained in Motion J(39) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(39) was adopted, without amendment.

**8.141 J(40) Expansion of Appreciation Awards for Neighbourhood Beautification**

Councillor Hall 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 Hall

**Seconded by:** Councillor Kelly

“**WHEREAS** one of the main goals of the ‘Clean and Beautiful City’ campaign is the revitalization of our City as one of the best places to live; and

**WHEREAS** residents and businesses are encouraged to take pride in their communities by picking up litter; and

**WHEREAS** the efforts of Ward-based Neighbourhood Beautification Projects are to be recognized via the Appreciation Awards; and

**WHEREAS** the City of Vaughan has launched a 20-week innovative program, entitled ‘Cash for Trash’, that recognizes residents who clean up litter in public spaces through various incentives, such as cash and gifts from corporate partners, after being spotted by City officials;

**NOW THEREFORE BE IT RESOLVED THAT** City of Toronto staff heading the Clean and Beautiful City campaign monitor and report to the November 2005 Works Committee on the results of the City of Vaughan’s Cash for Trash initiative, to



determine if a similar model can be applied in the City of Toronto as an enhancement of the Appreciation Awards.”

*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 J(40) to the Works Committee would have to be waived in order to now consider this Motion.

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(40), 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(40) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(40) was adopted, without amendment.

**8.142 J(41) Proposal for Formal Technical Partnership Between the City of Toronto, Canada, with the City of Quito, Ecuador**

Councillor Palacio 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 Palacio**

**Seconded by: Councillor Lindsay Luby**

“**WHEREAS** the City of Toronto has entered into many ‘twinning arrangements’ with municipalities around the world that share an important and growing relationship with the City of Toronto; and

**WHEREAS** Toronto City Council has supported the creation and management of a modest international City-to-City program, where its main objective is to include existing partnerships that generate potential business investments to Toronto, as well as to expand the export market area for local business and to promote culture and tourism; and

**WHEREAS** the City of Toronto would greatly benefit from a twinning with a major South American City, in order to further foster our growing cultural, social and economic ties; and

**WHEREAS** Hispanic residents of the City of Toronto are extremely proud of their Canadian heritage, citizenship and expanding roots, as a community, in this Country and City; and

**WHEREAS** the Ecuadorian market has always been a strong target for tourism development, for example, the famous Archipelago of Galapagos is globally known for its flora and fauna, and for its touristic tropical places and beautiful beaches along the Pacific Coast; and

**WHEREAS** there are tremendous opportunities to work with Tourism Toronto to further advance the touristic appeal of the City of Toronto in the Ecuadorian market, as main cities like Quito are growing economically and serve as Toronto's gateway to Ecuador; and

**WHEREAS** there is a natural link between Toronto and Ecuador, due to the large Ecuadorian presence here in Toronto as, presently, the Hispanic community within the Megacity has over 300,000 people where the Ecuadorian population is predominant, which includes new and growing cultural festivals, newly formed print, radio and television media, newly formed Chambers of Commerce and small businesses in record numbers; and

**WHEREAS**, even though the Ecuadorian community is quite young in relation to other communities, Ecuadorians have exceeded in many areas, such as the arts, science, business and an array of professions; and

**WHEREAS** Quito, the capital of Ecuador, is a good candidate, and may well fit the criteria for a future relationship;

**NOW THEREFORE BE IT RESOLVED THAT** the City of Toronto staff of the Economic Development and Culture staff consult with the Ecuadorian Consulate in Toronto, the Ecuadorian Chamber of Commerce and the mover of this motion to define the potential for a relationship between the two Cities;

**AND BE IT FURTHER RESOLVED THAT** City of Toronto Economic Development and Culture Division evaluate the feasibility of entering into a twinning relationship/formal technical partnership with Quito, Ecuador, to foster an expansion of our growing cultural, social and economic ties, in the context of and in consideration of the overall twinning strategy, and that this be incorporated into the upcoming report to the Economic Development and Parks Committee on international relationships.”

*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 J(41) 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(41), 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(41) to the Economic Development and Parks Committee was taken as follows:

Yes - 19	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Grimes, Hall, Jenkins, Li Preti, Mammoliti, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Walker, Watson
No - 21	
Councillors:	Ashton, Balkissoon, Bussin, Carroll, Chow, Davis, Del Grande, Feldman, Ford, Giambrone, Holyday, Kelly, Lindsay Luby, Mihevc, Minnan-Wong, Ootes, Pantalone, Rae, Soknacki, Stintz, Thompson

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

*Disposition:*

Motion J(41) was referred to the Economic Development and Parks Committee.

**8.143 J(42) Taking Action to Reduce the ‘Heat Island Effect’ in Toronto**

Councillor Mihevc 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 Mihevc**

**Seconded by: Councillor Carroll**

**“WHEREAS** the Regional Supervising Coroner of Toronto East has attributed the deaths of three men and a woman to high temperatures in Toronto; and

**WHEREAS** the effect of global climate change will likely mean that Toronto will continue to experience dangerously hot summer weather; and

**WHEREAS** the Ontario independent electricity operator has asked Ontarians to reduce electricity consumption because of high cooling demand and a shortage domestic of electricity supply; and

**WHEREAS** urban areas such as Toronto are often several degrees hotter than surrounding rural areas because of the ‘heat island effect’; and

**WHEREAS** the ‘heat island effect’ is caused by an overabundance of dark surfaces, such as pavement and roofs; and

**WHEREAS** a study conducted for the Toronto Atmospheric Fund by the Lawrence Berkley National Laboratory, in 2001, proposed several strategies that mitigate the ‘heat island effect’, reduce peak electricity requirements in the Greater Toronto Area by 250 megawatts, and reduce energy bills by \$11 million; and

**WHEREAS** the recommendations included installing light-coloured roofs which reflect the sun’s heat rather than absorbing it, changing to lighter-coloured pavement, and strategic tree planting to provide shade for buildings, roads, parking lots, etc.; and

**WHEREAS** the Energy Star rating program has created standards for roofs that can reduce energy bills for cooling by 50 percent, while matching the longevity, water tightness and durability of regular roofs; and

**WHEREAS** the cool roofs program in Philadelphia lowered in-unit temperatures in low-income housing by 5 degrees Fahrenheit and on-street temperatures by one degree Fahrenheit, and the Ontario Low-Income Energy Network has developed a template for a comprehensive municipal energy conservation strategy to reduce energy consumption and bills in low-income housing, while meeting the health and comfort needs of building residents;

**NOW THEREFORE BE IT RESOLVED THAT** City Council direct staff, in consultation with the Mayor’s Roundtable on the Environment and the Toronto Atmospheric Fund, to prepare a ‘Heat Island Effect Mitigation’ strategy that could include requirements that new roofs meet Energy Star requirements; trees are strategically planted to shade buildings, parking lots and other dark surfaces; and

energy conservation measures are targeted for low-income housing that ensure maximum temperature standards, as set by Public Health officials, are not exceeded;

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

*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 J(42) 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(42), 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 365)

*Procedural Vote:*

The vote to waive referral of Motion J(42) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(42) was adopted, without amendment.

**8.144 J(43) Extension of Hours for Municipal Letter of Non-Objection for 594 College Street - Café Diplomatico**

Deputy Mayor Pantalone 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: Deputy Mayor Pantalone**

**Seconded by: Councillor Giambrone**

“**WHEREAS** City Council, by its adoption, as amended, of 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)’, directed that the Alcohol and Gaming Commission of

Ontario be advised that the City has no objection to the granting of 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

**WHEREAS** the owner of the Café Diplomatico has requested that the hours of permitted sale of alcohol on its expanded patio be extended from 10:00 p.m. to 11:00 p.m.; and

**WHEREAS** the Liquor Licence Board of Ontario has issued a special occasion permit for Café Diplomatico for July 23, 2005, until 11:00 p.m.;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto and East York Community Council Report 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)', be re-opened for further consideration, only as it relates to the extended hours of operation for the expanded patio of Café Diplomatico;

**AND BE IT FURTHER RESOLVED THAT** the Alcohol and Gaming Commission of Ontario be advised that the City of Toronto has no objection to the granting of an extension of the liquor licence of Café Diplomatico, 594 College Street, to serve and sell alcohol from 12:00 noon to 11:00 p.m., for customer appreciation day, on an extended outside patio on July 23, 2005."

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(43), 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 365)

*Votes:*

The first Operative Paragraph contained in Motion J(43) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(43) was adopted, without amendment.

8.145 **J(44) Inner City Outtripping Centre**

**July 20, 2005:**

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:

**Moved by: Councillor Watson**

**Seconded by: Councillor Walker**

**“WHEREAS** the Inner City Outtripping Centre (ICOC) was created to provide safe and accessible outdoor recreation experiences for high-risk youth living in the City of Toronto; and

**WHEREAS** the ICOC is based on the success of a Parks, Forestry and Recreation Department sponsored initiative, introduced in 1995, to reduce conflict between rival gangs in the Christie Pitts Park area and to ease tension between youth and the Toronto Police Service; and

**WHEREAS** the mission of the ICOC is to encourage community awareness, leadership skills, job readiness training and environmental awareness, through an experiential approach to learning; and

**WHEREAS** research and evaluation of ICOC programs, conducted by York and McMaster Universities, has shown the effectiveness of experiential learning in connecting youth with their environment; and

**WHEREAS** the ICOC works in partnership with numerous organizations, including the Toronto Police Service, Toronto Community Housing Corporation and the Toronto EMS and Fire Services; and

**WHEREAS** the ability to effectively and efficiently transport people and equipment for participation in ICOC activities is key to the ‘outtripping’ concept; and

**WHEREAS** the City of Toronto’s fleet of vehicles currently does not include an appropriate vehicle for use by the ICOC, thereby forcing the Parks, Forestry and Recreation Division to rent a vehicle at a considerable cost; and

**WHEREAS** a private charitable organization has recognized the important work done by the ICOC and has offered to invest in the program by partnering with the City of Toronto towards the purchase of a 12 passenger diesel van, with a 2” hitch, provided the City will match the donated funds; and

**WHEREAS** the said vehicle would become a Capital asset of the City of Toronto for use across Divisions;

**NOW THEREFORE BE IT RESOLVED THAT**, conditional upon an equal sharing of cost by a private charity, City staff be authorized to purchase a 12-passenger diesel van, with a 2" hitch, meeting the needs of the Inner City Outtripping Centre and in consultation with the General Manager of Parks, Forestry and Recreation;

**AND BE IT FURTHER RESOLVED THAT** the Inner City Outtripping Centre, supported through the Parks, Forestry and Recreation Division, be allocated an amount of \$25,000.00 from the Ontario Works Incentive Fund, to fund this acquisition.”,

the vote upon which was taken as follows:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Cho, Chow, Davis, De Baeremaeker, Di Giorgio, Feldman, Grimes, Hall, Jenkins, Lindsay Luby, Minnan-Wong, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Walker, Watson
No - 15	
Councillors:	Bussin, Carroll, Cowbourne, Del Grande, Filion, Ford, Giambrone, Holyday, Kelly, Li Preti, Mammoliti, Mihevc, Ootes, Stintz, Thompson

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

*Fiscal Impact Statement:*

City Council had before it, for consideration with Motion J(44), 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 9, Page 379)

*Disposition:*

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on September 28, 2005.



**July 21, 2005:**

*Motion to Re-Open:*

Councillor Stintz moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, the vote taken on waiving the necessary provisions of Chapter 27 of the City of Toronto Municipal Code to permit introduction of Notice of Motion J(44) be re-opened, which carried, more than two-thirds of Members present having voted in the affirmative.

*Procedural 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(44) carried, more than two-thirds of Members present having voted in the affirmative.

*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 J(44) 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(44) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(44), a communication (July 21, 2005) from Councillor Sylvia Watson, Ward 14 – Parkdale-High Park (See Attachment 16, Page 364).

*Vote:*

Motion J(44) was adopted, without amendment.

**8.146 J(45) Licensing of Livery Vehicles**

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

**Moved by: Councillor Stintz**

**Seconded by: Councillor Saundercook**

**“WHEREAS** City Council at its meeting on May 17, 18 and 19, 2005, by its adoption, without amendment, of Planning and Transportation Report 4, Clause 1, headed ‘Licensing of Livery Vehicles in the City of Toronto’, amended the Toronto Municipal Code, Chapter 545, by adopting several new provisions relative to the licensing of livery vehicles in the City of Toronto; and

**WHEREAS** the new licensing provisions relative to the livery industry are intended, in part, to bring unlicensed limousine activity under the regulatory umbrella; and

**WHEREAS** the new sedan vehicle/stretch vehicle ratio provisions are designed as a method of ensuring that new companies coming under the regulatory umbrella are legitimate, full-service limousine companies; and

**WHEREAS** the new provisions are not intended to impact negatively on the business operations of existing limousine companies already operating legally within the current Municipal Code provisions;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with Section 27-49 of Chapter 27 of the City of Toronto Municipal Code, Planning and Transportation Report 4, Clause 1, headed ‘Licensing of Livery Vehicles in the City of Toronto’, be re-opened for further consideration, only as it pertains to the ratio of sedan vehicles to stretch vehicles required to obtain a limousine service company licence for existing limousine companies, who held three or more valid livery owner’s licences at the time of the passing of the by-law;

**AND BE IT FURTHER RESOLVED THAT** City Council consider amending Chapter 545, Licensing, so that existing limousine companies, who held three or more valid livery owner’s licences at the time of the passing of the by-law, be exempt from the sedan vehicle/stretch vehicle ratio as it pertains to their existing fleet of vehicles, other than meeting the minimum licence requirement of at least one stretch vehicle, and the sedan vehicle/stretch vehicle ratio apply to these companies on a go-forward basis as they increase the size of their existing fleets;

**AND BE IT FURTHER RESOLVED THAT** the Planning and Transportation Committee hold a public meeting to consider this matter and that notice of the

meeting be given, as required by the *Municipal Act, 2001*, and Chapter 162, Notice, Public.”,

the vote upon which was taken as follows:

Yes - 23 Councillors:	Altobello, Ashton, Balkissoon, Cho, De Baeremaeker, Di Giorgio, Feldman, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Nunziata, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker
No - 18 Mayor: Councillors:	Miller Augimeri, Bussin, Carroll, Chow, Cowbourne, Davis, Del Grande, Fillion, Ford, Giambrone, Holyday, Kelly, Li Preti, Minnan-Wong, Palacio, Thompson, Watson

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

*Disposition:*

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on September 28, 2005.

#### 8.147 **J(47) Grace Campus of the Scarborough Hospital**

Councillor Del Grande 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 Del Grande**

**Seconded by: Mayor Miller**

**“WHEREAS** there are only three hospitals and one Community Health Centre in Scarborough, serving a total of 550,000 residents; and

**WHEREAS** the Grace Campus of the Scarborough Hospital serves 300,000 residents in northwest Scarborough and southern Markham; and

**WHEREAS** the Grace Campus of the Scarborough Hospital Emergency Department served 37,500 patients in 2004; and

**WHEREAS** the Hospital was the epicenter of the SARS crisis and provided invaluable research to the entire world about this disease and how to contain it within a health care facility and, ultimately, how to combat it; and

**WHEREAS** the Hospital borders on and serves an area identified by the United Way as one of the most under-served in the entire City of Toronto; and

**WHEREAS** the Hospital suffers from an acute shortage of anaesthetists, paediatricians and personnel to adequately staff a functional Emergency Department; and

**WHEREAS** the Hospital's Medical Advisory Committee has stated that, unless these shortages are remedied, it may force the closure of the Hospital's Emergency Department;

**NOW THEREFORE BE IT RESOLVED THAT** the City of Toronto Council supports the need to have this critical care Hospital continue to serve a large and diverse community and petitions the Government of Ontario, the Ministry of Health and Long-term Care, and Minister George Smitherman to complete an immediate assessment of the staffing and funding shortages at the Grace Campus of the Scarborough Hospital and to provide the funding necessary to allow this facility to continue to provide quality care and emergency services to the residents of Scarborough.”

*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 J(47) 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(47) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Adoption of Motion J(47), without amendment:

Yes - 41
Mayor: Miller
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0

Carried, without dissent.

**8.148 J(48) Appeal of Committee of Adjustment Decision - 2762 Keele Street**

Councillor Augimeri 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 Augimeri**

**Seconded by: Councillor Stintz**

**“WHEREAS** the Committee of Adjustment for the City of Toronto (North York District) refused an application by 1314798 Ontario Limited (tenant), on behalf of McMullan’s Pharmacy Limited, the owner of 2762 Keele Street, to permit the existing barbecue stand to be maintained in the side yard driveway as operated; and

**WHEREAS** variance was requested for outside display and sale of merchandise displayed in the side yard; and

**WHEREAS** the applicant has appealed the Committee’s decision to the Ontario Municipal Board; and

**WHEREAS** no date has been set for the hearing;

**NOW THEREFORE BE IT RESOLVED THAT** Council authorize the City solicitor to retain outside Planning Support and attend the Ontario Municipal Board hearing to uphold the City’s By-law and the Committee of Adjustment decision.”

*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 J(48) 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(48) to the North 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(48), the following, which are on file in the City Clerk's Office:

- report (July 25, 2005) from the Acting Director, Community Planning, North District; and
- extract from the Minutes of the Meeting of the Committee of Adjustment, North York Panel, held on June 23, 2005, respecting 2762 Keele Street.

*Vote:*

Motion J(48) was adopted, without amendment.

**8.149 J(49) Declaration of the 2005 Jazz Music Festival as an Event of Municipal Significance**

**July 21, 2005:**

Councillor Cho, 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 Cho 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 Cho**

**Seconded by: Councillor De Baeremaeker**

**“WHEREAS** Mr. Mario Bullin of Latin Music Production has been granted the use of Albert Campbell Square for a Jazz Music Festival on August 26, 27 and 28, 2005; and

**WHEREAS** Latin Music Production will be seeking a special occasion permit under the Community Festival Section of the *Ontario Liquor Licence Act*; and

**WHEREAS** there is no meeting of the Scarborough Community Council scheduled prior to the date of the event;

**NOW THEREFORE BE IT RESOLVED THAT** City Council declare the Latin Music Production Jazz Music Festival to be held at the Albert Campbell Square, 150 Borough Drive, on August 26, 27 and 28, 2005, to be an event of municipal significance and advise the Alcohol and Gaming Commission of Ontario that it has no objection to the event taking place and to the granting of a liquor licence for the event.”

*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 J(49) to the Scarborough Community Council would have to be waived in order to now consider this Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(49) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(49) was adopted, without amendment.

**8.150 J(50) Opposition to Application by Woodbine Entertainment Group to Remove Conditions of Liquor Licence**

**July 21, 2005:**

Deputy Mayor Bussin, 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.

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

**Moved by: Deputy Mayor Bussin**

**Seconded by: Councillor Rae**

**“WHEREAS** the Alcohol and Gaming Commission of Ontario (‘AGCO’) are reviewing the liquor sales licence of Woodbine Entertainment Group (‘WEG’) [previously the Ontario Jockey Club] operating as the Greenwood Teletheatre located at 1661 Queen Street East, Toronto, Ontario, under AGCO Licence Number 806005; and

**WHEREAS** City staff have been advised that the Ontario Racing Commission has also issued a teletheatre licence to WEG to permit it to operate a teletheatre on these premises; and

**WHEREAS** in the years of 1997 and 1998 the neighbourhood surrounding 1661 Queen Street East was undergoing extensive changes to rehabilitate the neighbourhood from focusing on commercial and industrial activities to a mixed-use development with significant focus on creating a densely populated, family-oriented type area, with new residential urban development and public amenities (such as parks) to take advantage of the close proximity to Lake Ontario; and

**WHEREAS** the AGCO (then the Liquor Licence Board of Ontario) in its decision of February 1998, granted a liquor licence to WEG but also imposed six conditions (the ‘Conditions’) on the liquor licence, as set out in the attached Appendix ‘A’, to address concerns raised by the City and area residents regarding, among other factors, the potential consequences of combining the sale and service of liquor with other forms of gambling, such as slot machines, the potential incompatibility of the type of patrons that are attracted to teletheatre and/or gambling establishments on an area planning for a densely populated, family-oriented neighbourhood, the potential negative impacts a very large, licensed establishment could have on the developing residential neighbourhood and the incompatibility of a late night licensed establishment operating so close to a developing densely populated, family-oriented residential area; and

**WHEREAS** in the Spring of 2005, WEG submitted an application to the AGCO to remove Conditions 3, 4 and 6, as described in Appendix ‘A’, from its liquor licence; and



**WHEREAS** the Ward Councillor for the area (Ward 32) has been advised by a number of residents and an area Resident's Association – the Beaches Triangle Residents Association – that they have concerns about the licensed establishment operating at 1661 Queen Street East without the benefit of all the Conditions described in Appendix 'A'; and

**WHEREAS** the Ward Councillor for the area (Ward 32) has been advised by a number of residents and an area resident's association – the Beaches Triangle Residents Association – that in addition to the concerns raised with the initial licensing of the establishment that they have particular concerns about the incompatibility of licensed establishment operating with additional gambling facilities, such as slot machines, in an area which is heavily populated and has a significant population of children below the ages of nineteen without the benefit of all the Conditions described in Appendix 'A'; and

**WHEREAS** it is the opinion of the Ward Councillor (Deputy Mayor Bussin), employees at her Ward office and City staff that the commercial and residential areas surrounding this licensed establishment are no longer in the development stage but rather are close to completion, with the building of the final, planned residential development being completed by the end of 2005; and

**WHEREAS** it is the opinion of the Ward Councillor that there has not been a change of circumstances which would be favourable to allowing the removal of the requested conditions on the liquor licence and, actually, the circumstances which the original conditions were meant to address have become even more relevant with the completion of the residential development plans over the past six years since the issuance of the liquor licence and, therefore, the application by WEG to remove Conditions 3, 4, and 6 is not in the public interest, having regard for the needs and wishes of the residents of the municipality for which the licensed premises are located; and

**WHEREAS** it is the opinion of the Ward Councillor, given the development of the neighbourhood into a family and children-oriented environment, it would not be appropriate to support an application by WEG to permit further types of gambling activity on the premises, such as a slot machines or the operation of a gaming casino licence;

**NOW THEREFORE BE IT RESOLVED THAT** Council oppose the application by WEG to the AGCO to remove Conditions 3, 4, and 6 as described in Appendix 'A', as it is not in the public interest having regard for the needs and wishes of the residents of the municipality for which the licensed premises are located, especially in order to protect the character and serenity of the surrounding neighbourhood which is family oriented, already high in density, and against the drawing in of a clientele which would be inappropriate for families and their sense of security and would have the potential for late night noise and other disruptions by its patrons;

**AND BE IT FURTHER RESOLVED THAT** Council oppose the expansion of any further gambling activities on the licensed premises, such as slot machines, and oppose any application by WEG to the Ontario Racing Commission requesting an expansion of its current teletheatre licence and/or application for a gaming casino licence, as it is not in the public interest having regard for the needs and wishes of the residents of the municipality for which the licensed premises are located, for all the reasons listed above;

**AND BE IT FURTHER RESOLVED THAT** Council advise the AGCO of the City's opposition to the removal of the conditions from this liquor sale license and further instructs that a copy of this resolution be provided to the AGCO;

**AND BE IT FURTHER RESOLVED THAT** the AGCO be requested to provide the City with an opportunity to participate in any proceedings involving a review of the liquor sales licence of WEG, including be not limited to the removal of any existing conditions, and the City Solicitor and necessary staff be authorized to participate in any such proceedings;

**AND BE IT FURTHER RESOLVED THAT** Council advise the Ontario Racing Commission of the City's opposition to any applications by WEG which would expand its teletheatre licence or allow WEG to offer other gambling facilities other than the teletheatre licence, such as a licence for a gaming casino, and further instructs that a copy of this Resolution be provided to the Ontario Racing Commission;

**AND BE IT FURTHER RESOLVED THAT** the Ontario Racing Commission be requested to provide the City with an opportunity to participate in any proceedings involving a review of the teletheatre licence of WEG or any application which would allow for additional gambling activities on this site which may include an application for a casino gaming licence, and the City Solicitor and necessary staff be authorized to participate in any such proceedings.”

*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 J(50) 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(50) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Rae in the Chair.

*Vote:*

Adoption of Motion J(50), without amendment:

Yes - 24 Councillors:	Augimeri, Bussin, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Giambrone, Hall, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 6 Councillors:	Ashton, Ford, Holyday, Kelly, Minnan-Wong, Thompson

Carried by a majority of 18.

Deputy Mayor Bussin in the Chair.

**8.151 J(51) Ontario Municipal Board Hearing Respecting 1900 Bayview Avenue**

**July 21, 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** the City Solicitor has prepared a confidential report (July 20, 2005) seeking instructions respecting an upcoming Ontario Municipal Board hearing regarding an application by the owner of 1900 Bayview Avenue for Official Plan and Zoning By-law amendments and site plan approval; and

**WHEREAS** consideration of this matter by Council is required, on an urgent basis, as the Ontario Municipal Board hearing will commence on September 13, 2005;

**NOW THEREFORE BE IT RESOLVED THAT** Council consider the confidential report (July 20, 2005) from the City Solicitor, and that staff Recommendation (1) contained in the Recommendations Section of the report be adopted.”

*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(51) 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(51) to the North 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(51), a confidential report (July 20, 2005) from the City Solicitor.

*Motion:*

Deputy Mayor Pantalone moved that Motion J(51) be adopted, subject to amending the Operative Paragraph to now read as follows:

**“NOW THEREFORE BE IT RESOLVED THAT** Council consider the confidential report (July 20, 2005) from the City Solicitor, and that staff Recommendation (1) contained in the Recommendations Section of the report be adopted, subject to:

- (1) adding the following to Recommendation (1)(i):

“subject to including the following agreed upon amendments to the offer of settlement:

- (a) the City obtaining through a conservation easement and/or Section 37 Agreement, a 10 foot strip of land (10 foot strip) adjacent to the south property line of the City lands up to the east limit of the closed road allowance, which shall be maintained as a naturalized passive area with native trees and shrubs, in accordance with a plan to be approved by the City; and
  - (b) the 10-foot strip to be rezoned to open space;”;
- (2) inserting in Recommendation (1)(iii)A., after the words “Conservation Easement over the 10-metre setback area”, the words “and a Conservation Easement for the 10-foot strip”; and
- (3) adding the following new Recommendation (1)(vi):

- “(vi) the proceeds of the sale of the City lands shall be used for parkland improvements in the area, primarily for the purpose of reforestation.”

*Votes:*

The motion by Deputy Mayor Pantalone carried.

Motion J(51), as amended, carried.

