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These Minutes are to be confirmed by City Council.

MINUTES OF THE COUNCIL OF THE CITY OF TORONTO

**MONDAY, DECEMBER 5, 2005,
TUESDAY, DECEMBER 6, 2005, AND
WEDNESDAY, DECEMBER 7, 2005**

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

CALL TO ORDER - 9:37 a.m.

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

The meeting opened with *O Canada*.

12.2 CONFIRMATION OF MINUTES

Councillor Holyday, seconded by Councillor De Baeremaeker, moved that the Minutes of the Council meeting held on the 26th, 27th, 28th and 31st days of October, 2005, and the Minutes of the special Council meeting held on the 24th day of November, 2005, be confirmed in the form supplied to the Members, which carried.

12.3 PETITION

Councillor Thompson, with the assistance of the Members of the Scarborough Community Council, submitted a banner petition, entitled “We’re on Track”, signed by 380 residents of the Scarborough Community Council area, in support of the expansion of the Bloor-Danforth Subway into the Scarborough Community Council area of the City of Toronto.

The above petition was received.

PRESENTATION OF REPORTS**December 5, 2005:**

12.4 Councillor Hall presented the following Reports for consideration by Council:

Deferred Clauses from July 19, 20, 21 and 26, 2005:

Administration Committee Report 6, Clause 28d,
Audit Committee Report 3, Clause 12c,
Etobicoke York Community Council Report 6, Clause 8d, and
North York Community Council Report 6, Clauses 8d and 23d.

Deferred Clauses from September 28, 29 and 30, 2005:

Policy and Finance Committee Report 8, Clause 47c, and
Economic Development and Parks Committee Report 8, Clause 18c.

Deferred Clauses from October 26, 27, 28 and 31, 2005:

Policy and Finance Committee Report 9, Clauses 31b, 34b, 43b and 46b,
Economic Development and Parks Committee Report 9, Clause 2b,
Works Committee Report 9, Clause 1b,
Etobicoke York Community Council Report 8, Clause 19a, and
North York Community Council Report 8, Clause 30b.

New Committee Reports:

Policy and Finance Committee Report 10,
Policy and Finance Committee Report 11,
Administration Committee Report 9,
Audit Committee Report 4,
Board of Health Report 8,
Community Services Committee Report 9,
Economic Development and Parks Committee Report 10,
Planning and Transportation Committee Report 10,
Works Committee Report 10,
Works Committee Report 11, and
Joint Administration Committee and Planning and Transportation Committee
Report 1.

New Community Council Reports:

Etobicoke York Community Council Report 9,
North York Community Council Report 9,
Scarborough Community Council Report 9, and
Toronto and East York Community Council Report 9,

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

December 5, 2005:

- 12.5 Councillor Hall, with the permission of Council, presented the following Reports for the consideration of Council:

Planning and Transportation Committee Report 11, and
Joint Planning and Transportation Committee and Works Committee Report 2,

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

Deputy Mayor Bussin in the Chair.

December 7, 2005:

- 12.6 Deputy Mayor Pantalone, with the permission of Council, presented the following Report for the consideration of Council:

Striking Committee Report 5,

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

Mayor Miller in the Chair.

12.7 **DECLARATIONS OF INTEREST**

Councillor McConnell declared her interest in Policy and Finance Committee Report 10, Clause 29, headed "Funding Approvals for the 2006 Supports to Daily Living (SDL) Program", in that her husband is the Executive Director of the Riverdale Action Group, a housing provider for women at risk.

Councillor Shiner declared his interest in Planning and Transportation Committee Report 10, Clause 10, headed “Toronto Heritage Grant Program - 2005 Grant Awards”, in that his family owns property that is being considered for designation as a heritage property; and in Motion J(41), moved by Councillor Chow, seconded by Deputy Mayor Pantalone, respecting authority to enter into Agreements with the Owners of 533 Richmond Street West and 51 Bathurst Street under Section 45(9) of the *Planning Act*, in that his family owns property in the immediate area.

Councillor Walker declared his interest in Policy and Finance Committee Report 9, Deferred Clause 34b, headed “Update on Status of Discussions with Toronto Port Authority Concerning Payments in Lieu of Taxes”, and in Works Committee Report 11, Clause 3, headed “Port Lands Secondary Plan - Bicycle Infrastructure”, in that his daughter is an employee of the Toronto Port Authority.

CONSIDERATION OF REPORTS CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION

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

Administration Committee Report 6, Deferred Clause 28d.

Audit Committee Report 3, Deferred Clause 12c.

Etobicoke York Community Council Report 6, Deferred Clause 8d.

North York Community Council Report 6, Deferred Clauses 8d and 23d.

Policy and Finance Committee Report 8, Deferred Clause 47c.

Economic Development and Parks Committee Report 8, Deferred Clause 18c.

Policy and Finance Committee Report 9, Deferred Clauses 31b, 34b, 43b and 46b.

Economic Development and Parks Committee Report 9, Deferred Clause 2b.

Works Committee Report 9, Deferred Clause 1b.

Etobicoke York Community Council Report 8, Deferred Clause 19a.

North York Community Council Report 8, Deferred Clause 30b.

Policy and Finance Committee Report 10, Clauses 1, 2, 3, 4, 5, 6, 8, 9, 13, 14, 17, 18, 32, 33, 34, 35, 36, 37, 39 and 43.

Policy and Finance Committee Report 11, Clause 1.

Administration Committee Report 9, Clauses 1, 2, 5, 6, 8, 9, 11, 13 and 16.

Audit Committee Report 4, Clauses 1, 3, 4 and 6.

Board of Health Report 8, Clause 2.

Community Services Committee Report 9, Clauses 8, 9, 11, 12 and 13.

Economic Development and Parks Committee Report 10, Clauses 2, 5, 6, 8 and 11.

Planning and Transportation Committee Report 10, Clauses 1, 3, 8, 9 and 10.

Planning and Transportation Committee Report 11, Clauses 1 and 2.

Works Committee Report 11, Clauses 2, 3, 6, 7, 12, 14 and 16.

Joint Administration Committee and Planning and Transportation Committee Report 1,
Clause 1.

Joint Planning and Transportation Committee and Works Committee Report 2, Clauses 1,
2 and 4.

Etobicoke York Community Council Report 9, Clauses 4, 12, 24, 25, 28 and 29.

North York Community Council Report 9, Clauses 2, 15 and 21.

Scarborough Community Council Report 9, Clauses 5, 6 and 8.

Toronto and East York Community Council Report 9, Clauses 1, 4, 10, 11, 15, 16, 18, 29, 30,
42, 43, 56, 64 and 69.

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

Policy and Finance Committee Report 8, Deferred Clause 47c.

Economic Development and Parks Committee Report 9, Deferred Clause 2b.

Policy and Finance Committee Report 10, Clauses 9, 33 and 36.

Administration Committee Report 9, Clauses 2, 5 and 6.

Audit Committee Report 4, Clauses 4 and 6.

Economic Development and Parks Committee Report 10, Clauses 2, 6, 8 and 11.

Planning and Transportation Committee Report 10, Clauses 3 and 9.

Planning and Transportation Committee Report 11, Clause 2.

Works Committee Report 11, Clauses 6 and 14.

Joint Administration Committee and Planning and Transportation Committee Report 1, Clause 1.

Scarborough Community Council Report 9, Clauses 6 and 8.

Toronto and East York Community Council Report 9, Clauses 1 and 16.

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

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

Toronto and East York Community Council Report 9, Clause 7. (See Minute 12.19, Page 15).

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

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

Motion:

Councillor Stintz moved that the Clause be received, as the application for encroachment has been withdrawn.

Vote:

The motion by Councillor Stintz carried.

- 12.10 **Policy and Finance Committee Report 9, Deferred Clause 31b, headed “Toronto Transit Commission - Streetcar Fleet Plan”.**

Motions:

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

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

- (b) Councillor Watson moved that the Clause be amended by deleting the recommendation of the Policy and Finance Committee and inserting instead the following:

“That Council adopt the recommendation of the Budget Advisory Committee contained in the communication (October 14, 2005).”

Disposition:

As Council did not conclude its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the special meeting of Council on December 14, 2005.

Council also adopted the following procedural motion:

Moved by Councillor Soknacki:

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

12.11 Policy and Finance Committee Report 10, Clause 5, headed “Remuneration for Citizen Appointees to Enwave Energy Corporation”.

Vote:

The Clause was adopted, without amendment.

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

12.12 Etobicoke York Community Council Report 8, Deferred Clause 19a, headed “Amendments to the Existing Regulations in the Vicinity of Paulson Road, King Georges Drive and Trethewey Drive (Ward 12 - York South-Weston)”.

Motion:

Councillor Di Giorgio moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (November 28, 2005) from the General Manager, Transportation Services:

“It is recommended that:

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

Votes:

The motion by Councillor Di Giorgio carried.

The Clause, as amended, carried.

- 12.13 **Etobicoke York Community Council Report 9, Clause 24, headed “Final Report and Supplementary Report - Official Plan Amendment and Rezoning Application; Applicant: Reza Nasab, York Development Co., 1759 and 1761 Lawrence Avenue West (Ward 12 - York South-Weston)”.**

Motion:

Councillor Di Giorgio moved that the Clause be amended by adding the following:

“That:

- (1) the Director, Community Planning, Etobicoke York District, be requested to prepare a revised draft Official Plan amendment and a revised Zoning By-law amendment in support of the approval;
- (2) the City Solicitor be authorized to make such stylistic and technical changes to the draft Official Plan amendment and draft Zoning By-law amendment as may be required; and
- (3) prior to the introduction of the necessary Bills in Council for enactment:
 - (a) a dedication of lands for a 5.0 metre right-of-way radius at the southwest corner of Lawrence Avenue West and Renfield Street, for future intersection improvement purposes, be required; and
 - (b) fulfillment of all the Notice of Approval Conditions for Site Plan Approval be required.”

Votes:

The motion by Councillor Di Giorgio carried.

The Clause, as amended, carried.

12.14 Planning and Transportation Committee Report 10, Clause 10, headed “Toronto Heritage Grant Program - 2005 Grant Awards”.

Motion:

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

Votes:

The motion by Councillor Rae carried.

Adoption of Clause, as amended:

Yes - 38 Mayor: Miller

Councillors:	Altobello, Ashton, Augimeri, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Walker, Watson
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No - 4 Councillors:	Ford, Holyday, Mammoliti, Thompson
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Carried by a majority of 34.

12.15 Community Services Committee Report 9, Clause 11, headed “Community Services Grant Program - 2005 Appeals Recommendations”.

Vote:

The Clause was adopted, without amendment.

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

12.16 Community Services Committee Report 9, Clause 12, headed “Food Security Investment Program - 2005 Allocations”.

Vote:

The Clause was adopted, without amendment.

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

12.17 Community Services Committee Report 9, Clause 13, headed “Service Development Investment Program - 2005 Allocations”.

Vote:

The Clause was adopted, without amendment.

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

12.18 Policy and Finance Committee Report 9, Deferred Clause 43b, headed “Application Submission: Safer Communities - 1,000 Officers Partnership Program”.

Deputy Mayor Pantalone in the Chair.

Motions:

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

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

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

(2) adding the following:

“That the Toronto Police Services Board be requested report to the next meeting of the Policy and Finance Committee on January 23, 2006, on:

(a) how quickly the entire 250 Police Officers can be recruited and trained; and

(b) a plan to return the complement of the Toronto Police Service to the same number of Police Officers as it had in 1992, such report to include all costs associated and the timetable to hire and train new Police Officers as expeditiously as possible.”

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

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

(1) on the number of retired police officers and other staff deployed from Police Departments placed in Police Divisions to address the need for officers on the street; and

(2) with respect to the requested surplus of \$4.3 million approved in September 2005, which was to finance further police increases, how much of this will be available at year end to hire the needed officers.”

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

“That the Toronto Police Services Board be requested to report to City Council for its meeting on January 31, 2006, through the Policy and Finance Committee, on where the 1,000 Police Officers, as they relate to the City of Toronto, will be deployed, the ratio between the number of Police Officers allocated per Police Division in the City, and the actual crime rates related to those Divisions.”

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

“That the Toronto Police Services Board be requested report to the next meeting of the Policy and Finance Committee on January 23, 2006, on the number of Police Officers in place at December 31, 2005, and the projected number of Police Officers to be in place at the end of each quarter in 2006 and 2007.”

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

“That the Toronto Police Services Board be requested to report to City Council for its meeting on January 31, 2006, through the Policy and Finance Committee, on the number of new Officers to be funded under this program that may be assigned to Scarborough Police Divisions 41, 42 and 43.”

- (f) Councillor Saundercook moved that the Clause be amended by adding the following:

“That the Toronto Police Services Board be requested to report to the Community Services Committee before any youth program is postponed or cancelled.”

- (g) Councillor Cho moved that the Clause be amended by adding the following:

“That the Toronto Police Services Board be requested report to the next meeting of the Policy and Finance Committee on January 23, 2006, on the number of Police Officers the number of Police Officers specifically trained by the Police Training College in community policing, the maximum number of trainees in community policing that the Police Training College can accommodate per year, and a breakdown of the multicultural component of each trainee.”

Permission to Withdraw Motions:

Councillor Saundercook, with the permission of Council, withdrew his motion (f).

Councillor Pitfield, with the permission of Council, withdrew her motion (b).

Votes:

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

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

Carried by a majority of 25.

The balance of motion (a) by Councillor Shiner, and motions (c), (d), (e) and (g) by Councillors Mammoliti, Ootes, Kelly and Cho, respectively, carried.

Adoption of Clause, as amended:

Yes - 40	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

Summary:

In summary, Council amended this Clause by:

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

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

“That the Toronto Police Services Board be requested to:

- (a) report to the next meeting of the Policy and Finance Committee on January 23, 2006, on:
 - (i) how quickly the entire 250 Police Officers can be recruited and trained;
 - (ii) the number of Police Officers specifically trained by the Police Training College in community policing, the maximum number of trainees in community policing that the Police Training College can accommodate per year, and a breakdown of the multicultural component of each trainee;
 - (iii) a plan to return the complement of the Toronto Police Service to the same number of Police Officers as it had in 1992, such report to include all costs associated and the timetable to hire and train new Police Officers as expeditiously as possible; and
 - (iv) the number of Police Officers in place at December 31, 2005, and the projected number of Police Officers to be in place at the end of each quarter in 2006 and 2007; and
- (b) report to City Council for its meeting on January 31, 2006, through the Policy and Finance Committee, on:
 - (i) the number of new Officers to be funded under this program that may be assigned to Scarborough Police Divisions 41, 42 and 43; and
 - (ii) where the 1,000 Police Officers, as they relate to the City of Toronto, will be deployed, the ratio between the number of Police Officers allocated per Police Division in the City, and the actual crime rates related to those Divisions.”

Mayor Miller in the Chair.

- 12.19 **Toronto and East York Community Council Report 9, Clause 7, headed “Final Report - Official Plan Amendment and Rezoning Application - 1042-1048 Broadview Avenue (Ward 29 - Toronto-Danforth)”.**

December 5, 2005:

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

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

December 6, 2005:

Deputy Mayor Feldman in the Chair.

Motion:

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

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

Votes:

The motion by Councillor Ootes carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

12.20 Toronto and East York Community Council Report 9, Clause 29, headed “Boulevard Cafe - Ok Ok Diner Inc. Operating as Okay Okay - 1128 Queen Street East (Ward 30 - Toronto-Danforth)”.

The Clause was submitted without recommendation.

Motion:

Councillor Fletcher moved that City Council grant the application for a boulevard café licence at 1128 Queen Street East.

Vote:

The motion by Councillor Fletcher carried.

The Clause, as amended, carried.

12.21 Works Committee Report 11, Clause 3, headed “Port Lands Secondary Plan - Bicycle Infrastructure”.

Motion:

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

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

Votes:

The motion by Councillor Fletcher carried.

The Clause, as amended, carried.

12.22 North York Community Council Report 8, Deferred Clause 30b, headed “Request for Investigation of Breach of Procedure By-law and Council Code of Conduct”.

The Clause was submitted without recommendation.

Deputy Mayor Pantalone in the Chair.

Motions:

(a) Councillor Moscoe moved that the Clause be received.

(b) Councillor Shiner moved that Council adopt the following:

“That City Council request the Integrity Commissioner to investigate for a breach of Chapter 27 of the City of Toronto Municipal Code, Council Procedures, and the Code of Conduct for Members of Council with respect to disclosing the content of the matter of substance of deliberation of the in-camera meeting.”

- (c) Councillor Carroll moved that consideration of this Clause be postponed until the result of the investigation by the Integrity Commissioner regarding this issue is submitted to Council.

Mayor Miller in the Chair.

Vote on Motion to Postpone:

Adoption of motion (c) by Councillor Carroll:

Yes - 25	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Thompson, Walker
No - 14	
Councillors:	Feldman, Ford, Grimes, Hall, Li Preti, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Stintz

Carried by a majority of 11.

Due to the above decision of Council, motions (a) and (b) by Councillors Moscoe and Shiner, respectively, were not put to a vote.

Summary:

In summary, City Council postponed consideration of this Clause until the result of the investigation by the Integrity Commissioner regarding this issue is submitted to Council.

Deputy Mayor Pantalone in the Chair.

12.23 Policy and Finance Committee Report 10, Clause 6, headed “Membership in the Great Lakes and St. Lawrence Cities Initiative”.

Motion:

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

“That:

- (1) the Mayor be requested to place the Western Hemisphere Travel Initiative on the agenda of the Great Lakes and St. Lawrence Cities agenda for its meeting on December 12 and 13, 2005, as an emergent issue; and

- (2) City Council solicit support from all United States member municipalities to lobby Congress to modify home land security regulations to mitigate the devastating effects of the Passport regulations on the Canadian and United States economies.”

Ruling by Deputy Mayor:

Deputy Mayor Pantalone ruled the motion by Councillor Moscoe out of order, as the Clause only relates to membership in the Great Lakes and St. Lawrence Cities Initiative.

Vote:

The Clause was adopted, without amendment.

Deputy Mayor Feldman in the Chair.

12.24 Policy and Finance Committee Report 10, Clause 14, headed “Proposed Soccer Stadium at Exhibition Place, Designation as Municipal Capital Facility”.

Motions:

- (a) Councillor Watson moved that consideration of the Clause be postponed until the next regular meeting of City Council on January 31, 2006, and the Deputy City Manager and Chief Financial Officer be requested to report further to that meeting on the exact value of the financial benefits that will be bestowed upon the private sector as a consequence of declaring this facility a Municipal Capital Facility.
- (b) Councillor Shiner moved that motion (a) by Councillor Watson be amended by adding the words “such report to also address the fees to be charged for the use of the Stadium by all community groups and all public users”.

Vote on Motions to Postpone:

Adoption of motion (b) by Councillor Shiner:

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

Carried by a majority of 19.

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

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

Lost by a majority of 2.

Motions:

- (c) Councillor Del Grande moved that the Clause be received.
- (d) Councillor Li Preti moved that the Clause be amended by adding the following:

“That the Deputy City Manager and Chief Financial Officer, in consultation with the Acting Executive Director, Economic Development, be requested to report to Council, through the Policy and Finance Committee, no later than May 2006, on specific costs which will be incurred by user groups across the City in their use of the soccer facility.”