*Summary:*

In adopting Motion J(51), as amended, Council adopted, as amended, the following staff Recommendation (1) contained in the Recommendations Section of the report (July 20, 2005) from the City Solicitor. The balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information which is subject to solicitor-client privilege:

“It is recommended that:

- (1) Council accept the settlement offer proposed by The Kolter Property Company (Kolter) and agreed to by the Bayview-Blythwood Ratepayers Association Incorporated (BBRA) as set out in Kolter’s letter of July 19, 2005 (Kolter’s letter), attached as Appendix ‘A’ and the Recommendations in the City Solicitor’s report of July 20, 2005, including replacing the three - building concept of 7, 6 and 5 storeys, respectively, with a two-building concept with 6 and 5 storeys, respectively, together with a 3-metre stepback of the upper floor of each building, the sale of the City’s closed road allowance and six inch reserve strip, and the entering into of a limiting distance agreement and various easements, and instruct the City Solicitor, in consultation with other appropriate City staff to:
  - (i) prepare and have appropriate staff enter into Minutes of Settlement with Kolter and BBRA, in a form and with content satisfactory to the City Solicitor, on the basis set forth in Kolter’s letter, subject to including the following agreed upon amendments to the offer of settlement:
    - (a) the City obtaining through a conservation easement and/or Section 37 Agreement, a 10 foot strip of land (10 foot strip) adjacent to the south property line of the City lands up to the east limit of the closed road allowance, which shall be maintained as a naturalized passive area with native trees and shrubs, in accordance with a plan to be approved by the City; and

- (b) the 10 foot strip to be rezoned to open space;
- (ii) prepare and finalize the sale of the City's closed road allowance and six inch reserve strip at a purchase price of \$700,000.00, on the terms and conditions set out in Kolter's letter, subject to the completion of the settlement and the Ontario Municipal Board approving the implementing official plan and zoning by-law amendments, and that:
  - A. authority be granted to direct a portion of the proceeds on closing to fund the outstanding expenses related to this property;
  - B. the City Solicitor be authorized to complete the transactions on behalf of the City, including payment of any necessary expenses and amending the closing and other relevant transaction dates to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable; and
  - C. the appropriate City officials be authorized and directed to take the necessary action to give effect thereto;
- (iii) prepare, finalize and respecting agreements, register to her satisfaction, the:
  - A. implementing By-law Amendments and Site Plan Approval, including the execution and registration of a Section 37 Agreement with facilities, services and matters in accordance with the Final Planning Report of October 26, 2004, and Kolter's letter, and, if required by the TRCA or the City Solicitor in consultation with appropriate City staff, a Conservation Easement over the 10-metre setback area, and a Conservation Easement for the 10-foot strip, all such documents to be in a form and with content acceptable to the City Solicitor in consultation with appropriate City staff;
  - B. Site Plan Agreement;
  - C. Limiting Distance Agreement and Maintenance Easement respecting the City lands to the west of the site;
  - D. Easements, including a 4.5 metre wide replacement easement respecting the City's lands to the west of the site, an interim easement until the replacement easement is finalized, an

easement over the 10 metre buffer area and a release of the existing City easement; and

- E. any other documents required to implement the settlement;
- (iv) attend the upcoming Ontario Municipal Board hearing in support of the applications, as revised, and subject to fulfilment of conditions in accordance with the settlement offer;
- (v) the appropriate City officials be authorized and directed to execute the required agreements and take the necessary action to give effect thereto; and
- (vi) the proceeds of the sale of the City lands shall be used for parkland improvements in the area, primarily for the purpose of reforestation.”

Mayor Miller in the Chair.

**8.152 J(52) Damage Resulting from Severe Storm on July 4, 2005 - Request for City Staff to Either Remove Debris or Waive Transfer Station Disposal Fees**

**July 21, 2005:**

Councillor Kelly, 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 Kelly gave Notice of the following Motion to permit consideration at the next regular meeting of City Council on September 28, 2005:

**Moved by: Councillor Kelly**

**Seconded by: Councillor Jenkins**

**“WHEREAS** a recent storm hit parts of Scarborough and North York on the night of July 4, 2005, with a force reportedly not experienced in 25 years; and

**WHEREAS**, as a result of this violent weather, trees in some parts of North York and Scarborough were severely damaged or uprooted; and

**WHEREAS** seniors, due to disability, fragile physical condition or limited incomes, are seeking help from the City of Toronto to assist in the clean-up and removal of uprooted trees and debris from their private property;

**NOW THEREFORE BE IT RESOLVED THAT** the City of Toronto, upon request, remove storm damaged trees and debris by either picking up the debris free of charge or waiving the fees for seniors dropping off the debris at the City's Transfer Stations and dump sites within two weeks of the passing of this motion."

*Disposition:*

As Council did not conclude its consideration of Motion J(52) prior to the end of this meeting, consideration of the Motion was deferred to the next regular meeting of City Council on September 28, 2005.

Deputy Mayor Pantalone in the Chair.

8.153 **J(53) 2005 Pedestrian Sundays in Kensington Market**

**July 26, 2005:**

Councillor Mihevc, 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 Mihevc gave Notice of the following Motion to permit consideration at the next regular meeting of City Council on September 28, 2005:

**Moved by:**                    **Councillor Mihevc**

**Seconded by:**            **Councillor Moscoe**

**"WHEREAS** City Council, at its June 14-16, 2005 meeting, adopted, as amended, Toronto and East York Community Council Report 5, Clause 66, headed 'Car Free Sundays in Kensington Market', and in so doing, decided it would not continue to sponsor the 2005 Pedestrian Sundays in Kensington Market, as in 2004;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto and East York Community Council Report 5, Clause 66, headed 'Car Free Sundays in Kensington Market', be re-opened for further consideration, only insofar as it pertains to whether the City will sponsor the event in 2005;

**AND BE IT FURTHER RESOLVED THAT** the City of Toronto continue to sponsor 2005 Pedestrian Sundays in Kensington Market, as in 2004."

*Disposition:*



As Council did not conclude its consideration of Motion J(53) prior to the end of this meeting, consideration of the Motion was deferred to the next regular meeting of City Council on September 28, 2005.

8.154 **J(54) Request for Disabled Parking By-law Amendment for St. Clarens Avenue**

**July 26, 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 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 Giambrone**

**Seconded by: Councillor Augimeri**

**“WHEREAS** Toronto City Council, at its meeting of June 14, 15 and 16, 2005, adopted, as amended, Toronto and East York Community Council Report 5, Clause 36, and in doing so, established a pilot programme of alternate side parking on Thursdays, from April 1 to November 30, 2005, on a number of streets in Ward 18, including St. Clarens Avenue, to allow for mechanical sweeping of these roads; and

**WHEREAS** there are two on-street disabled persons parking spaces on the east side of St. Clarens Avenue, between College Street and Bloor Street West, which when occupied by vehicles bearing valid disabled persons parking permits on Thursdays, obstruct the flow of traffic on St. Clarens Avenue when other vehicles are parked on the west side of St. Clarens on Thursdays; and

**WHEREAS** creating ‘mirrored’ disabled persons parking spaces on Thursdays for these two disabled persons parking spaces would ameliorate this problem, while accommodating the needs of disabled persons on this road;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto and East York Community Council Report 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)’, be re-opened for further consideration, only as it pertains to parking on St. Clarens Avenue;

**AND BE IT FURTHER RESOLVED THAT** the following recommendations be adopted:

- (1) the existing two disabled persons parking spaces, which currently are in force at anytime on the east side of St. Clarens Avenue, from a point 288.5 metres south of Bloor Street West and a point 5.5 metres further south, and from a point 82.0 metres north of College Street and a point 5.5 metres further north, be amended to operate between the same limits at anytime except each Thursday, from April 1 to November 30, 2005;
- (2) two disabled persons parking spaces be established on the west side of St. Clarens Avenue, from a point 288.5 metres south of Bloor Street West and a point 5.5 metres further south; and from a point 82.0 metres north of College Street and a point 5.5 metres further north, to operate on each Thursday, from April 1 to November 30, 2005; and
- (3) the appropriate City officials be immediately authorized and directed to take whatever action is necessary to give effect thereto, including the introduction in Council of any Bills that may be required.”

*Votes:*

The first Operative Paragraph contained in Motion J(54) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(54) was adopted, without amendment.

**8.155 J(55) Proposed Lease Agreement Between TEDCO, the City of Toronto and Toronto Film Studios Inc./Rose Corporation**

**July 26, 2005:**

Councillor Kelly, 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 Kelly gave Notice of the following Motion to permit consideration at the next regular meeting of City Council on September 28, 2005:

**Moved by: Councillor Kelly**

**Seconded by: Councillor Ootes**

**“WHEREAS** various representatives of the film industry in Toronto have expressed concerns over the proposed contract with Toronto Film Studios Inc. for the development of the Port Lands owned by the Toronto Economic Development Corporation (TEDCO); and

**WHEREAS** members of the industry have repeatedly expressed concerns that the proposed ‘Mega Studio’ deal undermines the principles of fair and healthy competition and threatens the growth of the Toronto film industry; and

**WHEREAS** the City of Toronto and all of its subsidiaries must be fully accountable to the Toronto taxpayer and show full transparency in all its signed and proposed contracts; and

**WHEREAS** the City of Toronto has the responsibility to foster and encourage fair competition to support the growth of the film industry in Toronto;

**NOW THEREFORE BE IT RESOLVED THAT:**

- (1) any proposed leasing agreement between TEDCO, the City of Toronto and Toronto Film Studios Inc./Rose Corporation be reported to Economic Development and Parks Committee, prior to submission to the next regular meeting of City Council;
- (2) the Auditor General be requested to review any lease between Toronto Film Studios Inc. and TEDCO and report to the Policy and Finance Committee for its meeting on September 20, 2005, on:
  - (a) general adherence within such a lease to the principles identified in TEDCO’s January 2004 Request for Proposals (RFP) for the development of a film studio in the Toronto Port Lands;
  - (b) the specific details of any divergence from the Request for Proposals, in particular with respect to the term of any lease and the inclusion of any significant additional parcels of land not contemplated in the RFP;
  - (c) any provisions within a proposed lease agreement that exceed the mandate of TEDCO; and
  - (d) the propriety of processing an application for a rezoning of Toronto Film Studios Inc. 629 Eastern Avenue property while, at the same time, negotiating an agreement and lease for a ‘mega-studio’ in the Port Lands with the same company;
- (3) the Chief Planner and Executive Director, City Planning, be requested to review the consequences to the film industry in Toronto of a ‘no competition’

clause within any lease between TEDCO, the City of Toronto and Toronto Film Studios Inc./Rose Corporation;

- (4) in view of the Province's recent efforts to stabilize the film industry through expanded tax credits and the City of Toronto's establishment of a Film Board, the Chief Planner and Executive Director, City Planning, be requested to report to the Policy and Finance Committee on whether the land use/land ownership policies of the Province and the Ontario Realty Corporation and the City of Toronto and its agencies are conducive to the goals of enhancing and expanding the film industry in Toronto, and whether land of sufficient dimension and characteristics (including land value) is available to satisfy the current and reasonable expansion needs of film entities being or about to be displaced by Provincial and City of Toronto agencies; and
- (5) the City Solicitor be requested to report to the Policy and Finance Committee on the issue of TEDCO claiming exemption from the *Municipal Freedom of Information and Protection of Privacy Act*, notwithstanding the fact that the City of Toronto, TEDCO's sole shareholder, is subject to that *Act*."

8.156 Consideration of the following matters was deferred to the next regular meeting of City Council on September 28, 2005, as they remained on the Order Paper at the conclusion of this meeting of Council:

Etobicoke York Community Council Report 6

Clause 8 - "Request for Approval of Variances from Chapter 215, Signs, of the Former City of Etobicoke Municipal Code for a First Party Ground Pylon Sign at 1025 The Queensway (Ward 5 - Etobicoke-Lakeshore)".

North York Community Council Report 6

Clause 8 - "Community Safety Zone - Grandravine Drive (Ward 8 - York West and Ward 9 - York Centre)".

NOTICES OF MOTION

J(52) Moved by Councillor Kelly, seconded by Councillor Jenkins, regarding Damage Resulting from Severe Storm on July 4, 2005 - Request for City Staff to Either Remove Debris or Waive Transfer Station Disposal Fees.

J(53) Moved by Councillor Mihevc, seconded by Councillor Moscoe, regarding 2005 Pedestrian Sundays in Kensington Market.

**BILLS AND BY-LAWS**

Deputy Mayor Pantalone in the Chair.

- 8.157 On July 19, 2005, at 7:29 p.m., Deputy Mayor Feldman, seconded by Councillor Stintz, 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. 705	By-law No. 603-2005	To confirm the proceeding of the Council at its meeting held on the 19th day of July, 2005,
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the vote upon which was taken as follows:

Yes - 35	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 2	
Councillors:	Ford, Nunziata

Carried by a majority of 33.

- 8.158 On July 20, 2005, at 8:59 p.m., Councillor Milczyn, seconded by Councillor Jenkins, 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. 706	By-law No. 604-2005	To confirm the proceedings of the Council at its meeting held on the 19th and 20th days of July, 2005,
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the vote upon which was taken as follows:

Yes - 31	
Councillors:	Altobello, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook,

Thompson, Walker, Watson
No - 3 Councillors: Ford, Nunziata, Stintz

Carried by a majority of 28.

Deputy Mayor Bussin in the Chair.

8.159 On July 21, 2005, at 7:20 p.m., Councillor Hall, seconded by Councillor Palacio, 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. 592	By-law No. 605-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Meteor Drive.
Bill No. 593	By-law No. 606-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Greensboro Drive.
Bill No. 594	By-law No. 607-2005	To amend Section 15 of By-law No. 438-86 of the former City of Toronto respecting the Index of Exceptions.
Bill No. 595	By-law No. 608-2005	To amend Chapters 320 and 324 of the former City of Etobicoke Zoning Code, as amended by By-law No. 1984-45, with respect to certain lands located on the west side of Brown's Line, south of Avalon Road, municipally known as 474 Brown's Line.
Bill No. 596	By-law No. 609-2005	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 597	By-law No. 610-2005	To authorize the execution of a tax arrears extension agreement pursuant to section 378 of the <i>Municipal Act, 2001</i> .

Bill No. 598	By-law No. 611-2005	To permanently close a portion of the Leslie Street road allowance.
Bill No. 599	By-law No. 612-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Bowsfield Road, Cook Road, Delabo Drive, Haynes Avenue, Herzberg Gardens, Kidd Terrace, Leitch Avenue, Mansur Terrace, Lanes H, N, O, T, V and X.
Bill No. 600	By-law No. 613-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Bowsfield Road, Cook Road, Delabo Drive, Haynes Avenue, Herzberg Gardens, Leitch Avenue and Mansur Terrace.
Bill No. 601	By-law No. 614-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Marlee Avenue.
Bill No. 602	By-law No. 615-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Marlee Avenue.
Bill No. 603	By-law No. 616-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Marlee Avenue.
Bill No. 604	By-law No. 617-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Princess Avenue.
Bill No. 605	By-law No. 618-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding James Gray Drive, Patina Drive and Rondeau Drive.
Bill No. 606	By-law No. 619-2005	To amend By-law No. 32759, as amended, of the former City of North York, regarding Yorkwoods Gate.
Bill No. 607	By-law No. 620-2005	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 Willard Avenue.
Bill No. 608	By-law No. 621-2005	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 Willard Avenue.
Bill No. 609	By-law No. 622-2005	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 Lanark Avenue.
Bill No. 610	By-law No. 623-2005	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 Lanark Avenue.
Bill No. 612	By-law No. 624-2005	To exempt lands municipally known as 55 and 61 Drewry Avenue from Part Lot Control.
Bill No. 613	By-law No. 625-2005	To designate an area along Markham Street between Bloor Street and Lennox Street, Bloor Street between Markham Street and Bathurst Street, and Bathurst Street between Bloor Street and Herrick Street, as an improvement area.
Bill No. 614	By-law No. 626-2005	To amend By-law No. 388-2005, being a by-law “To amend former City of Scarborough Employment Districts Zoning By-law No. 24982, as amended, with respect to the lands municipally known as 2150 McNicoll Avenue.”
Bill No. 615	By-law No. 627-2005	To amend former City of Scarborough Zoning By-law No. 12077, as amended, with respect to the Centennial Community on lands known as the rear portion of 22 Rozell Road and Block 66 Plan 66M-2399.



Bill No. 616	By-law No. 628-2005	To adopt Amendment No. 1142 to the Official Plan for the former City of Scarborough with respect to the lands situated on the north side of Ellesmere Road, west of Calverley Trail (former TCDSB Secondary School site).
Bill No. 617	By-law No. 629-2005	To amend former City of Scarborough Highland Creek Community Zoning By-law No. 10827, as amended, with respect to the lands on the north side of Ellesmere Road, west of Calverley Trail.
Bill No. 618	By-law No. 630-2005	To adopt Amendment No. 1130 to the Official Plan for the former City of Scarborough respecting the lands municipally known as 14 Donalda Crescent.
Bill No. 619	By-law No. 631-2005	To amend former City of Scarborough Agincourt Community Zoning By-law No. 10076, as amended, with respect to the lands municipally known as 14 Donalda Crescent.
Bill No. 620	By-law No. 632-2005	To amend former City of Scarborough By-law No. 21319, as amended, to designate a Site Plan Control Area with respect to the lands municipally known as 14 Donalda Crescent.
Bill No. 621	By-law No. 633-2005	To amend further Metropolitan By law No. 109-86, respecting maximum rates of speed on certain former Metropolitan Roads, regarding Frederick G. Gardiner Expressway.
Bill No. 622	By-law No. 634-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Frederick G. Gardiner Expressway and Legion Road North.

Bill No. 623	By-law No. 635-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Crawford Street, Dundas Street West, Lake Shore Boulevard West, Shaw Street, Vaughan Road and Winona Drive.
Bill No. 624	By-law No. 636-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Fleet Street.
Bill No. 625	By-law No. 637-2005	To amend By-law No. 986-2003 to extend the expiration of Part Lot Control exemption for the lands municipally known as 4691 Bathurst Street, 500 Ellerslie Avenue, and 47-51 Farrell Avenue.
Bill No. 626	By-law No. 638-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Cowan Avenue, Dufferin Street, Fleet Street, Fort Rouille Street, Gladstone Avenue, Jameson Avenue, Melbourne Avenue, Peel Avenue, Spencer Avenue, Springhurst Avenue, Strachan Avenue and Tyndall Avenue.
Bill No. 627	By-law No. 639-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Clifton Road, Cornish Road, Croft Street, Moore Avenue and Wallace Avenue.
Bill No. 628	By-law No. 640-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting John Street.
Bill No. 629	By-law No. 641-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Colborne Street.

Bill No. 630	By-law No. 642-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Brookside Drive.
Bill No. 631	By-law No. 643-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, to replace parking meters with parking machines on certain streets within the City of Toronto.
Bill No. 632	By-law No. 644-2005	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the rear yard fence on the property municipally known as 14B Bingham Avenue from the maximum height requirements.
Bill No. 633	By-law No. 645-2005	To levy an amount for the year 2005 upon certain Correctional Facilities.
Bill No. 634	By-law No. 646-2005	To amend By-laws Nos. 594-1999, 504-2000 and 656-2001, being by laws to levy amounts on certain Public Hospitals and Provincial Mental Health Facilities for the years 1999, 2000 and 2001 respectively.
Bill No. 635	By-law No. 647-2005	To levy an amount for the year 2005 upon certain Universities and Colleges.
Bill No. 636	By-law No. 648-2005	To levy an amount for the year 2005 upon certain Public Hospitals and Provincial Mental Health Facilities.
Bill No. 637	By-law No. 649-2005	To levy and collect taxes for 2005 on Certain Railway Company and Power Utility Lands.
Bill No. 638	By-law No. 650-2005	To establish an obligatory reserve fund named the Ashbridges Bay Treatment Plant Skateboard Park Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.

Bill No. 639	By-law No. 651-2005	To establish the Land Acquisition for Source Water Protection Reserve and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve.
Bill No. 640	By-law No. 652-2005	To establish an obligatory reserve fund named the Jewish War Memorial Maintenance and Operation Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 641	By-law No. 653-2005	To establish an obligatory reserve fund named the Neshama Playground Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 642	By-law No. 654-2005	To establish an obligatory reserve fund named the Marilyn Bell Park BMX Racetrack and Extreme Sports Facility Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 643	By-law No. 655-2005	To amend City of Toronto Municipal Code Ch. 636, Public Squares, respecting camping.
Bill No. 644	By-law No. 656-2005	To amend City of Toronto Municipal Code Ch. 636, Public Squares, respecting the financial self sufficiency of Yonge-Dundas Square.
Bill No. 645	By-law No. 657-2005	To amend former City of Scarborough By-law No. 21319, as amended, to designate a Site Plan Control Area, respecting the lands municipally known as 555 Brimorton Drive.
Bill No. 646	By-law No. 658-2005	To designate additional lands as a part of the St. Clair Avenue West

		Community Improvement Project and to amend the St. Clair Avenue West Community Improvement Plan Area.
Bill No. 647	By-law No. 659-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Jutland Road.
Bill No. 648	By-law No. 660-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding various streets within the City of Toronto.
Bill No. 649	By-law No. 661-2005	To further amend By-law No. 132 93, respecting reserved lanes for designated classes of vehicles on certain former Metropolitan Roads, regarding St. Clair Avenue West.
Bill No. 650	By-law No. 662-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on certain streets within the City of Toronto, respecting St. Clair Avenue West and St. Clair Avenue East.
Bill No. 651	By-law No. 663-2005	To permit certain retail business establishments to be open on certain holidays pursuant to the <i>Retail Business Holidays Act</i> .
Bill No. 652	By-law No. 664-2005	To amend Municipal Code Chapter 441, Fees, to increase the charges for the administration of remedial work by Municipal Licensing and Standards division staff.
Bill No. 653	By-law No. 665-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Berkeley Street.
Bill No. 654	By-law No. 666-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and

		Parking, respecting Mayfield Avenue and Ostend Avenue.
Bill No. 655	By-law No. 667-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Ashdale Avenue, Gladstone Avenue, Glebemount Avenue, Greenwood Avenue, Laxton Avenue and Palmerston Avenue.
Bill No. 656	By-law No. 668-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Crawford Street and Dovercourt Road.
Bill No. 657	By-law No. 669-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Mutual Street.
Bill No. 658	By-law No. 670-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Mutual Street.
Bill No. 659	By-law No. 671-2005	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting amendments to the business licensing thresholds.
Bill No. 660	By-law No. 672-2005	To amend City of Toronto Municipal Code Chapters 169 and 257 to reflect the reorganization of the City's administrative structure and to make technical amendments.
Bill No. 661	By-law No. 673-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto with respect to the lands municipally known as 112 to 126 Kingston Road, 2110 Dundas Street East and part of 15 and 17 Edgewood Avenue.
Bill No. 662	By-law No. 674-2005	To adopt Amendment No. 346 to the Official Plan of the former City of

		Toronto with respect to lands municipally known as 46 Wellesley Street East.
Bill No. 663	By-law No. 675-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto with respect to lands known municipally as 46 Wellesley Street East.
Bill No. 664	By-law No. 676-2005	To adopt Amendment No. 348 to the Official Plan for the former City of Toronto with respect to lands municipally known as 2263 and 2365 Gerrard Street East.
Bill No. 665	By-law No. 677-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto with respect to lands municipally known as 2263 and 2265 Gerrard Street East.
Bill No. 666	By-law No. 678-2005	To layout and dedicate certain land on the west side of Borough Drive, south of Triton Road for public highway purposes to form part of the public highway Borough Drive.
Bill No. 667	By-law No. 679-2005	To layout and dedicate certain land on the south side of Sheppard Avenue East, east of Progress Avenue for public highway purposes to form part of the public highway Sheppard Avenue East.
Bill No. 668	By-law No. 680-2005	To layout and dedicate certain land on the south side of Sheppard Avenue West, east of Beaman Road, for public highway purposes to form part of the public highway Sheppard Avenue West.
Bill No. 669	By-law No. 681-2005	To layout and dedicate certain land for public highway purposes to form part of the public highway Manstor Road.

Bill No. 670	By-law No. 682-2005	To layout and dedicate certain land for public lane purposes to form part of the public lane north of Stewart Street extending westerly from Portland Street.
Bill No. 671	By-law No. 683-2005	To amend City of Toronto Municipal Code Chapter 880, Fire Routes, by making additions to Schedules "A" and "B" and an additional minor amendment.
Bill No. 672	By-law No. 684-2005	To adopt Amendment No. 559 of the Official Plan for the former City of North York with respect to lands municipally known as 188 Clifton Avenue.
Bill No. 673	By-law No. 685-2005	To amend former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 188 Clifton Avenue.
Bill No. 674	By-law No. 686-2005	To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on the north side of Daniels Street, between Holbrooke Avenue and Moynes Avenue, municipally known as 82 Daniels Street, to permit the development of six single detached dwellings on a property with an existing heritage dwelling.
Bill No. 675	By-law No. 687-2005	To repeal By-law No. 149-2000 to reinvest the Board of the North York Performing Arts Centre Corporation of its powers.
Bill No. 676	By-law No. 688-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Mutual Street.
Bill No. 677	By-law No. 689-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines,



		regarding parking machines on Mutual Street.
Bill No. 678	By-law No. 690-2005	To amend City of Toronto Municipal Code Chapter 217, Corporate Records (City), to reflect the City's administrative reorganization, to adopt new record retention schedules, to amend certain record series and to adopt a new schedule format.
Bill No. 679	By-law No. 691-2005	To repeal provisions in the former municipalities' records retention by laws to reflect the addition of new records series to the records retention schedule in City of Toronto Municipal Code Chapter 217, Records, Corporate (City).
Bill No. 680	By-law No. 692-2005	To lay out and dedicate certain land on the south east side of Lake Shore Boulevard West, south west of Palace Pier Court, for public highway purposes to form part of the public highway Lake Shore Boulevard West.
Bill No. 681	By-law No. 693-2005	To lay out and dedicate certain land for public highway purposes to form part of the public highway Marine Parade Drive.
Bill No. 682	By-law No. 694-2005	To layout and dedicate certain land for public highway purposes to form the public highway William Kitchen Road.
Bill No. 683	By-law No. 695-2005	To authorize the alteration of Jameson Avenue, between Springhurst Avenue and Lake Shore Boulevard West, by the narrowing of the travelled portion of the roadway and the installation of a sidewalk.
Bill No. 684	By-law No. 696-2005	To authorize the alteration of Phipps Street, between Bay Street and approximately 80 metres east thereof

		by installation of a sidewalk and the corresponding narrowing of the pavement.
Bill No. 685	By-law No. 697-2005	To authorize the alteration of Kenwood Avenue, between St. Clair Avenue West and Vaughan Road, by the installation of speed humps.
Bill No. 687	By-law No. 698-2005	To add Article III, Temporary Signs to Municipal Code, Chapter 693, Signs.
Bill No. 688	By-law No. 699-2005	To adopt Amendment No. 565 to the Official Plan for the former City of North York with respect to lands located on the south side of Frith Road and a portion of the lands municipally known as 45 Bartel Drive.
Bill No. 689	By-law No. 700-2005	To amend former City of North York Zoning By-law No. 7625, as amended, with respect to lands located on the south side of Frith Road and a portion of the lands municipally known as 45 Bartel Drive.
Bill No. 690	By-law No. 701-2005	To authorize the alteration of the roadway by narrowing the intersection approach on the northeast corner of the intersection of Winona Drive and Vaughan Road.
Bill No. 691	By-law No. 702-2005	To authorize the alteration of St. Clair Avenue West between Yonge Street and Tweedsmuir Avenue as part of the St. Clair Avenue West Transit Improvement Project.
Bill No. 692	By-law No. 703-2005	To amend By-law No. 480-2000, being "A By-law to authorize the alteration of Winona Drive between Vaughan Road and Belvidere Avenue" to allow for the installation of an additional speed hump for a total of four speed humps on Winona Drive between Vaughan

		Road and Belvidere Avenue as shown on the new drawing attached to this By-law.
Bill No. 693	By-law No. 704-2005	To amend the City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to include the new College Promenade Business Improvement Area and to establish a Board of Management for the College Promenade Business Improvement Area.
Bill No. 694	By-law No. 705-2005	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. 695	By-law No. 706-2005	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting limousines and limousine service companies.
Bill No. 696	By-law No. 707-2005	To amend Chapters 340 and 341 of the Etobicoke Zoning Code, as amended, with respect to the lands municipally known as 347 Royal York Road, to permit the development of 38 freehold townhouses.
Bill No. 697	By-law No. 708-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto, as amended, By-law No. 1995-0466, as amended, By-law No. 937 2002(OMB), as amended, By-law No. 1996-0245, as amended, and By law No. 938-2002(OMB) with respect to the Fort York Neighbourhood, to reflect adoption of the Fort York Neighbourhood Public Realm Master Plan and Architectural Design Guidelines.

Bill No. 698	By-law No. 709-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Dundas Street West, Howard Park Avenue and Lynd Avenue.
Bill No. 700	By-law No. 710-2005	To amend City of Toronto Municipal Code Ch. 910, former City of Toronto Municipal Code Ch. 400, North York By-law No. 30742, Etobicoke Municipal Code Ch. 187, Scarborough By-law No. 22614, York By-law No. 1645-89, Metropolitan Toronto By-law No. 107-86, East York By-law No. 197, York Municipal Code Ch. 982, and City of Toronto Municipal Code Ch. 950, to provide an exemption to Ontario Veterans from payment at on-street parking meters and parking machines and in municipal parking facilities.
Bill No. 701	By-law No. 711-2005	To assume municipal services located in and on Bowan Court, being the Street on Plan 66M-2304.
Bill No. 702	By-law No. 712-2005	To assume municipal services located in and on Provincetown Road, Shoalhaven Drive, Bridgend Street, Marine Approach Drive and Elsbury Lane, being the Streets and Lane on Plan 66M-2313.
Bill No. 703	By-law No. 713-2005	To assume municipal services located in and on Touchstone Drive (both portions) Via Torre Drive, Platinum Drive, Via Aurelia Drive, Centrepark Drive, Millennium Drive, La Dolce Vita Drive and Via Cassia Drive (both portions), being the Streets on Plan 66M-2340.
Bill No. 704	By-law No. 714-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto with respect to lands

municipally known as 66-72 Redpath Avenue,

the vote upon which was taken as follows:

Yes - 31 Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 2 Councillors:	Ford, Minnan-Wong

Carried by a majority of 29.

- 8.160 On July 21, 2005, at 7:21 p.m., Councillor Hall, seconded by Councillor Palacio, 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. 611	By-law No. 715-2005	To expropriate certain lands for the Dufferin Street Jog Elimination at Queen Street West - Proposed Dufferin Street Underpass Project,
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the vote upon which was taken as follows:

Yes - 24 Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Chow, Davis, De Baeremaeker, Di Giorgio, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pitfield, Rae, Saundercook, Soknacki, Walker, Watson
No - 9 Councillors:	Del Grande, Ford, Holyday, Kelly, Minnan-Wong, Ootes, Shiner, Stintz, Thompson

Carried by a majority of 15.

- 8.161 On July 21, 2005, at 7:22 p.m., Councillor Kelly, seconded by Councillor Chow, 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. 707                      By-law No. 716-2005                      To confirm the proceedings of the Council at its meeting held on the 19th, 20th and 21st days of July, 2005,

the vote upon which was taken as follows:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Chow, Davis, De Baeremaeker, Di Giorgio, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pitfield, Rae, Saundercook, Soknacki, Walker, Watson
No - 8	
Councillors:	Del Grande, Ford, Kelly, Minnan-Wong, Ootes, Shiner, Stintz, Thompson

Carried by a majority of 18.

8.162 On July 21, 2005, at 11:46 p.m., Councillor Stintz, seconded by Councillor Shiner, 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. 699                      By-law No. 717-2005                      To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Cheritan Avenue and Rosewell Avenue,

the vote upon which was taken as follows:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 25.

8.163 On July 21, 2005, at 11:47 p.m., Councillor Davis, seconded by Councillor Cho, 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. 708                      By-law No. 718-2005                      To confirm the proceedings of the Council at its meeting held on the 19th, 20th and 21st days of July, 2005,

the vote upon which was taken as follows:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Fletcher, Giambrone, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 25.

Deputy Mayor Pantalone in the Chair.

8.164 On July 26, 2005, at 7:04 p.m., Councillor Nunziata, seconded by Councillor Palacio, 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. 686	By-law No. 719-2005	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting holistic centres and practitioners.
Bill No. 709	By-law No. 720-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Reading Court.
Bill No. 710	By-law No. 721-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II, with regarding Hullen Crescent and Topbank Drive.
Bill No. 711	By-law No. 722-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding The West Mall.

Bill No. 712	By-law No. 723-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Denfield Street.
Bill No. 713	By-law No. 724-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Government Road.
Bill No. 714	By-law No. 725-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Shawbridge Avenue.
Bill No. 715	By-law No. 726-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Jopling Avenue North.
Bill No. 716	By-law No. 727-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Legion Road.
Bill No. 717	By-law No. 728-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting St. Clarens Avenue,

the vote upon which was taken as follows:

Yes - 27	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Carroll, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Soknacki, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 26.



8.165 On July 26, 2005, at 7:06 p.m., Councillor Moscoe, seconded by Councillor Holyday, 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. 718	By-law No. 729-2005	To confirm the proceedings of the Council at its meeting held on the 26th day of July, 2005,
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the vote upon which was taken as follows:

Yes - 27	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Carroll, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Soknacki, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 26.

8.166 On July 26, 2005, at 7:27 p.m., Councillor Del Grande, seconded by Councillor Kelly, 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. 719	By-law No. 730-2005	To confirm the proceedings of the Council at its meeting held on the 26th day of July, 2005,
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the vote upon which was taken as follows:

Yes - 26	
Councillors:	Ashton, Augimeri, Carroll, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Soknacki, Walker, Watson
No - 1	
Councillors:	Ford

Carried by a majority of 25.

**OFFICIAL RECOGNITIONS:**8.167 **Condolence Motions**

Mayor Miller in the Chair.

**July 19, 2005:**

Mayor Miller, seconded by Deputy Mayor Pantalone, moved that:

**“WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Mr. Ben Kerr on July 8, 2005; and

**WHEREAS** Ben Kerr was best known for crooning country and western songs at the corner of Yonge and Bloor for two decades, and as a perennial mayoral candidate, he has run in every election since 1985 and was famous for his customized T-shirts; and

**WHEREAS** prior to his career as a busker, Ben Kerr worked as an accountant, a manager and an executive with the Toronto Harbour Commission; and

**WHEREAS** Ben Kerr was one of the City’s biggest boosters, and he was often quoted that ‘Toronto is the number one City in the world’; and

**WHEREAS** Ben Kerr gave to the people of the City of Toronto a dedicated life marked by a passionate pride in this City and he will be sadly missed by all those touched by his life;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk is directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to his nephew Chris Kerr.”

Mayor Miller, seconded by Councillor Soknacki, moved that:

**“WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Mr. Chuck Cadman on July 9, 2005; and

**WHEREAS** Chuck Cadman had a strong personal devotion to public service and his decision to support Bills C45 and, especially C48, the Layton-Martin budget amendment, recognized that the important public business before the House of Commons should be addressed; and

**WHEREAS** Chuck Cadman’s support of Bill C48 also meant that Canadian cities will receive hundreds of millions of dollars that are badly needed for transit, housing, and other urban infrastructure; and

**WHEREAS** his work as a federal politician will help Toronto's government invest in this City, and allow Toronto to continue to be Canada's economic engine; and

**WHEREAS** Chuck Cadman was a friend of Toronto, a principled politician and we are saddened by his passing;

**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 wife Dona and daughter Jodi."

Councillor Ashton, 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. Thomas Wardle on Monday, June 20, 2005, in his 92nd year, after a life of dedicated service to his family, The Crown and Canada, his community and The Anglican Church; and

**WHEREAS** Mr. Wardle was a former M.P.P. for Beaches-Woodbine, Alderman for City of Toronto and Metropolitan Toronto Councils, Trustee and Chairman Toronto Board of Education, Chairman of Riverdale Hospital, Founding Chairman of Riverdale Hospital Charitable Foundation, W.W. II R.C.A.F Veteran, and President of T.A. Wardle & Co. Ltd.; and

**WHEREAS** Mr. Wardle was honoured by The Queen on three occasions for his years of devoted public service, being the recipient of The Confederation of Canada Medal – 1967, The Queen's Silver Jubilee Medal – 1977 and The Queen's Golden Jubilee Medal – 2002;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be directed to convey, on behalf of the Members of Toronto City Council, our sincere sympathy to his son, Thomas Alfred Wardle Jr., and his daughter, Arlene Inez Matheson."

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 Ben Kerr, Chuck Cadman and Thomas Wardle.

**July 21, 2005:**

Deputy Mayor Bussin in the Chair.

Deputy Mayor Pantalone, seconded by Councillor Watson, moved that:

**“WHEREAS** the Members of City Council are saddened to learn of the passing of Bob MacWilliam on July 21, 2005; and

**WHEREAS** Mr. MacWilliam was President of the Canadian National Exhibition Association from October 2003, until his resignation for health reasons in April 2005; and

**WHEREAS** Mr. MacWilliam was well acknowledged for his expertise in the aviation arena, having started his aeronautic career in 1956 when he joined the Royal Canadian Air Force, serving with NATO forces in Germany; and

**WHEREAS** Mr. MacWilliam later flew commercial flights as flight captain for Qantas and Air Canada, eventually becoming a Boeing 727 Chief Instructor; and

**WHEREAS** Mr. MacWilliam accomplishments included: Technical Advisor to the Inquiry Commission into the Air Ontario Crash at Dryden; Member of the Federal Ministry of Transport’s Task Force on Airports; Project Manager on the Utilization Study of the Hamilton Civic Airport; Flight Operations Advisor to Mr. Justice Dubin on the Commission of Inquiry on Aviation Safety in Canada; and President of the Canadian International Air Show; and

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to his wife Nancy, sons Casey and Michael, daughter Barbara, son-in-law Simon, and his grandchildren Mathew, MacKenzie, Casey and Dustin, his many friends and the many people he touched with love during his lifetime.”

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

Council rose and observed a moment of silence in memory of the late Bob MacWilliam.

**July 26, 2005:**

Deputy Mayor Pantalone in the Chair.

Councillor Del Grande, seconded by Councillor Di Giorgio, moved that:

**“WHEREAS** Members of Council are saddened to learn of the passing of Monsignor Giuseppe Antonio Sbrocchi; and

**WHEREAS**, since first arriving in Toronto almost 50 years ago, Monsignor Sbrocchi has served as a priest, leader, pioneer and visionary in the City’s Italian community; and

**WHEREAS** Monsignor Sbrocchi led a successful grassroots campaign for the construction of new Catholic schools – leading directly to the construction of St. Nicholas of Bari, Stella Maris, Pope Paul, James Cardinal McGuigan, Regina Pacis and Brother Edmund Rice schools – as well as the introduction of a heritage language program in schools to assist Italian Canadians in maintaining a connection with their native language; and

**WHEREAS** Monsignor Sbrocchi was also a strong advocate for the formation and construction of new Catholic churches and his efforts led to the founding of a new Italian church in Toronto; and

**WHEREAS** Monsignor Sbrocchi believed that the growth of a community had its foundations in the growth of individuals – that growth, economically and spiritually, were interconnected; and

**WHEREAS**, when Monsignor Sbrocchi first immigrated to Canada, Sunday masses were offered only in English – creating an obstacle for new Italian Canadians. Monsignor Sbrocchi responded by preaching in Italian in church basements to ensure a connection with both language and culture, while helping people integrate into Canadian society; and

**WHEREAS** Monsignor Sbrocchi’s legacy still exists today in Toronto’s thriving language programs – now available in a multitude of languages to reflect our City’s diversity;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be directed to convey, on behalf of the Members of Toronto City Council, our sincere sympathy to his siblings John, Antonio, and Dominic Sbrocchi, Maria Petriccione and Carmela Rosato.”

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

Council rose and observed a moment of silence in memory of the late Monsignor Giuseppe Antonio Sbrocchi.

#### 8.168 **Presentations/Introductions/Announcements:**

##### **July 19, 2005:**

Councillor Thompson, with the permission of Council, during the morning session of the meeting, addressed Council regarding the success of the Taste of Lawrence community event, and presented, on behalf of the Wexford Heights BIA, a laminated event poster, together with a t-shirt and hat, to Mayor Miller in appreciation for his support.

Mayor Miller, during the afternoon session of the meeting, introduced students from the Lexis Canadian Language Academy, present at the meeting.

##### **July 20, 2005:**

Mayor Miller, during the morning session of the meeting, welcomed *Her Majesty's Canadian Ship Toronto* to its stop in Toronto, part of its tour along the Great Lakes. HMCS Toronto had previously been deployed to the Arabian Gulf as part of Operation Altair. Mayor Miller introduced HMCS Toronto's Commanding Officer, Commander Stuart Moors, present at the meeting.

Mayor Miller, during the morning session of the meeting, presented the Senior of the Year Award to former City Councillor Anne Johnston. Mayor Miller told of the many initiatives and improvements which occurred as a result of Ms. Johnston's dedicated commitment to the City. Anne Johnston addressed Council and thanked the Mayor and City Council for honouring her with this Award.

Mayor Miller, during the afternoon session of the meeting, addressed Council with respect to the Toronto Book Awards, which honours authors of books of literary merit that are evocative of Toronto. Mayor Miller thanked all of the authors who submitted their work to the Toronto Book Awards Committee, and advised that the winner of the award will be announced in September. He congratulated each of the following five finalists and presented them with a commemorative plaque:

- Constance Backhouse and Nancy L. Backhouse for their biography *The Heiress vs. The Establishment: Mrs. Campbell's Campaign for Legal Justice* (UBC Press);
- David Bezmozgis for his story collection *Natasha and Other Stories* (HarperCollins Publishers);
- Shaughnessy Bishop-Stall for his memoir *Down to This: Squalor and*

*Splendour in a Big-city Shantytown* (Random House Canada);

- Don Coles for his novel *Doctor Bloom's Story* (Alfred A. Knopf Canada);  
and
- Russell Smith for his novel *Muriella Pent* (Doubleday Canada).

**July 21, 2005:**

Deputy Mayor Bussin, during the morning session of the meeting, introduced students from the Pharmacy Adult Learning Centre, present at the meeting.

**July 26, 2005:**

Deputy Mayor Pantalone, during the morning session of the meeting, introduced students from the Harriet Tubman Community Organization, Heritage Summer Camp, present at the meeting.

Deputy Mayor Pantalone, during the morning session of the meeting, introduced a delegation visiting from China, present at the meeting.

Deputy Mayor Pantalone, during the afternoon session of the meeting, introduced students from the 6<sup>th</sup> Annual Kan Link Summer Camp Program from Taiyuan Shanxi Province P.R. China, present at the meeting.

**8.169 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE**

*Vary the order of proceedings of Council:*

**July 19, 2005:**

Councillor Mammoliti, at 10:22 a.m., moved that Council vary the order of its proceedings to consider Economic Development and Parks Committee Report 7, Clause 12, headed "Closure of the Chalkfarm Community Recreation Centre - Relocation of Recreation Programs and Services (Ward 7 - York West)", on Wednesday, July 20, 2005, at 9:30 a.m., which carried.

Councillor Pitfield, at 10:23 a.m., moved that Council vary the order of its proceedings to consider Policy and Finance Committee Report 7, Clauses 1 and 2, headed "Organizational Framework for Affordable Housing Programs" and "Implementation of an Affordable Housing Committee of Council" respectively, on Tuesday, July 19, 2005, at 2:00 p.m., which carried.

Councillor Milczyn, at 10:25 a.m., moved that Council vary the order of its proceedings to consider Planning and Transportation Committee Report 6, Clause 6, headed "Licensing

Strategy to Deal with Illegal Body Rub Activity in Licensed Premises”, on Thursday, July 21, 2005, at 2:00 p.m., which carried.

**July 20, 2005:**

Councillor Milczyn, at 6:36 p.m., moved that Council vary the order of its proceedings to consider Administration Committee Report 6, Clause 26, headed “3-1-1 Customer Service Strategy: 2005 Capital Budget Request and 2006/2007 Capital Budget Progress Report”, on Thursday, July 21, 2005, at 9:30 a.m., and that it be considered as a ‘time sensitive’ matter, the vote upon which was taken as follows:

Yes - 30	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Soknacki, Walker, Watson
No - 11	
Councillors:	Augimeri, Chow, Filion, Ford, Li Preti, Minnan-Wong, Nunziata, Saundercook, Shiner, Stintz, Thompson

Carried by a majority of 19.

**July 21, 2005:**

Councillor Filion, at 2:20 p.m., moved that Council vary the previous order of its proceeding to consider Planning and Transportation Committee Report 6, Clause 6, headed “Licensing Strategy to Deal with Illegal Body Rub Activity in Licensed Premises”, on Thursday, July 21, 2005, at 2:00 p.m., and that this matter be considered instead on Tuesday, July 26, 2005, at 2:00 p.m., the vote upon which was taken as follows:



Yes - 20	Mayor: Miller
Councillors:	Altobello, Augimeri, Bussin, Carroll, Chow, Davis, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Kelly, Lindsay Luby, Mihevc, Moscoe, Pantalone, Soknacki, Walker
No - 18	Councillors: Ashton, Cho, De Baeremaeker, Del Grande, Ford, Grimes, Holyday, Jenkins, Li Preti, Milczyn, Minnan-Wong, Nunziata, Rae, Saundercook, Shiner, Stintz, Thompson, Watson

Carried by a majority of 2.

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

**July 19, 2005:**

Mayor Miller, at 12:28 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 12:30 p.m. recess, and that Council remain in session for the presentation of the Senior of the Year Award to former City Councillor Anne Johnston, which carried, more than two-thirds of Members present having voted in the affirmative.

**July 20, 2005:**

Councillor Nunziata, at 6:42 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 until 10:00 p.m., the vote upon which was taken as follows:

Yes - 24	Councillors: Augimeri, Balkissoon, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, Hall, Holyday, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Soknacki, Stintz, Thompson
No - 14	Councillors: Altobello, Ashton, Bussin, Cho, Del Grande, Feldman, Ford, Grimes, Jenkins, Li Preti, Minnan-Wong, Pitfield, Shiner, Watson

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

Councillor Rae, at 6:43 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 until 9:00 p.m., the vote upon which was taken as follows:

Yes - 26	Councillors: Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, Hall, Holyday, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker
No - 13	Councillors: Altobello, Ashton, Cho, Del Grande, Feldman, Ford, Grimes, Jenkins, Li Preti, Minnan-Wong, Pitfield, Shiner, Watson

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

Councillor Cowbourne, at 8:57 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 to recess at 9:00 p.m., as previously decided, in order to complete consideration of Motion J(46), regarding a Personnel Matter Respecting the Integrity Commissioner, the vote upon which was taken as follows:

Yes - 19	Councillors: Balkissoon, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, Mihevc, Moscoe, Pantalone, Saundercook, Thompson, Walker
No - 16	Councillors: Altobello, Ashton, Cho, Del Grande, Di Giorgio, Ford, Jenkins, Li Preti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Rae, Stintz, Watson

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

**July 21, 2005:**

- (a) Councillor Ford, at 2:12 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 to adjourn at 6:00 p.m., and that Council remain in session in order to complete those matters remaining on the Order Paper.

- (b) Councillor Stintz, at 2:13 p.m., moved that motion (a) by Councillor Ford be amended to provide that Council complete consideration of only the 'time sensitive' matters, remaining on the Order Paper.

*Vote:*

Adoption of motion (b) by Councillor Stintz:

Yes - 28	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Grimes, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 10	
Councillors:	Altobello, Cho, Fletcher, Ford, Hall, Holyday, Milczyn, Nunziata, Pantalone, Walker

Carried by a majority of 18.

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

Yes - 26	
Mayor:	Miller
Councillors:	Augimeri, Carroll, Chow, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 12	
Councillors:	Altobello, Ashton, Bussin, Cho, Di Giorgio, Ford, Grimes, Hall, Lindsay Luby, Nunziata, Pantalone, Walker

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

*Motion to Re-Open:*

Councillor Jenkins, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, the vote taken on motion (a) by Councillor Ford, be re-opened for further consideration, the vote upon which was taken as follows:

Yes - 19	
Councillors:	Altobello, Ashton, Bussin, Cho, Del Grande, Di Giorgio, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Milczyn, Nunziata, Pantalone, Saundercook, Shiner, Stintz, Walker
No - 19	
Mayor:	Miller
Councillors:	Augimeri, Carroll, Chow, Davis, De Baeremaeker, Feldman, Filion, Giambrone, Kelly, Li Preti, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Rae, Soknacki, Thompson, Watson

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

**July 26, 2005:**

Councillor Nunziata, at 5:50 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. adjournment, and that Council remain in session in order to complete those matters remaining on the Order Paper, the vote upon which was taken as follows:

Yes - 14	
Councillors:	Augimeri, Carroll, De Baeremaeker, Del Grande, Filion, Ford, Giambrone, Holyday, Kelly, Mihevc, Milczyn, Moscoe, Nunziata, Thompson
No - 19	
Mayor:	Miller
Councillors:	Ashton, Balkissoon, Bussin, Cho, Davis, Di Giorgio, Feldman, Fletcher, Grimes, Hall, Lindsay Luby, Minnan-Wong, Ootes, Palacio, Rae, Saundercook, Soknacki, Walker

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

8.170 ATTENDANCE

Councillor Walker, seconded by Councillor Davis, moved that the absence of Councillor McConnell from the meeting of Council on July 19, 20 and 21, 2005, be excused, which carried.

Councillor Lindsay Luby, seconded by Councillor De Baeremaeker, moved that the absence of Councillors Altobello, Chow, Cowbourne, Mammoliti and McConnell from the meeting of Council on July 26, 2005, be excused, which carried.

July 19, 2005	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 6:04 p.m.*	Ctte. of the whole In-Camera 6:07 p.m.	7:28 p.m. to 7:30 p.m.*
Miller	x	x	x	x
Altobello	x	x	x	x
Ashton	x	x	x	x
Augimeri	x	x	x	x
Balkissoon	x	x	x	x
Bussin	x	x	x	x
Carroll	x	x	x	x
Cho	x	x	-	-
Chow	x	x	x	-
Cowbourne	x	x	x	x
Davis	x	x	x	x
De Baeremaeker	x	x	x	x
Del Grande	x	x	-	-
Di Giorgio	x	x	x	x
Feldman	x	x	x	x
Filion	x	x	x	-
Fletcher	x	x	x	x
Ford	x	x	x	x
Giambrone	x	x	x	x
Grimes	x	x	x	x
Hall	x	x	x	x
Holyday	x	x	x	x
Jenkins	x	x	x	x

Minutes of the Council of the City of Toronto  
July 19, 20, 21 and 26, 2005

July 19, 2005	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 6:04 p.m.*	Ctte. of the whole In-Camera 6:07 p.m.	7:28 p.m. to 7:30 p.m.*
Kelly	x	x	x	x
Li Preti	x	x	x	x
Lindsay Luby	x	x	x	x
Mammoliti	x	x	-	-
McConnell	-	-	-	-
Mihevc	x	x	x	x
Milczyn	x	x	x	x
Minnan-Wong	x	x	x	-
Moscoe	x	x	x	x
Nunziata	x	x	x	x
Ootes	x	x	x	x
Palacio	x	x	x	x
Pantalone	x	x	x	x
Pitfield	x	x	x	x
Rae	x	x	x	x
Saundercook	x	x	x	x
Shiner	x	x	x	-
Soknacki	x	x	x	x
Stintz	x	x	x	x
Thompson	x	x	x	x
Walker	x	x	x	x
Watson	x	x	x	x
Total	44	44	41	37

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

July 20, 2005	9:39 a.m. to 9:46 a.m.*	Ctte. of the Whole In-Camera 9:52 a.m.	12:15 p.m. to 12:39 p.m.	2:08 p.m. to 3:22 p.m.*	Roll Call 3:29 pm.
Miller	x	x	x	x	x
Altobello	x	x	x	x	-
Ashton	-	-	-	x	-

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July 20, 2005	9:39 a.m. to 9:46 a.m.*	Ctte. of the Whole In-Camera 9:52 a.m.	12:15 p.m. to 12:39 p.m.	2:08 p.m. to 3:22 p.m.*	Roll Call 3:29 pm.
Augimeri	-	x	x	x	x
Balkissoon	x	x	x	x	x
Bussin	x	x	x	x	-
Carroll	x	x	x	x	-
Cho	x	x	-	x	-
Chow	-	x	x	x	-
Cowbourne	x	x	x	x	x
Davis	x	x	x	x	-
De Baeremaeker	x	x	x	x	x
Del Grande	x	x	x	x	x
Di Giorgio	x	x	x	x	x
Feldman	x	x	x	x	x
Filion	-	x	x	x	-
Fletcher	x	x	x	x	x
Ford	x	x	x	x	-
Giambrone	-	x	x	x	x
Grimes	x	x	-	x	x
Hall	x	x	x	x	x
Holyday	x	x	x	x	x
Jenkins	x	x	x	x	x
Kelly	x	x	x	x	-
Li Preti	x	x	x	x	-
Lindsay Luby	x	x	x	x	-
Mammoliti	-	x	x	x	x
McConnell	-	-	-	-	-
Mihevc	x	x	x	x	x
Milczyn	-	x	x	x	x
Minnan-Wong	x	x	x	x	-
Moscoe	x	x	x	x	-
Nunziata	x	x	x	x	x

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July 20, 2005	9:39 a.m. to 9:46 a.m.*	Ctte. of the Whole In-Camera 9:52 a.m.	12:15 p.m. to 12:39 p.m.	2:08 p.m. to 3:22 p.m.*	Roll Call 3:29 pm.
Ootes	x	x	x	x	-
Palacio	x	x	x	x	x
Pantalone	x	x	x	x	-
Pitfield	x	x	x	x	x
Rae	x	x	-	x	-
Saundercook	x	x	x	x	-
Shiner	x	x	-	x	-
Soknacki	x	x	-	x	x
Stintz	x	x	x	x	x
Thompson	x	x	x	x	x
Walker	x	x	-	x	-
Watson	x	x	x	x	x
Total	37	43	37	44	24