- (e) Councillor Nunziata moved that motion (d) by Councillor Li Preti be amended by adding the words “and, in the event that the fees for community use for this facility are increased from the amount as set out in the requested report, these fees be sent to Council for approval”.

- (f) Councillor Ootes moved that the Clause be amended by adding the following:

“That the Deputy City Manager and Chief Financial Officer be requested to report to the Policy and Finance Committee for its next meeting on January 23, 2006, on the value of the financial benefits to be bestowed upon the private sector as a consequence of declaring this facility a Municipal Capital Facility.”

Ruling by Deputy Mayor:

Deputy Mayor Feldman ruled the motion (e) by Councillor Nunziata out of order, as the Clause only relates to designating the proposed Soccer Stadium at Exhibition Place as a municipal capital facility.

Votes:

Adoption of motion (c) by Councillor Del Grande:

Yes - 11	
Councillors:	Del Grande, Ford, Jenkins, Kelly, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Walker, Watson
No - 27	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Feldman, Filion, Fletcher, Grimes, Hall, Holyday, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Palacio, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz

Lost by a majority of 16.

Adoption of motion (d) by Councillor Li Preti:

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

Carried by a majority of 21.

Adoption of motion (f) by Councillor Ootes:

Yes - 24	
Councillors:	Ashton, Cowbourne, Del Grande, Feldman, Ford, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 15	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Grimes, Mihevc, Moscoe,

Pantalone, Rae

Carried by a majority of 9.

Adoption of Clause, as amended:

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

Carried by a majority of 19.

Summary:

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

“That:

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

Mayor Miller in the Chair.

12.25 Planning and Transportation Committee Report 10, Clause 1, headed “Final Report - Scarborough Centre Secondary Plan Review Scarborough Centre Secondary Plan (Official Plan Amendment No. 1146), North of Ellesmere Road, South of Highway 401, West of Bellamy Road and East (including properties on or near the west side) of Brimley Road (Wards 37 & 38 - Scarborough Centre)”.

Motion:

Councillor De Baeremaeker moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (December 5, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that City Council:

- (1) authorize adjustments to the proposed Official Plan and Zoning By-law amendments and to the Parkland Dedication By-law to address the concerns raised by Urban Strategies Inc., representing the owners of 111 Grangeway Avenue, Oxford Properties Group, representing the owners of the Scarborough Town Centre Mall, Kentridge Johnson Limited Planning Consultants, representing Kraft Canada Inc. (Dads Cookies Bakery) and Transmetro Properties Ltd., and, accordingly, to adopt the recommendations of this report in place of the recommendations set out in the report of the Chief Planner and Executive Director, City Planning dated October 24, 2005;
- (2) amend the Official Plan (City Centre Secondary Plan) for the former City of Scarborough Official Plan substantially in accordance with the revised draft Official Plan Amendment No. 1146 attached as Attachment No. 1;
- (3) amend the Employment Districts Zoning By-law No. 24982 (Progress), as amended, for the former City of Scarborough substantially in accordance with the revised draft Zoning By-law Amendment attached as Attachment No. 2;
- (4) enact an Alternative Parkland Dedication By-law for the Scarborough Centre which implements an alternative parkland rate of 0.4 hectares per 300 dwelling units for residential development but not less than 5 percent of the land area, substantially in accordance with the draft By-law attached as Attachment No. 3 and further the taking of cash in lieu of parkland shall be discouraged and wherever possible the City will insist on actual parkland dedication;
- (5) direct the City Solicitor to request the Ontario Municipal Board to modify the Official Plan of the City of Toronto to incorporate the proposed Scarborough Centre Secondary Plan (attached as Attachment No. 1) with appropriate amendments;

- (6) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment, the draft Zoning By-law Amendment and the draft Alternative Parkland Dedication By-law, as may be required; and
- (7) determine that pursuant to Section 34(17) of the *Planning Act*, no further public notice regarding the proposed amendments to the Official Plan and Zoning By-law is necessary.”

Votes:

The motion by Councillor De Baeremaeker carried.

The Clause, as amended, carried.

12.26 Toronto and East York Community Council Report 9, Clause 11, headed “Status Report - Terms of Reference - Bloor Annex Corridor Visioning Study (Wards 19 and 20 - Trinity-Spadina)”.

Motion:

Deputy Mayor Pantalone moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (December 1, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that Council:

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

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

12.27 Joint Planning and Transportation Committee and Works Committee Report 2, Clause 2, headed “Development Infrastructure Policy and Standards - Phase 2 Report”.

Motion:

Councillor Carroll moved that the Clause be amended by striking out and referring the following Joint Recommendations (2) and (5) of the Planning and Transportation Committee and Works Committee, to the Works Committee for further consideration:

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

Votes:

The motion by Councillor Carroll carried.

The Clause, as amended, carried.

12.28 Scarborough Community Council Report 9, Clause 5, headed “Request for Direction - Site Plan Control Application 04 150629 ESE 43 SA Greencrest Investments Inc. 4314 Kingston Road (Ward 43 - Scarborough East)”.

Motion:

Councillor Soknacki moved that consideration of the Clause be postponed to the next regular meeting of City Council on January 31, 2006, and the Acting General Manager, Solid Waste Management, be requested to submit a further report on the issues raised at Scarborough Community Council.

Vote:

The motion by Councillor Soknacki carried.

12.29 Etobicoke York Community Council Report 9, Clause 25, headed “Applications for a Sign By-law Exemption and an Encroachment Agreement - 1630 Lawrence Avenue West (Ward 12 - York South-Weston)”.

The Clause was submitted without recommendation.

Motion:

Councillor Di Giorgio moved that the applications for an exemption to the former North York Sign By-law and to enter into an encroachment agreement with the City for the purposes of erecting a double-sided illuminated sign be approved.

Votes:

The motion by Councillor Di Giorgio carried.

The Clause, as amended, carried.

12.30 Policy and Finance Committee Report 10, Clause 18, headed “Request for Quotation 6902-05-3261 - Gasoline, Diesel Fuels and Biodiesel Fuels - 2006”.

Motion:

Councillor Fletcher moved that the Clause be amended by amending the staff recommendations contained in the Recommendations Section of the report (October 22, 2005) from the Treasurer, the Chief Corporate Officer, and the Medical Officer of Health, by:

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

so that the staff recommendations now read as follows:

“It is recommended that:

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

Votes:

The motion by Councillor Fletcher carried.

The Clause, as amended, carried.

12.31 North York Community Council Report 9, Clause 2, headed “Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to Permit Driveway Widening for a Second Parking Space at 349 Briar Hill Avenue (Ward 16 - Eglinton-Lawrence)”.

Motion:

Councillor Stintz moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (December 5, 2005) from the City Solicitor:

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

- ‘(g) the applicant acknowledging in writing in the agreement required to be entered into with the City of Toronto that he/she will notify any future purchaser and mortgagee of 349 Briar Hill Avenue, that the driveway widening for a second parking space was permitted by the City of Toronto pursuant to certain conditions, that the permit cannot automatically be transferred to the new owner or mortgagee, and that the new owner of the property must contact the City of Toronto, Transportation Services, to ascertain the legal status and validity of the second parking space, whether there are any unpaid fees and charges, and, if applicable, apply for a permit to maintain and use the second parking space.’ ”

Votes:

The motion by Councillor Stintz carried.

The Clause, as amended, carried.

Deputy Mayor Feldman in the Chair.

12.32 Policy and Finance Committee Report 11, Clause 1, headed “Report of the Governing Toronto Advisory Panel – “The City We Want – The Government We Need”.

Motions:

- (a) Councillor Walker moved that:
 - (1) the Clause be referred to the Community Councils for consideration and the hearing of speakers at their meetings on February 7, 2006, and report to City Council, through the Policy and Finance Committee, and, in the interim, the City Manager be requested to initiate a consultation process with citizens of the City of Toronto on this report; or
 - (2) in the event Part (1) fails, the Clause be amended by:
 - (a) deleting the following Recommendation (1)(i) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:

“(1)(i) increase City Council’s term of office from three years to four years;”,
 - and reaffirming City Council’s current 3-year Term of Office;

- (b) deleting the following Recommendation (2)(i) of the report (November 5, 2005) of the Governing Toronto Advisory Panel respecting the establishment of an Executive Committee:

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

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

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

- (c) deleting the following Recommendation (2)(iii) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:

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

- (d) deleting the following Recommendation (3)(iv) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:

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

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

- (e) deleting the following Recommendation (3)(x) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:

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

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

- (f) deleting the following Recommendation (7)(i) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:

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

and inserting instead the following:

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

- (b) Councillor Cho moved that Part (1) of motion (a) by Councillor Walker be amended by deleting the date “February 7, 2006”, and inserting instead the date “May 9, 2006”, so the report will be considered by City Council at its meeting on May 23, 2006.

Vote on Referral:

Adoption of motion (b) by Councillor Cho:

Yes - 18 Councillors:	Ashton, Cho, Del Grande, Ford, Holyday, Jenkins, Li Preti, Milczyn, Minnan Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Stintz, Thompson, Walker, Watson
No - 24 Mayor: Councillors:	Miller Altobello, Augimeri, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Feldman, Fillion, Fletcher, Giambrone, Grimes, Hall, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Rae, Saundercook

Lost by a majority of 6.

Adoption of Part (1) of motion (a) by Councillor Walker, without amendment:

Yes - 17	
Councillors:	Cho, Del Grande, Ford, Holyday, Jenkins, Kelly, Li Preti, Minnan Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Stintz, Thompson, Walker, Watson
No - 26	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Hall, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Saundercook

Lost by a majority of 9.

Motions:

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

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

- (d) Councillor Mammoliti moved that the Clause be amended by adding the following:
- “That the City Manager, in consultation with the City Clerk, be requested to report to the Policy and Finance Committee, on a critic system for all Standing Committees, Community Councils, City Council and the Toronto Transit Commission.”
- (e) Councillor Minnan-Wong moved that:
- (1) the Clause be received; or
 - (2) if Part (1) fails, the Clause be amended by:
 - (a) deleting the following Recommendation (2)(iv) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:

“(2)(iv) receive advice and analytical support from a dedicated office consisting of professional, non partisan staff, free of obligations to individual programs;”; and
 - (b) amending Recommendation (3)(iv) of the report (November 5, 2005) of the Governing Toronto Advisory Panel, as follows:
 - (1) by deleting the word “remove”, after the word, “and”; and
 - (2) by deleting the words “Community Councils”, after the words “Standing Committees”,so that Recommendation (3)(iv) now reads as follows:

“(3)(iv) appoint the Chairs and Vice-Chairs of Standing Committees, the Toronto Transit Commission and the Deputy Mayor.”; and
- (3) (a) Chapter 27 of the Municipal Code, Council Procedures, be varied so that consideration of Recommendation (8) of the Governing Toronto Advisory Panel be removed from the Policy and Finance Committee and taken up by City Council; and
- (b) subject to Part (a) carrying, that Recommendation (8) of the Governing Toronto Advisory Panel be received.

- (f) Councillor Hall moved that the Clause be amended by amending Recommendation (9) of the Governing Toronto Advisory Panel to provide that a process be developed that will enable Councillors full input into the development of the budget prior to it reaching City Council.
- (g) Councillor Del Grande moved that the Clause be amended by adding the following:
“That Council adopt the following motion:

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

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

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

Deputy Mayor Bussin in the Chair.

Deputy Mayor Feldman in the Chair.

- (h) Councillor Holyday moved that:
- (1) the Part (2)(b) of motion (a) by Councillor Walker be amended by adding at the end of his revised Recommendation (2)(i) the words “by selecting from the Chairs of the Community Councils”; and
 - (2) the Clause be amended by:
 - (a) deleting the following Recommendation (1)(v) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:

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

- (b) amending the preamble to Recommendation (2) to read as follows:
 - “(2) Elect an Executive Committee chaired by the Mayor and elected by district with responsibility for furthering the City’s agenda.”;
- (c) deleting the following Recommendation (4)(ii) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:
 - “(4)(ii) committee chairs would be expected to champion the recommendations of their Standing Committees at City Council;”;
- (d) deleting the following Recommendation (4)(iv) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:
 - “(4)(iv) form a new Standing Committee focusing on economic development and competitiveness.”;
- (e) amending Recommendation (7)(i) of the report (November 5, 2005) of the Governing Toronto Advisory Panel, to read as follows:
 - “(7)(i) City Council change the Wards to reflect the Federal/Provincial boundaries and reject at large election of Councillors to help ensure that marginalized communities are not further disadvantaged;”;
- (f) deleting the following Recommendation (10)(i) of the report (November 5, 2005) of the Governing Toronto Advisory Panel:
 - “(10)(i) City Council must act immediately to create a new Standing Committee, the Economic Development and Competitiveness Committee; and”;
- (g) amending Recommendation (5)(iv) of the report (November 5, 2005) of the Governing Toronto Advisory Panel, to read as follows:
 - “(5)(iv) meet in the evening, when necessary;”.
- (i) Councillor Thompson moved that the Clause be amended by adding the following:
 - “That the City Manager include in her report on implementation details, the possibility of establishing political parties in the City of Toronto.”

Mayor Miller in the Chair.

- (j) Councillor Davis moved that the Clause be amended by amending the lead-in phrase to Recommendation (II) of the Policy and Finance Committee by adding the following:

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

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

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

Deputy Mayor Bussin in the Chair.

- (k) Councillor Ootes moved that the Clause be amended by deleting Recommendation (2)(i) of the report (November 5, 2005) of the Governing Toronto Advisory Panel and inserting instead the following:

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

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

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

Deputy Mayor Pantalone in the Chair.

Deputy Mayor Bussin in the Chair.

- (m) Councillor Palacio moved that the Clause be amended by deleting Recommendation (2)(i) of the report (November 5, 2005) of the Governing Toronto Advisory Panel and inserting instead the following:

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

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

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

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

(o) Councillor Jenkins moved that Part (3)(b) of motion (e) by Councillor Minnan-Wong be amended by adding the following words:

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

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

and that such recommendation be adopted.”

Mayor Miller in the Chair.

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

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

(q) Councillor Soknacki moved that the Clause be amended by:

- (1) amending Recommendation (2)(i) of the report (November 5, 2005) of the Governing Toronto Advisory Panel by deleting the words “Chair of the

Toronto Transit Commission”, and inserting instead the words “representative from each of the Toronto Transit Commission and the Toronto Police Services Board”; and

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

Deputy Mayor Bussin in the Chair.

(r) Councillor Kelly moved that:

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

Votes:

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

Yes - 41	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 40.

Adoption of Part (1) of motion (e) by Councillor Minnan-Wong:

Yes - 12 Councillors:	Del Grande, Ford, Holyday, Jenkins, Li Preti, Minnan-Wong, Nunziata, Ootes, Palacio, Shiner, Stintz, Thompson
No - 30 Mayor: Councillors:	Miller Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Walker, Watson

Lost by a majority of 18.

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

Yes - 36 Mayor: Councillors:	Miller Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Walker, Watson
No - 6 Councillors:	Holyday, Jenkins, Minnan-Wong, Shiner, Stintz, Thompson

Carried by a majority of 30.

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

Yes - 34 Mayor: Councillors:	Miller Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Walker, Watson
No - 8 Councillors:	Ford, Holyday, Jenkins, Minnan-Wong, Nunziata, Shiner, Stintz, Thompson

Carried by a majority of 26.

Ruling by Deputy Mayor:

Deputy Mayor Bussin ruled that motion (j) by Councillor Davis was not a 'substantive' motion and would, therefore, not be included in the motions to be referred under Part (2) of motion (r) by Councillor Kelly.

Councillor Soknacki challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 18	
Councillors:	Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Giambrone, Li Preti, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Pantalone, Rae, Saundercook, Shiner, Stintz
No - 24	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Davis, Del Grande, Filion, Fletcher, Ford, Hall, Holyday, Jenkins, Kelly, Mammoliti, McConnell, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Soknacki, Thompson, Walker, Watson

Lost by a majority of 6.

Adoption of Clause, as amended:

Yes - 27	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Saundercook, Soknacki, Watson
No - 15	
Councillors:	Cho, Del Grande, Ford, Holyday, Jenkins, Li Preti, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Stintz, Thompson, Walker

Carried by a majority of 12.

Summary:

In summary, City Council amended this Clause by:

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

- (2) adding the following:

“That:

- (a) City Council thank the members of the Governing Toronto Advisory Panel for their work on their report entitled, ‘The City We Want - The Government We Need’, for their commitment to City building and the community and for the several hundred hours of time they volunteered; and
- (b) the following proposed substantive amendments to the Governing Toronto Advisory Panel recommendations which were moved by Members of Council be referred to the City Manager, with the direction that they be compiled into an appendix to be circulated for public comment together with the Clause and be addressed in the report to be submitted to Council in May 2006:

Moved by Councillor Cho:

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

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

Moved by Councillor Davis:

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

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

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

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

Moved by Councillor Del Grande:

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

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

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

Moved by Councillor Hall:

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

Moved by Councillor Holyday:

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

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

Further moved by Councillor Holyday:

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

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

Further moved by Councillor Holyday:

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

Further moved by Councillor Holyday:

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

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

Further moved by Councillor Holyday:

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

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

Further moved by Councillor Holyday:

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

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

Further moved by Councillor Holyday:

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

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

Further moved by Councillor Holyday:

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

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

Moved by Councillor Jenkins:

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

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

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

and that such recommendation be adopted.”’

Moved by Councillor Kelly:

‘That the Budget Advisory Committee be abolished.’

Moved by Councillor Mammoliti:

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

Moved by Councillor Minnan-Wong:

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

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

Further moved by Councillor Minnan-Wong:

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

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

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

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

Further moved by Councillor Minnan-Wong:

‘That:

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

Moved by Councillor Nunziata:

‘That all motions moved by Members of Council during the debate of

this Clause at City Council be forwarded to the Community Councils.’

Moved by Councillor Ootes:

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

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

Moved by Councillor Palacio:

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

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

Moved by Councillor Soknacki:

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

Further moved by Councillor Soknacki:

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

Moved by Councillor Thompson:

‘That the City Manager include in her report on implementation

details, the possibility of establishing political parties in the City of Toronto.’

Moved by Councillor Walker:

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

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

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

Further moved by Councillor Walker:

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

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

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

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

Further moved by Councillor Walker:

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

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

cities and orders of government;”.’

Further moved by Councillor Walker:

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

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

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

Further moved by Councillor Walker:

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

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

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

Further moved by Councillor Walker:

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

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

and inserting instead the following:

“(7)(i) City Council maintain wards and allow for at-large election of two Councillors within each Community Council district boundary to serve as the Chair and Vice-Chair of the respective Community Council, with the

Chair as the candidate receiving the largest number of votes and the Vice-Chair as the candidate receiving the second largest number of votes;”.’

Moved by Councillor Watson:

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

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

Deputy Mayor Feldman in the Chair.

12.33 Toronto and East York Community Council Report 9, Clause 10, headed “Request for Further Direction – Application to Amend the Official Plan and Zoning By-law; Alteration to a Building Designated under Part IV of the *Ontario Heritage Act* and Authority to Enter into a Heritage Easement Agreement; and Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code – 500 Lake Shore Boulevard West (Ward 20 - Trinity-Spadina)”.

Motion:

Councillor Chow moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations Section of the report (December 5, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that City Council:

- (1) authorize and direct the City Solicitor and necessary staff to attend at the Ontario Municipal Board in support of the pre-conditions to Site Plan

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

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

12.34 Toronto and East York Community Council Report 9, Clause 56, headed “Concord Adex - Railway Lands West (Blocks 24, 25, 26 and 29) (Ward 20 - Trinity-Spadina)”.

The Clause was submitted without recommendation.

Motion:

Councillor Chow moved that the Clause be received.

Vote:

The motion by Councillor Chow carried.

- 12.35 **Toronto and East York Community Council Report 9, Clause 69, headed “Reasons for decision of the Divisional Court dated October 18, 2005, respecting whether the Board of the Alcohol and Gaming Commission of Ontario erred in failing to grant the City party status to a hearing before it concerning the Navaron Restaurant located at 268 Dundas Street East (Ward 27 - Toronto Centre-Rosedale)”.**

Motion:

Councillor Rae moved that the Clause be amended by deleting the Recommendation of the Toronto and East York Community Council, and replacing it with the following:

“That City Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (December 2, 2005) from the City Solicitor. The following staff recommendations contained in the Recommendations Section of the report, together with Schedule A, are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information that is subject to solicitor-client privilege:

“It is recommended that:

- (1) the City Solicitor abandon the City’s motion for leave to appeal the decision of the Divisional Court if the licencees do not appeal the AGCO’s decision;
- (2) if the licencees’ appeal the AGCO’s decision, the City Solicitor proceed with the leave to appeal motion and appeal if leave is granted; and
- (3) City Council strongly urge the Alcohol and Gaming Commission of Ontario to disqualify the premises from being eligible for a liquor licence for a period of two years as not being in the public interest in accordance with section 20 of the *Liquor Licence Act*.”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

12.36 Administration Committee Report 9, Clause 13, headed “Lease of a Portion of the City-owned Property Located at 76 Wychwood Avenue: Non-Residential Component of Wychwood Green/Arts Barn Project (Ward 21 - St. Paul’s West)”.

Motion:

Councillor Mihevc moved that consideration of this Clause be postponed to the next regular meeting of City Council on January 31, 2006.

Vote:

The motion by Councillor Mihevc carried.

12.37 Policy and Finance Committee Report 10, Clause 43, headed “Other Items Considered by the Committee”.

Motions:

Councillor Del Grande moved that the following Items, contained in this Clause, be referred back to the Policy and Finance Committee for further consideration:

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

Votes:

The motion by Councillor Del Grande carried.

The balance of the Clause was received for information.

12.38 Etobicoke York Community Council Report 9, Clause 29, headed “Application for Site Plan Approval - 115 Torbarrie Road (Ward 7 - York West)”.

Motion:

Councillor Mammoliti 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 (December 6, 2005) from the Chief Planner and Executive Director, City Planning:

‘Pursuant to Report 9, Clause 29 of the Etobicoke York Community Council

meeting, it is recommended that City Council:

- (1) approve in principle, the proposal for the 413-unit townhouse development on Blocks 151 and 152 of the draft plan of subdivision for 115 Torbarrie Road having 74,189 square metres of gross floor area, as indicated on the drawings entitled:
 - Siting and Grading Plan -1 of 2 date stamped November 2, 2004;
 - Siting and Grading Plan -2 of 2, date stamped November 2, 2004;
 - Unit 1501 Floor Plans and Partial, date stamped November 2, 2004;
 - Unit 1502 Floor Plans and Partial, date stamped November 2, 2004;
 - Unit 1503 Floor Plans and Partial, date stamped November 2, 2004;
 - Unit 1504 Elevations, date stamped November 2, 2004;
 - Unit 1505 Floor Plans and Partial, date stamped November 2, 2004;
 - Unit 1505 Elevations, date stamped November 2, 2004;
 - Unit 1506 Floor Plans and Partial, date stamped November 2, 2004;
 - Unit 1506 Elevations, date stamped November 2, 2004;
 - Unit 1507 Floor Plans and Partial, date stamped November 2, 2004;
 - 8 Unit Block Plan, date stamped November 2, 2004;
 - 10 Unit Block Plan, date stamped November 2, 2004; and
 - 12 unit Block Plan, date stamped November 2, 2004;

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

- (2) require the owner to fulfill the following conditions prior to the final approval of the site plan:
 - (a) the Owner must obtain the required final and binding relief from the former City of North York Zoning By-law No. 7625 to permit the townhouse development as proposed or revise the application to comply with the current zoning standards for the site;
 - (b) the Owner must enter into a subdivision agreement with the

City of Toronto and submit the required financial securities, to the satisfaction of the City and the City Solicitor. The developer must design and construct all proposed public roadways and transportation-related improvements to the satisfaction of Technical Services and at no cost to the City of Toronto;

- (c) that if this application is not exempted from City Council's April 12, 2005 directions related to the Development Infrastructure and Standards Review (DIPS) Report, that staff be directed to ensure that all streets in new townhouse developments and subdivisions be public, the Owner shall redesign the proposed site plan so that all streets are public and meet City standards;
- (d) the Owner sign a Site Plan Control Agreement and pay the necessary fees associated with the preparation, execution and registration of same;
- (e) the proposed development, including all landscaping, shall be undertaken and maintained substantially in accordance with the drawings referred to above and additional drawings to be submitted;
- (f) the Owner shall submit a landscape plan satisfactory to the Director of Community Planning, Etobicoke York District;
- (g) if the proposed development will contain private streets, the owner submit revised plans to the satisfaction of the Director of Community Planning, Etobicoke York District, which provides for appropriate building set backs from the private street in order to permit the planting of trees;
- (h) the Owner submit financial securities in the form of a Letter of Credit or certified cheque to guarantee the provision of landscape development works as detailed on the Landscape Plan referred to above;
- (i) the Owner submit a streetscape plan for the Torbarrie Road frontage to the satisfaction to the Urban Forestry Services, with respect to tree protection and street planting;
- (j) the Owner provide confirmation that the requirements of Urban Forestry Services, with respect to tree protection and street tree planting, have been satisfied;

- (k) the Owner file a completed “Arborist Report for Development Applications” form and a corresponding tree location plan to the satisfaction of Urban Forestry Services;
- (l) the Owner submit a lighting plan satisfactory to the Community Planning, Technical Services, Ministry of Transportation and Toronto Hydro;
- (m) the Owner agrees to provide and maintain lighting facilities on the lands in accordance with the lighting plan;
- (n) the Owner shall designate on the Site Plan “as public access walkways” those walkways required by the Director of Community Planning, Etobicoke York District for public access easement purposes;
- (o) the Owner shall designate on the Site Plan “as public accessible open space” those open spaces areas required by the Director of Community Planning, Etobicoke York District;
- (p) the Owner shall make satisfactory arrangements with the City Solicitor to convey an easement to the City for public access over the public access walkway(s) and publicly accessible open space areas as shown on the approved plans and drawings all to the satisfaction of the Director of Community Planning Etobicoke York District. Such easement shall be provided at no expense to the City and shall include provision for minimum illumination, maintenance to municipal standards and indemnification of the City, among other matters;
- (q) the Owner submit a draft reference Plan of Survey, in metric units and integrated with the Ontario Co-ordinate System, showing as separate PARTS thereof the lands (for public access-walkways and or other area) to be conveyed to the City and the remainder of the site including any appurtenant right-of-way to the Director of Community Planning for review and approval prior to depositing in the Land Registry office;
- (r) the Owner agrees to submit confirmation from the Ministry of Transportation of Ontario (MTO) to the Director of Community Planning that arrangements have been made to satisfy the requirements of the MTO for the site plan application and for the plan of subdivision application

(TB SUB 2001 0003);

- (s) the Owner agrees to submit confirmation from Toronto Hydro Electric Commission to the Director of Community Planning, Etobicoke York District that arrangements have been made to satisfy the requirements of the Commission for the site plan application and the plan of subdivision application (TB SUB 2001 0003);
- (t) the Owner agrees to submit confirmation from the Bell Canada to the Director of Community Planning, Etobicoke York District that arrangements have been made to satisfy the requirements of the Bell Canada for the site plan application and for the plan of subdivision application (TB SUB 2001 0003);
- (u) the Owner agrees to submit confirmation from the Toronto and Region Conservation Authority (TRCA) to the Director of Community Planning Etobicoke, York District that arrangements have been made to satisfy the requirements of the TRCA for the site plan application and for the plan of subdivision application (TB SUB 2001 0003);
- (v) the Owner submit revised site plan drawings and/or studies to the satisfaction of Director of Community Planning, Etobicoke York District in consultation with the Executive Director of Technical Services addressing the following:
 - (i) municipal sidewalks must be designed according to City of Toronto Engineering Standard Drawing No. T-310.010-2;
 - (ii) pedestrian ramps at the intersections of Torbarrie Road and the proposed public roadways must be constructed according to City of Toronto Design Standard No. T-310.030-1;
 - (iii) to ensure that the proposed sidewalks adjacent to the curb lanes of the proposed private roads are sufficient to accommodate pedestrians, snow storage, traffic signage and solid waste containers, a minimum width of 2.0 metre measured from the face of curb is required. These sidewalks must extend across the proposed private roads/laneways, reflecting the specifications described in City of Toronto Design

Standard No.T-310.010-4;

- (iv) the applicant is required to properly grade and asphalt the proposed access driveways, internal private roads, laneways and surface visitor parking areas. Access driveways, internal private roads, laneways, and visitor parking areas must be bordered with continuous poured raised concrete curb constructed according to City of Toronto Design Standard No. T-600.11-1;
- (v) the depressed curbs at the proposed private road entrances to the proposed public roadways must be provided according to City of Toronto Design Standard No. T-600.05-1;
- (vi) the applicant is required to restore the sections of the Torbarrie Road rights-of-way, where there are existing curb cuts, with continuous poured raised concrete curb and appropriate landscaping, to the satisfaction of the Executive Director of Technical Services;
- (vii) the applicant must satisfy the Technical Services Division that all intersections within the proposed internal public and private road system provide the minimum turning sight distances recommended by either the Transportation Association of Canada or the American Association of State Highway and Transportation Officials for an operating speed of 50 km/hr. To provide the minimum turning sight distance at the intersection of the first east/west lane immediately south of Street 'C' and the north/south private road requires that relocate parking stall No. 1. Similarly, to provide the minimum intersection turning sight distance at the intersection of the first east/west lane north of Street 'E' and the proposed north/south private road requires the applicant to relocate parking stall Nos. 38 to 42. Lastly, the applicant is required to relocate the parking stall shown as stall No. 35, at the southeast corner of the intersection of the easternmost north/south lane and the proposed east/west private road that connects with Torbarrie Road;
- (viii) to accommodate the minimum turning path requirements of single-unit service/delivery vehicles, including solid waste collection vehicles, the corner

- radii at the intersections of the proposed laneways with private roadways/laneways must be increased to a minimum of 5.0 metres. The inside turning radii within the 'bends' of the proposed laneways must be at least 7.0 metres;
- (ix) the proposed parking bay widths be reduced from 2.8 metres to 2.4 metres;
 - (x) hydrants are to be shown on the Site Plan such that the principle entrance of each dwelling is no more than 90 metres from a hydrant;
 - (xi) the townhouse blocks that face the park may be required to have their access changed if they are not designed as part 9 buildings under the OBC. Information was not sufficient to determine the classification of the buildings;
- (w) this site must be revised to allow for City of Toronto waste collection services. Solid Waste Management Services requires a more detailed site plan showing all measurements including pavement width and turning radii. the Owner must design all facilities necessary to permit the City to provide curbside collection of solid waste and recyclable materials in accordance with By-law No. 235-2001, Waste Collection for Residential Properties and meet the requirements published in City of Toronto Requirements for Garbage and Recycling Collection from Developments and Redevelopments, as amended;
- (x) the Owner submit a Stormwater Management Report, Servicing and Grading Drawing(s) to the satisfaction of the Executive Director of Technical Services. The servicing of this Site Plan is to be designed in accordance with the accepted Stormwater Management report for the Oakdale Village Subdivision by G M Sernas and Associates dated November 2004;
- (y) excluding the intersections of the proposed public and private road connections to Torbarrie Road, the applicant is required to dedicate a 0.3 metre reserve along the entire Torbarrie Road and Jethro Road frontages of the subject site;
- (z) the Owner must post securities of \$100,000.00 as per

Condition 8 of Clause 23 contained in Report 3 of North York Community Council, as approved by City of Toronto Council at its meeting of April 14, 15 and 16, 2003. This Clause requires that: 'the Developer be responsible for the traffic calming measures and lights at the intersection of Jethro Road and Torbarrie Road to a maximum cost of \$100,000.00 in consultation with the Ward Councillor and the Traffic Sub-Committee of the Oakdale Ratepayers Association.' City Council at its meeting of May 17, 18 and 19, 2005 (Clause 3, Report 4 of the Etobicoke York Community Council) required these funds prior to the registration of the plan of subdivision;

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

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

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

- (d) the owner shall provide certification to the Executive Director of Technical Services by the Professional Engineer who supervised the construction that the stormwater management facilities and site grading have been constructed in accordance with the approved Stormwater Management Report and the concurred in Grading Plans;
- (e) the owner shall provide certification to the Executive Director of Technical Services by the Professional Engineer who supervised the construction, that the site servicing facilities have been constructed in accordance with the concurred in drawings;
- (f) the Owner must register the proposed internal private road system on-title for mutual use under common elements condominium status, to the satisfaction of the City Solicitor. The Applicant is required to provide notification on-title to each dwelling unit stating that all internal roads are under private ownership, and that the municipality will not maintain these private roads, including road and sidewalk snow clearing;
- (g) the proposed visitor parking stalls must be registered on-title for mutual use, and provided to the satisfaction of the City Solicitor;
- (h) the proposed visitor parking areas must be striped with pavement markings reflecting the layout and dimensions illustrated in the ultimately approved site plan;
- (i) all proposed visitor parking stalls must be individually signed for the exclusive use of visitors;
- (j) the Applicant's site plan agreement and condominium documents must include clauses that are registered on-title advising owners that visitor parking stalls are not to be used by owners/tenants;
- (k) the owner agrees to retain a Noise Control Consulting Engineer to submit to the Director, Community Planning, Etobicoke York and the Deputy Chief Building Official for review and acceptance, a Noise Impact Report recommending any abatement measures necessary to achieve the maximum level limits set by the MOE;

- (l) the Owner, prior to the issuance of a building permit, provide certification in writing from the Noise Control Consulting Engineer to the Director, Community Planning, Etobicoke York and the Deputy Chief Building Official that all plans filed as part of an application for a Building Permit in respect of the proposed Development are in accordance with and incorporates such measures recommended in the Noise Impact Report;
- (m) the Owner provide certification in writing from the Noise Control Consulting Engineer to the Director, Community Planning, Etobicoke York and the Deputy Chief Building Official, prior to the earlier of occupancy or registration of the plan of condominium in respect of such Development, that it has been designed and constructed in accordance with the mitigation measures recommended in the accepted Noise Impact Report;
- (n) the owner agrees with the City not to sell or lease any portion of the Lands without requiring the proposed purchaser or lessee, its respective successors and assigns, as the case may be, to insert in all offers to purchase and agreements of purchase and sale or lease of each dwelling unit the warning clauses, as applicable, for surrounding land uses and noise sources (Industrial Uses), road noise and aircraft noise to satisfaction of the Director of Community Planning, Etobicoke York District;
- (o) the owner shall maintain the completed noise mitigation measures, subject to any amendment as approved by the City designate;
- (p) that the Chief Building Official or designate for the City, in case of amendments necessary to satisfy the requirements of the Ontario Building Code, be authorized to consent to minor variations to the approved plans and drawings, and conditions of approval, provided that the general intent of the plans and drawings are maintained; and
- (q) notwithstanding this approval, the lands shall be developed in accordance with the applicable Zoning By-law(s) and that it is the responsibility of the Owner to ensure that the development is in conformity with the applicable Zoning By-law(s) to the satisfaction of the Chief Building Official;

- (4) advise the owner of the following other City approvals and requirements:
- (a) landscaping treatments proposed within public rights-of-way must be limited to street trees and sod. Special landscape treatments are permitted, but only on condition that the developer enters into encroachment or site plan agreements with the City. Under such agreements, the developer/property owner is financially responsible for installing and maintaining any special landscape features, including tree irrigation systems that they propose within the public rights-of-way;
 - (b) the applicant is responsible for obtaining the necessary permits and clearances. Our Right-of-Way Management Section can be contacted at (416) 394-8422 regarding site specific permit/license requirements. The applicant must submit a construction management plan for each stage of the construction process. Use of the abutting public roads/boulevards for material storage, and construction vehicle/employee parking purposes, is not permitted;
 - (c) authorization must be obtained from the Street and Expressway Lighting Section (416-392-5243) before any utility with attached municipal street lighting is removed and/or relocated;
 - (d) the applicant is required to provide vehicle parking according to the minimum requirements of North York Zoning By-law No. 7625;
 - (e) a comprehensive construction management plan for each stage of the construction process must be provided to the satisfaction of this Division. The use of any municipal right-of-way for the storage of construction materials/equipment, and/or for employee parking purposes, is not permitted;
 - (f) any streetscape design proposed within the public right-of-way, including tree irrigation systems, must be provided to the satisfaction of this Division. It is emphasized that any treatment other than street trees, municipal sidewalks, sod and impressed concrete feature strips are encroachments that must be recognized in the applicant's site plan agreement;
 - (g) the owner is advised to contact the Building Division to confirm the loading requirements for the subject site;

- (h) the owner is financially responsible for all costs associated with removing and/or relocating any above- or below-grade utilities that are required to construct this development; and
 - (i) to provide for adequate storage of typical household materials, it is strongly suggested that the proposed attached garages provide minimum internal length dimensions of 7.0 metres. In addition, it is recommended that any door entrance within the garages open internal to the townhouse;
- (5) authorize the Chief Planner or his designate to give final approval to the site plan when the conditions to be satisfied prior to site plan approval as set out in Recommendation 2 to this report have been fulfilled;
 - (6) direct the City Solicitor to prepare and register any necessary site plan agreement(s); and
 - (7) authorize the District Director, Community Planning to execute the agreement.’ ”

Votes:

The motion by Councillor Mammoliti carried.

The Clause, as amended, carried.

12.39 **Joint Planning and Transportation Committee and Works Committee Report 2, Clause 1, headed “Spadina Subway Extension Environmental Assessment Study”.**

Motion:

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

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

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

Vote:

Adoption of Clause as amended by the motion by Councillor Li Preti:

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

Carried, without dissent.

Mayor Miller in the Chair.

12.40 **Administration Committee Report 9, Clause 1, headed “Works and Emergency Services Yard Consolidation Pilot Project - Status of Project and Proposed Changes to the Study Methodology”.**

Motion:

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

“That:

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

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

12.41 Planning and Transportation Committee Report 11, Clause 1, headed “Appointments to the Toronto Licensing Tribunal”.