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

July 20, 2005	Ctte. of the Whole In-Camera 3:30 p.m.	4:45 p.m. to 6:43 p.m.	Roll Call 5:23 p.m.	Ctte. of the Whole In-Camera 6:55 p.m.	8:56 p.m. to 9:00 p.m.*
Miller	x	x	-	-	-
Altobello	x	x	x	x	x
Ashton	x	x	x	x	x
Augimeri	x	x	-	x	x
Balkissoon	x	x	x	x	x
Bussin	x	x	x	-	-
Carroll	x	x	-	x	x
Cho	-	x	x	x	x
Chow	x	x	x	x	x
Cowbourne	x	x	x	x	x
Davis	x	x	-	x	x
De Baeremaeker	x	x	x	x	x
Del Grande	x	x	-	x	x



Minutes of the Council of the City of Toronto  
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July 20, 2005	Ctte. of the Whole In-Camera 3:30 p.m.	4:45 p.m. to 6:43 p.m.	Roll Call 5:23 p.m.	Ctte. of the Whole In-Camera 6:55 p.m.	8:56 p.m. to 9:00 p.m.*
Di Giorgio	x	x	x	x	x
Feldman	x	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	-	-	-
Hall	x	x	-	x	x
Holyday	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	x	x	x	x
Mammoliti	x	x	-	-	-
McConnell	-	-	-	-	-
Mihevc	x	x	x	x	x
Milczyn	x	x	x	x	x
Minnan-Wong	x	x	-	x	x
Moscoe	x	x	-	x	x
Nunziata	x	x	-	x	x
Ootes	x	x	x	x	x
Palacio	x	x	-	x	x
Pantalone	x	x	x	x	x
Pitfield	x	x	x	-	-
Rae	-	x	-	x	x
Saundercook	-	x	x	x	x
Shiner	x	x	-	-	-
Soknacki	x	x	x	x	x
Stintz	x	x	x	x	x
Thompson	x	x	-	x	x



Minutes of the Council of the City of Toronto  
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July 21, 2005	9:40 a.m. to 12:30 p.m.*	Roll Call 11:19 a.m.	Roll Call 11:34 a.m.	2:07 p.m. to 7:23 p.m.*	Roll Call 3:38 p.m.	Roll Call 4:21 p.m.	Roll Call 7:53 p.m.	7:53 p.m. to 11:48 p.m.*
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	x
Mammoliti	-	-	-	x	-	-	-	-
McConnell	-	-	-	-	-	-	-	-
Mihevc	x	x	-	x	x	-	x	x
Milczyn	x	-	x	x	x	x	-	x
Minnan-Wong	x	x	x	x	-	x	-	-
Moscoe	x	-	x	x	x	x	x	x
Nunziata	x	x	x	x	x	x	-	-
Ootes	x	x	-	x	x	x	x	x
Palacio	x	-	-	x	x	x	x	x
Pantalone	x	x	x	x	x	-	-	-
Pitfield	x	x	x	x	-	x	x	x
Rae	x	x	x	x	-	-	x	x
Saundercook	x	-	x	x	-	-	x	x
Shiner	x	x	-	x	-	x	-	x
Soknacki	-	-	-	x	x	x	x	x
Stintz	x	x	x	x	x	x	-	x
Thompson	x	x	x	x	x	-	x	x
Walker	-	-	-	x	-	x	-	x
Watson	x	x	x	x	x	x	x	x
Total	39	26	30	42	27	26	24	33

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

July 26, 2005	9:40 a.m. to 12:27 p.m.*	2:10 p.m. to 7:29 p.m.*	Roll Call 3:34 p.m.	Roll Call 4:07 p.m.	Roll Call 4:40 p.m.	Roll Call 4:47 p.m.	Roll Call 7:00 p.m.
Miller	x	x	-	-	-	-	-
Altobello	-	-	-	-	-	-	-
Ashton	x	x	-	x	x	-	-

Minutes of the Council of the City of Toronto  
July 19, 20, 21 and 26, 2005

July 26, 2005	9:40 a.m. to 12:27 p.m.*	2:10 p.m. to 7:29 p.m.*	Roll Call 3:34 p.m.	Roll Call 4:07 p.m.	Roll Call 4:40 p.m.	Roll Call 4:47 p.m.	Roll Call 7:00 p.m.
Augimeri	x	x	x	-	x	x	x
Balkissoon	-	x	x	-	-	x	-
Bussin	x	x	-	-	x	x	-
Carroll	x	x	x	x	-	x	x
Cho	x	x	x	x	x	x	-
Chow	-	-	-	-	-	-	-
Cowbourne	-	-	-	-	-	-	-
Davis	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
Feldman	x	x	x	x	x	x	x
Filion	x	x	x	x	x	x	x
Fletcher	x	x	x	-	x	x	-
Ford	x	x	-	x	x	x	x
Giambrone	x	x	x	-	x	x	-
Grimes	x	x	x	x	x	x	x
Hall	x	x	x	x	x	x	x
Holyday	x	x	x	x	x	x	x
Jenkins	x	x	x	x	x	x	x
Kelly	x	x	x	x	x	x	x
Li Preti	x	x	x	x	x	x	x
Lindsay Luby	-	x	x	x	x	x	x
Mammoliti	-	-	-	-	-	-	-
McConnell	-	-	-	-	-	-	-
Mihevc	x	-	-	-	-	-	-
Milczyn	x	x	x	x	x	x	x
Minnan-Wong	x	x	x	-	-	-	-
Moscoe	x	x	x	x	x	x	x
Nunziata	x	x	x	x	x	x	x

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July 26, 2005	9:40 a.m. to 12:27 p.m.*	2:10 p.m. to 7:29 p.m.*	Roll Call 3:34 p.m.	Roll Call 4:07 p.m.	Roll Call 4:40 p.m.	Roll Call 4:47 p.m.	Roll Call 7:00 p.m.
Ootes	x	x	x	x	x	x	x
Palacio	x	x	x	x	-	x	x
Pantalone	x	x	x	x	x	x	x
Pitfield	x	-	-	-	x	-	-
Rae	x	x	-	-	-	-	x
Saundercook	x	x	x	x	x	x	-
Shiner	x	x	-	-	-	-	-
Soknacki	x	x	-	-	-	-	-
Stintz	x	x	x	x	-	-	-
Thompson	x	x	x	x	x	-	-
Walker	x	x	-	x	-	-	x
Watson	x	x	-	x	x	x	x
Total	38	38	29	26	28	27	24

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

**Council adjourned on July 26, 2005, at 7:29 p.m.**

**DAVID R. MILLER,  
 Mayor**

**ULLI S. WATKISS,  
 City Clerk**

**ATTACHMENT 1**

Enquiry (July 5, 2005) addressed to Mayor David Miller from Councillor Michael Walker regarding the City's Tsunami Relief Effort (See Minute 8.4, Page 1):

I am requesting that you provide a progress report on the City's relief response to the tsunami that struck southeast Asia and eastern Africa six months ago on December 26, 2004.

As you are aware, some 230,000 people died and approximately 1.8 million survivors were affected. News reports are identifying the continuing need for aid to this region. Six months after the disaster, the respiratory illness caused by the ingestion of ocean water into the lungs of survivors is still widely prevalent and is proving to be a very stubborn illness that is difficult to treat successfully. Many residents still do not have adequate shelter; the rebuilding of proper housing is acknowledged to be a long process and is projected to take five years to complete. The need for food and other aid in order to survive dehydration, disease and hunger is still apparent.

I am concerned now, as I was six months ago, that the City's response is failing to respond adequately to the urgency of this disaster. I understand that two Toronto Water experts have been sent to help with the rehabilitation of the water and sanitation facilities of Acer province, Indonesia; one of them has returned after his three week stay.

Accordingly, I request that you provide answers to the following questions:

- (1) How much money was donated by City employees through payroll deduction to the Tsunami Relief Effort?
- (2) How many vacation/lieu days were donated by City employees to the Tsunami Relief Effort via payroll deduction?
- (3) How many City employees have registered to volunteer their services to aid the relief effort?
- (4) What skills was the City looking for from the volunteer employees?
- (5) How many of these registered volunteer employees are eligible to aid with the relief effort?
- (6) How many of the qualified volunteer employees have we sent or will send to assist with relief work in the region?
- (7) Will the City be paying these qualified volunteer employees' salaries and benefits while they are engaged in disaster relief work?
- (8) What is the status of the technical exchange partnership (twinning) of the City of

Toronto with a city or town affected by the tsunami?

- (9) What is the value of the water treatment supplies the City has donated to the effort?
- (10) How many immigrants and refugees has Toronto received from the disaster-stricken region in the last six months?
- (11) What is the status of service planning for the anticipated influx of immigrants and refugees to Canada, including the fast-tracking of applicants and the supports to be provided to organizations to provide assistance?
- (12) What is the status of the City's partnership with non-governmental organizations in Toronto?

I look forward to a prompt response from you to this enquiry.

**ATTACHMENT 2**

Answer (July 14, 2005) from Mayor David Miller regarding the City's Tsunami Relief Effort (See Minute 8.4, Page 1):

Thank you for your memorandum of July 5, 2005 regarding the tsunami relief effort – six months later.

I have requested the City Manager's Office to provide me with answers to your questions. They are as follows:

1. How much money was donated by City employees through payroll deduction to the Tsunami Relief Effort?

Although Council approved a policy to allow employees to donate to the Tsunami Relief Effort through payroll deduction staff did not receive any requests from employees to do so. The Canadian Red Cross as well as other organizations quickly established a convenient method for citizens to donate to the relief effort. I am advised that staff believe that because it was convenient for our employees to donate directly to the charitable organizations assisting in the efforts that the donations had already been made within a few days/weeks of the disaster.

2. How many vacation/lieu days were donated by City employees to the Tsunami Relief Effort via payroll deduction?

In the past several months City staff have undertaken 3 missions to Indonesia and Sri Lanka. The mission to Sri Lanka involved sending 2 paramedics for three weeks. The first Indonesian mission sent one person for 3 weeks, the second for 4 weeks. The City has covered all salaries and benefits of the staff involved for a total financial contribution of approximately \$26,000.00.

3. How many City employees have registered to volunteer their services to aid the relief effort?

Approximately 430 staff volunteered their services.

4. What skills was the City looking for from the volunteer employees?

Based on the information the City had when it undertook a call for volunteers, we requested skills in three broad categories:

- (1) Public Health and Emergency Medical Services;
- (2) Construction; and
- (3) Engineering.



Specifically we called for:

Public Health/Emergency Medical Services – immunization, psychosocial, grief counseling, epidemiological investigations, sanitation and hygiene.

Construction – carpentry, masonry, heavy equipment operation, debris management.

Engineering – water treatment, water distribution, sewage treatment, water resource management, civil engineering, bridges, structural engineering, electrical engineering.

On a couple of occasions we were asked to find a skill set not currently in the volunteer database. In those instances staff went directly to program areas for assistance (i.e. archivist – but Japan was first to respond, economic development skills to assist with Banda Aceh Promotional Centre – currently in progress).

5. How many of these registered volunteer employees are eligible to aid with the relief effort?

It is too early to know. Please see question 6.

6. How many of the qualified volunteer employees have we sent or will send to assist with relief work in the region?

Until the FCM mission is launched and exchanges developed between Toronto and a municipality in the affected region, it is difficult to know what skill set or the number of staff that will be required to participate.

In the interim, the City has responded to several requests and has sent 2 paramedics and 2 water and sanitation experts. We are in the process of identifying 2 more staff to assist in developing a proposal to build a multi-use promotional centre in Banda Aceh. It is too early to know how many staff we will be sending on missions that fall outside the FCM program. It appears that the work undertaken in Nias Indonesia has been very successful and CIDA is considering a third mission with Toronto staff.

7. Will the City be paying these qualified volunteer employees' salaries and benefits while they are engaged in disaster relief work?

Yes, in January Council approved technical exchanges as the City's contribution to the relief effort. This means covering salaries and benefits for staff as they undertake missions. CIDA/FCM will cover all other costs associated with the missions.

8. What is the status of the technical exchange partnership (twinning) of the City of Toronto with a city or town affected by the tsunami?

The City of Toronto is currently in discussions with CIDA, FCM and the Mayor of

Banda Aceh to assist in the development of a proposal to build a multi-use promotional centre in Banda Aceh. It is hoped the first mission will proceed in September.

FCM has recently submitted a detailed proposal to CIDA for a 4-year post-tsunami reconstruction program that will focus on local government capacity building. They are requesting funding from CIDA to build support at local government levels in the districts of Galle, Trincomalee and Ampara, as well as at a provincial government level in the South and North East provinces. The program will also include various activities with the local government associations in Sri Lanka. Toronto will be a participant in the Sri Lankan program.

FCM's proposal is currently under review by CIDA. They anticipate that the evaluation process will move very shortly towards final ministerial approval.

FCM expects the next mission to Sri Lanka will take place in August or September.

9. What is the value of the water treatment supplies the City has donated to the effort?

I do not have a response from Toronto Water at the time of writing this letter.

10. How many immigrants and refugees has Toronto received from the disaster-stricken region in the last six months?

As of June 20, 2005, 366 visas had been issued to sponsored immigrants seriously and personally affected by the tsunami disaster. Citizenship and Immigration Canada (CIC) cannot track when the individuals have traveled or where they have settled. However, the majority of immigrants will settle in Toronto/Peel/York with a majority of these in the City of Toronto.

11. What is the status of service planning for the anticipated influx of immigrants and refugees to Canada, including the fast tracking of applicants and the supports to be provided to organizations to provide assistance?

The Ontario Council of Agencies Serving Immigrants (OCASI) has taken a lead role in working with agencies serving the Tamil speaking communities in Toronto. The Executive Director has had a number of meetings with service agencies and is negotiating shared delivery agreements for the delivery of the City funded Sponsorship Support Program.

CIC, working with Provincial, City and Regional staff, provided funding to OCASI/Community Information Toronto/YMCA to develop information kits for both immigrants and sponsors. Copies are available in English, French, Tamil and Somali. It includes information for sponsors and general information for newcomers, including specific information from Ministry of Health and the Law Society.

12. What is the status of the City's partnership with non-governmental organizations in Toronto?

City staff are working closely with OCASI and have recommended to the July Council that staff be authorized to provide the \$100,000.00 approved for this purpose to OCASI. Once Council decides approval the funding will be provided as soon as possible, which will allow OCASI to enter into formal agreements with frontline service delivery groups primarily in the Tamil community.

Please note that Policy and Finance Report 7, Clause 11, entitled "Status Report on Tsunami Relief Activities" will be before Council at its meeting on July 19, 2005.

**ATTACHMENT 3 [Notice of Motion J(7)]**

Memorandum of Agreement between the City of Toronto and the Toronto Civic Employees' Union (T.C.E.U.), Local 416, which is now public, in its entirety (See Minute 8.96, Page 141, and Minute 8.99, Page 144):

**MEMORANDUM OF AGREEMENT****BETWEEN:****"CITY OF TORONTO"**

Hereinafter referred to as "the City"

and

**TORONTO CIVIC EMPLOYEES' UNION (T.C.E.U.), LOCAL 416**

Hereinafter referred to as "the Union"

1. The parties herein agree to the terms of this memorandum as constituting full settlement of all matters in dispute.
2. The undersigned representatives of the parties do hereby agree to recommend complete acceptance of all the terms of this memorandum to their respective principals.
3. The parties herein agree that the term of the Collective Agreement shall be from January 1, 2005 to December 31, 2008.
4. The parties herein agree that the said Collective Agreement shall include the terms of the previous Collective Agreement which expired on December 31, 2004, and the following amendments are incorporated:
  1. All matters previously settled and agreed to by the parties on or prior to the date of this Memorandum of Agreement, on this 10<sup>th</sup> day of July, 2005.
  2. The following items as set out below:

**ARTICLE 7 –WAGES****Memorandum Item**

The parties agree to a four (4) year term with wage adjustment increases as follows:

January 1, 2005	2.75%
January 1, 2006	3.00%
January 1, 2007	3.25%
April 1, 2008	3.25%

Effective January 1, 2005, increase all rates for classifications payable on December 31, 2004, by two-and-three-quarters percent (2.75%).

As soon as reasonably possible following ratification of the Memorandum of Agreement, said wage increase shall be implemented and each active employee shall receive retroactive pay on 2005 earnings less statutory or other deductions required by law including union dues.

For the purpose of clarification, all employees who have left for whatever reason, including employees who may have been laid off shall be eligible for retroactive pay on all hours paid.

Effective January 1, 2006, increase all rates for classifications payable on December 31, 2005, by three percent (3%).

Effective January 1, 2007, increase all rates for classifications payable on December 31, 2006, by three and one quarter percent (3.25%).

Effective April 1, 2008, increase all rates for classifications payable on March 31, 2008, by three and one quarter percent (3.25%).

Effective October 1, 2008, implement paramedic wage adjustments as follows:

Paramedic Level 1	35.30
Paramedic Level 2	37.07
Paramedic Level 3	38.92
Critical Care Transport Paramedic (CCTU)	45.15
Field Training Officer Level 1	36.71
Field Training Officer Level 2	38.55
Field Training Officer Level 3	40.48
Field Training Officer CCTU	46.96

Effective January 1, 2006, implementation of the new classification of Labourer 3/Student at \$17.50/hr for new hires only in non-driving functions/duties and the existing students will be grandparented at the current Labourer 2/Student classification rate.

Job Evaluation review adjustment to a maximum of three-quarters of a percent (0.75%) to be reflected in Schedule "A" October 1, 2008.

Employees who were red-circled as a result of the Mitchnick award who are above the harmonized rate shall continue to have their wages “red-circled” until they meet the amalgamated classification harmonization rate.

While “red-circled,” such employees shall receive a lump sum payment in each year of the Collective Agreement, in the amount of the annualized value of the across-the-board increases as applied to their red-circled rate, provided that the lump sum payment is included as pensionable service.

The City agrees to establish a joint reclassification committee comprising three (3) members from the City and three (3) members from the Union in accordance with the Letter of Agreement-Wage Rate Adjustments, July 9, 2005, and will meet as soon as possible but not later than December 15, 2005.

The parties agree to amend Schedule “A” to reflect these wage increases.

#### **ARTICLE 8 – OVERTIME, CALL-BACK AND STAND-BY PAY**

**8.01 (d) (iv)** Delete “Notwithstanding the foregoing,” to be amended to read “in accordance with clause 8.01 (d) (ii) the City may declare...”

**8.01 (d) (ii)** Prepare an additional paragraph that will apply when there are not enough employees in the previous three paragraphs or in an emergency per 8.01 (d) (iv). That is, if more employees are needed the City may assign the work commencing with the junior employee that normally performs the work in the district. If there are still not enough employees, the City may assign the work to employees city-wide commencing with junior employees.

#### **ARTICLE 9 – HOURS OF WORK**

The parties agree to meet within ninety (90) days of ratification of the Collective Agreement to discuss Hours of Work in the following Divisions: Fleet, Toronto Emergency Medical Services (TEMS), Parks, Forestry and Recreation and Toronto Water.

#### **ARTICLE 10 – SHIFT BONUS**

**10.01(a)** Effective upon ratification, each employee of the City coming within the 416 Unit who works on the afternoon or night shift, shall be paid in addition to their regular wage or salary, a shift bonus of eighty-three cents (83¢) per hour, or each afternoon or night shift from time to time worked by such employee as part of their regular shift during such period; provided however, that the majority of hours worked on such shift, exclusive of overtime, falls within the period between 6:00 o’clock in the evening and 8:00 o’clock in the morning of the next following day.

Effective January 1, 2006, the shift bonus will be increased to eighty-eight cents (88¢) per hour.

Effective January 1, 2007, the shift bonus will be increased to ninety-three cents (93¢) per hour.

Effective January 1, 2008, the shift bonus will be increased to ninety-eight cents (98¢) per hour.

**10.01(b)** Effective upon ratification, each employee of the City coming within the 416 Unit, who works on a regularly scheduled rotating shift shall be paid in addition to the regular wage or salary, a shift bonus of eighty-three cents (83¢) per hour, for each day, afternoon or night shift from time to time worked by such employee as part of a regularly scheduled twenty-four (24) hour, seven (7) day per week rotating shift schedule.

Effective January 1, 2006, the shift bonus will be increased to eighty-eight cents (88¢) per hour.

Effective January 1, 2007, the shift bonus will be increased to ninety-three cents (93¢) per hour.

Effective January 1, 2008, the shift bonus will be increased to ninety-eight cents (98¢) per hour.

**10.01 (c)** Effective upon ratification, each employee of the City coming within the 416 Unit, who works a regularly scheduled day shift on a Saturday and/or Sunday shall be paid a premium of eighty-three cents (83¢) per hour for all regular hours worked on that Saturday and/or Sunday, provided the employee is receiving no other premium or bonus pay for hours worked on such days.

Effective January 1, 2006, the shift bonus will be increased to eighty-eight cents (88¢) per hour.

Effective January 1, 2007, the shift bonus will be increased to ninety-three cents (93¢) per hour.

Effective January 1, 2008, the shift bonus will be increased to ninety-eight cents (98¢) per hour.

- 10.01 (d)** Effective upon ratification, each employee of the City coming within the 416 Unit who, as a part of a regularly scheduled work week, works one half shift or more on the afternoon and/or night shift on a Saturday and/or Sunday shall be paid a week-end/shift premium of one dollar and sixty-six cents (\$1.66) per hour for all regular hours worked on such scheduled shift. The week-end/shift premium shall be in lieu of the provisions of Articles 10.01 (a), (b) and (c).

Effective January 1, 2006, the shift bonus will be increased to one dollar and seventy-six cents (\$1.76) per hour.

Effective January 1, 2007, the shift bonus will be increased to one dollar and eighty-six cents (\$1.86) per hour.

Effective January 1, 2008, the shift bonus will be increased to one dollar and ninety-six cents (\$1.96) per hour.

#### **ARTICLE 16 – EXTENDED HEALTH CARE/DENTAL/GROUP LIFE AND LONG-TERM DISABILITY INSURANCE**

##### **Amend clause 16.02 as follows:**

- Private duty nursing at home, when medically necessary, to a maximum of twenty-five thousand dollars (\$25,000) for every three (3) benefit years
- Out of province/country coverage for emergency medical treatment for you and your dependants
- Non generic drugs will be covered if:
  - There is no generic substitution; or
  - There are no generic substitutions readily available from the pharmacy of the employee's choice; or
  - Generic drugs are the same cost, or more expensive; or
  - The employee's doctor stipulates that the generic substitution would not be medically appropriate for the employee or dependent concerned.
- One (1) pair of orthotic devices per person per benefit year provided they are prescribed by a medical doctor, orthopaedic surgeon, chiroprapist or podiatrist as being medically necessary for everyday use, and the diagnosis is by way of a biomechanical examination; eligible persons eighteen (18) years of age and under shall not be limited to one (1) pair of orthotic devices per benefit year.



- Effective January 1, 2005, services of a licensed chiropractor, osteopath, podiatrist, chiropodist, speech therapist or masseur (after OHIP ceases to pay for treatment) to a maximum of four hundred dollars (\$400) per person, per practitioner, per benefit year. Alternatively, eligible persons will have the option of combining the cost toward one particular benefit to a maximum of eight hundred dollars (\$800) per person, per benefit year.
- Effective upon ratification of this Collective Agreement, up to three hundred and fifty dollars (\$350) per person in any twenty-four (24) consecutive month period for contact lenses and/or eyeglasses prescribed by an ophthalmologist or licensed optometrist. This coverage can also be used towards one (1) routine eye exam every twenty-four (24) consecutive months and/or the cost of laser surgery.
- Effective January 1, 2006, up to three hundred and seventy-five dollars (\$375) per person.
- Effective January 1, 2007, up to four hundred and twenty-five dollars (\$425) per person.
- Effective January 1, 2008, up to four hundred and fifty dollars (\$450) per person.

Add new clause to Article 16 as follows:

**Optional Group Life Insurance**

- 16.XX Effective upon ratification of this Collective Agreement, the City shall provide for all employees through a contract with an insurer selected by the City, Optional Group Life Insurance up to a maximum of two hundred thousand (\$200,000) dollars for the employee and/or two hundred thousand (\$200,000) dollars for the employee's spouse, with evidence of insurability. The employee shall pay one hundred (100%) per cent of the premiums.

Effective upon ratification of this Collective Agreement, the City shall provide for all employees through a contract with an insurer selected by the City, Optional Group Life Insurance up to a maximum of twenty thousand (\$20,000) dollars for each child of the employee, with evidence of insurability. The employee shall pay one hundred (100%) per cent of the premiums.

**ARTICLE 25 – TRANSPORTATION**

**Amend clause 25.02 as follows:**

**Mileage Allowance**

- 25.02** Whenever an employee is required and/or authorized to use his automobile on the business of the City, in accordance with the provisions of Article 25.01, the City shall

pay to such employee, effective January 1, 2005, an allowance of forty-nine cents (49¢) per kilometre actually travelled in the course of transacting the business of the City. This allowance shall be increased to fifty cents (50¢) per kilometre effective January 1, 2006, to fifty-one cents (51¢) per kilometre effective January 1, 2007 and to fifty-two cents (52¢) per kilometre effective January 1, 2008.

## **ARTICLE 28 – EMPLOYMENT SECURITY AND REDEPLOYMENT**

### **LETTER OF INTENT -- CONTRACTING OUT**

The parties agree to renew the existing Letter of Intent as above.

**Add new Letter of Agreement to Article 28 as follows:**

### **LETTER OF AGREEMENT -- CONTRACTING OUT, EMPLOYMENT SECURITY AND CONTINUOUS IMPROVEMENT**

In an effort to address the Union's ongoing concerns regarding the contracting out of bargaining unit work and the issue of employment security, the City agrees to the following:

The City confirms that during the term of this Collective Agreement and any extension by law, there shall be no new contracting out of work of the Local 416 bargaining unit resulting directly or indirectly in the layoff or loss of employment of permanent employees.

In exchange for the above-noted commitment, the parties agree to work together to achieve a culture of continuous improvement, with the following to be the guiding principles:

1. The parties are committed to jointly collaborate to provide better value in the public services the City of Toronto provides. In order to carry out the above-noted principles, it is agreed that the City and the Union form a Labour Relations Steering Committee composed of:

The Mayor  
The President and members of the executive of T.C.E.U. Local 416, CUPE  
The City Manager  
The Deputy City Managers  
The Executive Director of Human Resources  
The Director of Employee & Labour Relations and Chief Negotiator

The Steering Committee shall agree to engage in discussions during the term of the Collective Agreement. Such topics for discussion shall include but not be limited to:

- Proper workforce utilization.
- Corporate re-deployment to facilitate greater flexibility in the workplace.

- The creation of a corporate holding bank for injured workers, funded corporately.
- The non-filling of vacancies, City's increased gapping, excessive overtime and systemic inefficiencies.
- Improving workplace morale for members.
- Equipment related issues to be better able to do the job.
- Organization of work.
- Management to worker ratios.
- The provision of enhanced public services to be delivered by the public sector.
- Addressing systemic barriers to improving public services.

The Steering Committee shall meet within sixty (60) days of the ratification of the Collective Agreement and bi-monthly thereafter. The agenda for these meetings will be determined by the members of the Steering Committee according to those issues of concern of the parties and in conjunction with the principles outlined above. Issues addressed at the Steering Committee may be assigned by the Steering Committee to sub-groups that will be instructed to take appropriate action to carry out work to address those issues.

2. The parties are committed to processes that support continuous improvements in the delivery of public services while ensuring that the City's own employees have employment security.
3. The parties are committed to seeking opportunities for the contracting in of work that is currently contracted out.

The foregoing Letter of Agreement is reflective of City Council policy.

#### **ARTICLE 42 – TOOL ALLOWANCE**

##### **Amend clause 42.01 as follows:**

**42.01** Employees who are required as a condition of their employment to provide personal tools related to their position shall be paid a tool allowance of six hundred and fifty dollars (\$650) per year. Such tool allowance shall be paid to the employee in November of each year.

Effective November 1, 2007 the tool allowance will be increased to seven hundred and fifty dollars (\$750) per year.

Dated at Toronto this 11<sup>th</sup> day of July, 2005

**For the Union**

Original Signed by:

“Brian Cochrane”

“Bill Guthrie”

“Mark Ferguson”

“Jon Richard”

“Peter Oulette”

“Jerry Dobson”

“James Innes”

“Ken Fanjoy”

“Frank DeRenzi”

“Patrick M. Kemp”

“William Tracy”

“Dave Hewitt”

“Darin Jackson”

**For the City**

Original Signed by:

“William Adams”

“Rhonda Hamel-Smith”

“Mike Wiseman”

“Tracey Wallace”

“Kathleen Figueroa”

“Carol Cormier”

“Lisa Iacampo”

“Steve Plaskos”

“Rahim Shamji”

“Carol Ellis”

“Roy Suthons”

“Alan Moore”

“Garth Knox”

**ATTACHMENT 4 [Notice of Motion J(3)]**

Report (July 8, 2005) from the Integrity Commissioner, entitled “Report on Complaint of Violation of Councillors’ Code of Conduct (1)”. (See Minute 8.107, Page 169):

Purpose:

To report on the rejection of a complaint that a Councillor violated Part XI (Discreditable Conduct) of the Code of Conduct for Members of Council (“Code of Conduct”).

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendation:

It is recommended that Council receive this report (including the confidential attachment).

Background:

A member of the public complained that, in dealing with an issue that had arisen in her/his Ward, a Councillor failed to treat the complainant “fairly” and had thereby violated Part XI of the Code of Conduct.

I investigated the complaint according to Part B (“Formal Complaint Procedure”) of the Council Code of Conduct Complaint Protocol (“Complaint Protocol”).

Comments:

The complainant alleged that, for a period of three months, the Councillor failed to take any action on a constituency matter that the complainant was attempting to raise with her/him. The Councillor responded to the effect that the matter in question had been in her/his office for not three, but only one month, that it was being attended to, and that there had been unsuccessful attempts to communicate with the complainant. This was also the account provided by the Councillor’s Constituency Assistant. I accept that version of the events without hesitation.

The complainant also alleged that, in the course of a telephone conversation about the matter, the Councillor had made abusive and totally inappropriate comments about the complainant. The Councillor conceded that, if the allegations were true, he/she would have violated Part XI of the Code. However, he/she flatly denied the assertion that he/she had been abusive to the complainant. The Councillor’s Constituency Assistant corroborated the Councillor’s version of the telephone conversation. He/she was in the Councillor’s office at the time and the Councillor was using a speaker phone. Once again, I had no hesitation in accepting the Councillor’s account of what happened.

Conclusions:

Council should receive this report (including the confidential attachment) rejecting the complaint.

Contact:

David Mullan  
Integrity Commissioner  
Tel: 416-397-7770/Fax: 416-392-3840  
Email: dmullan@toronto.ca

(The confidential attachment referred to in this report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals.)

**ATTACHMENT 5 [Notice of Motion J(4)]**

Report (July 8, 2005) from the Integrity Commissioner, entitled “Report on Complaint of Violation of Councillors’ Code of Conduct (2)”. (See Minute 8.108, Page 170):

Purpose:

To report on the rejection of a complaint that a Councillor violated Part XI (Discreditable Conduct) of the Code of Conduct for Members of Council (“Code of Conduct”).

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendation:

It is recommended that Council receive this report (including the confidential attachment).

Background:

A member of the public complained that a Councillor had treated him/her unfairly in the course of a Council Sub-Committee meeting. More particularly it was alleged that the Councillor, rather than treating the complainant objectively and even-handedly, displayed inappropriate bias and hostility both generally and in the making of an offensive remark. The complainant asserted that this amounted to discreditable conduct in terms of Part XI of the Code of Conduct.

I investigated the complaint according to Part B (“Formal Complaint Procedure”) of the Council Code of Conduct Complaint Protocol (“Complaint Protocol”).

Comments:

On the basis of my investigation, I concluded that the Councillor did not display general bias and hostility towards the complainant at the relevant meeting. While the particular remark (which the Councillor admitted making) could have been and was interpreted by the complainant as having an offensive meaning, it was ambiguous and also had a benevolent, supportive meaning. I am convinced that the latter was the meaning that the Councillor intended it to have. Indeed, the Councillor, on being confronted with the allegation, was perfectly prepared to meet with the complainant and clarify her/his intentions in making that remark. (The complainant rejected that offer.) Thereafter, on investigation, I had no hesitation in concluding that the Councillor did not treat the complainant unfairly in making the particular remark. In sum, the Councillor did not act in a discreditable manner as proscribed by Part XI of the Code of Conduct.

Conclusion:

Council should receive this report (including the confidential attachment) rejecting the complaint.

Contact:

David Mullan  
Integrity Commissioner  
Tel: 416-397-7770/Fax: 416-392-3840  
Email: dmullan@toronto.ca

(The confidential attachment referred to in this report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals.)



**ATTACHMENT 6 [Notice of Motion J(5)]**

Report (July 8, 2005) from the Integrity Commissioner, entitled “Report on Complaint of Violation of Councillors’ Code of Conduct (3)”. (See Minute 8.109, Page 172):

Purpose:

To report on the rejection of a complaint that a Councillor violated Part XI (Discreditable Conduct) of the Code of Conduct for Members of Council (“Code of Conduct”).

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendation:

It is recommended that Council receive this report (including the confidential attachment).

Background:

A member of the public complained that the Chair of a Council Committee had treated him/her unfairly and in a discriminatory manner by refusing to allow him/her to make representations to that Committee in relation to a matter that affected a group that the complainant was representing, and in allowing other groups similarly situated to make representations.

I investigated the complaint according to Part B (“Formal Complaint Procedure”) of the Council Code of Conduct Complaint Protocol (“Complaint Protocol”).

Comments:

In response to the complaint, the Councillor chairing the Committee stated that he/she had acted on the advice of a staff member servicing the Committee in refusing to hear from the complainant. The staff member confirmed that he/she had given that advice. Indeed, in terms of the relevant rules, that advice was legally accurate. My investigation also established that, as a matter of fact, the Chair did not permit other similarly located groups to make representations at that meeting of the Committee. Accordingly, I determined that the Councillor had not violated the Code of Conduct. In applying the governing rules, he/she was not acting unfairly and there was in fact no discriminatory treatment of the complainant or the group he/she was representing.

Conclusions:

Council should receive this report (including the confidential attachment) rejecting the complaint.

Contact:

David Mullan  
Integrity Commissioner  
Tel: 416-397-7770/Fax: 416-392-3840  
Email: dmullan@toronto.ca

(The confidential attachment referred to in this report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals.)

**ATTACHMENT 7 [Notice of Motion J(6)]**

Report (July 8, 2005) from the Integrity Commissioner, entitled “Report on Complaint Outside Integrity Commissioner’s Jurisdiction (4)”. (See Minute 8.110, Page 173):

Purpose:

To report on a complaint against a Councillor that did not come within the Integrity Commissioner’s jurisdiction as set out in the Code of Conduct for Members of Council (“Code of Conduct”).

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendations:

It is recommended that Council:

- (1) approve, in principle, inclusion in the Code of Conduct of a provision dealing with the improper use of influence by City Councillors, and direct the City Manager to draft such a clause, in consultation with the Integrity Commissioner, for submission to Council in the form of an amendment to the Code of Conduct;
- (2) refer to the City Manager, for further consideration, in consultation with the Integrity Commissioner, the issue of whether the Code of Conduct should contain any provision dealing with misconduct by Councillors in the conduct of their private affairs and, if so, what form that provision should take; and
- (3) approve, in principle, inclusion in the Council Code of Conduct Complaint Protocol of provisions conferring on the Integrity Commissioner discretion to continue to investigate a complaint which has been withdrawn and to initiate an investigation of her or his own initiative, and direct the City Manager to draft such clauses, in consultation with the Integrity Commissioner, for submission to Council in the form of amendments to the Council Code of Conduct Complaint Protocol.

Background:

A resident of the City of Toronto made a formal complaint that a Councillor had violated the Code of Conduct in the conduct of his personal affairs. It was alleged that the Councillor had failed to adhere to City by-laws. (The complaint was, in fact, subsequently withdrawn with a formal apology to the Councillor.)

While the complaint did not make specific reference to any particular provision of the Code of Conduct, it contained language that indicated that the complainant was relying on one of the “key statements of principle” contained in the Preamble to the Code of Conduct. More particularly, reference was made to the admonition that:

Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, or **the City Council** [emphasis added].

Given that the Code of Conduct contains no specific provision on which the complainant could rely, the issue became whether any or all of the “key statements of principle” in the Preamble to the Code of Conduct can provide the basis for a complaint.

It was my judgment that this was a question of law on which I required independent legal advice. Having informed both the Councillor and the complainant of that fact, I then sought a legal opinion on this matter. However, before the lawyer whom I instructed provided that opinion, the complainant notified me that he/she was withdrawing the complaint. I, therefore, informed my lawyer of this, along with a further request to consider, as a general matter, the ramifications for my jurisdiction of the withdrawal of any formal complaint.

In providing the opinion letter, the lawyer came to the following conclusions:

- (1) while they may be used to give meaning or content to the eleven specific provisions of the Code of Conduct, the “statements of principle” in the Preamble do not contain independent or stand alone obligations;
- (2) none of the eleven specific provisions in the Code of Conduct contains any basis for the Integrity Commissioner investigating a Councillor’s conduct in connection with her or his purely personal affairs, even where those personal affairs come within the reach of the City’s regulatory powers;
- (3) as a consequence, the Integrity Commissioner had no jurisdiction to investigate the allegations made in this matter;
- (4) indeed, even if he did, that jurisdiction would have ceased with the complainant’s formal withdrawal of the complaint. The Council Code of Conduct Complaint Protocol (“Protocol”) contains no warrant for the Integrity Commissioner continuing to investigate a complaint once it has been withdrawn; and
- (5) nonetheless, the Protocol does confer on the Integrity Commissioner the power to report to Council on a complaint over which he has no jurisdiction, either on a stand alone basis (s. 2(4)) or as part of his annual report (2(5)).

I have accepted the advice contained in this opinion letter and have closed the file on the complaint. However, given the significance of what the letter says about the limits of my authority, I have also determined that this is a matter on which I should report to Council under s. 2(4) of the Protocol.

Comments:

*“Statements of Principle”*

Accepting that the “key statements of principle” do not constitute standards of behaviour that are the proper subject of a complaint under the Code of Conduct, Council may wish to consider whether any or all of them should be.

Their full text is:

Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner;

No member of Council shall use the influence of their office for any purpose other than the exercise of his or her official duties;

Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and

Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, or the City Council.

Of these four, the one that most obviously raises issues of ethics and integrity is the second, inappropriate use of the influence of a Councillor’s office. At present, aspects of this are in fact dealt with in various specific provisions of the Code of Conduct, and particularly sections IV (“Use of City Property, Services and Other Resources”), VII (“Conduct Respecting Current and Prospective Employment”), IX (“Conduct Respecting Staff”), VII (“Conduct Respecting Lobbyists”), and XI (“Discreditable Conduct”). At the extremes, this kind of conduct also engages the Criminal Code. However, there is clearly room for inclusion of a provision in the Code of Conduct dealing very specifically with improper use of the influence that the office of Councillor generates or is perceived to generate.

Whether it would be desirable to translate any of the other three principles (or aspects of them) into specific provisions of the Code of Conduct is a more difficult question.

It is easy to assert that the ethical responsibilities of Councillors include serving their constituents conscientiously and diligently. However, to simply make that a specific provision of the Code of Conduct would almost certainly create major problems. In particular, it would open up the possibility of the Integrity Commissioner having to investigate and Councillors having to respond to constituent complaints that their particular issue deserved more time and attention than the Councillor was prepared to give it or a different view of the merits of that issue than the Councillor happened to take. Such reengagement with the political judgment of Councillors would not only be time-consuming but also bring into question the legitimacy of the work of the Integrity Commissioner. For the most part, responsibility for such judgments and assessments are best left to the political process and ultimately the ballot box. Moreover, to the extent that a Councillor's conduct in relation to matters such as this goes beyond the proper domain of political judgment, section XI of the Code of Conduct ("Discreditable Conduct") and its provisions for dealing with the public in a fair, non-discriminatory and non-harassing manner provide an ample basis for the involvement of the Integrity Commissioner. Its standards also probably represent the limits of what a Code of Conduct should be proscribing in this domain.

The third principle (organizing one's affairs, both Council and private, in a manner that instills public confidence) is the kind of general guiding principle that is included appropriately in a preamble or statement of principles, and not as a specific provision in a Code of Conduct. It also feeds some of the specific provisions in the Code of Conduct such as section IV ("Use of City Property, Services and Other Resources") and section VI ("Business Relations"). I do not see any justification for transferring it to the specific provisions of the Code of Conduct. However, to the extent that improper use of influence destroys public confidence, this principle also justifies inclusion of a specific provision on that matter. There is also the controversial question whether the Code of Conduct should build on this principle by containing a specific provision on Councillors' conduct in relation to their private affairs that bring into question their commitment to ethical standards. Putting it bluntly, are the private affairs of Councillors any business of a Code of Conduct? Are there species of private misconduct that should be included within an ethical code such as this and by extension the jurisdiction of the Integrity Commissioner?

This same question is raised even more starkly by the fourth principle and its expectation that Councillors will observe the laws of the land (including the laws of City Council). At present, there are a number of specific provisions that impose consequences on Councillors for violation of certain laws. For example, section 37(2) of the *Municipal Act* and section 17(3) of the *Municipal Elections Act, 1996* provide that, if a Councillor is sentenced to a term of imprisonment, the Councillor ceases to hold office during the term of the imprisonment. Where such provisions exist, there is probably no need for the Code of Conduct to provide for separate investigation and the possibility of further sanction.

However, where these specific provisions are not engaged, are there certain violations of the general law that bring the office of Councillor into disrepute and that should attract the attention of the Code of Conduct? More particularly in relation to the City's own laws, should the Code of Conduct concern itself with situations where, for example, a Councillor in her or his private affairs engages in conduct which is in breach of municipal regulatory standards such as those pertaining to the operation of a business or makes misrepresentations to a city licensing authority? More generally, does the office of Councillor carry with it an obligation to behave with probity and respect for the law in one's private dealings and perhaps especially in interactions with the City of which the Councillor is a governor? This is not an easy issue and certainly not one to be resolved in the context of this report. Rather, it is a matter that deserves further study.

#### *Withdrawing Complaints*

The opinion letter makes it clear that the Integrity Commissioner can neither continue to investigate a complaint that has been withdrawn nor refuse to accept the withdrawal of a complaint. That letter also notes that this prevents the Integrity Commissioner doing anything should a situation ever arise in which he or she had suspicions about the circumstances under which the complaint was withdrawn.

It is my opinion that this does represent a gap in the current Code of Conduct. There will undoubtedly be practical problems in investigating a complaint where the complainant has indicated that he or she no longer wishes to proceed. Nonetheless, giving the Integrity Commissioner discretion to do so would add a further dimension to the regime under which the Code of Conduct operates and provide some measure for ensuring that genuine complaints have not been withdrawn for illegitimate reasons. Indeed, there may also be some merit in conferring authority on the Integrity Commissioner to start an investigation on her or his own initiative (*i.e.* without a formal complaint). Once again, this would strengthen the operations of the integrity regime in that it would allow the Integrity Commissioner to act on anonymous complaints that raise obvious concerns or on the basis of information coming to her or him in other contexts and that points strongly to a violation of the Code of Conduct.

This is not to suggest that there will be many occasions on which the Integrity Commissioner will continue to investigate a withdrawn complaint or commence an investigation of her or his own initiative. These situations will almost certainly be comparatively rare and a matter for the cautious exercise of discretion. Nonetheless, the existence of these reserve powers would serve to enhance the current regime.

#### Conclusions:

The Code of Conduct does not presently confer jurisdiction on the Integrity Commissioner to investigate complaints based solely on the terms of the "key statements of principle" contained in its Preamble. Further, none of the eleven specific provisions in the Code of Conduct deal with the conduct of Councillors in relation to their private affairs even where those private affairs intersect with the regulatory arms of Council itself. As well, aside from

reporting to Council on complaints rejected for lack of jurisdiction, under the terms of the existing Protocol, the Integrity Commission can neither continue to investigate a complaint that has been withdrawn nor refuse to accept a withdrawal. These three propositions all raise concerns as to the proper scope of the City's overall Code of Conduct regime.

While some of those concerns are groundless, there are aspects of the "key statements of principle" that qualify for inclusion in the specific provisions of the Code of Conduct or that, at the very least, should be considered for inclusion. Most obviously, there should be a specific provision on the use of influence. Council should also consider whether there are aspects of Councillors' conduct in relation to their private affairs that should be subject to scrutiny under the Code of Conduct particularly where that conduct intersects with the regulatory authority of the City. Finally, the regime would be strengthened by conferral on the Integrity Commissioner of discretionary authority both to proceed with a complaint despite its withdrawal and to commence an investigation of her or his own initiative.

Contact:

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Integrity Commissioner  
Tel.: 416-397-7770  
Fax: 416-392-3840  
[dmullan@toronto.ca](mailto:dmullan@toronto.ca)

Attachment:

Letter of Opinion re Scope of Code of Conduct for Members of Council, L. David Roebuck, Heenan Blaikie, July 4, 2005.

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



**ATTACHMENT 8 [Notice of Motion J(13)]**

Report (July 14, 2005) from the Executive Director, Municipal Licensing and Standards, entitled “Request for Fence Exemption, 1½ Beaumont Road (Ward 27 - Toronto Centre-Rosedale)”. (See Minute 8.114, Page 179):

Purpose:

To respond to a request for an exemption to the provisions of Chapter 447 of The Toronto Municipal Code - Fences, with respect to the height of a proposed fence at 1½ Beaumont Road. The proposed fence is one element of a broader landscape plan at this property.

Financial Implications and Impact Statement:

There are no financial implications resulting from the recommendations in this report.

Recommendations:

It is recommended that:

- (1) the owner of 1½ Beaumont Road file with the Transportation Services of the City of Toronto, for its approval, a site plan and cross-section and elevation drawings detailing the physical characteristics of the site, any landscaping and/or alterations to the existing grades as they impact the public right-of-way, the actions to be undertaken to address the grade change and steps to be undertaken to mitigate the impacts on the existing tree and hydro pole in the area; and
- (2) the fence exemption be granted, conditional upon the owner completing the work as approved by Transportation Services, to its satisfaction, and entering into an encroachment agreement with the City, if necessary.

Background:

Chapter 447 of the Toronto Municipal Code prescribes standards for the construction of fences on private property and around privately-owned outdoor swimming pools.

On May 31, 2005, an application was received requesting an exemption to fence code provisions specifically with regard to the height of the proposed fence. The proposed fence is comprised of stone walls and a rolling steel gate system on the frontage of this private property, at or near the front lot line. The owner’s stated purpose in seeking this exemption is to beautify the property, increase property security and for privacy.

Subsection B. of Section 447-2. B. of the Toronto Municipal Code limits the height of open construction fences within 2.4 metres of the front lot line to 1.2 metres in height or to one (1) metre in height for closed construction types of fences. The request for exemption seeks to install this fence at a height of 1.83 metres, rather than 1 metre in height which is the standard by-law requirement.

The application was circulated for comments among City departments and the Ward Councillor on June 3, 2005.

Comments:

Circulation of this proposal did not identify any concerns among City Divisions to the proposed work on private property. However, Transportation Services did identify that some of the proposed landscaping work would impact on the public road allowance and that further details were required. These issues have been discussed with the property owner and his architect. Both have expressed total co-operation and will work to resolve the public property issues as soon as possible.

During the application process, the owner provided two letters of support from neighbouring property owners. The Ward Councillor has been notified of the proposal and has no objection to the fence application.

This report was prepared in consultation with Transportation Services.

Conclusions:

The exemption for the proposed South elevation fencing on private property at 1½ Beaumont Road should be granted, conditional upon the owner completing the work as approved by Transportation Services, to its satisfaction, and entering into an encroachment agreement with the City, if necessary.

Contact:

Fernando Aceto  
South District Co-ordinator  
Municipal Licensing and Standards  
Telephone: (416) 338-5763  
Fax: (416) 392-0677  
E-mail: [faceto@toronto.ca](mailto:faceto@toronto.ca)

**ATTACHMENT 9 [Notice of Motion J(14)]**

Report (May 25, 2005) from the Director, Policy and Research, City Planning Division, addressed to the Toronto Preservation Board and the Toronto and East York Community Council, entitled "200 Russell Hill Road (Frederick Capon House) - Intention to Designate under Part IV of the *Ontario Heritage Act*, St. Paul's - Ward 22". (See Minute 8.115, Page 181)

Purpose:

This report recommends that the Toronto Preservation Board recommend to Council that it not state its Intention to Designate the property at 200 Russell Hill Road (Frederick Capon House) under Part IV of the *Ontario Heritage Act*.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report. The cost of publishing the notice of Intention to Designate in the daily newspaper is included in the approved 2005 City Planning Division budget.

Recommendations:

It is recommended that:

- (1) the Toronto Preservation Board recommend to City Council that it not state its intention to designate the property at 200 Russell Hill Road (Frederick Capon House) under Part IV of the *Ontario Heritage Act*;
- (2) if Council determines to state its Intention to Designate the property at 200 Russell Hill Road, that a consultant be retained by the City Solicitor to develop the Reasons for Designation; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect hereto.

Background:

At its meeting of May 17-19, 2005, City Council passed a motion that, following consultation with the Toronto Preservation Board, it give notice of its Intention to Designate the property at 200 Russell Hill Road (Frederick Capon House) under Part IV of the *Ontario Heritage Act*. Council's intention to designate will take effect upon the giving of notice regardless of the Toronto Preservation Board's recommendation, as the *Ontario Heritage Act* requires only that Council consult with the Board.

Application for approval of an Official Plan Amendment, Zone Change and Site Plan for a 18-unit apartment development was submitted on January 26, 2004, and is under review by Community Planning. In March of 2005 staff was asked to evaluate the property to see if the structure warranted designation. Staff concluded that it did not meet the criteria for designation in this neighbourhood but requested, as a condition of approval, a Stage 1 archaeological assessment.

Community Planning staff had asked the developer to consider adaptive reuse of the existing building as part of the redevelopment but the developer was not favourable to the idea. Community Planning staff do not currently support the proposed development.

Comments:

A location map (Attachment No. 1) and photograph (Attachment No. 2) are attached.

The property contains a house dating to 1911 that is an example of Period Revival Design. Staff assessed the property and is of the opinion that the house does not meet the criteria for designation in this neighbourhood. In certain circumstances, when staff is notified that a planning application includes the demolition of a structure that is not currently on the inventory but which may have heritage value, staff will assess the property against a set of designation criteria. If the property warrants designation, staff will make such a recommendation to Council.

The Ward Councillor introduced the motion to Council on behalf of his constituents who have expressed concern that the building is threatened by the development proposal for the site. The proposed designation of the property under Part IV of the *Ontario Heritage Act* would enable City Council to refuse an application for demolition. If Council refused an application for demolition, the developer would have the right to appeal such refusal to the Ontario Municipal Board, which would make a final determination of the issue. Such a hearing would likely be combined with any hearing on Council's refusal of the OPA, zone change and Site Plan applications, should Council refuse such approvals.

As Council has stated its Intention to Designate the property, an outside heritage consultant should be hired to prepare the Reasons for Designation for publication and owner notification as required by the provisions of the *Ontario Heritage Act*. The complete Reasons for Designation, as developed, will be served on the property owner and the Ontario Heritage Foundation and included in the designating by-law.

Conclusions:

Staff recommend that the Toronto Preservation Board recommend to Council that it not state its intention to designate the property at 200 Russell Hill Road (Frederick Capon House) under Part IV of the *Ontario Heritage Act*. This property, although interesting architecturally, does not warrant individual designation in this neighbourhood and is the subject of an active development application. As staff cannot support designation Council will require the services of a consultant to prepare the Reasons for Designation required as part of the designation process under the *Ontario Heritage Act*.

Contact:

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Manager, Heritage Preservation Services  
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(The attachments are on file in the City Clerk's Office.)

**ATTACHMENT 10 [Notice of Motion J(16)]**

Report (July 15, 2005) from the City Solicitor, entitled “The Release of Agreements from Phases I and II of Block 20/23 in the Railway Lands Central, Ward 20 (Trinity Spadina)”. (See Minute 8.117, Page 184):

Purpose:

To obtain authority to release certain agreements from Phases I and II of Block 20/23 in the Railway Lands Central.

Financial Implications and Impact Statement:

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

Recommendation:

It is recommended that authority be granted to release Phases I and II of Block 20/23 in the Railway Lands from the development agreements listed in Appendix “B” to the City Solicitor’s report dated July 15, 2005, (subject to the preconditions set out in Appendix “B”), and that authority also be granted to enter into the necessary replacement agreement.

Background:

The blocks within Railway Lands Central (as shown on Appendix “A”) are subject to a number of agreements to secure the necessary hard and soft infrastructure and other matters respecting their development.

Concord Adex Developments Corp. (“Concord Adex”) is the owner of Block 20/23, which it is developing as condominiums in Phases I, II and III. Phase I is the northwest quadrant, Phase II is the southwest quadrant and Phase III is the east half of the Block. Concord Adex expects to convey the residential units in Phase I on August 8, 2005, and the residential units in Phase II on September 21, 2005. Concord Adex has requested the City to release certain development agreements prior to these conveyances dates.

Comments:

Appendix “B” contains a summary of each of the agreements Concord Adex has requested the City to release from Phases I and II of Block 20/23 and my comments upon the request. I am recommending that the agreements be released subject to certain conditions, which relate to City officials confirming that certain matters have been satisfied and the execution of a replacement agreement.