Motion:

Councillor Moscoe moved that the Clause be amended by referring the following Recommendation (3) of the Sub-Committee Respecting the Toronto Licensing Tribunal, back to the Planning and Transportation Committee for further consideration:

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

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

12.42 Joint Planning and Transportation Committee and Works Committee Report 2, Clause 4, headed “Status Report - Development Application Review Project (All Wards)”.

Motion:

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

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

Votes:

Adoption of motion by Councillor Lindsay Luby:

Yes - 37
Mayor: Miller

Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Thompson, Walker, Watson
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No - 1 Councillor:	Ford
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Carried by a majority of 36.

The Clause, as amended, carried.

12.43 Economic Development and Parks Committee Report 10, Clause 5, headed “Growing Toronto’s Food Sector: Status Report on the Economic Development Division/TEDCO International Food Processing Innovation Centre (IFPIC) Study and Best Practices in Human Resources and Skills Development Initiative (All Wards)”.

Motion:

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

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

Votes:

The motion by Councillor Fletcher carried.

The Clause, as amended, carried.

12.44 North York Community Council Report 9, Clause 21, headed “Final Report - OPA & Rezoning Application - 04 176174 NNY 23 OZ - Cityzen Development Group - Rafael + Bigauskas - 25 Buchan Court (Ward 33 - Don Valley East)”.

The Clause was submitted without recommendation.

Motion:

Councillor Carroll moved that Council adopt the following:

“That the Official Plan and Rezoning Amendment Application for 25 Buchan Court be refused, and the City Solicitor be authorized to hire external planners to uphold Council’s position, in the event an appeal is filed with the Ontario Municipal Board.”

Disposition:

As Council did not conclude its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the special meeting of Council on December 14, 2005.

Council also adopted the following procedural motion:

Moved by Councillor Soknacki:

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

12.45 Toronto and East York Community Council Report 9, Clause 4, headed “Final Report - Official Plan Amendment and Rezoning Application - 590 Jarvis Street (Ward 27 - Toronto Centre-Rosedale)”.

Vote:

The Clause was adopted, without amendment.

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

12.46 Works Committee Report 11, Clause 7, headed “Environment Days Date Selection Discussion Results and Increasing the Number and Hours of Operation of Environment Day Events”.

Motion:

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

Disposition:

As Council did not conclude its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the special meeting of Council on December 14, 2005.

Council also adopted the following procedural motion:

Moved by Councillor Soknacki:

“That all motions moved on this Clause be forwarded to the special meeting of

Council on December 14, 2005, and these motions be deemed to be moved.”

12.47 Policy and Finance Committee Report 10, Clause 17, headed “User Fees: Parking Tag Operations”.

Motion:

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

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

Votes:

The motion by Councillor Ootes carried.

The Clause, as amended, carried.

Deputy Mayor Bussin in the Chair.

12.48 Works Committee Report 11, Clause 2, headed “Snow Disposal Challenge: Replacing Lost Capacity”.

Motion:

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

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

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

12.49 Works Committee Report 11, Clause 12, headed “Drain Grant Appeal - 113 Hove Street (Ward 10)”.

Motions:

- (a) Deputy Mayor Feldman moved that the Clause be amended by deleting the recommendation of the Works Committee and inserting instead the following:

“That the Drain Grant Appeal, in the amount of \$500.00, for partial repair of the private drains for 113 Hove Street be approved.”

- (b) Councillor Holyday moved that the Clause be referred back to the Works Committee for consideration after the policy on drain grants is brought forward.

Vote on Referral:

Adoption of motion (b) by Councillor Holyday:

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

Carried by a majority of 12.

Due to the above decision of Council, motion (a) by Deputy Mayor Feldman was not put to a vote.

Summary:

In summary, City Council referred this Clause back to the Works Committee for consideration after the policy on drain grants is brought forward.

12.50 Policy and Finance Committee Report 10, Clause 2, headed “East Bayfront Precinct Plan and Class Environmental Assessment Master Plan”.

Motions:

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

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

(2) adding the following:

“That the Chief Planner and Executive Director, City Planning, be requested to report to Council, through the appropriate Standing Committee, in conjunction with the comprehensive Zoning By law for the East Bayfront Precinct Plan and Class EA Master Plan, on provisions to minimize the curb to curb distance within the Queens Quay East public right-of-way to improve pedestrian access.”

(b) Deputy Mayor Pantalone moved that:

(1) Part (2) of motion (a) by Councillor McConnell be amended by adding the words “and further, if Toronto City Council has not made a decision regarding the removal of the Gardiner Expressway by the time the Zoning By-law is presented to Council for adoption, staff be directed to exclude the lands fronting onto Lake Shore Boulevard from the zoning, where appropriate”; and

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

“That the Toronto Waterfront Revitalization Corporation, in consultation with all relevant stakeholders, be requested to examine built form options(s) to address the impacts of adjacencies to the Gardiner Expressway and submit this analysis to the appropriate City officials, for report thereon to City Council, through the appropriate Standing Committee.”

Votes:

Part (1) of motion (a) by Councillor McConnell carried.

Part (1) of motion (b) by Deputy Mayor Pantalone carried.

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

Part (2) of motion (b) by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

Summary:

In summary, City Council amended this Clause by:

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

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

- (2) adding the following:

“That:

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

12.51 Etobicoke York Community Council Report 9, Clause 28, headed “Motion - Application for Site Plan Approval 302 Dwight Avenue (Ward 6 - Etobicoke-Lakeshore)”.

Motion:

Councillor Saundercook moved that the Clause be referred back to the Director of Community Planning, Etobicoke York District, as it is a delegated site plan approval.

Vote on Referral:

The motion by Councillor Saundercook carried.

12.52 Policy and Finance Committee Report 10, Clause 13, headed “Sponsorship Agreement between Ricoh Canada Inc. and Exhibition Place”.*Vote:*

Adoption of Clause, without amendment:

Yes - 31	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Cho, Chow, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Fillion, Ford, Giambrone, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Thompson, Watson
No - 7	
Councillors:	Augimeri, Davis, Kelly, Minnan-Wong, Moscoe, Stintz, Walker

Carried by a majority of 24.

12.53 Administration Committee Report 9, Clause 9, headed “Interim Energy and Environmental Efficiency Guidelines for City-Owned Buildings”.*Motions:*

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

“That the Manager, Energy and Waste Management Office, in consultation with the Deputy City Managers, be requested to report to the Administration Committee providing options for the establishment and achievement of short-, medium- and long-term goals for City agencies, boards and commissions, that:

- (1) addresses the feasibility of utilizing the energy cost savings from energy efficiency and conservation initiatives to maintain energy budgets at current levels;
- (2) promotes energy efficiency and conservation planning and that requires City agencies, boards, commissions and divisions to report annually on energy conservation targets and measures planned and progress in achieving targets established;

- (3) facilitates energy efficiency and conservation co operation agreements between City agencies, boards, commissions and divisions and other organizations, through collaboration in areas such as benchmarking, financing, investments, measuring, monitoring and reporting of energy and emissions reductions;
- (4) encourages energy efficiency and conservation actions by City agencies, boards, commissions and divisions through the identification and minimization of barriers that may exist in current policies, codes or by-laws; and
- (5) demonstrates conservation leadership in the operations of City agencies, boards, commissions and divisions by adopting energy efficiency and conservation factors in their procurement and capital investment decisions;

such report to include comments on:

- (a) a plan for the possibility of cutting energy use through energy efficiency programs that would be delivered in partnership with Toronto Hydro, the Energy Efficiency Office, the Better Buildings Partnership, Enwave and the Toronto Atmospheric Fund; and
 - (b) the potential to convert stand by generators in City buildings into suppliers of peak energy and the development of co-generation in those buildings.”
- (b) Councillor Moscoe moved that the Clause be amended by adding the following:

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

Votes:

Motion (a) by Councillor Shiner carried.

Motion (b) by Councillor Moscoe carried.

The Clause, as amended, carried.

12.54 Etobicoke York Community Council Report 9, Clause 4, headed “Removal of One Privately Owned Tree - 65 Avonhurst Road (Ward 5 - Etobicoke-Lakeshore)”.

Motion:

Councillor Ford moved that the Clause be referred back to the Etobicoke York Community Council.

Vote on Referral:

The motion by Councillor Ford carried.

12.55 Policy and Finance Committee Report 10, Clause 3, headed “Implementation of the Recommendations of the Bellamy Inquiry”.

Motion:

Councillor Moscoe moved that the Clause be amended to provide that the “Ethics Steering Committee” be renamed the “Code of Conduct Committee”.

Disposition:

As Council did not conclude its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the special meeting of Council on December 14, 2005.

Council also adopted the following procedural motion:

Moved by Councillor Soknacki:

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

12.56 Policy and Finance Committee Report 10, Clause 1, headed “Toronto Drug Strategy Report”.

Motions:

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

“That City Council thank Councillor Rae, Chair, and the rest of the members of the Toronto Drug Strategy Council Reference Group, for their leadership on this report.”

- (b) Councillor Minnan-Wong moved that the Clause be amended by:
- (1) deleting the following Recommendation (18) of the Toronto Drug Strategy Report:

“(18) the City of Toronto urge the committee reviewing the Safe Schools Act to recommend alternatives to suspension to ensure that youth are not excluded from the education or other supports they need (P and E);”;
 - (2) deleting the following Recommendation (19) of the Toronto Drug Strategy Report:

“(19) the Youth Criminal Justice Work Group of the Mayor's Panel on Community Safety be requested to develop supports for alternatives to prosecution for youth charged with offences related to or motivated by substance use. In addition, a member of the Toronto Drug Strategy Implementation Committee should be appointed to that Work Group to liaise between the two initiatives (E);”;
 - (3) deleting the following Recommendation (26) of the Toronto Drug Strategy Report:

“(26) the City of Toronto expand its innovative harm reduction outreach strategies including the provision of equipment to support safer use of substances, as outlined in this report, to reach marginalized drug users, in particular people who use crack cocaine (P and HR);”;
 - (4) deleting the following Recommendation (35) of the Toronto Drug Strategy Report:

“(35) the City of Toronto urge the federal and provincial governments to fund and provide increased harm reduction services, including needle exchange, in all correctional facilities without increasing reliance on volunteer services to deliver those supports (HR);”;
 - (5) deleting the following Recommendation (36) of the Toronto Drug Strategy Report:

“(36) the City of Toronto urge the federal and provincial governments to expand and increase the availability of drug treatment options in prisons to include methadone maintenance therapy for any inmate with an opiate addiction. And further, that comprehensive release and follow up care plans be established before people are released back into the community (T);”;

- (6) deleting the following Recommendation (40) of the Toronto Drug Strategy Report:

“(40) the City of Toronto urge the provincial government to reinstate addiction as an eligible disability under the Ontario Disability Support Program (P and T);”.

Disposition:

As Council did not conclude its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the special meeting of Council on December 14, 2005.

Council also adopted the following procedural motion:

Moved by Councillor Soknacki:

“That:

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

12.57 IN-CAMERA MEETING SESSION OF THE COMMITTEE OF THE WHOLE

December 5, 2005:

Deputy Mayor Pantalone in the Chair.

Procedural Motion:

Councillor Lindsay Luby, at 6:05 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*:

- Policy and Finance Committee Report 10, Clause 4, headed “Enwave Reorganization

and Income Trust”, as it contains information related to the security of the property of the municipality.

Vote:

The motion by Councillor Lindsay Luby 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 matter, 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.

12.58 Policy and Finance Committee Report 10, Clause 4, headed “Enwave Reorganization and Income Trust”.

Report of the Committee of the Whole:

Deputy Mayor Pantalone, 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 in conjunction with the Clause:

(a) Councillor Del Grande moved that the Clause be referred back to the Deputy City Manager and Chief Financial Officer and Treasurer for further consideration and report to the next regular meeting of City Council on January 31, 2006, through the Policy and Finance Committee.

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

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

Vote on Referral:

Adoption of motion (a) by Councillor Del Grande:

Yes - 9 Councillors: Del Grande, Ford, Lindsay Luby, Milczyn, Nunziata, Palacio, Pitfield, Walker, Watson
No - 19 Councillors: Augimeri, Bussin, Carroll, Cho, De Baeremaeker, Feldman, Fletcher, Grimes, Holyday, Kelly, McConnell, Mihevc, Moscoe, Ootes, Pantalone, Rae, Shiner, Soknacki, Stintz

Lost by a majority of 10.

Votes:

Motion (b) by Councillor Soknacki carried.

Adoption of Clause, as amended:

Yes - 22 Councillors: Augimeri, Bussin, Carroll, Cho, De Baeremaeker, Feldman, Fletcher, Grimes, Holyday, Kelly, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Rae, Shiner, Soknacki, Stintz, Watson
No - 6 Councillors: Del Grande, Ford, Lindsay Luby, Nunziata, Pitfield, Walker

Carried by a majority of 16.

Summary:

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

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

December 7, 2005:

Deputy Mayor Bussin in the Chair.

Procedural Motion:

Councillor Chow, at 3:35 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*:

- Toronto and East York Community Council Report 9, Clause 18, headed “Directions Report – Application to Amend the Official Plan and Zoning By-law and Alterations to a Heritage Property, Designation under Part IV of the *Ontario Heritage Act* and Authority to Enter into a Heritage Easement Agreement - 100, 112, 120 and 128 Howland Avenue (St. George’s College) (Ward 20 – Trinity-Spadina)”, as it contains information that is subject to solicitor-client privilege.

Vote:

Adoption of motion by Councillor Chow:

Yes - 15 Councillors:	Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Hall, Jenkins, Kelly, Moscoe, Pantalone, Rae, Thompson
No - 16 Councillors:	Ashton, Bussin, Feldman, Ford, Holyday, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Shiner, Watson

Lost by a majority of 1.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

Mayor Miller in the Chair.

12.59 F(1) Harmonized Permit Rates (All Wards)

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

Moved by: **Councillor Augimeri**

Seconded by: **Councillor Mammoliti**

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

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Economic Development and Parks Committee Report 5, Clause 2, headed ‘Harmonized Permit Rates’, be re-opened for further consideration, only as it pertains to the implementation of the harmonized permit rates for January 2006;

AND BE IT FURTHER RESOLVED THAT the implementation of the harmonized rates be delayed for six months and instead be implemented in May of 2006;

AND BE IT FURTHER RESOLVED THAT the General Manager of Parks, Forestry and Recreation be requested to report to the January 16, 2006 meeting of the Economic Development and Parks Committee on a fee reduction process to give consideration to groups that cannot afford the new harmonized rates, such report to outline policies and requirements to ensure fairness and transparency.”

Fiscal Impact Statement:

City Council had before it, for consideration with Motion F(1), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 1, Page 307)

Disposition:

As Council did not conclude its consideration of Motion F(1) prior to the end of this meeting, consideration of the Motion was postponed to the special meeting of City Council on December 14, 2005.

12.60 **F(2) Funding of New Year's Eve Fireworks Display**

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

Moved by: Councillor Shiner

Seconded by: Councillor Stintz

"WHEREAS City TV holds an annual New Year's Eve event at Toronto City Hall's Nathan Phillips Square; and

WHEREAS City TV funds the musical portion of the evening but does not have sufficient funding to produce a New Year's Eve fireworks display for the event; and

WHEREAS this year, City TV will have national coverage for the event and would like to secure funding to support a fireworks spectacle to mark the occasion;

NOW THEREFORE BE IT RESOLVED THAT City Council authorize \$50,000.00 of funding through a reallocation of funds from projected 2005 under expenditures in the Council operating budget, for the 2005 New Year's Eve fireworks display, for the purposes of highlighting the event to be held in Toronto and ensuring that our New Year's Eve fireworks display will be a success nationally;

AND BE IT FURTHER RESOLVED THAT funding for the 2006 New Year's Eve fireworks be referred for consideration during the 2006 operating budget discussion, and in the interim, the Executive Director, Tourism, work with City TV, to seek private-sector sponsorship opportunities to fund the fireworks for 2006 and future years, and report back to the Budget Advisory Committee prior to the end of the 2006 budget deliberations."

Fiscal Impact Statement:

City Council had before it, for consideration with Motion F(2), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 2, Page 308)

Disposition:

As Council did not conclude its consideration of Motion F(2) prior to the end of this meeting, consideration of the Motion was postponed to the special meeting of City Council on December 14, 2005.

12.61 I(1) Reading and Display of Motions at Council for Viewers at Home

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

Moved by: Councillor Walker

Seconded by: Councillor Jenkins

“WHEREAS each and every session of Toronto City Council is televised on Rogers Community Television for viewers at home; and

WHEREAS the vast majority of these viewers watch at home because they cannot attend the meeting in person at Toronto City Hall; and

WHEREAS these viewers have as much a right, as those who attend the meeting in person, to know what is being discussed, who is placing a motion, what the motion is, who is voting or not voting and whether they are voting in the affirmative or the negative; and

WHEREAS it used to be the customary practice that the Chair read all motions out loud, in order for all viewers to know what is being voted on; and

WHEREAS the public audience watching at home are not privy to hundreds of pages of printed agendas, Notices of Motions, as well as countless updates and distributed pages that Councillors are privileged to receive; and

WHEREAS the public audience, without this information, cannot possibly follow a three-day meeting where items are often held, discussed in camera, deferred, received, or sent back to Committee without any mention other than an agenda reference number;

NOW THEREFORE BE IT RESOLVED THAT Council consider amending Chapter 27 of the City of Toronto Municipal Code (Council Procedures) to require the Chair or City Clerk to read aloud all motions being voted on for the viewing audience at home; that notice of a proposed amendment be given in accordance with Chapter 162, Notice, Public and Chapter 27, Council Procedures; and that this matter be considered by the Policy and Finance Committee;

AND BE IT FURTHER RESOLVED THAT all motions being voted on also be

displayed on the television screen at the time they are being voted on.”

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion I(1), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 302)

Procedural Vote:

The vote to waive referral of Motion I(1) to the Policy and Finance Committee was taken as follows:

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

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

Disposition:

Motion I(1) was referred to the Policy and Finance Committee.

12.62 I(2) Request to Provincial Government to Extend Tuition Fee Freeze

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

Moved by: Councillor Augimeri

Seconded by: Councillor Giambrone

“WHEREAS Premier Dalton McGuinty has announced that Ontario’s tuition fee freeze would not be extended beyond September 2006; and

WHEREAS tuition fees have been shown to be the most significant barrier to accessing post secondary education; and

WHEREAS increasing tuition fees will adversely affect the most marginalized people of Toronto to the greatest degree; and

WHEREAS recent studies have shown enrollment in post-secondary education by middle-income students has been depressed by increased tuition fees; and

WHEREAS a significant step in making all of Toronto’s communities safer is breaking the cycle of poverty through affordable and accessible post-secondary educational opportunities;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council endorse a fully-funded tuition fee freeze in the Province of Ontario until at least September 2008;

AND BE IT FURTHER RESOLVED THAT Toronto City Council request the Mayor to write a letter to Premier Dalton McGuinty, the Honourable Christopher Bentley (Minister of Training, Colleges and Universities) and Toronto-area Members of Provincial Parliament to request that the Provincial Government maintain a fully-funded tuition fee freeze until at least September 2008.”