City Council has previously authorized the release of these same agreements in respect of Blocks 19 and 21.

Conclusion:

It is appropriate for City Council to authorize the release of the agreements listed in Appendix "B" and that authority also be granted to enter into the necessary replacement agreement.

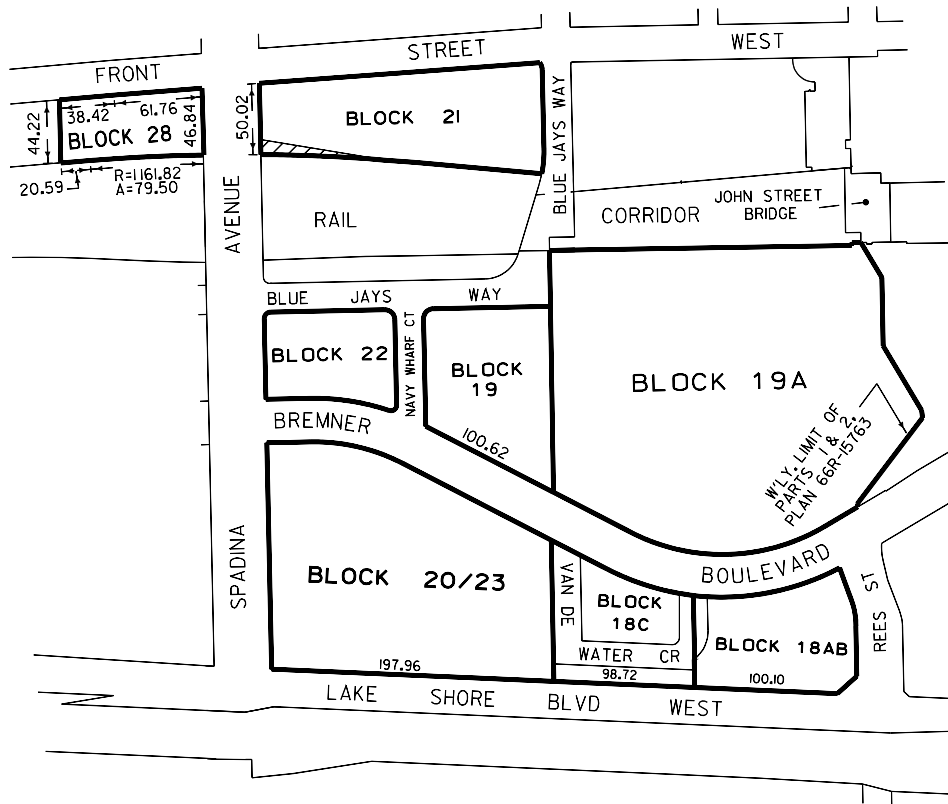
Contact:


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Appendix "A"

RAILWAY LANDS - CENTRAL

MAP 2



-  BLOCK BOUNDARIES
-  RAIL ACCESS TRACK AREA (PART 1,63R-2083)



WORKS AND EMERGENCY SERVICES  
 SURVEYING SERVICES SECTION  
 TORONTO JANUARY, 1999  
 CENTRAL2/RLCMAP2.DGN  
 FILE: 2402.42C  
 MAP Nos. 50G-321, 50G-322  
 DRAWN: PG



## Appendix “B”

### The 1994 Acknowledgement Agreement

Under this Agreement, the parties confirmed their rights and obligations pursuant to the terms of the 1986 Stadium Precinct Agreement and, among other matters, agreed to two major terms, namely: (1) the parties agreed to a cost sharing formula for hard and soft infrastructure for all of the lands west of Spadina, and (2) the owner agreed to advance the construction of the Community Park from the date stipulated in the Stadium Precinct Agreement to such time as the owner had sold at least 50% of its development blocks within either the Railway Lands West or the Railway Lands Central. This park construction trigger was met with the subsequent conveyances to CLC and, thereafter, to Concord Adex. As the construction of this park has since been secured in the Subdivision Agreement for the Railway Lands West dated September 24, 2003, I am recommending that this Agreement be released from Phases I and II of Block 20/23.

### The 1994 Railway Lands Central Agreement

Section 3.1, which is the only section imposing a positive obligation on the owner, requires the owner to provide the Southern Linear Park on that part of Block 20/23 abutting the north side of Lakeshore Boulevard West. As this obligation is currently being addressed as part of the site plan conditions for the development of Phase III, it is appropriate to release Phases I and II from the Agreement.

### The 1994 Environmental Agreement (the “1994 Environmental Agreement”)

This agreement provides that any site plan applications for Block 20/23 must address certain environmental issues applicable to those Blocks. The requirements include an obligation to submit certain studies to the satisfaction of the Commissioner of Urban Development Services and to undertake all excavation work in accordance with approved soil and groundwater management plans under the supervision of an environmental specialist consultant. Certain ongoing obligations such as a requirement that warning clauses respecting air quality and noise are to be registered on title and that non-glare glass be used above 35 metres also apply to Block 20/23.

The 1994 Environmental Agreement stipulates that it shall be discharged against each block as it is developed provided that all ongoing obligations are secured by a site specific development agreement. I am therefore recommending that the 1994 Environmental Agreement be released from Phases I and II of Block 20/23 provided: the Chief Planner advises that all required studies have been submitted to the Chief Planner’s satisfaction; that the required environmental compliance certificates are delivered; and, Concord Adex enters into a replacement agreement, to be registered against the Phase I and Phase II Block 20/23 lands, securing the ongoing obligations in respect of that part of the Block.

1994 Heritage Agreement

This Agreement contains provisions related to archaeological resources. As Concord Adex advises that Block 20/23 has been fully excavated, it is appropriate to release this agreement upon confirmation from the appropriate staff that all heritage obligations have been performed in respect of the Block.

1994 Escrow Agreement

This Agreement provides for the deposit into escrow of park and street conveyances. As the Escrow Agreement is registered against the title to the park and streets to be conveyed to the City and as deeds have been delivered to the escrow agent, I recommend that the Escrow Agreement be released from Phases I and II of Block 20/23.

The 1997 Acknowledgement Agreement re Stadium Precinct Agreement

There are no outstanding obligations in this Agreement as it simply acknowledges the 1997 release of the owner's obligations under the Stadium Precinct Agreement to provide Tower Park East and Tower Park West at the base of the CN Tower. This was done to permit the expansion of the building at the base of the CN Tower. As this Agreement was originally registered against Block 20/23 because of the 1994 Acknowledgement Agreement, I recommend that it be released from Phases I and II of Block 20/23 upon the release of the 1994 Acknowledgement Agreement.

The 1997 Cityplace Central and Cityplace West Acknowledgement Agreement

Concord Adex is asking for a release of the obligations relating to public art as set forth in Article 4 of this Agreement. It is appropriate to release these obligations from Phases I and II upon confirmation from the appropriate staff that all public art obligations have been performed in respect of Phases I and II.

The 1998 Acknowledgement Agreement re Closing of Station Street

There are no outstanding obligations in this agreement as it simply acknowledges the fulfilment of a condition contained in the Stadium Precinct Agreement. As this Agreement was originally registered against Block 20/23 because of the 1994 Acknowledgement Agreement, I recommend that it be released from Phases I and II of Block 20/23 upon the release of the 1994 Acknowledgement Agreement.

**ATTACHMENT 11 [Notice of Motion J(29)]**

Report (July 11, 2005) from the City Planner and Executive Director, City Planning, entitled “89 Kingsway Crescent (Isaac Scott House) – Application for Demolition under Section 34 of the *Ontario Heritage Act*, Etobicoke-Lakeshore - Ward 5”. (See Minute 8.130, Page 209):

Purpose:

This report recommends that City Council refuse the application to demolish the building located on the property at 89 Kingsway Crescent (Isaac Scott House) under Section 34 of the *Ontario Heritage Act*.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) City Council refuse the heritage permit application to demolish the building located on the property at 89 Kingsway Crescent (Isaac Scott House) under Section 34 of the *Ontario Heritage Act*; and
- (2) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The property is located on the east side of Kingsway Crescent, south of Dundas Street West and west of the Humber River, as shown in Attachment No.1. The property, as shown in Attachment No. 2, was included by the former City of Etobicoke on the City’s Inventory of Heritage Properties, for its historical and architectural significance in Etobicoke.

On July 15, 2004, the owner of the property at 89 Kingsway Crescent applied for a residential demolition permit under section 33 of the *Planning Act* and for construction of a new single detached dwelling (building permits no. 04-157.152 and 04-159.415).

City Council, at its meeting held on July 20, 21 and 22, 2004, by Clause 33 in Report 6 of Etobicoke York Community Council, stated its intention to designate the property under Part IV of the *Ontario Heritage Act*. The Notice of Intention to Designate was served on the owner and advertised on July 30, 2004. The owner objected to Council’s intention to designate under the *Act* and, as a result, the matter was referred to the Conservation Review Board (CRB) for a hearing. Where there is an objection by the owner to the proposed designation, the *Act* requires Council to consider the CRB’s report before Council passes a

designation by-law. The owner has, on several occasions, requested that the CRB defer a hearing on the matter. Therefore, Council has not been able to pass a By-law designating the property under the *Act*. Notwithstanding the lack of a designation By-law, Council's intent remains in force and has a similar effect to designation.

The planning consultant for the owner, in a letter dated August 26, 2004, applied to the City Clerk to demolish the heritage building under Section 34 of the *Ontario Heritage Act*. Council, by Clause 10 in Report 8 of the Etobicoke York Community Council, on October 26, 27 and 28, 2004, refused the application to demolish the building under the *Ontario Heritage Act*.

The owner then pursued a proposal with the City to retain the heritage building and construct an addition to it on the combined properties of 87 and 89 Kingsway Crescent. At its meeting held on February 16, 2005, City Council, by Clause 6 in Report 2 of Etobicoke York Community Council approved, subject to conditions, the alterations to the heritage building to accommodate the proposed addition. By Clause 7 of the same Report, Council also approved amendments to the existing encroachment agreement for the subject property to address the concerns that the owner had with that agreement.

The Etobicoke York Committee of Adjustment at its meeting of March 3, 2005, refused the application for variances to the Zoning By-law to permit the proposed addition. The applicant filed an appeal to the decision of the Committee of Adjustment to the Ontario Municipal Board (OMB) on March 17, 2005 (case #PL050300).

On April 28, 2005, the Province of Ontario amended the *Ontario Heritage Act* to, among other things, permit an owner to appeal Council's refusal to demolish a building on a property designated under the *Act* to the OMB instead of the former requirement to wait 180 days and obtain a building permit for a replacement building. The solicitor for the owner filed an appeal to Council's refusal of the demolition application pursuant to Section 34.2(1) of the *Ontario Heritage Act* in a letter dated May 4, 2005.

City Council on May 17, 18 and 19, 2005 adopted the motion J(34) requesting the City Solicitor to attend the OMB hearing to defend the decision of the Committee of Adjustment with respect to 89 Kingsway Crescent.

Comments:

The recently amended *Ontario Heritage Act*, in Section 34.2, contains a transition clause that permits the owner of a designated property to appeal the refusal of the demolition to the OMB. This property was not designated as Council had not passed the designation by-law because the owners' objection to the designation and the referral to the CRB. Therefore, the owner's solicitor's appeal of Council's refusal of the demolition under Section 34.2 may not have been a proper appeal because the property was not designated. As a result, the solicitor for the owner has now applied to the Clerk for demolition under section 34(1) of the *Ontario Heritage Act* in a letter dated July 5, 2005. They stated that the building has no cultural

heritage value or interest because, essentially, the building is not an original example of any particular period of architecture, but instead a composition of additions and alterations made over a lengthy period of time.

Staff maintains that the property at 89 Kingsway Crescent has cultural resource value or interest. The property remains historically important for its connection to the development of the Lambton Mills community. Architecturally, it is a good example of the ell-shaped designs favoured for farmhouse at the end of the nineteenth century. Staff notes that, as with many heritage buildings, there have been alterations to the building over time, some of which occurred at least seventy-five years ago. Staff does not believe that these alterations have diminished the cultural resource value of the property. In fact, the Venice Charter, an international charter on heritage preservation states that “the valid contributions of all periods to the building of a monument must be respected, since unity of style is not the aim of a restoration. When a building includes the superimposed work of different periods, the revealing of the underlying state can only be justified in exceptional circumstances...”.

There are options for retaining this building and adapting it to modern living arrangements. The owner has pursued one option for which staff and Council have demonstrated support for the necessary alterations.

Therefore staff recommend that the application to demolish the heritage property at 89 Kingsway Crescent under Section 34(1) of the *Ontario Heritage Act* be refused.

Conclusions:

It is recommended that City Council refuse the application to demolish the building located on the property at 89 Kingsway Crescent (Isaac Scott House) under Section 34 of the *Ontario Heritage Act*.

Contact:

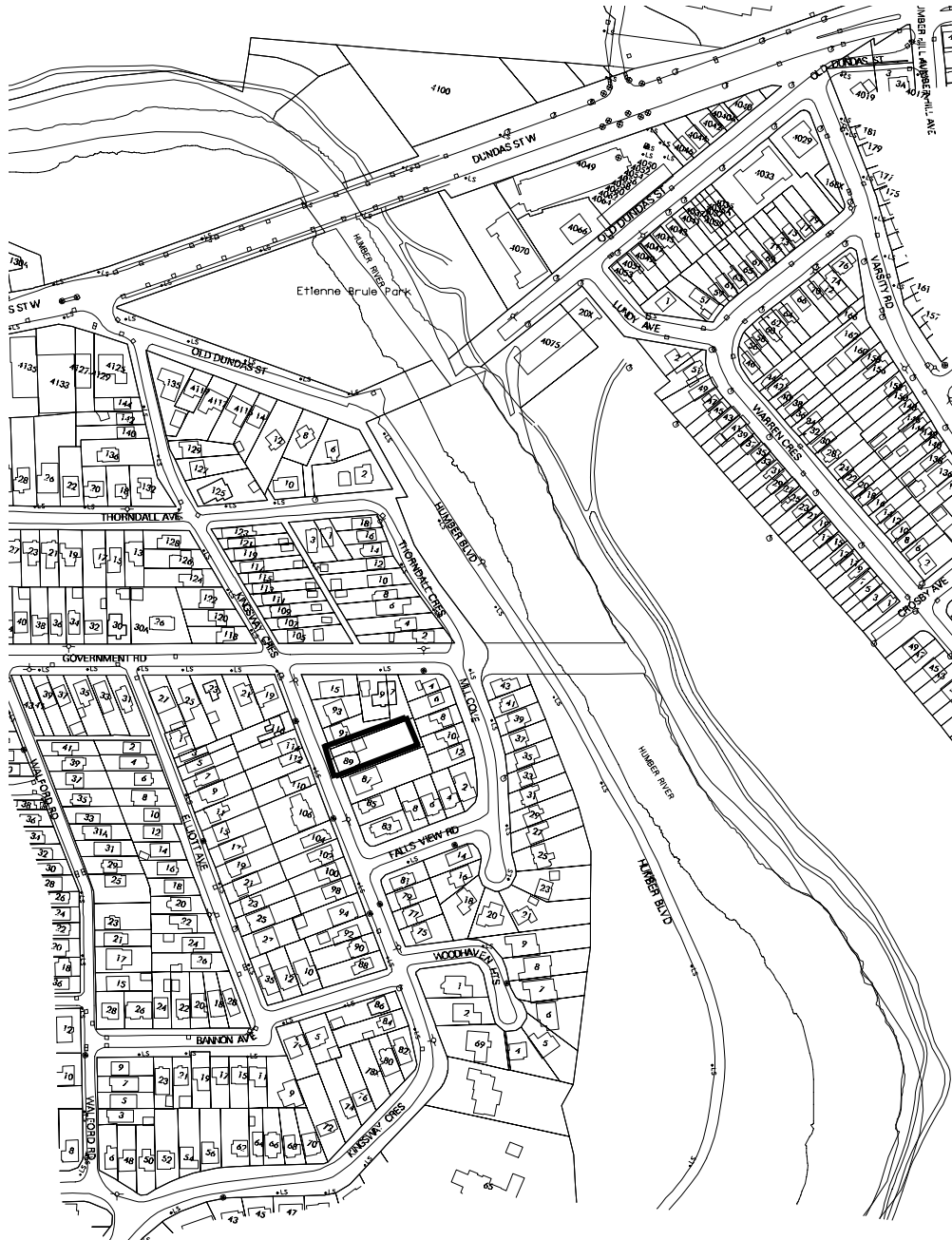
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List of Attachments:

Attachment 1 Location Map (89 Kingsway Crescent)  
Attachment 2 Photograph (89 Kingsway Crescent)

Attachment 1

LOCATION MAP: 89 KINGSWAY CRESCENT



Attachment 2

PHOTOGRAPH: 89 KINGSWAY CRESCENT



**ATTACHMENT 12 [Notice of Motion J(32)]**

Report (July 7, 2005) from the Chief Corporate Officer, entitled "Renewal of Lease Agreement - 305 Dawes Road (Ward 31 - Beaches-East York)". (See Minute 8.133, Page 215):

Purpose:

To renew the lease with The Hannon-Shields Centre for Leadership and Peace, formerly The Centre for Creative Ministries, for the property municipally known as 305 Dawes Road.

Financial Implications and Impact Statement:

This renewal will generate revenue of \$7,950.00 for the term of the lease. All taxes and operating costs will be paid by the tenant

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) authority be granted to enter into an agreement to renew the existing lease with The Hannon-Shields Centre for Leadership and Peace, formerly The Centre for Creative Ministries, for a term of six months commencing September 1, 2005, at a monthly rent of \$1,325.00 net, and subject to terms and conditions as outlined herein and in a form acceptable to the City Solicitor and the existing lease be considered in good standing;
- (2) authority be granted to the Chief Corporate Officer to administer and manage the lease agreement, including the provision of any consents, approvals, notices and notices of termination, provided that the Chief Corporate Officer may, at any time, refer consideration of such matter (including their content) to City Council for its determination and direction; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The subject property forms part of the property known as the Goulding Estate. It is located on the east side of Dawes Road within the Taylor Creek Park System. The subject property is improved with a 2-storey house of approximately 5,000 square feet. In accordance with By-law 22-95, on February 20, 1995, the former Corporation of the Borough of East York designated the subject property as being of historical and architectural value or interest.



By adoption of Clause No. 27 of the Corporate Administration Committee Report No. 19, the former Metro Council, at its meeting on August 13 and 14, 1997, approved the leasing of the subject property to The Centre for Creative Ministries for a term of 2 years from September 1, 1997, subject to an option to renew for an additional 3 years. The rent was \$3,400.00 per month, net, and the tenant had the right to write-off the actual renovation cost up to a maximum of \$81,900.00 on a two-year straight-line basis against the rent. City Council, by the adoption of Clause 21 of Corporate Services Committee Report 6, as amended, at its meeting on June 9, 10 and 11, 1999, approved a renewal for a three-year term and by adoption of a motion at its meeting on September 28 and 29, 1999, the City Council approved the rent for the renewal term to be \$1,317.00, per month, and the tenant was to continue the restoration work estimated at a minimum cost of \$75,000.00 over 3 years. On the authority of Clause 1 of Corporate Services Committee Report 11, as amended, and adopted by City Council on July 29, 30 and 31, 1998, through Delegated Authority, approval was granted in October of 2002 for a further three-year renewal with the tenant at a monthly rent of \$3,700.00 per month, net, and the tenant was to complete actual renovations up to a cost of a maximum of \$85,500.00 on a 3-year straight line basis. In effect, the rent payable after the deduction of the allowable write off was \$1,325.00 per month, net.

Subsequently, in 2003, by way of Supplementary Letters Patent, the tenant had changed its name from The Centre For Creative Ministries to The Hannon-Shields Centre for Leadership and Peace.

Comments:

The Hannon-Shields Centre for Leadership and Peace is an organization that provides activities that have included wellness, leadership, counselling, art and creativity programs. It is an incorporated not-for-profit and a registered charitable organization. Children's Peace Theatre has been one of the programs of Hannon-Shields Centre for Leadership and Peace since 2001. City staff has been informed that from July 2004, the Children's Peace Theatre is the sole program operated by the tenant.

The tenant has been up to date with the rent payment of \$1,325 per month. The tenant has substantially completed the value of work as indicated in the lease to the lands and structures related to the leased property. It is recommended that the existing lease be considered in good standing.

The lease of the subject property will expire on August 31, 2005. The staff of Parks, Forestry and Recreation and Economic Development and Culture are exploring alternative uses and programs that are most suitable for this property. In order to give sufficient time to formulate and consider the options for the future use of the subject property, the lease with the existing tenant should be renewed for a six-month term commencing September 1, 2005, at a monthly rent of \$1,325.00, plus all taxes and operating costs. Although the rent is considered below market, this arrangement will allow time to consider the appropriate use of the subject property.

Conclusions:

It is recommended that the existing lease be considered in good standing and, recognizing the tenant is a not for profit organization, the lease should be extended for a further six month term at a rent recommended herein which is considered below market rent. It is recommended that the lease with the existing tenant be extended for a six-month term commencing September 1, 2005, at a monthly rent of \$1,325.00, plus all taxes and operating costs. All other terms and conditions are to remain the same as the existing lease, save and except any write off against the rent for any leasehold improvements and/or renovation whatsoever. During these six months, staff will be reviewing the City's future options for this property and will report back to City Council with recommendations for Council's consideration and decision.

Contact:

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Report No.	CC05-106	

Prepared By: Stephen Law  
(416) 397-0799

List of Attachments:

Location Map and Site Map

(The Attachments are on file in the City Clerk's Office.)

**ATTACHMENT 13 [Notice of Motion J(34)]**

Report (July 14, 2005) from the Chief Planner and Executive Director, City Planning, entitled “Supplementary Report, Rezoning Application 04 144524 WET 05 OZ, Applicant: Greg Bettencourt, Bettencourt Designs Ltd. Architect: Greg Bettencourt, 82 Daniels Street (Ward 5 - Etobicoke-Lakeshore)”. (See Minute 8.135, Page 219):

Purpose:

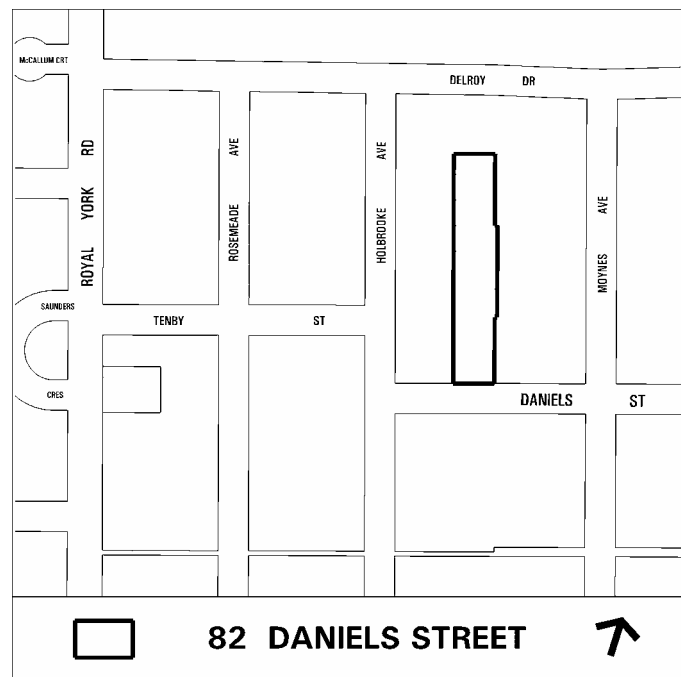
This report reviews and recommends changes to the recommendations adopted by City Council on April 12, 13 and 14, 2005 (Clause 9, Report 3 of the Etobicoke York Community Council) for an application to amend the Zoning Code to permit six single detached dwellings on a private road and maintain an existing heritage house at 82 Daniels Street.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that, notwithstanding staff Recommendation (3) of the Final Report (dated March 11, 2005) from the Acting Director, Community Planning, West District, and adopted by City Council on April 12, 13, and 14, 2005, the Bills be forwarded for enactment at the July 19, 20 and 21, 2005 meeting of City Council.



Background:

The applicant proposes to construct six single detached dwellings and retain an existing heritage house. The Acting Director, Community Planning, West District, reported to the March 31, 2005 meeting of Etobicoke York Community Council recommending approval of the rezoning application. One of the conditions recommended by staff was that the owner be required to obtain Site Plan Approval before the introduction of the necessary Bills to City Council for enactment. City Council adopted these recommendations, without amendment, on April 12, 13 and 14, 2005 (Etobicoke York Community Council Report 3, Clause 9).

Comments:

Staff have been requested by the applicant and local Councillor to amend the recommendation related to obtaining Site Plan Approval, prior to forwarding the Bills for enactment. There are two principal reasons for considering this request: new site plan approval procedures following recent changes to the *Building Code Act* and Heritage conditions.

## New Site Plan Approval Procedures

With the enactment of the *Building Code Statute Law Amendment Act* (Bill 124), City Planning staff now require that all conditions related to Site Plan Approval be fulfilled prior to issuing Site Plan Approval. These conditions are presented to the applicant in a Notice of Approval Conditions. Staff anticipate that the Notice of Approval Conditions will be given for the Site Plan application at 82 Daniels Street, prior to the July City Council meeting. The applicant will require additional time to fulfil the conditions, including Heritage conditions, which are described below. Staff is satisfied that adequate material has been submitted and reviewed for the proposal to be fully assessed and for the rezoning to proceed.

## Heritage Preservation Conditions

Heritage Preservation staff support the proposal on the following conditions:

- (a) that, prior to Site Plan Approval, the Owner (a) enter into a Heritage Easement Agreement and (b) provide a Heritage Impact Statement to evaluate the impact of the proposal; and
- (b) that, prior to the issuance of a building permit, the Owner (a) provide a Conservation Plan and (b) provide a Letter of Credit, enabling implementation of the Conservation Plan.

The Owner has provided staff with both the Heritage Impact Statement and Conservation Plan. These documents are currently under review. To proceed with the Heritage Easement Agreement, Heritage Preservation staff must seek the authorization of the Heritage Preservation Board, which meets in September. The Owner will be required to enter into the Heritage Easement Agreement prior to Site Plan Approval. All of the conditions of Heritage will be included within the Notice of Approval Conditions.

## Status of Other Conditions

Etobicoke York Community Council adopted the recommendations of staff and also added conditions related to entering into a construction management plan, installing appropriate fencing and landscaping, and ensuring that all site drainage is contained within the site.

### Construction Management Plan

Etobicoke York Community Council has required that the applicant enter into a construction management plan to control noise, dust, parking, deliveries and other matters of concern to area residents. The applicant has submitted a construction management plan, which is under review by Technical Services staff. This plan, once acceptable, will form part of the drawings for Site Plan Approval.

### Fencing and Landscaping

Etobicoke York Community Council has required that appropriate fencing and landscaping be installed along the perimeter of the property and that it be decided in consultation with the abutting owners. City Planning staff held a meeting on-site to consult with abutting residents about fencing and landscaping on June 20, 2005. The local Councillor's office followed up with a hand-delivered notice. As a result of comments from residents, the applicant has agreed to install a 2.4 metre (8 foot) board-on-board privacy fence. Planting material and locations have also been reviewed with local residents, and the applicant has agreed to some revisions. These changes will be secured on the Site Plan drawings. Some changes requested by residents will not be included within the revised plans. The applicant has advised he will not construct a masonry fence. City Planning staff also do not support a fence higher than 1.2 metres (4 feet) within the front yard of the heritage home.

### Site Drainage

The applicant has submitted grading plans. Technical Services have reviewed the plans and advise drainage will be addressed at the site and will not spill over onto abutting properties. Grading plans will also form part of the drawings for Site Plan Approval.

### Application in Relation to the Development Infrastructure Policy and Standards Review (DIPS)

At its meeting on April 12, 13, and 14, 2005, City Council adopted recommendations from both the Works Committee and the Planning and Transportation Committee on a report relating to Development Infrastructure Policy and Standards Review dated March 1, 2005, from the Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services.

The adopted recommendations, in part, authorize Technical Services and City Planning staff to:

- (a) continue to develop a range of new standards for local public streets to be applied on a City-wide basis with attention to the issues of pedestrian accessibility to public transit, underground facilities for utility routing, streetscape and tree planting and bicycle lanes;

- (b) develop criteria to identify where a private street may be considered as an appropriate exception to the Official Plan;
- (c) use the information contained in the report to inform the review of development applications until final standards are approved; and
- (d) require that all streets in new townhouse development and subdivisions be designed to permit curbside garbage collection by City vehicles, and other City services such as snow removal, street and water and sewer infrastructure repair and maintenance, and Fire Services, etc.

The review and evaluation of this application preceded this recent direction by City Council in regard to the Development Infrastructure Policy and Standards Review. This application was circulated and City divisions, in their comments, did not object to the proposed development with a private road, private curbside garbage collection and a fire route designation and road design to facilitate emergency service access for the six single detached dwellings. The proposed development was deemed acceptable.

Conclusions:

Staff have information required to complete the evaluation of the proposal and recommend that the Bills for the Zoning By-law Amendment be forwarded for enactment at the July 19, 20 and 21, 2005 meeting of City Council.

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Email: aruddoc@toronto.ca

**ATTACHMENT 14 [Notice of Motion J(36)]**

Report (July 19, 2005) from the Chief Planner and Executive Director, City Planning, entitled “Status and Directions Report, OPA and Rezoning Application 03 035270 ESC 35 OZ, Draft Plan of Subdivision Application 04 117084 ESC 35 SB, Proponent: 2BRNOT2B Holdings Inc. and Monarch Construction Limited, Architect: Fliess Gates McGowan Easton Architects Inc., 350 Danforth Rd, 74 Santamonica Blvd, and Portion of Former CNR Right-Of-Way (Ward 35 - Scarborough Southwest”. (See Minute 8.137, Page 222):

Purpose:

The purpose of this report is to advise City Council of the upcoming Ontario Municipal Board prehearing conference, on the progress that has been made respecting these applications, and the remaining issues to be addressed.

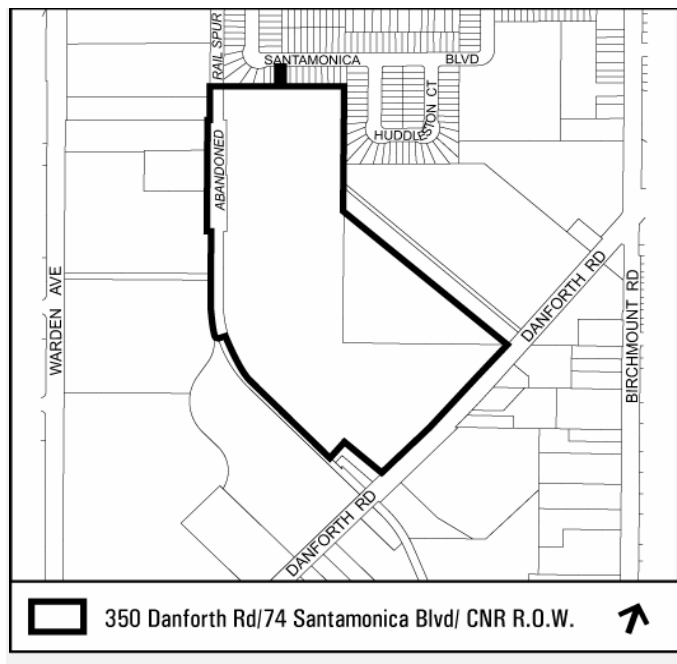
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board prehearing conference to represent the City’s interests, as outlined in this report; and
- (2) direct staff to continue to negotiate with the applicant to resolve the outstanding matters with a view to reaching a settlement, and the City Solicitor or the Chief Planner report back to City Council for further instructions prior to the Ontario Municipal Board hearing scheduled to commence on November 21, 2005.



Background:

The owner appealed development applications for residential redevelopment of the former AFG Glass industrial property to the OMB on February 24, 2005.

The application to amend the Official Plan and Zoning By-law was received by City Planning on April 11, 2003, from 2BRNOT2B Holdings Inc. and Monarch Construction Limited, collectively known as "The Goldman Group". The development proposal presented in the Preliminary Report from Planning staff of June 2003, consisted of a total of 580 freehold residential units comprised of 56 semi-detached and 524 townhouses. The application also proposed a pedestrian connection to the existing residential neighbourhood to the north via the property at 74 Santamonica Boulevard, currently occupied by a semi-detached dwelling. The application for a Draft Plan of Subdivision was received by City Planning on March 17, 2004.

The owner has continued to work with City staff to resolve a variety of issues and has submitted a number of versions of the draft plan of subdivision. A further resubmission is anticipated in the near future to address detailed subdivision design issues and represent the final version for which the applicant is seeking approval at the Ontario Municipal Board. The most recent version of the subdivision plan prepared by the applicant, which is shown on Attachment 1, reduces the number of residential units to 457 (34 singles, 112 semi-detached, and 311 townhouses).

A prehearing conference was held on June 8, 2005, at which time the OMB scheduled a second prehearing conference for July 27, 2005, and a hearing for November 21-November 25, 2005 and November 29 - December 2, 2005. The Board encouraged the parties to continue their dialogue, with a goal of settling the matter or at the very least reducing the issues in dispute.

Comments:

## Warden Corridor Study

As recommended in the Preliminary Report, the processing of the applications for the subject lands has been coordinated with the Warden Corridor Study, which commenced in January 2004 with the assistance of consultants, the planning Alliance. The Warden Corridor consists of a number of "areas of potential land use change" (from employment to residential), primarily on the east side of Warden Avenue between the former Warden Power Centre site at 725 Warden Avenue and the former Centennial College site at 651 Warden Avenue. A context map showing the Warden Corridor and the active development applications in the area is attached (Attachment 3).

The Warden Corridor Study is divided into three parts: Phase 1 (Background) and Phase 2 (vision/Direction), which have been completed by the consultants, and Phase 3 (Implementation) which is being prepared by City staff. The purposes of the Warden



Corridor Study are to:

- (a) determine the optimal land uses and development parameters for the TTC sites, which may include the relocation of the commuter parking spaces;
- (b) review the economic viability and importance of the current employment uses;
- (c) guide the creation of new neighbourhoods with the necessary physical and social infrastructure if the conversion to employment lands to residential use is supported; and
- (d) provide Council with a policy framework for considering development applications.

The Warden Corridor Land Use Framework in the Phase 2 Consultants' Report (November 17, 2004) recommends "Residential – Low Rise (up to 3 storeys)" in the interior of the subject site and "Residential-Mid Rise (4-8 storeys)" on the Danforth Road frontage. The consultants also recommended Warden Corridor Public Framework, which includes new parkland abutting the western boundary of the subject site (part of a large central park for the area south of St. Clair Avenue East). The Framework also supports a system of new public roads in the site, with a number of connections to the abutting lands to the west and southwest.

At its meeting of April 12, 13 and 14, 2005, City Council adopted a Status Report dated February 21, 2005, on the Warden Corridor and Victoria Park Station Land Use Planning Studies. In the Status Report, City Planning staff indicated their support for redeveloping the employment uses in the Warden Corridor with residential uses, conditional upon achieving the community infrastructure and other elements needed to create new neighbourhoods.

A key component of the Phase 3 work has been the development of a Conceptual Master Plan. It is designed to use the recommendations and principles put forward by the planningAlliance to knit together the various development proposals so that the redevelopment of the area can proceed in an orderly and co-ordinated fashion which achieves the overall study objectives. The updated draft of the Conceptual Master Plan is attached (Attachment 4).

The Phase 3 Implementation Report, based on the consultants' reports, the Status Report, staff's Phase 3 work, and the community input, is targeted to go to a Public Meeting of the Planning and Transportation Committee on October 6, 2005.

#### Planning Issues

The applicant has participated fully in the Warden Corridor Land Use Study and, through these efforts, significant progress has been made. The applicant has made a series of revisions to the proposal to address issues raised by the City and the community. Agreement has been reached regarding the land use (conditional upon the timely provision of community facilities), the general layout, the size, location and configuration of the park, and the size,

location and configuration of the stormwater management pond. The proposed development of the 350 Danforth site, as it is now proposed, is generally consistent with the Warden Corridor Land Use Planning Framework in the Phase 2 Consultants' Report. It is consistent with the draft Conceptual Master Plan and contributes in large measure to its implementation.

The two significant issues remaining to be resolved are the implementation of required community infrastructure, and implementation of the proposed pedestrian walkway on the property at 76 Santamonica Boulevard. These issues are discussed in more detail later in this report.

#### Land Use

The revised subdivision plan includes 2-storey single and semi-detached dwellings, as well as 3-storey townhouses. The residential land use and the proposed building heights are in general conformity with the consultants' recommendations. The building heights proposed along the Danforth Road frontage are lower than recommended by the planning Alliance but are considered to be acceptable given the location of the site on the edge of the Warden Corridor. There are opportunities to achieve higher building forms on other lands to the west to achieve the planning Alliance built form objectives.

#### Parkland

The Warden Corridor Land Use Planning framework in the Phase 2 Consultants' Report includes a large central park south of St. Clair Avenue. The Status Report identified the need for two local parks to serve the Warden Corridor, north and south of St. Clair Avenue East, each approximately 2.0 to 2.5 hectares in size. The locations for these two parks have been finalized as shown on the draft Conceptual Master Plan (attachment 4).

With respect to the park south of St. Clair, the Goldman Group's subdivision plan has been recently revised to eliminate several blocks of townhouses. This has allowed the park to be enlarged from 0.80 hectares to 1.21 hectares, which represents the consolidated parkland dedication for all three of the Goldman Group sites at 350 Danforth Road, 651 Warden Avenue and 671 Warden Avenue, for which a total of 876 residential units are proposed. This consolidated dedication is located at the western boundary of the 350 Danforth site, so that the remaining redevelopment parcels in the area can contribute additional parkland towards the achievement of a park in excess of 2.0 hectares.

The proposed parkland dedication exceeds the standard 5 percent for residential development set out in the new Official Plan and the *Planning Act*. The park also exceeds the alternative parkland dedication rate of 0.4 hectares per 300 dwelling units contained in the new Toronto Official Plan, which would require approximately 1.17 hectares of parkland for 876 units. The proposed park is also located in accordance with the South Park shown on the draft Conceptual Master Plan, and therefore has the potential to be expanded to achieve the size identified in the Status Report.

The proposed parkland should be secured in an amendment to the Scarborough Official Plan and a Zoning By-law pursuant to Section 42(3) of the *Planning Act*.

#### Roadways

The proposed draft plan of subdivision includes a public road system connected to Danforth Road, with right-of-way widths of 18.5 and 20 metres, and a 10.5 metre lane located to the rear of the townhouses fronting on Danforth Road.

The proposed public road widths of 18.5 metres and 20 metres are generally acceptable, and the proposed road pattern provides for potential public road connections to other sites including 683 Warden Avenue, 671-679 Warden Avenue and 300 Danforth Road in accordance with the draft Conceptual Master Plan.

The Transportation Services Division has advised that the proposed 10.5 metre lane is to be privately owned and operated (a common element of a condominium). Final review and sign-off by Transportation Services with respect to the details of the revised submission will also be required.

#### Affordable Housing

The subject site is approximately 13.9 hectares in size, and therefore is subject to the new Official Plan policies requiring a minimum of 20 percent affordable housing on large sites. With applications involving an Official Plan amendment and/or rezoning, the City requires the submission of a Housing Issues Report as part of the overall development application process which details how the proposed development will meet these policies. The Goldman Group has advised that it is committed to providing a variety of housing types on its three Warden Corridor sites, and is anticipating that an affordable housing provision for its properties will be accomplished at 671 Warden Avenue. Planning staff and the applicant will continue the discussions on how the affordable housing for the Goldman properties will be provided. Consideration is being given to treating all three Goldman sites as related applications for the purpose of applying the City's policy on new affordable housing and diversity in built form on large sites.

#### Implementation Issues

Should the applications be approved, the applicant will be requested to settle their appeal of the whole of the new Toronto Official Plan based upon a modification to the new Toronto Official Plan consistent with the proposed planning approvals under the current Scarborough Official Plan.

As part of the overall resolution of the planning issues, the applicant will be required to finalize a plan of subdivision. The subdivision approval will require standard conditions of approval, as well as specific conditions respecting various matters identified through the review of the applications. In particular, clauses concerning noise warnings pertaining to the TTC's Birchmount Bus Garage operations, the implementation of noise abatement measures, and signage and warnings concerning school accommodation will be required.

The proposed land use change on the subject lands involves a change to a more sensitive land use. Therefore, environmental clearances will be required.

#### Outstanding Issues

#### Community Facilities

The Status Report identified the need for a number of local facilities to serve the Warden Corridor, including a gymnasium complex of approximately 750-950 square metres, multi-service community space of as much as 1,900 square metres, a child care facility for 62 children, a parent drop-in centre, and a community health centre. The draft Conceptual Master Plan includes a potential community centre in the North Park north of St. Clair Avenue East, which would be located partly on the Mattamy (Warden) Limited lands at 725 Warden Avenue (Warden Power Centre) and partly on the City lands now used for the TTC Warden North commuter parking lot.

The development group including the Goldman Group and the two other major property owners in the Warden Corridor who have also submitted residential development applications to the City, (Mattamy and Ranka Enterprises - the owner of 300 Danforth Road), has responded to this priority with a proposal for the construction of a high quality, turn-key community centre to be constructed by the developers and dedicated to the City. The arrangements under discussion involve Section 37 contributions, Development Charges credits, and contributions by the City in relation to City-owned development lands at the Warden Subway Station. Discussions are continuing concerning the scope of the work, the funding arrangements and securities, early availability of the City's TTC Warden North Parking Lot lands necessary for construction of the proposed community centre, the timing of construction, and the necessary agreements.

The timely provision of community services and facilities, including a community centre, is a key objective of the proposed Warden Corridor Secondary Plan. The community facilities required to be provided between the Goldman Group, Mattamy, Ranka Enterprises and the City should be secured through Agreements under Section 37 of the *Planning Act* and any other necessary agreements. This will put in place a key element, necessary to allow the City to support conversion of these employment lands to residential use.

### 76 Santamonica Boulevard

The draft Conceptual Master Plan shows a pedestrian linkage between the lands at 350 Danforth Road and Santamonica Boulevard to the north. The objective of this linkage is to connect the two neighbourhoods and facilitate access to schools and the new South Park.

The Goldman Group is proposing to demolish the existing semi-detached dwelling at 74 Santamonica Boulevard in order to provide the pedestrian connection to Santamonica Boulevard. Although the applicant and the City are in full agreement concerning the need for, and general location of, the proposed connection, there are implementation issues. Impacts on the adjoining semi-detached dwelling at 76 Santamonica Boulevard need to be resolved. There are a range of possible solutions, some of which may require applications to the Committee of Adjustment.

### Conclusions:

Significant progress has been made between the applicant and the City to resolve various issues raised by the proposal. The 350 Danforth development conforms to the emerging directions of the ongoing Warden Corridor Study. There are a few technical issues remaining, and it is anticipated that these will be resolved with the next submission. The remaining substantive issues are the need for timely provision of community infrastructure, and the proposed pedestrian walkway to Santamonica Boulevard and its impact on the property at 76 Santamonica Boulevard.

The developers' proposal to construct a community centre, once terms and arrangements are finalized, is an important step in building a whole community including community facilities. It will contribute to the City's requirement that timely provision of these facilities be ensured as a pre-condition to creation of a new community in the Warden Corridor.

Staff will continue to negotiate with the applicant and the other area developers with a view to reaching a final settlement prior to the OMB hearing commencing in November, and will report back for further instructions with respect to the outcome of these negotiations.

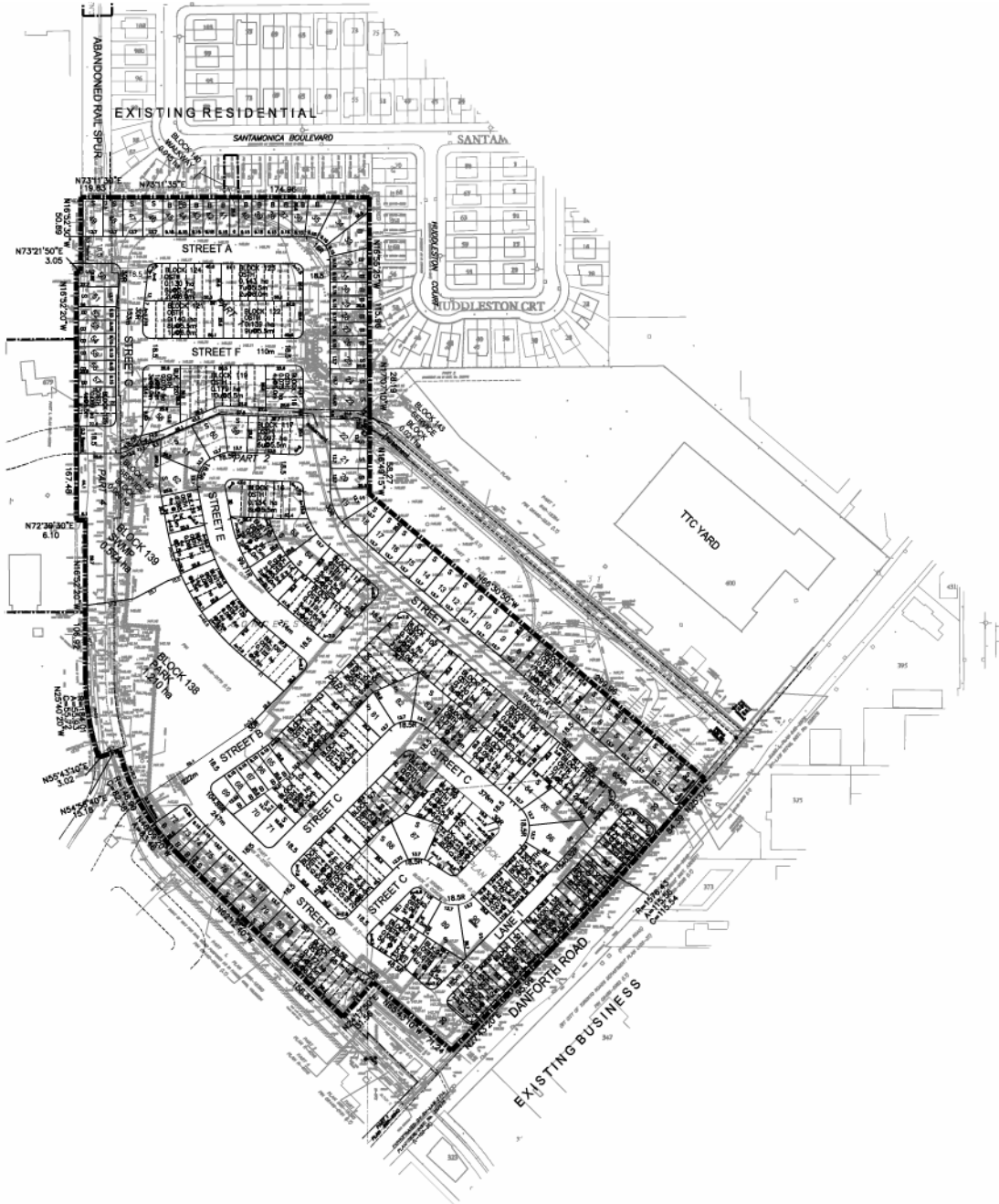
### Contact

Ruth Lambe, Senior Planner  
Ph: (416) 396-7037  
Fax: (416) 396-4265  
Email:rlambe@toronto.ca

### List of Attachments:

Attachment 1: Site Plan  
Attachment 2: Application Data Sheet  
Attachment 3: Warden Corridor Study – Development Applications  
Attachment 4: Warden Corridor Draft Conceptual Master Plan

Attachment 1: Site Plan



**Site Plan**

Applicant's Submitted Drawing

Not to Scale  
07/08/05



**350 Danforth Rd/74 Santamonica Blvd/  
former CNR R.O.W.**

File # 03-035270\_07

Attachment 2: Application Data Sheet

Application Type: Official Plan Amendment & Rezoning, Draft Plan of Subdivision  
 Details: OPA & Rezoning, Draft Plan of Subdivision  
 Municipal Address: 350 DANFORTH RD, 74 SANTAMONICA BLVD & PORTION OF FORMER CNR RIGHT-OF-WAY.  
 Location Description: CON B LOT 31 LOT 32 RP 3730 PART 1 \*\*GRID E3507  
 Project Description: The applicant is applying for an Official Plan Amendment and a rezoning to change the designation and zoning of the property at 350 Danforth Road to residential, and a Draft Plan of Subdivision, to permit a residential development with 457 freehold units including 34 singles, 112 semi-detached dwellings and 311 townhouses, and a public park. A pedestrian walkway is proposed at 74 Santamonica Blvd.

Application Number: 03 035270 ESC 35 OZ  
 04 117084 ESC 35 SB  
 Application Date: April 11, 2003 (OZ)  
 March 17, 2004 (SB)

**Applicant:** 2BRNOT2B HOLDINGS INC.  
**Proponent:** 2BRNOT2B HOLDINGS INC. & MONARCH CONSTRUCTION LTD.  
**Architect:** FLIESS GATES MCGOWAN EASTON ARCHITECTS INC.  
**Owner:** 2BRNOT2B HOLDINGS INC.

**PLANNING CONTROLS**

Official Plan Designation: General Industrial (HPS) Special Industrial & Low Density Residential  
 Zoning: M (Industrial) & MG (General Industrial), MS (Special Industrial) & Single or Two-Family Residential (S or T)  
 Height Limit (m): 0  
 Site Specific Provision:  
 Historical Status: Industrial uses built 1952-1979  
 Site Plan Control Area: Y

**PROJECT INFORMATION**

Site Area (sq. m): 13963  
 Frontage (m): 252  
 Depth (m):  
 Total Ground Floor Area (sq. m):  
 Total Residential GFA (sq. m):  
 Total Non-Residential GFA (sq. m): 0  
 Total GFA (sq. m):  
 Lot Coverage Ratio (%):  
 Floor Space Index:  
 Height: 3 Storeys  
 Metres:  
**Total**  
 Parking Spaces:  
 Loading Docks

**DWELLING UNITS**

Tenure Type: Freehold  
 Rooms: 0  
 Bachelor: 0  
 1 Bedroom: 0  
 2 Bedroom: 0  
 3 + Bedroom: 457  
 Total Units: 457

**FLOOR AREA BREAKDOWN** (upon project completion)

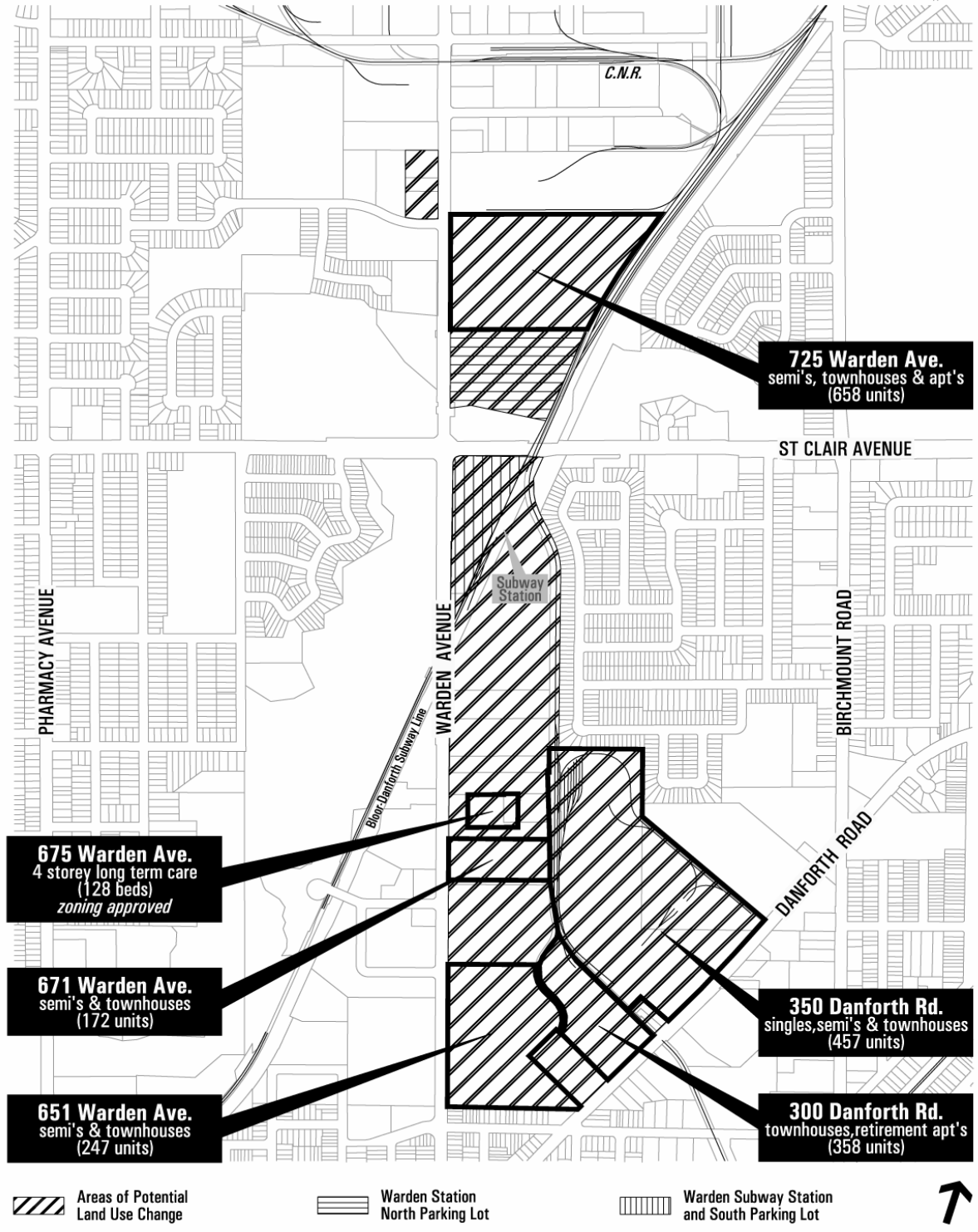
**Above Grade**      **Below Grade**  
 Residential GFA (sq. m):  
 Retail GFA (sq. m):  
 Office GFA (sq. m):  
 Industrial GFA (sq. m):  
 Institutional/Other GFA (sq. m):