Fiscal Impact Statement:

City Council had before it, for consideration with Motion I(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 Summary, Page 302)

Ruling by Mayor:

Councillor Soknacki requested the Mayor to rule on whether this Motion was within the jurisdiction of the City of Toronto.

Mayor Miller ruled Motion I(2) out of order, as the subject matter is not within the jurisdiction of the City of Toronto.

Disposition:

Motion I(2) was ruled out of order.

12.63 **I(3) Aid to Earthquake Stricken Areas in Pakistan, India and Afghanistan**

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

Moved by: Councillor Walker

Seconded by: Councillors Thompson and Cho

“WHEREAS at 8:30 a.m. on Saturday, October 8, 2005, a wide-sweeping, 7.6 Richter-scale earthquake struck the northern regions of Pakistan, India and Afghanistan; and

WHEREAS this disaster has directly affected more people than 2004’s Tsunami disaster, including the death-toll estimate in excess of 79,000 people and the earthquake’s displacement of 3.5 million people; and

WHEREAS ‘near-apocalyptic devastation’ of the many cities, towns and villages of this region has occurred; and

WHEREAS winter is fast approaching in this region of devastation that receives weather similar to Colorado, USA, and 500,000 people have yet to receive the first-aid responders; and

WHEREAS this is a large-scale disaster that requires immediate, long-term commitment from the international community for relief, rehabilitation and reconstruction that could take 10 to 15 years; and

WHEREAS we know that the earthquake has already caused over 50 times more deaths than Hurricane Katrina, yet so far the amount earmarked for aid and reconstruction in Pakistan, India and Afghanistan is very small; and

WHEREAS many residents of Toronto have lost multiple family members to this disaster; and

WHEREAS the Policy and Finance Committee requested that City staff report on the feasibility of establishing a ‘Disaster Aid Fund’, to provide relief from Toronto to domestic or international disaster-stricken Cities or regions;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council hereby stands in recognition of the immensity of the October 8, 2005 earthquake disaster in Pakistan, India and Afghanistan;

AND BE IT FURTHER RESOLVED THAT on behalf of the citizens of Toronto, Toronto City Council approve a contribution of \$1 million towards immediate aid-relief efforts in the affected regions of Pakistan, India and Afghanistan;

AND BE IT FURTHER RESOLVED THAT this donation be distributed through established relief agencies;

AND BE IT FURTHER RESOLVED THAT the appropriate City staff be directed to give effect to the foregoing.”

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(3) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion I(3), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 3, Page 309)

Procedural Vote:

The vote to waive referral of Motion I(3) to the Policy and Finance Committee was taken as follows:

Yes - 16	
Councillors:	Altobello, Cho, Ford, Hall, Jenkins, Kelly, Li Preti, Mammoliti, McConnell, Minnan-Wong, Nunziata, Ootes, Pitfield, Thompson, Walker, Watson
No - 26	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Grimes, Holyday, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz

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

Disposition:

Motion I(3) was referred to the Policy and Finance Committee.

12.64 **I(4) Distribution of City of Toronto Tap Water - Toronto Pure**

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

Moved by: Councillor Moscoe

Seconded by: Councillor Carroll

“WHEREAS the City of Toronto’s tap water meets or exceeds any measure of quality standard available; and

WHEREAS in every objective evaluation of commercial bottled water, the City of Toronto’s water (Toronto Pure) exceeds the standard of almost all bottled waters; and

WHEREAS the City and all of its agencies, boards and commissions have an obligation to promote the quality of our water; and

WHEREAS a first step in promoting Toronto water would be to ensure that all City staff stop selling or distributing other than the City’s own product;

NOW THEREFORE BE IT RESOLVED THAT, apart from honouring existing contracts, the City of Toronto prohibit the distribution of any water other than Toronto Pure, i.e. City of Toronto tap water, in any City facility or the facilities of its agencies, boards and commissions.”

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(4) to the Works Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion I(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 302)

Procedural Vote:

The vote to waive referral of Motion I(4) to the Works Committee was taken as follows:

Yes - 20 Mayor: Miller Councillors: Ashton, Augimeri, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Ford, Lindsay Luby, McConnell, Mihevc, Moscoe, Ootes, Palacio, Pantalone
No - 22 Councillors: Altobello, Del Grande, Feldman, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

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

Disposition:

Motion I(4) was referred to the Works Committee.

12.65 I(5) Morningside Avenue/Markham By-pass Extension

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

Moved by: Councillor Cho

Seconded by: Councillor De Baeremaeker

“WHEREAS City Council on June 14, 15 and 16, 2005 adopted, without amendment, Works Committee Report 6, Clause 5, headed ‘Morningside Avenue/Markham By-pass Extension – Individual Project Environmental Assessment Study Status Report (Ward 42 – Scarborough Rouge River), and in so doing, requested York Region to conduct additional community consultation on the by-pass extension; and

WHEREAS Scarborough Community Council recently held an evening meeting to consider the results of the additional community consultation and the further transportation analysis which was conducted by the York Region study team arising from City Council’s request; and

WHEREAS as a result of this further information, Council should make new recommendations on the Morningside Avenue/Markham by-pass extension;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of

Chapter 27 of the City of Toronto Municipal Code, Works Committee Report 6, Clause 5, headed 'Morningside Avenue/Markham By-pass Extension – Individual Project Environmental Assessment Study Status Report (Ward 42 – Scarborough Rouge River)', be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT City Council delete the Recommendation of the Works Committee contained in the Clause and adopt instead the following new recommendations:

'It is recommended that City Council:

- (1) advise York Region that it strongly opposes and formally objects to any north/south road in York Region that will increase traffic congestion in the City of Toronto;
- (2) advise York Region that it strongly opposes and formally objects to the extension of Morningside Avenue south of Steeles Avenue East, as developed in the Environmental Assessment Study for transportation improvements in the Markham By-pass Corridor;
- (3) request York Region to do the following:
 - (a) re-evaluate Alignment C north of Steeles Avenue East; and
 - (b) conduct an additional community consultation meeting with City of Toronto residents and the Scarborough Community Council, following completion of this further evaluation of Alignment C, with notice being provided to the residents in consultation with local City of Toronto Ward Councillor; and
- (4) inform York Region that:
 - (a) the City intends to keep Steeles Avenue, east of Markham, at its current width of two traffic lanes in keeping with its rural surroundings; and
 - (b) the City neither intends nor has budgeted any funds to construct the Alignment C south of Steeles Avenue East;

AND BE IT FURTHER RESOLVED THAT Council's position be forwarded to the Province of Ontario, the Regional Municipality of York, the Town of Markham, the Toronto and Region Conservation Authority, the Rouge Park Alliance, the Friends of the Rouge Watershed and the Save the Rouge environmental groups."

Fiscal Impact Statement:

City Council had before it, during consideration of Motion I(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 302)

Council also had before it, during consideration of Motion I(5), the following, which are on file in the City Clerk's Office:

- (i) a Petition submitted by Councillor Raymond Cho, Ward 42 - Scarborough - Rouge River, containing the signatures of approximately 323 individuals in opposition to the Morningside Avenue/Markham By-pass Extension; and
- (ii) a communication (October 31, 2005) from the Regional Municipality of York.

Vote to Re-open:

Adoption of the first Operative Paragraph contained in Motion I(5):

Yes - 36	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Thompson, Walker, Watson
No - 6	
Councillors:	Filion, Ford, Holyday, Mammoliti, Soknacki, Stintz

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

Vote:

The balance of Motion I(5) was adopted, without amendment.

12.66 I(6) Request for Enforcement of the *Child and Family Services Act*

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

Moved by: Councillor Nunziata

Seconded by: Councillor Hall

“**WHEREAS** the protection of children is of utmost importance to the Members of Toronto City Council;

NOW THEREFORE BE IT RESOLVED THAT the Toronto Police Services Board be requested to direct the Toronto Police Service to enforce Section 79 of the *Child and Family Services Act*.”

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(6) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion I(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 302)

Procedural Vote:

The vote to waive referral of Motion I(6) to the Policy and Finance Committee was taken as follows:

Yes - 31	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, De Baeremaeker, Del Grande, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Stintz, Thompson, Walker, Watson
No - 12	
Councillors:	Augimeri, Davis, Di Giorgio, Filion, Holyday, Jenkins, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Soknacki

Carried, more than two-thirds of Members present having voted in the affirmative. Council also had before it, during consideration of Motion I(6), an excerpt from the *Child and Family Services Act*, Section 79, headed Offences, Restraining Orders, Recovery on Child's Behalf, which is on file in the City Clerk's Office.

Disposition:

As Council did not conclude its consideration of Motion I(6) prior to the end of this meeting, consideration of the Motion was postponed to the special meeting of City Council on

December 14, 2005.

12.67 **I(7) Request for Review of Fines for Body Rub Parlours Operating without a Licence**

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

Moved by: Councillor Nunziata

Seconded by: Councillor Hall

“**WHEREAS** the current fine for a body rub parlour operating without a licence is not an effective deterrent and does not ensure that body rub parlours obtain a licence;

NOW THEREFORE BE IT RESOLVED THAT the Acting Executive Director, Municipal Licensing and Standards, be requested to examine and report to the Planning and Transportation Committee on increasing the fine amount for body rub parlours operating without a licence so that the fine will act as a deterrent to this illegal activity; and notice of a proposed amendment to Chapter 545, Licensing, be given, as required by Chapter 162, Notice, Public.”

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(7) to the Planning and Transportation Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion I(7), 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 302)

Procedural Vote:

The vote to waive referral of Motion I(7) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion I(7) was adopted, without amendment.

12.68 **I(8) Juno Beach Memorial and the Juno Beach Centre Association**

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

Moved by: **Councillor Kelly**

Seconded by: **Councillor Ootes**

“**WHEREAS** The Honourable Albina Guarnieri, Minister of Veterans Affairs, has declared 2005 the ‘Year of the Veteran’; and

WHEREAS Toronto’s contribution in troops and material to Canada’s Second World War effort was considerable and significant; and

WHEREAS over 50 Canadian schools, including Toronto’s students, have visited the Juno Beach Centre to gain insights into Canada’s participation in World War II; and

WHEREAS the City of Toronto, as the leading Canadian City, has a responsibility to commemorate Canada’s contribution in one of the pivotal events in the 20th century and recognize its Veterans who defended our freedoms; and

WHEREAS the Juno Beach Centre Association’s previous request obtained the support of the City of Toronto;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto agree to make a further contribution of \$25,000.00, to cover the operational costs of the Juno Beach Centre Association;

AND BE IT FURTHER RESOLVED THAT the Budget Advisory Committee, in consultation with the Deputy City Manager and Chief Financial Officer, be requested to recommend the source of funding for this initiative and report to the next meeting of City Council, through the Policy and Finance Committee, on an identified source of funds.”

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(8) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion I(8), 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 310)

Procedural Vote:

The vote to waive referral of Motion I(8) to the Policy and Finance Committee was taken as

follows:

Yes - 29	
Mayor:	Miller
Councillors:	Altobello, Carroll, Cho, Chow, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Thompson, Walker
No - 14	
Councillors:	Ashton, Augimeri, Davis, Del Grande, Fillion, Giambrone, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Soknacki, Stintz, Watson

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

Motion:

Councillor Soknacki moved that Motion I(8) be referred to the Budget Advisory Committee for consideration with the 2006 Operating Budget.

Vote on Referral:

The motion by Councillor Soknacki carried.

12.69 J(1) Cost of Living Adjustment for Elected Officials

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:

Moved by: Councillor Jenkins

Seconded by: Councillor Walker

“**WHEREAS** City Council at its meeting on September 28, 29 and 30, 2005, adopted, without amendment, Policy and Finance Report 8, Clause 16, headed ‘Cost of Living Adjustment for Non-Union Staff’, and in so doing, effectively changed the rate of increase for the salaries of elected officials to correspond to increases received by union and non-union employees; and

WHEREAS it has been common practice for City Council not to vote on adjustments to their own salaries when adjustments take effect in the same term of Council; and

WHEREAS in 2000, City Council adopted a policy that annual salary increases for elected officials be based on cost of living increases;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 8, Clause 16, headed ‘Cost of Living Adjustment for Non-Union Staff’, be re-opened for further consideration, only as it pertains to salary increases for elected officials;

AND BE IT FURTHER RESOLVED THAT the Clause be amended by deleting from Recommendation (1) contained in the Recommendations Section of the report (September 1, 2005) from the City Manager and the Deputy City Manager and Chief Financial Officer, as amended by the Policy and Finance Committee, the words ‘and elected officials’, after the words ‘group of employees’;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be directed to give effect to the foregoing.”,

the vote upon which was taken as follows:

Yes – 31	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, Del Grande, Feldman, Fletcher, Ford, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No – 12	
Councillors:	Augimeri, De Baeremaeker, Di Giorgio, Filion, Giambrone, Grimes, Mammoliti, Mihevc, Moscoe, Pantalone, Rae, Saundercook

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

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 5, Page 311)

Vote:

Adoption of the first Operative Paragraph contained in Motion J(1):

Yes – 33	
Mayor:	Miller

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

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

Disposition:

City Council re-opened Policy and Finance Committee Report 8, Clause 16, headed “Cost of Living Adjustment for Non-Union Staff”, for further consideration, only as it pertains to salary increases for elected officials.

As Council did not conclude its consideration of the balance of Motion J(1) prior to the end of this meeting, consideration of the balance of the Motion was postponed to the special meeting of City Council on December 14, 2005.

12.70 J(2) Appointment to the Yonge-Dundas Square Board of Management

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

Moved by: Councillor Rae

Seconded by: Councillor McConnell

“**WHEREAS** City Council on January 27, 28 and 29, 2004, adopted, without amendment, Economic Development and Parks Committee Report 1, Clause 5, headed ‘Appointment of Members to the Yonge Dundas Square Board of Management – 2003 to 2006 Term (Ward 27 - Toronto Centre-Rosedale)’; and

WHEREAS Section 636-7 of the Municipal Code sets out the structure of the Board, which is to be comprised of 13 members, including one representing the Toronto Alliance for the Performing Arts (TAPA); and

WHEREAS the TAPA representative that Council appointed, David Wallett, has left the TAPA Board; and

WHEREAS TAPA has nominated Jenny Ginder as its new representative on the Yonge-Dundas Square Board of Management;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council appoint Jenny Ginder to the Yonge-Dundas Square Board of Management as the Toronto Alliance for the Performing Arts representative for the remainder of the 2003-2006 term;

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(2) to the 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(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 Summary, Page 302)

Procedural Vote:

The vote to waive referral of Motion J(2) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(2) was adopted, without amendment.

12.71 J(3) Agreement Regarding Garbage Disposal between the City of Toronto and the Regions of York, Durham and Peel

Councillor Ootes 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 Ootes

Seconded by: Councillor Del Grande

“**WHEREAS** ‘transparency’ has supposedly been one of the hallmarks of the Mayor’s last two years in office and is a common thread in all of his statements, regardless of the issue; and

WHEREAS the mission statement for the Mayor's Office is prominently displayed on the City's public Website, and states, in part, 'The Mayor's Office has a duty to conduct the business of the City in ways that are transparent, honest, efficient and inclusive. It is the responsibility of the Mayor to ensure that City Council remains accountable and accessible to the public...'; and

WHEREAS before David Miller was elected as Mayor, as a Councillor he often spoke about the importance of transparency in government – 'Civic participation holds political representatives accountable and makes decision-making more transparent' (speech to the Canadian Council on Social Development, November 2001); and

WHEREAS Mayor Miller, as part of his commitment 'to ensure a more open and transparent system of government', has been a proponent for the creation of a Lobbyist Registry; and

WHEREAS the City of Toronto currently ships approximately 105 truckloads of garbage to Michigan each day; and

WHEREAS Toronto faces an imminent crisis, should Michigan decide to close its border to our garbage, and this threat grows more real with each passing week; and

WHEREAS in February 2005, Mayor David Miller, Deputy Mayor Sandra Bussin and Councillor Jane Pitfield reviewed a confidential report that was prepared by the consulting firm of Gartner Lee, for the City of Toronto, and the Regions of York, Durham and Peel; and

WHEREAS later in 2005, the Chair and the Vice-Chair of the Works Committee, Councillors Shelley Carroll and Adam Giambrone respectively, reviewed this confidential report; and

WHEREAS the report was submitted to the Provincial Minister of the Environment; and

WHEREAS the majority of the Works Committee and other Members of Council were not permitted to review this report and have been denied access to it; and

WHEREAS a senior City official has confirmed that the report has actually been kept confidential based on an agreement between the individuals from the City of Toronto who reviewed the report and the representatives from York, Durham and Peel, along with the Province's Environment Minister; and

WHEREAS this agreement was made without Council approval; and

WHEREAS the Chair of the Works Committee stated in an interview on September 15, 2005, that she hopes to have a ‘waste summit’ before month’s end to discuss the Michigan situation;

NOW THEREFORE BE IT RESOLVED THAT the Mayor and the Chair of the Works Committee immediately disclose the Gartner Lee report to Council;

AND BE IT FURTHER RESOLVED THAT the Mayor of the City of Toronto and the Chair of the Works Committee explain the lack of transparency surrounding the critical issue of our garbage contingency plan, and the back-room decision by the Mayor and a few Councillors to not consult Council regarding this report;

AND BE IT FURTHER RESOLVED THAT the Mayor and the Chair of the Works Committee provide a report to the next meeting of City Council on the specific actions and plans that have been undertaken since the Gartner Lee report was commissioned, and since it was presented to the Minister of the Environment.”

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(3) 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(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 302)

Procedural Vote:

The vote to waive referral of Motion J(3) to the Works Committee was taken as follows:

Yes - 24	
Councillors:	Ashton, Cho, Chow, Del Grande, Feldman, Filion, Ford, Giambrone, Grimes, Hall, Holyday, Kelly, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Shiner, Stintz, Thompson, Walker, Watson
No - 19	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Soknacki

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

Council also had before it, during consideration of Motion J(3), a communication (November 18, 2005) from Mayor David Miller (See Attachment 1, Page 224).

Disposition:

Motion J(3) was referred to the Works Committee.

12.72 J(4) Ontario Municipal Board Hearing - 39 Donwoods Drive

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

Moved by: Councillor Jenkins

Seconded by: Councillor Pitfield

“WHEREAS on July 7, 2005, the Committee of Adjustment – North Panel refused an application seeking seven variances to permit the construction of a new three-storey dwelling at 39 Donwoods Drive; and

WHEREAS the variances to lot coverage, front yard set back, south side yard setback, dwelling height, first floor height, 3-storey dwelling and balcony area are excessive even for the York Mills Valley and an over-development of the lot; and

WHEREAS City Planning, Works and Forestry staff wrote negative reports on this application; and

WHEREAS loss of absorptive capacity of land is particularly problematic at the same time the City is proposing to spend in excess of \$10 million over several years to address storm water management in the York Mills Valley area; and

WHEREAS the applicant has appealed the Committee of Adjustment decision to the Ontario Municipal Board, with a hearing scheduled for Wednesday, January 18, 2006; and

WHEREAS North York Community Council does not meet until Tuesday, January 17, 2006 which is too late for staff to prepare the City’s case for the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be authorized to attend at the Ontario Municipal Board hearing on January 18, 2006, to uphold the

decision of the Committee of Adjustment to refuse the application for 39 Donwoods Drive.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(4) to the 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(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 302)

Procedural Vote:

The vote to waive referral of Motion J(4) 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(4), the following communications, which are on file in the City Clerk’s Office:

- (July 5, 2005) from the Director, Transportation Services, North York District, addressed to the Director, Community Planning, North York District;
- (July 4, 2005) from the City Forester, addressed to the Manager and Deputy Secretary Treasurer, Committee of Adjustment, North District;
- (June 29, 2005) from the Acting Director, Community Planning, North District, addressed to the Chairman and Members of the Committee of Adjustment, North York Panel; and
- Notice of Decision (July 15, 2005) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, North York Panel.

Vote:

Motion J(4) was adopted, without amendment.

12.73 J(5) Narrowing of St. Enoch’s Square

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

carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Rae

Seconded by: Councillor McConnell

“WHEREAS the City of Toronto Transportation Services Division was contacted by management of Massey Hall regarding damage caused by trucks to fire escapes attached to the building; and

WHEREAS Massey Hall has fire escapes which encroach, under agreement, into St. Enoch’s Square at a height of approximately 3.6 metres above grade which is lower than today’s standards; and

WHEREAS certain trucks must use St. Enoch’s Square flanking the west elevation of 15 Shuter Street (Massey Hall) to service addresses on Yonge Street; and

WHEREAS these large delivery trucks are inadvertently colliding with the aforementioned fire escapes, causing damage to the fire escape and building structure (Massey Hall); and

WHEREAS the City of Toronto should do what it can to prevent damage to its historical buildings; and

WHEREAS the Transportation Services Division has developed measures that could prevent vehicles from hitting the fire escapes and causing further damage to Massey Hall; and

WHEREAS the Toronto Fire Service has been contacted in this regard and has no objection to the installation of such devices;

NOW THEREFORE BE IT RESOLVED THAT St. Enoch’s Square be incrementally narrowed from a width of 6.1 metres at Shuter Street to a width of 4.5 metres at a point 11.5 metres south of Shuter Street by means of metal bollards and modular traffic island, generally as shown on the attached print of drawing No. 421F-8108;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be authorized and directed to take the necessary action to implement the foregoing, including the introduction in Council of any Bills that might be required.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(5) to the 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(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 302)

Procedural Vote:

The vote to waive referral of Motion J(5) to the Toronto and East York Community Council was taken as follows:

Yes - 40	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Socknacki, Stintz, Thompson, Walker, Watson
No - 3	
Councillors:	Del Grande, Ford, Holyday

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

Council also had before it, during consideration of Motion J(5), a Location Plan, headed "Proposed Narrowing of St. Enoch's Square, Shuter Street to a point 40.0m South of Shuter Street", which is on file in the City Clerk's Office.

Vote:

Motion J(5) was adopted, without amendment.

12.74 J(6) Request to Ban Federal Election Canvassing Throughout the Holiday Season

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

Moved by: Councillor Mammoliti

Seconded by: Councillor Walker

“WHEREAS the month of December celebrates various holidays of diverse religious and cultural denominations; and

WHEREAS the New Democratic Party, the Conservative Party of Canada, and the Bloc Quebecois have taken it upon themselves to hold the Canadian Holiday Season hostage via their strategy of holding a vote of non-confidence; and

WHEREAS if their bid to topple the Government is successful, an election will be called for some time in early January 2006, thus causing canvassing throughout the Holiday Season;

NOW THEREFORE BE IT RESOLVED THAT, if an election is called for early January 2006, Council request the federal government to implement a ban on campaigning, as it relates to door-to-door and telephone canvassing, between December 23, 2005, and January 6, 2006, for the City of Toronto;

AND BE IT FURTHER RESOLVED THAT, if this Motion is successful, the City of Toronto communicate this request to all federal candidates within the City of Toronto.”

Ruling by Mayor:

Councillor Soknacki requested the Mayor to rule on whether this Motion was within the jurisdiction of the City of Toronto.

Mayor Miller ruled Motion J(6) out of order, as the subject matter is a responsibility of the federal government.

Fiscal Impact Statement:

City Council had before it, for consideration with 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 302)

Disposition:

Motion J(6) was ruled out of order.

12.75 J(7) Boulevard Café - Thai Hua - 240 Queen Street West (Trinity-Spadina, Ward 20)

Councillor Chow 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 Chow**

Seconded by: **Deputy Mayor Pantalone**

“**WHEREAS** Toronto City Council on September 28, 29 and 30, 2005, adopted, without amendment, Toronto and East York Community Council Report 7, Clause 26, headed ‘Boulevard Café - Thai Hua - 240 Queen Street West (Trinity-Spadina, Ward 20)’, and, in so doing, rejected the application for a boulevard café by East! Restaurant; and

WHEREAS the applicant did not receive the letters of objection at the meeting and did not have any opportunity to work with the objectors; and

WHEREAS the applicant wishes to have a second chance of persuading their neighbours of the merit of the patio;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto and East York Community Council Report 7, Clause 26, headed ‘Boulevard Café - Thai Hua – 240 Queen Street West (Trinity-Spadina, Ward 20)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the Clause be referred back to the Toronto and East York Community Council for further consideration to permit the applicant to properly consult with their neighbours.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(7), 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 302)

Vote to Re-open:

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

Vote:

Adoption of the balance of Motion J(7), without amendment:

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

Councillors:	Ford, Holyday, Milczyn, Thompson
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Carried by a majority of 35.

12.76 J(8) **Grant to Save Our St. Clair (SOS) Group**

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 Palacio and Councillor Nunziata**

“WHEREAS in September 2004, City Council approved the St. Clair Streetcar Designated Right-of-Way Project to build an exclusive streetcar lane down the middle of St. Clair Avenue West; and

WHEREAS Save Our St. Clair (SOS) is a grass-roots group of local St. Clair Avenue West residents, businesses and organizations; and

WHEREAS in August 2005, Save Our St. Clair (SOS) took the City of Toronto to Divisional Court to stop the scheduled construction of City Council’s approved St. Clair Streetcar Designated Right-of-Way Project, arguing the City’s Environmental Assessment (EA) was done under the new Official Plan when it should have been done under the in-force old Official Plan; and

WHEREAS on October 11, 2005, a three-judge panel ruled in favour of SOS, awarding legal costs to SOS; and

WHEREAS on November 3, 2005, after accusations of bias and a motion from the City for the judges to recuse (withdraw) themselves because one of the judges, Justice Ted Matlow, had been fighting the City about a parking garage in his Forest Hill neighbourhood and was therefore biased; and

WHEREAS the two of the three judges removed themselves from the case triggering a new hearing process with a new three-judge panel; and

WHEREAS the original three judges gave their original October 11, 2005 rulings separately and sequentially according to seniority, placing Justice Matlow as the last to express his ruling, thereby making it impossible for his ruling to have influenced the other Justices' rulings; and

WHEREAS on November 18, 2005, SOS announced it is asking the Ontario Court of Appeals to uphold the October 11, 2005 ruling by the Divisional Court which found the City of Toronto had violated the *Planning Act* in the way it handled the approval of the St. Clair Streetcar Designated Right-of-Way Project; and

WHEREAS SOS lawyer, Eric Gillespie, states his client's case should stand and that, 'basically, the Supreme Court of Canada in a previous decision [has] already indicated that even if one judge was ultimately determined to have been biased or there was a reasonable apprehension of bias, that because of the way judicial decisions are made, the decisions of the other judges wouldn't be affected'; and

WHEREAS Save Our St. Clair (SOS) has already raised thousands of dollars towards these 'David and Goliath-like' court proceedings and its ability to continue to raise money from volunteers will be limited; and

WHEREAS SOS has limited funds and the City has unlimited funds to pursue this matter further;

NOW THEREFORE BE IT RESOLVED THAT City Council hereby authorize a one-time grant of up to \$30,000.00 to the Save Our St. Clair (SOS) group to enable it to re-make their case at future hearings, challenging City Council's approval of the St. Clair Streetcar Designated Right-of-Way Project;

AND BE IT FURTHER RESOLVED THAT this contribution is deemed in the interest of natural justice – fairness and is in the interest of the Municipality;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be directed and given authority to give effect to the foregoing.”,

the vote upon which was taken as follows:

Yes - 22	
Councillors:	Altobello, Ashton, Cho, Del Grande, Di Giorgio, Feldman, Ford, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Stintz, Walker, Watson
No - 21	
Mayor:	Miller

<p>Councillors: Augimeri, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Fillion, Fletcher, Giambrone, Grimes, Hall, Holyday, Kelly, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Soknacki, Thompson</p>
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Lost, less than two-thirds of Members present having voted in the affirmative.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(8), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 6, Page 312)

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on January 31, 2006.

12.77 J(9) Report of Integrity Commissioner on Complaint of Violation of Councillor's Code of Conduct

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 November 28, 2005, forwarding a response to a complaint of Violation of the Councillor's Code of Conduct;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report dated November 28, 2005, from the Integrity Commissioner, and that the report be received for information.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(9), 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 302)

Council also had before it, for consideration with Motion J(9), a report (November 28, 2005) from the Integrity Commissioner (See Attachment 2, Page 226).

Disposition:

As Council did not conclude its consideration of Motion J(9) prior to the end of this meeting, consideration of the Motion was postponed to the special meeting of City Council on December 14, 2005.

12.78 J(10) Declaration of Vacancy - Ward 41 - Scarborough-Rouge River

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 Ford

“WHEREAS Councillor Balkissoon was the successful candidate in the provincial by-election in Scarborough-Rouge River, held on Thursday, November 24, 2005; and

WHEREAS the results of the provincial by-election were published in the Ontario Gazette on Saturday, December 3, 2005, at which time Councillor Balkissoon was deemed to have resigned his seat on City Council; and

WHEREAS subsection 262(1) of the *Municipal Act, 2001*, as amended, requires that Council shall, at its next meeting, declare the office to be vacant;

NOW THEREFORE BE IT RESOLVED THAT pursuant to subsection 262(1) of the *Municipal Act, 2001*, as amended, the office of Councillor, Ward 41 - Scarborough-Rouge River, be declared vacant.”

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 302)

Motion:

Councillor Pitfield moved that Motion J(10) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Mayor be requested to send, on behalf of the Members of City Council, a letter to Bas Balkissoon, congratulating him on his recent election.”

Votes:

The motion by Councillor Pitfield carried.

Motion J(10), as amended, carried.

12.79 **J(11) Request to Toronto District School Board and Toronto Catholic District School Board Regarding Lighting in Schoolyards**

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 Nunziata

“WHEREAS Toronto District School Board (TDSB) and Toronto Catholic District School Board (TCDSB) schoolyards form an important part of the community space in City of Toronto neighbourhoods, and often substitute for a City park in many neighbourhoods; and

WHEREAS the TDSB has instituted a policy requesting principals to shut off school lights half an hour after teachers leave in order to save on utility costs; and

WHEREAS the absence of proper lighting in the schoolyards creates a significant community safety issue and seriously impedes the local community’s ability to use and enjoy these spaces after dark; and

WHEREAS the absence of light on school property has been identified as an issue in the immediate area of shootings, including recently at General Mercer Public School;

NOW THEREFORE BE IT RESOLVED THAT the Mayor, on behalf of Council, write to the Toronto District School Board and the Toronto Catholic District School Board, requesting them to ensure that their properties are well-lit at all times,

particularly at night, in the interest of community safety and to encourage community use of schoolyards;

AND BE IT FURTHER RESOLVED THAT this resolution be forwarded to the Toronto Police Service Board for its endorsement as well.”

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(11) 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(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 302)

Procedural Vote:

The vote to waive referral of Motion J(11) to the Policy and Finance Committee was taken as follows:

Yes - 33	
Councillors:	Altobello, Augimeri, Carroll, Cho, Chow, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Ford, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 10	
Mayor:	Miller
Councillors:	Ashton, Cowbourne, Del Grande, Giambrone, Holyday, Kelly, Pantalone, Rae, Saundercook

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

Council also had before it, during consideration of Motion J(11), a communication (November 17, 2005) from the Regional Manager of Operations, Toronto District School Board, addressed to Councillor Cesar Palacio, Ward 17 - Davenport, which is on file in the City Clerk's Office.

Motion:

Deputy Mayor Pantalone moved that Motion J(11) be amended by deleting from the first Operative Paragraph, the words “at all times”, so that the first Operative Paragraph now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT the Mayor, on behalf of Council, write to the Toronto District School Board and the Toronto Catholic District School Board, requesting them to ensure that their properties are well-lit, particularly at night, in the interest of community safety and to encourage community use of schoolyards;”.

Votes:

The motion by Deputy Mayor Pantalone carried.

Motion J(11), as amended, carried.

12.80 **J(12) Personnel Matter Respecting the Auditor General**

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

Moved by: Mayor Miller

Seconded by: Councillor Holyday

“WHEREAS the current fixed term employment contract for the Auditor General ends on December 16, 2006; and

WHEREAS the Employer is required to notify the Employee at least 12 months prior to the end of the Term (i.e. by December 16, 2005) concerning continuation of the employment relationship; and

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

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the attached confidential report (November 25, 2005) from Mayor Miller and Councillor Holyday, Chair of the Audit Committee, with respect to a personnel matter pertaining to the Auditor General, and that Council adopt the recommendation contained in the Recommendation Section of the confidential report.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(12), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer. (See Fiscal Impact Statement Summary, Page 302)

Council also had before it, during consideration of Motion J(12), a confidential report (November 25, 2005) from Mayor David Miller and Councillor Doug Holyday, Chair, Audit Committee.

Vote:

Motion J(12) was adopted, without amendment, unanimously.

Summary:

In adopting Motion J(12), without amendment, Council adopted, without amendment, the recommendation contained in the Recommendation Section of the confidential report (November 25, 2005) from Mayor David Miller and Councillor Doug Holyday, Chair, Audit Committee. The following recommendation contained in the report is now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about an identifiable individual:

“It is recommended that the employment of Jeff Griffiths in the position of Auditor General be continued beyond the end of the current employment contract with compensation to continue in the current range, subject to successful negotiation of a renewal agreement.”

12.81 **J(13) Request for Reform to the *Tenant Protection Act***

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:

Moved by: Councillor Rae

Seconded by: Councillor Walker

“**WHEREAS** the Ontario Legislature is expected to recess in December 2005 and may not resume sitting until March 20, 2006; and

WHEREAS the Government of Ontario committed in October 2003 to repeal the *Tenant Protection Act* within the first year of its mandate and introduce new legislation to protect tenants with real rent control; and

WHEREAS the Government of Ontario has continually delayed the introduction of new legislation to protect tenants; and

WHEREAS tenants in the City of Toronto represent virtually half of the City’s population; and

WHEREAS the number of applications for eviction of tenants in the City of Toronto has increased by 10 percent in 2004 since 1998 when the *Tenant Protection Act* came into effect, and over 50 percent of eviction applications in Toronto result in tenants

being evicted by a default order without a hearing; and

WHEREAS since the *Tenant Protection Act* came into effect in 1998, rents have increased by 20 percent and consistently above inflation, resulting in a reduction of affordable rental housing units; and

WHEREAS the average apartment vacancy rate in Toronto has risen from 0.9 percent to 4.3 percent in the last three years, the average rents tenants pay has not decreased; and

WHEREAS the *Tenant Protection Act* did not spur the construction of new rental housing as promised by the provincial government, and despite the increase in construction of condominium buildings, the number of rental units in condominium units has actually decreased; and

WHEREAS successful cities must have a healthy supply of rental housing, and sufficient affordable rental housing, to ensure that current and future residents can find the housing they need and can afford;

NOW THEREFORE BE IT RESOLVED THAT City Council urge the Government of Ontario to introduce new legislation providing real rent controls and protecting the rights of tenants, prior to the House rising in December 2005;

AND BE IT FURTHER RESOLVED THAT the Government of Ontario hold public hearings on the proposed legislation and commit to repealing the *Tenant Protection Act* and pass into law the new legislation on a priority basis during the Spring 2006 sitting of the legislature.”

Ruling by Mayor:

Councillor Soknacki requested the Mayor to rule on whether this Motion was within the jurisdiction of the City of Toronto.

Mayor Miller ruled Motion J(13) out of order as responsibility for the *Tenant Protection Act* is within the purview of the Government of Ontario.

Councillor Augimeri challenged the ruling of the Chair.

Vote to Uphold Ruling of Mayor:

Yes - 18
Mayor: Miller
Councillors: Cho, Cowbourne, Del Grande, Feldman, Filion, Ford, Giambrone, Grimes, Hall, Holyday, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Ootes, Palacio, Soknacki
No - 25

Councillors:	Altobello, Ashton, Augimeri, Carroll, Chow, Davis, De Baeremaeker, Di Giorgio, Fletcher, Jenkins, Li Preti, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
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Lost by a majority of 7.

Vote:

The vote to waive the necessary provisions of Chapter 27 of the City of Toronto Municipal Code to permit introduction of this Notice of Motion 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(13) 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(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 302)

Procedural Vote:

The vote to waive referral of Motion J(13) to the Policy and Finance Committee was taken as follows:

Yes - 31	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Grimes, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Shiner, Stintz, Thompson, Walker, Watson
No - 12	
Councillors:	Del Grande, Feldman, Ford, Giambrone, Hall, Holyday, Kelly, Milczyn, Minnan-Wong, Ootes, Saundercook, Soknacki

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

Vote:

Adoption of Motion J(13), without amendment:

Yes - 38	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 4	
Councillors:	Ford, Holyday, Milczyn, Soknacki

Carried by a majority of 34.

12.82 J(14) Request for Cross Province Hearings on Legislation Related to Local Health Integration Networks (LHINs)

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:

Moved by: Councillor Davis

Seconded by: Councillor Fletcher

“WHEREAS Local Health Integration Networks (LHINs) are newly created organizations controlled by the provincial government that cover vast areas that override municipal boundaries; and

WHEREAS LHINs create another layer between the provincial government and the people; and

WHEREAS the provincial government plans to hand over billions of dollars of funding and tremendous authority to LHINs; and

WHEREAS the government wants LHINs to transform and restructure health care and certain social services; and

WHEREAS there are serious concerns that LHINs will cut back, centralize, and

reduce local control of health care and social services; and

WHEREAS a purchaser-provider split between LHINs and health care providers could increase competition between all health care provider organizations and could allow health care services to be contracted out to the private sector; and

WHEREAS a purchaser-provider competitive bidding model in home care has increased health care privatization and caused serious problems for those providing and receiving home care services in Ontario; and

WHEREAS privatization raises serious concerns about maintaining decent health care jobs in our community;

NOW THEREFORE BE IT RESOLVED THAT this Council call on the provincial government to establish full, cross-province hearings on any new legislation related to LHINs, including Bill 36, the *Local Health System Integration Act*;

AND BE IT FURTHER RESOLVED THAT this Council call upon the provincial government to immediately release its full plans for health care reform and not wait until after the next election.”

Ruling by Mayor:

Councillor Soknacki requested the Mayor to rule on whether this Motion was within the jurisdiction of the City of Toronto.