**CONTACT: PLANNER NAME:** Ruth Lambe, Senior Planner  
**TELEPHONE:** (416) 396-7037

Attachment 3: Warden Corridor Study – Development Applications

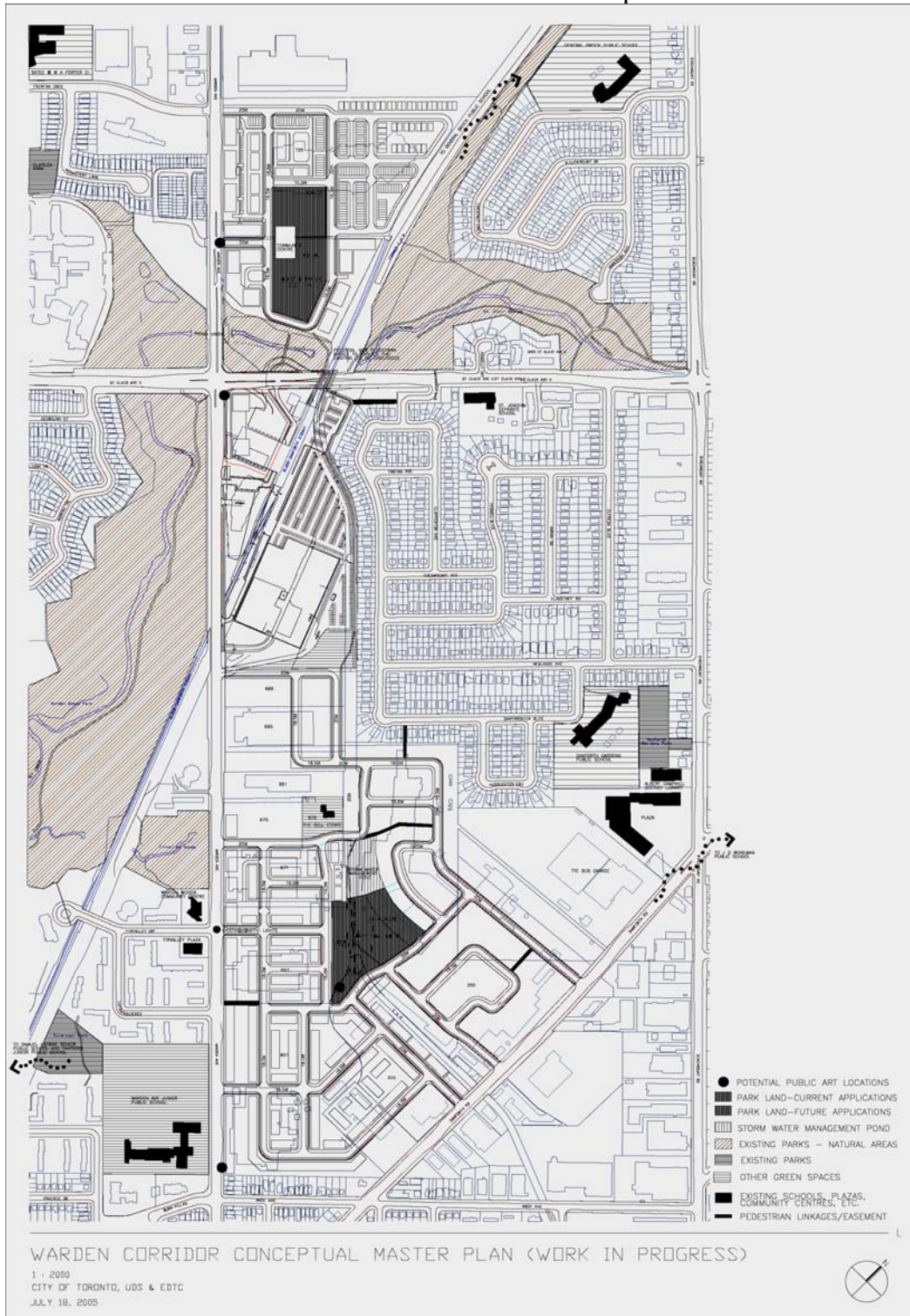


Development Applications





Attachment 4: Warden Corridor Draft Conceptual Master Plan



### **ATTACHMENT 15 [Notice of Motion J(37)]**

Report (July 15, 2005) from the Chief Planner and Executive Director, entitled "Request to Amend Section 37 Agreement to Postpone Delivery of Parkettes, File No.: 04 133854 WET 13 OZ, Applicant: Cresford Developments, 3 and 6 Windermere Avenue, Ward 13 - Parkdale – High Park". (See Minute 8.138, Page 224):

#### Purpose:

To recommend amendments to the Section 37 Agreement related to this development to delay the provision of Parkettes A and B until streetscaping adjacent to the site is completed.

#### Financial Implications and Impact Statement:

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

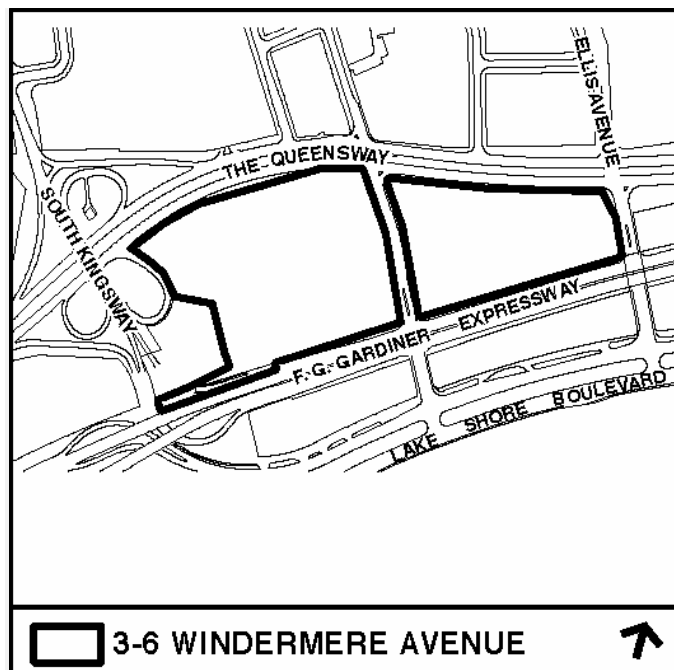
#### Recommendations:

It is recommended that:

- (1) City Council authorize staff to amend Section 6.3(c) 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 Parkettes A and B delayed until the completion of associated streetscape improvements;
- (2) the Section 37 Agreement be further amended to require that appropriate security be taken and applied to the Parkettes in the event that the improvements are not implemented by the developer; and
- (3) City staff be authorized to take appropriate steps to implement these recommendation.

#### Background:

On July 26, 2001, City Council adopted By-law Nos. 707-2001 and 708-2001 to permit comprehensive residential redevelopment of the former Stelco site. The first phase of that project is now under



construction on Block “E” of the plan (3 Windermere Avenue, being the block on the east side of Windermere Avenue).

When the development was approved, various matters were secured by a Section 37 Agreement (the “Section 37 Agreement”). Among other matters, the Section 37 Agreement required that the parkettes within Block “E”, described as Parkettes A and B, be completed and available for public use prior to occupancy of the first units in Block “E”. These first units will be the townhouse units currently under construction and anticipated to be occupied and registered as a condominium(s) within the next month or two.

Comments:

In a letter dated July 12, 2005, the solicitors for the developer have advised that the parcels to be used for Parkettes A and B are still part of a construction zone for a later phase of the development. The parkettes will not be completed prior to occupancy of the first units. The letter requests that the Section 37 Agreement be amended to allow occupancy of these units notwithstanding that the parkettes are not yet available. It also proposes that development of the parkettes be tied to completion of the streetscape work related to the entire site.

District Parks Staff have been consulted and are agreeable to this request provided that the parkettes are completed by no later than the streetscape improvements required for Block “E”. Staff recommend that the owner/developer be required to provide a letter of credit to secure the completion of the parkettes.

Conclusions:

Staff recommend amending the Section 37 Agreement related to 3 and 6 Windermere Avenue to permit the occupancy and registration of the townhouses on Block E notwithstanding that the provision of Parkettes A and B have not yet been provided. It is also recommended that security be taken for the completion of the completion of the parkettes and that they be completed by no later than the streetscape improvements required for Block “E”.

Contact:

Dave McKillop, Manager  
Tel: (416) 394-8216; Fax: (416) 394 6063  
Email: dmckillo@toronto.ca

**ATTACHMENT 16 [Notice of Motion J(44)]**

Communication (July 21, 2005) from Councillor Sylvia Watson, Ward 14, Parkdale - High Park. (See Minute 8.145, Page 237):

Dear Colleagues,

The Inner City Outtripping Centre (ICOC) is a City Parks, Forestry and Recreation partnership with the Toronto Police Service that serves at-risk youth from ALL parts of the City.

An important part of their program is leadership training for at-risk youth. Police officers, City staff and youth workers take young people on a one- or two-week wilderness canoe trip where they are taught teamwork wilderness skills (like canoeing, portaging, camping and outdoor cooking) and leadership skills.

The positive benefits of this program in transforming young people from alienated troublemakers to committed, positive, contributing community members have been widely recognized and praised.

The ICOC needs a 12-passenger van to transport participants and equipments (canoes, tents, etc.) to and from Toronto and the starting point of their trips. At present, they must rent an appropriate vehicle, as the City does not own one.

A charitable organization will pay for one half of the vehicle (\$25,000.00), which the City will then own and have available for this and other programs.

The City's portion (\$25,000.00) will come from under-spending in the Ontario Works Provincial funding. This money is intended for exactly the kind of use that is proposed here and the funding must be used for its intended purpose or it will be lost.

Staff of Parks, Forestry and Recreation, Social Services and the Deputy City Manager and Chief Financial Officer all support this proposal.

Councillor Stintz has agreed to re-open Motion J(44).

Please support our at-risk youth THROUGHOUT the City, save money by avoiding the need to rent a vehicle and take advantage of the opportunity to pay only half the cost of a vehicle that the City will own.

The need is now, the opportunity is here. Please support Motion J(44).

**FISCAL IMPACT STATEMENT SUMMARY**  
**Notices of Motion**  
**Submitted by the Deputy City Manager and Chief Financial Officer**  
**Council Meeting – July 19, 20, 21 and 26, 2005**

<b>Motion #</b>	<b>Title</b>	<b>Operating \$ (net)</b>	<b>Capital \$ (net)</b>	<b>Comments</b>
I(1)	Regulating Payday Lending Businesses	\$0	\$0	Consider.
I(2)	Request for Additional Municipal Licensing and Standards Officer(s)	2005 - \$0 2006 - \$3.3 million	\$0	Refer to Standing Committee. See FIS.
J(1)	The Seizure of Motor Vehicles Involved in Prostitution Related Offences	2005 - \$0 Future Year - TBD	2005 - \$0 Future Year - TBD	Consider. See FIS.
J(2)	Free Parking for Canadian Veterans	\$0	\$0	Consider. See FIS.
J(3)	Report of Integrity Commissioner on Complaint of Violation of Councillor's Code of Conduct (Complaint 1)	\$0	\$0	See Report Attached to Motion.
J(4)	Report of Integrity Commissioner on Complaint of Violation of Councillor's Code of Conduct (Complaint 2)	\$0	\$0	See Report Attached to Motion.
J(5)	Report of Integrity Commissioner on Complaint of Violation of Councillor's Code of Conduct (Complaint 3)	\$0	\$0	See Report Attached to Motion.
J(6)	Report of Integrity Commissioner on Complaint outside the Commissioner's Jurisdiction (Complaint 4)	\$0	\$0	See Report Attached to Motion.
J(7)	Memorandum of Agreement Between the City of Toronto and Toronto Civic Employees' Union, Local 416, CUPE			Confidential. See Confidential Report Attached to Motion.

Minutes of the Council of the City of Toronto  
July 19, 20, 21 and 26, 2005

<b>Motion #</b>	<b>Title</b>	<b>Operating \$ (net)</b>	<b>Capital \$ (net)</b>	<b>Comments</b>
	(T.C.E.U., Local 416)			
J(8)	Personnel Matter respecting the City Clerk			City Council already dealt with.
J(9)	Personnel Matter respecting the City Manager			City Council already dealt with.
J(10)	Request for City Legal and Planning Staff Representation at Ontario Municipal Board (OMB) Appeal for 462 Birchmount Road (Application A049/05SC)	\$0	\$0	See Report Attached to Motion.
J(11)	Request for City Legal Representation at Ontario Municipal Board (OMB) Appeal for 51 Pitt Avenue (Applications B004/05SC, A006/05SC and A007/05SC)	\$0	\$0	See Report Attached to Motion.
J(12)	Designation of the Bloor West Village Ukrainian Festival as an Event of Municipal Significance	\$0	\$0	Consider.
J(13)	Request for Fence Exemption - 1½ Beaumont Road (Ward 27 - Toronto Centre-Rosedale)	\$0	\$0	See Report Attached to Motion.
J(14)	Confirmation of Intention to Designate Under Part IV of the Ontario Heritage Act - 200 Russell Hill Road	Up to \$10,000	\$0	See Report Attached to Motion.
J(15)	Designation of Casa Loma and Area as Heritage Conservation District	\$0	\$0	Consider.
J(16)	Release of Development Agreements from Railway Lands Block 20/23 (Phases I and II) to Permit the Conveyance of Condominium Units	\$0	\$0	See Report Attached to Motion.

<b>Motion #</b>	<b>Title</b>	<b>Operating \$ (net)</b>	<b>Capital \$ (net)</b>	<b>Comments</b>
J(17)	Settlement of Appeals to the Revised Parkland Dedication Policy	\$0	\$0	Consider.
J(18)	Withdrawal of Appeal to the Ontario Municipal Board Matter Regarding 117 Wedgewood Drive	\$0	\$0	Consider.
J(19)	Expropriations of Interest in Land at the Southeast Corner of Bishop Avenue and Yonge Street	\$0	\$0	Consider. See FIS.
J(20)	Request of the Mayor to Call a Meeting of the Public Safety and Emergency Preparedness Political Reference Group	\$0	\$0	Consider.
J(21)	Request for an Extension to an Existing Liquor Licence – Armenian Community Centre, 45 Hallcrown Place, on behalf of Saint Mary Armenian Apostolic Church of Toronto	\$0	\$0	See Report Attached to Motion.
J(22)	Request for an Extension to an Existing Liquor Licence – Black Creek Pioneer Village, 1000 Murray Ross Parkway, on behalf of The Metis Arts Festival and the Celtic Sounds Festival	\$0	\$0	See Report Attached to Motion.
J(23)	Leaf Blower Use Restriction in the City of Toronto	\$0	\$0	Refer to Standing Committee. See FIS.
J(24)	Request of the Federal Government to Investigate Allegations of Active Chinese Agents in Canada	\$0	\$0	Consider.

Minutes of the Council of the City of Toronto  
July 19, 20, 21 and 26, 2005

<b>Motion #</b>	<b>Title</b>	<b>Operating \$ (net)</b>	<b>Capital \$ (net)</b>	<b>Comments</b>
J(25)	Rescinding Paid Parking at Parking Machines and Meters on Public Holidays	2005 - \$680,622 Future Year - \$1,247,807	\$0	Consider. See FIS.
J(26)	Appeal of Committee of Adjustment Decision - 400 Wellington Street West	\$0	\$0	See Report Attached to Motion.
J(27)	Reporting Procedure on Notices of Motions referred to Agencies, Boards and Commissions	\$0	\$0	Consider.
J(28)	Declaration of the 2005 Lake Shore Mardi Gras Festival as an Event of Municipal Significance	\$0	\$0	Consider.
J(29)	89 Kingsway Crescent – Application for Demolition under Section 34 of the Ontario Heritage Act – Ward 5 (Etobicoke - Lakeshore)	\$0	\$0	See Report Attached to Motion.
J(30)	Request for City Staff to Meet with Officials of the Greek Community of Toronto to Explore Opportunities to Provide Space for City Programming in the New Hellenic Cultural Centre at 411 Ellesmere Road	Up to \$140,000	\$0	Consider. See FIS.
J(31)	Liquor License Matters – 1468 Queen Street West - Jim's Tavern	\$0	\$0	See Report Attached to Motion.
J(32)	Renewal of Lease Agreement - 305 Dawes Road (Ward 31 – Beaches-East York)	\$0	\$0	See Report Attached to Motion.
J(33)	Appointments/Additions/Deletions to BIA Boards of Management (BIAs)	\$0	\$0	Consider.



<b>Motion #</b>	<b>Title</b>	<b>Operating \$ (net)</b>	<b>Capital \$ (net)</b>	<b>Comments</b>
J(34)	Final Report - Rezoning Application; Applicant: Greg Bettencourt, Bettencourt Designs Ltd., Architect: Greg Bettencourt, 82 Daniels (Ward 5 - Etobicoke-Lakeshore)	\$0	\$0	See Report Attached to Motion.
J(35)	Emery Village Business Improvement Area Entry Signs	\$0	\$0	Consider.
J(36)	Ontario Municipal Board Prehearing - 350 Danforth Road	\$0	\$0	See Report Attached to Motion.
J(37)	Amendment to Section 37 Agreement for 3 Windermere Avenue	\$0	\$0	See Report Attached to Motion.
J(38)	Preservation of Industrial Lands for Industrial Purposes	\$0	\$0	Consider.
J(39)	Change from Line of Credit Guarantee to Demand Loan Guarantee for the Toronto Botanical Garden Revitalization Plan	\$0	\$0	Consider.
J(40)	Expansion of Appreciation Awards for Neighbourhood Beautification	\$0	\$0	Consider.
J(41)	Proposal for Formal Technical Partnership Between the City of Toronto, Canada, with the City of Quito, Ecuador	\$0	\$0	Consider.
J(42)	Taking Action to Reduce the 'Heat Island Effect' in Toronto	\$0	\$0	Consider.
J(43)	Extension of Hours for Municipal Letter of Non-Objection for 594 College Street - Café Diplomatico	\$0	\$0	Consider.
J(44)	Inner City Outtripping Centre	2005 - \$0 Future Year - \$3,400	\$25,000	Consider. See FIS.

Minutes of the Council of the City of Toronto  
July 19, 20, 21 and 26, 2005

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<b>Motion #</b>	<b>Title</b>	<b>Operating \$ (net)</b>	<b>Capital \$ (net)</b>	<b>Comments</b>
J(45)	Licensing of Livery Vehicles	\$0	\$0	Consider.
J(46)	Personnel Matter Respecting the Integrity Commissioner			Confidential. See Confidential Report Attached to Motion.
J(47)	Grace Campus of the Scarborough Hospital	\$0	\$0	Consider.

**FISCAL IMPACT STATEMENT 1 [Notice of Motion I(2)]  
 (See Minute 8.104, Page 162)**

**Financial Implications:**

**Operating**

Current year impacts: \$ 0                       Future year impacts: \$ 3.3 million

Following year  
 Future years

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 T.B.D.

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(2) The hiring of 44 new Municipal Licensing and Standards Officers in 2006 be referred for consideration during the 2006 budget process.

- Consider                       Refer to Standing Committee

Submitted by: \_\_\_\_\_  
 Deputy City Manager and Chief Financial Officer

Date: July 20, 2005

**FISCAL IMPACT STATEMENT 2 [Notice of Motion J(1)]  
 (See Minute 8.105, Page 164)**

**Financial Implications:**

<input checked="" type="checkbox"/> <b>Operating</b>	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input checked="" type="checkbox"/> Future year impacts: \$ <u>TBD</u> _____ (net)
	<input type="checkbox"/> Following year
	<input checked="" type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input checked="" type="checkbox"/> <b>Capital</b>	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input checked="" type="checkbox"/> Future year impacts: \$ <u>TBD</u> _____ (net)
	<input type="checkbox"/> Following year
	<input checked="" 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(1) Should Council adopt this motion, potential future year financial impacts may include (but not be limited to) the administration, storage and maintenance of seized vehicles as well as depreciation costs in cases of non conviction. The magnitude of these costs will depend on the legal issues associated with the seized vehicles. The above impacts may be partially mitigated as a result of the deterrent affect related to street prostitution, other jurisdictions would have to be contacted to assess their experience.

- Consider
- Refer to Standing Committee

Submitted by: \_\_\_\_\_  
 Deputy City Manager and Chief Financial Officer

Date: July 19, 2005

**FISCAL IMPACT STATEMENT 3 [Notice of Motion J(2)]**  
**(See Minute 8.106, Page 166)**

**Financial Implications:**

<input checked="" type="checkbox"/> <b>Operating</b>	
<input checked="" type="checkbox"/> Current year impacts: \$ 0.00	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> <b>Capital</b>	
<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(2) The financial impact is anticipated to be nominal and will be accommodated within the Toronto Parking Authority's 2005 Operating Budget gross revenue. There will be no impact regarding the distribution of net revenue from the Toronto Parking Authority to the City.

- Consider
- Refer to Standing Committee

Submitted by: \_\_\_\_\_  
Deputy City Manager and Chief Financial Officer

Date: July 20, 2005

**FISCAL IMPACT STATEMENT 4 [Notice of Motion J(14)]  
(See Minute 8.115, Page 181)**

**Financial Implications:**

**Operating**

Current year impacts: \$ up to 10,000       Future year impacts: \$ \_\_\_\_\_

Following year  
 Future years

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 checked="" type="checkbox"/> Other T.B.D.

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 – J(14) The City Planning Staff be requested to prepare a report back to the Financial Planning Division addressing how the consultant costs can be accommodated within the 2005 budget.

- Consider       Refer to Standing Committee

Submitted by: \_\_\_\_\_  
Deputy City Manager and Chief Financial Officer

Date: July 20, 2005

**FISCAL IMPACT STATEMENT 5 [Notice of Motion J(19)]  
(See Minute 8.120, Page 191)**

**Financial Implications:**

<input type="checkbox"/> <b>Operating</b>	
<input type="checkbox"/> Current year impacts: \$ _____	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Balance Sheet Liability	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input checked="" type="checkbox"/> <b>Capital</b>	
<input checked="" type="checkbox"/> Current year impacts: \$ 0.00 _____ (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 checked="" type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

**Impacts/Other Comments:**

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notices of Motion – J(19) – Funding for the Expropriations of Interest in Land at the Southeast Corner of Bishop Avenue and Yonge Street will be made available within the existing Toronto Transit Commission’s 2005 Capital Budget, project CTT015 projected to be \$1,115,000 as per the Administration Committee Report 3, Clause 22.

- Consider
- Refer to Standing Committee

Submitted by: \_\_\_\_\_  
Deputy City Manager and Chief Financial Officer

Date: July 20, 2005

**FISCAL IMPACT STATEMENT 6 [Notice of Motion J(23)]  
(See Minute 8.124, Page 197)**

**Financial Implications:**

**Operating**

Current year impacts: \$0 \_\_\_\_\_  Future year impacts: \$ \_\_\_\_\_ (net)

Following year  
 Future years

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: \_\_\_\_\_ (net)  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(23) Policy Decision; refer to Standing Committee.

- Consider
- Refer to Standing Committee

Submitted by: \_\_\_\_\_  
Deputy City Manager and Chief Financial Officer

Date: July 20, 2005



**FISCAL IMPACT STATEMENT 7 [Notice of Motion J(25)]**  
**(See Minute 8.126, Page 201)**

**Financial Implications:**

<input checked="" type="checkbox"/> <b>Operating</b>	
<input checked="" type="checkbox"/> Current year impacts: <u>\$680,622</u>	<input checked="" type="checkbox"/> Future year impacts: \$ <u>1,247,807</u> (net)
	<input checked="" type="checkbox"/> Following year
	<input checked="" type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> <b>Capital</b>	
<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(25) The 2005 revenue impact to the TPA is estimated at \$540,000 (6 statutory holidays – August 1 to December 31 multiplied by \$90,000 per holiday). This will translate into a net revenue reduction to the City of \$405,000 (75% \* \$540,000) for 2005. The 2006 net revenue impact to the TPA is estimated at \$990,000 (11 statutory holidays multiplied by \$90,000 per holiday). For 2006, this will translate into a net revenue loss of \$742,500 (75% \* \$990,000) for the City. In addition, there is lost net revenue due to Parking Tags which is estimated at \$275,622 in 2005, and \$505,000 in 2006. This analysis is based on 11 statutory holidays per year.

- Consider
- Refer to Standing Committee

Submitted by: \_\_\_\_\_  
Deputy City Manager and Chief Financial Officer

Date: July 20, 2005

**FISCAL IMPACT STATEMENT 8 [Notice of Motion J(30)]**  
**(See Minute 8.131, Page 210)**

**Financial Implications:**

**Operating**

Current year impacts: \$ up to 140,000       Future year impacts: \$ \_\_\_\_\_

Following year  
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input checked="" type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other T.B.D.

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 – J(30) The forgone revenue from the building permit fee for the New Hellenic Cultural Centre would be up to \$140,000. Parks and Recreation currently has no plans to utilize the space at the New Hellenic Cultural Centre at this time.

- Consider       Refer to Standing Committee

Submitted by: \_\_\_\_\_  
Deputy City Manager and Chief Financial Officer

Date: July 20, 2005

**FISCAL IMPACT STATEMENT 9 [Notice of Motion J(44)]  
(See Minute 8.145, Page 237)**

**Financial Implications:**

<input checked="" type="checkbox"/> <b>Operating</b>	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input checked="" type="checkbox"/> Future year impacts: \$3,400 _____ (net)
	<input checked="" type="checkbox"/> Following year
	<input checked="" type="checkbox"/> Future years
<input checked="" type="checkbox"/> Funding sources (specify):	
<input checked="" type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input checked="" type="checkbox"/> <b>Capital</b>	
<input checked="" type="checkbox"/> Current year impacts: \$25,000 _____ (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 checked="" type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input checked="" 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(44) – Currently, Parks, Forestry & Recreation spends \$7,000 to rent from May to September a vehicle that will meet the transportation needs of the Inner City Outtripping Centre. The acquisition of a van (\$50,000 funded from donations of \$25,000 and the remaining \$25,000 from the Ontario Works Incentive Fund) for this purpose would result in yearly operating costs (including fleet reserve contributions) of \$11,400. The net annual operating impact is \$3,400.

- Consider
- Refer to Standing Committee

Submitted by: \_\_\_\_\_  
Deputy City Manager and Chief Financial Officer

Date: July 20, 2005