Mayor Miller ruled that Motion J(14) was in order, as Local Health Integration Networks (LHINs) may have a role in funding Public Health, which is a City of Toronto responsibility.

Vote:

The vote to waive the necessary provisions of Chapter 27 of the City of Toronto Municipal Code to permit introduction of this Notice of Motion 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(14) to the Community Services 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(14), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 302)

Procedural Vote:

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

Vote:

Adoption of Motion J(14), without amendment:

Yes - 38	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 4	
Councillors:	Filion, Ford, Holyday, Mammoliti

Carried by a majority of 34.

12.83 **J(15) Conditions for Operating the Blue Chip Truck at Nathan Phillips Square during Santa Claus and St. Patrick's Day Parades**

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 Ford

“WHEREAS Fred Hayward has owned and operated the Blue Chip Truck in front of Nathan Phillips Square for 30 years; and

WHEREAS over the past 30 years the Blue Chip Truck has operated on the southeast corner of Nathan Phillips Square during the Santa Claus and St. Patrick's Day parades; and

WHEREAS in 2004, for the first time in 30 years, the Blue Chip Truck was prohibited from operating on Nathan Phillips Square during the parades; and

WHEREAS as a result of consultations between Councillor Watson and Facilities and Real Estate staff, staff have agreed that the Blue Chip Truck could operate on Nathan Phillips Square during the Santa Claus and St. Patrick's Day parades, provided that it does so at the southwest corner rather than the southeast corner and meets certain, already specified, conditions; and

WHEREAS Fred Hayward has agreed to meet these conditions;

NOW THEREFORE BE IT RESOLVED THAT City officials be directed to authorize Fred Hayward to operate the Blue Chip Truck on the southwest corner of Nathan Phillips Square during the Santa Claus and St. Patrick's Day parades, provided he meets the conditions specified by City officials which are:

- (a) ensure that minimum space is occupied;
- (b) the area must be clean at all times and nothing may be stored outside the truck;
- (c) garbage or items are to be removed at the end of the event and must be done so by the vendor;
- (d) security should be contacted to provide escort prior to setting up and upon completion;
- (e) the vendor must arrive at least 2 hours before and leave 2 hours after the parade; and
- (f) there should be no cables or wires running from the vehicle."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(15) to the 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(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 302)

Procedural Vote:

The vote to waive referral of Motion J(15) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(15) was adopted, without amendment.

12.84 **J(16) Toronto Entertainment District Association Use of Metro Hall Parking**

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:

Moved by: Councillor Chow

Seconded by: Councillor Mihevc

“WHEREAS restaurant business in the Toronto Entertainment District is severely suffering; both the Princess of Wales and the Royal Alexander Theatres are currently without performances; since May 2005 there have only been 8 weeks of shows combined at both theatres; and nothing will perform until a limited run (6 weeks) in one theatre starting in January 2006; and

WHEREAS there are considerable crowds and the neighbourhood is packed some evenings, nearly all are nightclub goers and few are restaurant patrons; and

WHEREAS the recent violence in and around area nightclubs has negatively affected restaurant business and every incident reported in the local media paints a dangerous picture; and

WHEREAS this economic suffering is very evident when consideration is given to the number of recent restaurant closings; more than 10 percent of Toronto Entertainment District Association’s (TEDA’s) members have perished and the survival of many others is in the balance; and

WHEREAS the main purpose of this proposal is to attract restaurant business to the Toronto Entertainment District; TEDA requests that the City allow ‘free parking’ in its Metro Hall parking facility for TEDA patrons and TEDA requests the use of the 279 parking spaces (lower level garage) from Tuesday through Saturday, from 5:00 p.m. to 11:30 p.m., with these spaces marketed as ‘free parking’ by TEDA for its patrons; and

WHEREAS patrons would enter the Metro Hall garage between 5:00 p.m. to 10:00 p.m., Tuesday through Saturday. Note that the entrance is only open until 10:00 p.m. because the purpose is to attract restaurant patrons only, and most kitchens in the area close by 11:00 p.m. Upon entering the garage the patron will leave a \$10.00 deposit with the parking attendant and receive a receipt. The patron dines at a participating TEDA restaurant, where they receive a \$6.00 (tax included) discount for their meal and a validation for parking. The patron returns to the garage and receives a \$4.00 refund with properly validated receipt if they exit by 11:30 p.m. The City will keep \$6.00 (tax included) per vehicle. If the patron exits after 11:30 p.m. the attendant will have already left, so they will forfeit the \$4.00 refund (the City keeps \$10.00);

and

WHEREAS TEDA's estimate (based on the City's cost projections in a 2003 staff report) is break even at 68 vehicles per evening and in order for this to happen, the City of Toronto needs to waive collection of property tax and the Province of Ontario needs to waive collection of education taxes; and

WHEREAS TEDA is requesting assistance from the City to use part of an underutilized garage in off-business hours;

NOW THEREFORE BE IT RESOLVED THAT the Chief Corporate Officer be requested to report to the January 5, 2006 Administration Committee meeting, and also through the Toronto Parking Authority, on the merit of the TEDA proposal;

AND BE IT FURTHER RESOLVED THAT the City request the provincial government for an exemption of the education portion of the property tax for the purpose of non-profit use of the Metro Hall parking lot.”,

the vote upon which was taken as follows:

Yes - 15	
Councillors:	Altobello, Ashton, Augimeri, Chow, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Jenkins, McConnell, Mihevc, Nunziata, Ootes, Palacio
No - 27	
Mayor:	Miller
Councillors:	Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Feldman, Ford, Grimes, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

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(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 302)

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on January 31, 2006.

12.85 J(17) Request to the Federal Government to Increase Mandatory Minimum Sentences for Criminals Convicted of Gun Related Crimes

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: Deputy Mayor Feldman

“WHEREAS families and communities throughout the City of Toronto have been witness to, and affected by, the dramatic increase in gun-related violence and homicides involving guns this year; and

WHEREAS the escalation of gun violence and homicides involving guns in Toronto has become a crisis in Canada’s largest City; and

WHEREAS community organizations involved in helping the families who are victims of gun-related violence, and who are involved in assisting our most vulnerable youth, are constantly in need of additional resources, training and funding; and

WHEREAS crimes of violence against the person are intolerable and constitute the most objectionable crime society faces; and

WHEREAS in most cases these crimes are committed with illegal guns; and

WHEREAS the police are having difficulty in obtaining the co-operation from witnesses in these homicides because witnesses fear retribution, and they are fearful that the criminals involved in these murders do not serve adequate sentences and will soon be back on the streets; and

WHEREAS sentencing in crimes of violence involving guns does not appropriately reflect society’s abhorrence of violence in order to act as a true deterrent, and to protect the public by removal of the offender from society; and

WHEREAS the risk to society posed by the early release of a violent offender appears to be of secondary consideration to the rights of the individual criminal; and

WHEREAS in response to the increase in crimes involving guns in Toronto, a community rally called Uniting Toronto Against Guns (UTAG) took place on November 13, 2005, and a petition was signed by hundreds of Torontonians demanding tougher sentences for gun related crimes; and

WHEREAS the Government of Ontario publicly supported and encouraged the increase in mandatory minimum sentences for gun-related crimes at the federal-provincial-territorial Justice Ministers’ meeting in November; and

WHEREAS the statutes governing the criminal justice system in Canada must be revised to reflect societal attitudes;

NOW THEREFORE BE IT RESOLVED THAT City Council convey, on behalf of the citizens of Toronto, that gun-related crimes and violence against the person are serious and objectionable to society and ask that the Federal Government amend the Criminal Code of Canada and the *Parole Act* to appropriately punish those found guilty of illegal handgun possession and use by:

- (i) increasing the mandatory minimum sentences for violent and repeat offenders involved in gun related crimes;
- (ii) requiring that sentences for multiple convictions be served consecutively; and
- (iii) eliminating statutory (automatic) release of criminals convicted of gun related crimes.”

Ruling by Mayor:

Councillor Soknacki requested the Mayor to rule on whether this Motion was within the jurisdiction of the City of Toronto.

Mayor Miller ruled that Motion J(17) was in order, as criminal justice is a shared responsibility among levels of government, and given that the City funds the Toronto Police Service.

Vote:

The vote to waive the necessary provisions of Chapter 27 of the City of Toronto Municipal Code to permit introduction of this Notice of Motion was taken as follows:

Yes - 41	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 2	
Councillors:	Augimeri, Giambrone

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(17) 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(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 302)

Procedural Vote:

The vote to waive referral of Motion J(17) to the Policy and Finance Committee was taken as follows:

Yes - 40	
Councillors:	Altobello, Ashton, 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, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 3	
Mayor:	Miller
Councillors:	Augimeri, Moscoe

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

Disposition:

As Council did not conclude its consideration of Motion J(17) prior to the end of this meeting, consideration of the Motion was postponed to the special meeting of City Council on December 14, 2005.

12.86 J(18) Resolution to Support the Preservation of the Supply Management System for Canada's Dairy, Poultry and Egg Farmers

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:

Moved by: Councillor Nunziata

Seconded by: Councillor Stintz

“WHEREAS Ontario dairy, poultry and egg farmers are part of a supply-managed system that matches production to Canadian demand; and

WHEREAS supply management is a ‘uniquely Canadian success story’ with a solid 40-year track record of providing high-quality and nutritious food for Canadians; and

WHEREAS Toronto residents and other municipalities throughout Ontario benefit from the high standards of the supply management system used by Canada’s dairy, poultry and egg farmers; and

WHEREAS the dairy, poultry and egg industries are a major economic asset to Ontario, generating \$2.6 billion in farm cash receipts and sustaining more than \$14 billion in economic activity, with over 70,000 Ontario jobs depending on supply management; and

WHEREAS several Toronto residents work directly and indirectly for the dairy, poultry and egg industry; and

WHEREAS Canada’s food supply and Canada’s farms may be at risk of being traded away during the World Trade Organization’s Doha Round of negotiations continuing with the Sixth World Trade Organization Ministerial Conference to be held in Hong Kong, China, December 13 to 18, 2005; and

WHEREAS dairy, poultry and egg farmers and federal and provincial governments have worked together to create a stable and equitable economic environment that benefits every link in the food chain, including consumers and farmers; and

WHEREAS Canada’s economic fabric, both rural and urban, would unravel without supply management;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto support the preservation of supply management for Canada’s dairy, poultry and egg farmers, processors, consumers and other Canadians who depend on a vibrant farm economy;

AND BE IT FURTHER RESOLVED THAT this Resolution be forwarded to The Honourable Andy Mitchell, The Honourable Jim Peterson and Prime Minister Paul Martin requesting that they preserve supply management at the WTO trade table;

AND BE IT FURTHER RESOLVED THAT this Resolution be forwarded to the Association of Municipalities of Ontario and the Federation of Canadian Municipalities to request that they similarly voice their support for supply management by forwarding a resolution to The Honourable Andy Mitchell, The Honourable Jim Peterson and Prime Minister Paul Martin requesting that they preserve supply management at the WTO trade table.”

Ruling by Mayor:

Councillor Soknacki requested the Mayor to rule on whether this Motion was within the jurisdiction of the City of Toronto.

Mayor Miller ruled Motion J(18) out of order, as the subject matter is a responsibility of the federal government.

Councillor Nunziata challenged the ruling of the Mayor.

Vote to Uphold Ruling of Mayor:

Yes - 33	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Carroll, Cho, Chow, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Fillion, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Soknacki, Thompson, Watson
No - 10	
Councillors:	De Baeremaeker, Fletcher, Lindsay Luby, Mammoliti, McConnell, Nunziata, Pitfield, Shiner, Stintz, Walker

Carried by a majority of 23.

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(18), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 302)

Disposition:

Motion J(18) was ruled out of order.

12.87 J(19) Five Minute Grace Period for On-street Pay and Display Parking Enforcement

and Synchronization of Time on Machines

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

Moved by: Councillor Stintz

Seconded by: Councillor Grimes

“WHEREAS on-street parking is enforced by the Toronto Police Service, Parking Enforcement Unit; and

WHEREAS on-street parking provides a vital purpose for both residents and small businesses in Toronto; and

WHEREAS the majority of drivers who use on-street parking, purchase receipts for the time that they use in a designated parking spot; and

WHEREAS in some instances, drivers have received parking violations for parking one (1) minute over their purchased time, causing frustration for residents and businesses; and

WHEREAS in the interest of fairness and compliance, a five (5) minute grace period was adopted by the Parking Enforcement Unit in 2003, for those drivers who purchase and display a receipt for on-street parking; and

WHEREAS section 3-15 of the Policy and Procedure Manual for the Parking Enforcement Unit directs Officers not to ‘... issue PIN (Parking Infraction Notice) until five (5) minutes has elapsed between the expiration time on the receipt and the time on the officer’s watch’;

NOW THEREFORE BE IT RESOLVED THAT City Council request that the Parking Enforcement Unit re-issue the 2003 policy directive to all Parking Enforcement Officers in order to ensure compliance of the 5-minute grace period for on-street pay-and-display parking enforcement found in section 3-15;

AND BE IT FURTHER RESOLVED THAT the Treasurer be requested to report to the Planning and Transportation Committee in one year to provide an update regarding the number of disputed tickets that have been received by the First Appearance Facilities regarding the five (5) minute grace period;

AND BE IT FURTHER RESOLVED THAT City Council request the Toronto Parking Authority, which is responsible for pay-and-display machine operation and maintenance, to review the overall synchronization of the time displayed on the machines and report to the Planning and Transportation Committee in February 2006 on the results of this review.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(19) to the 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(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 Summary, Page 302)

Procedural Vote:

The vote to waive referral of Motion J(19) to the Planning and Transportation Committee was taken as follows:

Yes - 26	
Councillors:	Augimeri, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Filion, Fletcher, Grimes, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 17	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Chow, De Baeremaeker, Feldman, Ford, Giambrone, Hall, Kelly, Milczyn, Moscoe, Ootes, Pantalone, Rae, Thompson

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

Proposal by the Mayor:

Council concurred in a proposal by the Mayor that a copy of the Motion also be forwarded to the Toronto Parking Authority for information.

Disposition:

Motion J(19) was referred to the Planning and Transportation Committee, and a copy was also forwarded to the Toronto Parking Authority for information.

12.88 J(20) Site Plan Approval and Rezoning Application - 110 Rexdale Boulevard

Councillor Ford 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 Ford

Seconded by: Councillor Ootes

“WHEREAS the City Planning Division is in receipt of Site Plan Approval and Rezoning Application TA CMB 2002 0023, for the property municipally known as 110 Rexdale Boulevard, for the redevelopment of a Petro-Canada gasoline service station including car wash, car rental agency, convenience sales and take-out restaurant; and

WHEREAS on July 22, 23 and 24, 2003, City Council conditionally approved the zoning by-law amendment for an expansion to the existing car wash building for the proposed car rental agency, convenience sales and take-out restaurant uses; and

WHEREAS the applicant has requested amendments to the proposed zoning by-law following the statutory public meeting to now permit a stand-alone kiosk structure for the convenience sales and take-out restaurant uses; and

WHEREAS the applicant wishes to proceed with the application and approval in a timely manner; and

WHEREAS by a supplementary report dated December 2, 2005, the Chief Planner and Executive Director, City Planning, has reviewed the requested revisions to the proposed zoning by-law and recommends that the revised, proposed by-law be enacted;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the supplementary report (December 2, 2005) from the Chief Planner and Executive Director, City Planning.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(20) to the 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(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 302)

Procedural Vote:

The vote to waive referral of Motion J(20) to the Economic Development and Parks Committee was taken as follows:

Yes - 36	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Soknacki, Stintz, Thompson, Walker, Watson
No - 7	
Councillors:	Feldman, Grimes, Jenkins, Mammoliti, Minnan-Wong, Saundercook, Shiner

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

Council also had before it, during consideration of Motion J(20), a report (December 5, 2005) from the Chief Planner and Executive Director, City Planning (See Attachment 3, Page 233).

Disposition:

As Council did not conclude its consideration of Motion J(20) prior to the end of this meeting, consideration of the Motion was postponed to the special meeting of City Council on December 14, 2005.

12.89 J(21) Solid Waste Management Contractual Issues (All Wards)

Councillor Carroll 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 Carroll**

Seconded by: **Councillor Giambrone**

“**WHEREAS** the City of Toronto at its meeting of November 24, 2005, amended Works Committee Report 9, Clause 3a, headed ‘Solid Waste Management Contractual Issues’, by striking the Committee’s recommendations and issuing confidential instructions to staff at the in-camera portion of its meeting; and

WHEREAS there is a need to obtain further direction from Council with respect to the contractual issues that were subject to the instruction;

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Works Committee Report 9, Clause 3a, headed ‘Solid Waste Management Contractual Issues’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (December 5, 2005) from the Acting General Manager, Solid Waste Management Services, and the City Solicitor.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(21), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer. (See Fiscal Impact Statement Summary, Page 302)

Council also had before it, during consideration of Motion J(21), a confidential report (December 5, 2005) from the Acting General Manager, Solid Waste Management, and the City Solicitor.

Vote to Re-open:

The first Operative Paragraph contained in Motion J(21) carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Watson moved that the balance of Motion J(21) be amended by adding to the end of the second Operative Paragraph, the words “subject to the confidential instructions issued to staff by Council”, so that the second Operative Paragraph now reads as follows:

“AND BE IT FURTHER RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (December 5, 2005) from the Acting General Manager, Solid Waste Management Services, and the City Solicitor, subject to the confidential instructions issued to staff by Council.”

Votes:

The motion by Councillor Watson carried.

The balance of Motion J(21), as amended, carried.

Summary:

In summary, Council re-opened Works Committee Report 9, Clause 3a, headed “Solid Waste Management Contractual Issues”, for further consideration, and amended the balance of this Motion by adding to the end of the second Operative Paragraph, the words “subject to the confidential instructions issued to staff by Council”, so that the second Operative Paragraph now reads as follows:

“AND BE IT FURTHER RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (December 5, 2005) from the Acting General Manager, Solid Waste Management Services, and the City Solicitor, subject to the confidential instructions issued to staff by Council.”

In adopting Motion J(21), as amended, Council adopted, as amended, the staff recommendations contained in the Recommendation Section of the confidential report (December 5, 2005) from the Acting General Manager, Solid Waste Management Services, and the City Solicitor, subject to the confidential instructions issued to staff by Council. The report and the confidential instructions to staff remain confidential in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they contain information related to litigation or potential litigation.

12.90 J(22) Appeal to the Ontario Municipal Board – 19 and 21 Scarborough Beach Boulevard (Ward 32 Beaches East York)

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 Toronto and East York panel of the Committee of Adjustment on Thursday, July 21, 2005, heard consent application B0053/05TEY and minor variance applications A0034/05TEY and A0035/05TEY to permit the severance of an existing 4-plex into two duplexes and associated variances at 19 and 21 Scarborough Beach Boulevard (the ‘Property’); and

WHEREAS variances for an increased gross floor area, decreased rear set-back, a decrease in landscaped open space, decreased frontage, a decrease in the required length of one motor vehicle parking space, parking accessibility, and a decrease in driveway width for 19 Scarborough Beach Boulevard were refused; and

WHEREAS variances for an increased gross floor area, a decrease in landscaped open space, decreased frontage, and parking accessibility for 21 Scarborough Beach Boulevard were refused; and

WHEREAS the owner, in trust, appealed the decision of the Committee of Adjustment to the Ontario Municipal Board under sections 45(12) and 53(14) of the *Planning Act*; and

WHEREAS at its meeting of September 19, 2005, the Toronto and East York Community Council adopted the recommendation that the City Solicitor attend at the Ontario Municipal Board Hearing to oppose the granting of a consent to sever the related variances requested by the owner of 19 and 21 Scarborough Beach Boulevard; and

WHEREAS the owner, in trust, Edwin Gailits (the ‘Applicant’), the City Solicitor, the Ward Councillor, area residents, Planning staff and Transportation staff (‘staff’) have reviewed a revised proposal that is satisfactory to all parties involved; and

WHEREAS the original hearing date of November 23, 2005 was adjourned upon request of the City Solicitor and consent of the Applicant and no new date has been set; and

WHEREAS there is a reasonable expectation that a settlement can be reached; and

WHEREAS staff and the area residents agree that the requested severance and variances may be appropriate for this site with the addition of a further variance to reduce the required parking to one parking spot per property with a condition limiting the permitted parking to one parking spot per property;

NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the staff recommendations contained in the Recommendations Section of the confidential report (November 28, 2005) from the City Solicitor, to achieve a suitable settlement of the appeals respecting 19 and 21 Scarboro Beach Boulevard.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(22) to the 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(22), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer. (See Fiscal Impact Statement Summary, Page 302)

Procedural Vote:

The vote to waive referral of Motion J(22) 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(22), a confidential report (November 28, 2005) from the City Solicitor. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation.

Disposition:

As Council did not conclude its consideration of Motion J(22) prior to the end of this meeting, consideration of the Motion was postponed to the special meeting of City Council on December 14, 2005.

12.91 J(23) York Durham Sewer System - Request for Injunction

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

Moved by: Councillor Moscoe

Seconded by: Councillor Del Grande

“**WHEREAS** the City of Toronto has officially expressed its concern regarding the York Durham Sewer System and the need for a Full Environmental Assessment of the entire project; and

WHEREAS the federal election has caused a delay in the federal government's response to the City's resolution dated October 27, 2005; and

WHEREAS sections of this project have implications with respect to federal jurisdiction and lands; and

WHEREAS the Region of York continues to dewater aquifers of the Oak Ridges Moraine/Rouge Watershed and continues to pursue further Ministry of Environment (MOE) approvals to construct the 19th Avenue phase of this project across the Oak Ridges Moraine, involving further water-takings and dewatering with potentially damaging impacts to the City of Toronto; and

WHEREAS York Region has accelerated the construction of the big pipe in response to the City of Toronto's resolution, and they anticipate substantially constructing the project before the federal government is in a position to take any action on this matter; and

WHEREAS the provincial government has chosen to ignore the comments and recommendations made by Ontario's Environmental Commissioner and continues to allow this project to proceed;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto direct the City Solicitor to seek an injunction to prevent this project from proceeding until such time that the federal government is in a position to respond to the City's request for a review and full Federal Environmental Assessment of all phases of the York Durham Sewer System;

AND BE IT FURTHER RESOLVED THAT Council direct Deputy City Manager Fareed Amin, or his designate, to attend and represent the City's interests at York Region's public meeting on December 8, 2005, regarding the 19th Avenue phase and the permit to take-water as part of the approval process.”,

the vote upon which was taken as follows:

Yes - 32	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Rae, Soknacki, Thompson, Walker
No - 12	
Councillors:	Carroll, Feldman, Ford, Hall, Holyday, Kelly, Ootes, Pitfield, Saundercook, Shiner, Stintz, Watson

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(23) 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(23), 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 302)

Procedural Vote:

The vote to waive referral of Motion J(23) to the Works Committee was taken as follows:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Grimes, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Palacio, Pantalone, Pitfield, Rae, Walker
No - 16	
Councillors:	Carroll, Davis, Feldman, Ford, Giambrone, Hall, Holyday, Kelly, Nunziata, Ootes, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson

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

Disposition:

Motion J(23) was referred to the Works Committee.

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, the vote to waive referral of Motion J(23) to the Works Committee be re-opened for further consideration, the vote upon which was taken as follows:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Grimes, Jenkins, Lindsay Luby, McConnell, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Thompson, Walker
No - 12	
Councillors:	Carroll, Feldman, Ford, Hall, Holyday, Kelly, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Ootes, Watson

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

Deputy Mayor Bussin in the Chair.

Motion:

Councillor De Baeremaeker moved that Motion J(23) be referred to the Works Committee.

Vote on Referral:

Adoption of the motion by Councillor De Baeremaeker:

Yes - 27	
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Giambrone, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Pitfield, Soknacki, Thompson, Walker, Watson
No - 10	
Councillors:	Del Grande, Feldman, Ford, Holyday, McConnell, Moscoe, Ootes, Saundercook, Shiner, Stintz

Carried by a majority of 17.

Mayor Miller in the Chair.

12.92 J(24) Request for Report on Establishing an Elder Abuse Shelter and Crisis Hotline

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

Moved by: Councillor Pitfield

Seconded by: Councillor Thompson

“WHEREAS the abuse of the elderly has been recognized as a global problem; and

WHEREAS elder abuse can be defined as a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person; and

WHEREAS elder abuse can be of various forms such as physical, psychological/emotional, sexual and financial, it can also reflect intentional or unintentional neglect; and

WHEREAS approximately 14 percent of Toronto’s population is over the age of 65 and is expected to increase dramatically over the next 5 to 10 years; and

WHEREAS the victims of elder abuse are often isolated and may conceal the situation for a variety of reasons; and

WHEREAS the World Health Organization states that ‘until very recently, elder abuse, the mistreatment of older people, had been a social problem hidden from the public view – mostly regarded as a private matter’; and

WHEREAS in November 2002, the World Health Organization, together with the University of Toronto and Ryerson University and the International Network for the Prevention of Elder Abuse, devised a call for action in ‘The Toronto Declaration on the Global Prevention of Elder Abuse’; and

WHEREAS The United Nations International Plan of Action adopted by all countries in Madrid in 2002 stated that ‘preventing elder abuse in an ageing world is everybody’s business’; and

WHEREAS the Cities of Calgary and Edmonton have established elder abuse shelters and a crisis hotline; and

WHEREAS the City of Toronto does not have an elder abuse shelter or crisis hotline;

NOW THEREFORE BE IT RESOLVED THAT the City Manager report back to

the Community Services Committee on a process to have an elder abuse shelter and crisis hotline established in the City of Toronto.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(24) to the Community Services Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(24), 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 302)

Procedural Vote:

The vote to waive referral of Motion J(24) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motions:

- (a) Councillor Pitfield moved that Motion J(24) be amended by deleting the first Operative Paragraph and inserting instead the following:

“NOW THEREFORE BE IT RESOLVED THAT the City Manager report back to the Community Services Committee on current services available in the City of Toronto to help persons suffering from elder abuse, gaps in service and the feasibility of establishing an elder abuse shelter and crisis hotline;”.

- (b) Councillor Cowbourne moved that Motion J(24) be referred to the Mayor’s Roundtable on Seniors, with a request that the Chair of the Mayor’s Roundtable on Seniors include the issues raised in this Motion in the report to be submitted to Council by the Roundtable, in the Spring of 2006.

Vote on Referral:

Motion (b) by Councillor Cowbourne carried.

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

12.93 J(25) Opposition to Proposal for Surtax on Imported Bicycles

Councillor De Baeremaeker 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 De Baeremaeker

Seconded by: Councillor Fletcher

“WHEREAS the Canadian International Trade Tribunal is recommending that the Government of Canada impose a 30 percent surtax on imported bicycles with certain specifications; and

WHEREAS this surtax is on top of existing tariffs of 8.5-13 percent on all imported bicycles, as well as anti-dumping duties; and

WHEREAS the effect of this surtax will be to increase the cost of bicycles for Torontonians, thereby discouraging their use; and

WHEREAS Toronto City Council has recognized in the first sentence of the Toronto Bike Plan that ‘encouraging more people in Toronto to cycle more often, especially for utilitarian reasons, will improve the health and the livability of our City’; and

WHEREAS Toronto’s New Official Plan calls for ‘more extensive promotion of cycling for both recreational and everyday transportation purposes’; and

WHEREAS cycling, particularly in dense urban areas like Toronto, is crucial to combating both pollution and road congestion;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council reaffirm its support for cycling as a means of making our City healthy, vibrant and livable;

AND BE IT FURTHER RESOLVED THAT Toronto City Council strongly oppose measures, including the rumoured 30 percent bicycle surtax, that discourage cycling everywhere, but particularly in the City;

AND BE IT FURTHER RESOLVED THAT Toronto City Council direct the City Clerk to write to the Prime Minister of Canada and the Federal Ministers of the Environment, Health, International Trade, Sport, Finance, Transport, Infrastructure, Public Health and Families urging them not to impose this surtax.”

Ruling by Mayor:

Councillor Soknacki requested the Mayor to rule on whether this Motion was within the jurisdiction of the City of Toronto.

Mayor Miller ruled Motion J(25) out of order, as the subject matter is a responsibility of the federal government.

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(25), 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 302)

Disposition:

Motion J(25) was ruled out of order.

12.94 J(26) Dufferin Street Underpass Project - Statutory Offers of Compensation

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

Moved by: Councillor Giambrone

Seconded by: Councillor Watson

“WHEREAS City Council, at its meeting held on July 19, 20, 21 and 26, 2005, adopted Administration Committee Report 6, Clause 20 and thereby authorized and directed staff to complete the expropriation process to acquire all right, title and interest in the lands municipally known 405 Dufferin Street and part of 390-444 Dufferin Street for the proposed Dufferin Street Underpass project; and

WHEREAS title to the said parcels of land was vested in the City on October 14, 2005, by the registration of Expropriation Plans AT949025 and CA808274; and

WHEREAS pursuant to the *Expropriations Act*, the City is required to serve offers of compensation upon the registered owners of the parcels by January 13, 2006, which is prior to City Council’s next meeting on January 31, 2006; and

WHEREAS pursuant to the delegated authority contained in Clause 1 of Report 11 of the Corporate Services Committee, entitled ‘Acquisition and Disposal of Real Property’, adopted, as amended, by City Council on July 29, 30 and 31, 1998, the City Manager has authority to approve statutory offers of compensation for expropriations, where the payment is \$500,000.00 or less; and

WHEREAS as the two offers of compensation could exceed the City Manager’s

\$500,000.00 delegated authority limit, City staff require authorization to make the offers of compensation up to a specified maximum amount, with the actual amount of the offers of compensation to be determined on the basis of an independent consultant's appraisal report, which is pending;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the confidential report (December 2, 2005) from the Chief Corporate Officer, entitled 'Statutory Offers of Compensation – All of 405 Dufferin Street and Part of 390-444 Dufferin Street - Dufferin Street Jog Elimination at Queen Street West – Proposed Dufferin Street Underpass Project', and that the staff recommendations contained in the Recommendations Section of the report be adopted."

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(26) 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(26), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer. (See Fiscal Impact Statement Summary, Page 302)

Procedural Vote:

The vote to waive referral of Motion J(26) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(26), a confidential report (December 2, 2005) from the Chief Corporate Officer. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information that is subject to solicitor-client privilege.

Disposition:

As Council did not conclude its consideration of Motion J(26) prior to the end of this meeting, consideration of the Motion was postponed to the special meeting of City Council on December 14, 2005.

12.95 J(27) Request to Federal Government Respecting Hostages in Iraq

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

Moved by: Councillor Mihevc

Seconded by: Councillor Davis

“**WHEREAS** on November 26, 2005, James Loney, a Torontonian and member of the Christian Peacemaker Teams working in Iraq as a peace and human rights activist was detained; and

WHEREAS James Loney has worked internationally and within the City of Toronto with an aim to reduce violence, has championed the cause of citizens and has worked in the City of Toronto to offer refuge to the socially marginalized; and

WHEREAS the City of Toronto is committed to social justice and strives to be a City of peace; and

WHEREAS Christian Peacemaker Teams are committed to pursuing peace and social justice in a non-violent manner; and

WHEREAS the Prime Minister of Canada has expressed solidarity with the family and friends of James Loney and promised to work towards his release; and

WHEREAS the whereabouts and condition of James Loney are currently unknown;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council express its concern for the safety of James Loney and hope for his safety, speedy release and safe return home;

AND BE IT FURTHER RESOLVED THAT Toronto City Council express its solidarity with people who are holding vigil at the Peace Garden on Nathan Phillips Square;

AND BE IT FURTHER RESOLVED THAT the federal government be further encouraged to do everything in its power to find ways to obtain the release of James Loney and the other three individuals currently being held hostage (Tom Fox, Harmeet Sooden and Norman Kember).”

Ruling by Mayor:

Councillor Soknacki requested the Mayor to rule on whether this Motion was within the jurisdiction of the City of Toronto.

Mayor Miller ruled that the third Operative Paragraph contained in Motion J(27), was out of order as its subject matter is a responsibility of the federal government.

Councillor Davis challenged the ruling of the Mayor.

Vote to Uphold the Ruling of the Mayor:

Yes - 23	
Mayor:	Miller
Councillors:	Altobello, Carroll, Cowbourne, Del Grande, Feldman, Filion, Ford, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Soknacki, Stintz, Thompson, Walker
No - 20	
Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, Davis, De Baeremaeker, Di Giorgio, Fletcher, Jenkins, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Shiner, Watson

Carried by a majority of 3.

Vote:

The vote to waive the necessary provisions of Chapter 27 of the City of Toronto Municipal Code to permit introduction of the balance of this Notice of Motion 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 the balance 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 302)

Procedural Vote:

The vote to waive referral of the balance of Motion J(27) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of the balance of Motion J(27):

Yes - 43	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

Summary:

The following third Operative Paragraph, contained in Motion J(27), was ruled out of order:

“AND BE IT FURTHER RESOLVED THAT the federal government be further encouraged to do everything in its power to find ways to obtain the release of James Loney and the other three individuals currently being held hostage (Tom Fox, Harmeet Sooden and Norman Kember).”

Council adopted the balance of Motion J(27).

12.96 J(28) Options for Filling the Vacancy in the Office of Councillor (Ward 41 Scarborough-Rouge River)

Councillor Davis 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 Davis

Seconded by: Councillor Ford

“WHEREAS Council has previously declared the Office of Councillor, Ward 41 – Scarborough-Rouge River to be vacant [December 5, 2005 - Motion J(10)]; and

WHEREAS subsection 263(5) of the *Municipal Act, 2001*, as amended, provides that Council shall, within 60 days after the day the office is declared vacant, appoint a person to fill the vacancy or pass a by-law to require that the vacancy be filled through the conduct of a by-election; and

WHEREAS City Council adopted a policy at its meeting of February 1, 2 and 3, 2000, to provide that vacancies occurring prior to November 30th in the year preceding a regular election would be filled by by-election and vacancies occurring after November 30th would be filled by appointment;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached report from the City Clerk (December 5, 2005) entitled ‘Options on Filling the Vacancy in the Office of Councillor, Ward 41 – Scarborough-Rouge River’, and decide upon a method to fill the vacancy.”

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 a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 7, Page 313)

Council also had before it, during consideration of Motion J(28), a report (December 5, 2005) from the City Clerk. (See Attachment 4, Page 244).

Motion:

Councillor Kelly moved that Motion J(28) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the staff recommendations contained in the Recommendations Section of the report (December 5, 2005) from the City Clerk, be adopted.”

Votes:

The motion by Councillor Kelly carried.

Motion J(28), as amended, carried.

Summary:

In adopting Motion J(28), as amended, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (December 5, 2005) from the City Clerk:

“It is recommended that:

- (1) in accordance with Council’s policy, the vacancy be filled through the appointment of a qualified elector following the process set out in Appendix ‘B’ to this report;

- (2) the necessary funds for the appointment process be transferred from the Election Reserve to the City Clerk's 2005 Operating Budget;
- (3) in the interim, the current staff of former Councillor Balkissoon continue to serve the constituents of Ward 41 – Scarborough-Rouge River until the new Councillor is appointed and a decision is made by Council or the new Councillor with respect to staffing; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

12.97 J(29) Amendment to Zoning By-law - 120 Dallimore Circle

Councillor Minnan-Wong 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 Minnan-Wong

Seconded by: Councillor Augimeri

“**WHEREAS** Don Green Belt Developments Inc. has made a request to permit a 9-storey apartment building on the lands know municipally as 120 Dallimore Circle; and

WHEREAS the gross floor area statistics submitted with the application were inaccurate and resulted in a miscalculation of the overall proposed gross floor area being presented at the North York Community Council; and

WHEREAS due to the building being altered to address site plan improvements, the number of dwelling units has increased to 204 and a canopy (portico) has been added to the front of the building;

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, North York Community Council Report 8, Clause 18, headed ‘Final Report - Official Plan and Rezoning Application - 05 122557 NNY 34 OZ - Don-Greenbelt Developments - Atkins Group Corporation Architects - 120 Dallimore Circle (Ward 34 - Don Valley East)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the zoning by-law be amended to read as follows:

‘64.20-A(84)

(q) Canopies may project into the minimum front yard setback.

64.20-A(84)(f)

(f) The maximum gross floor area for all lands zoned RM1(10) and RM6(84) shall be 48,100 square metres.

64.20-A(84)(h)(i)

(i) The maximum number of dwelling units shall be 362, a maximum of 204 units to be located within the building on the lands zoned RM6(84-2) adjacent to the railway.';

AND BE IT FURTHER RESOLVED THAT Council deem the amendments to the draft by-law to be minor, and, therefore, determine, pursuant to Subsection 34(17) of the *Planning Act*, that no further notice to the public is required.”

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 302)

Vote to Re-open:

The first Operative Paragraph contained in Motion J(29) carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

The balance of Motion J(29) was adopted, without amendment.

12.98 **J(30) Appeal to the Ontario Municipal Board - 54 Gormley Avenue (Ward 21)**

December 5, 2005:

Councillor Walker, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions 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.

December 6, 2005:

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 owner applied to the Committee of Adjustment for variances including gross floor area, building depth, front porch setbacks and an integral garage, for the property known as 54 Gormley Avenue; and

WHEREAS City Planning staff recommended that variance #5 with respect to an integral garage on a lot that is less than 7.62 metres in width be refused; and

WHEREAS the subject property has a front lot width of 6.4 metres; and

WHEREAS on September 21, 2005, the Committee of Adjustment approved the application on condition that:

- (1) the development shall be constructed substantially in accordance with the revised plans on file with the Committee, stamp dated August 23, 2005; and
- (2) the rear deck be no higher than 0.91 metres above grade; and

WHEREAS the intent of the By-law is to preserve the traditional relationship of the house to the street; and

WHEREAS introducing an integral garage would result in a houseform that is out of character with the neighbourhood streetscape; and

WHEREAS the Ontario Municipal Board will be considering an appeal by a neighbour with respect to this decision by the Committee of Adjustment;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto authorize the City Solicitor and City Planning staff to appear at the Ontario Municipal Board to support the position of City Planning respecting the integral garage and to oppose the Committee’s approval of the integral garage.”

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(30) 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(30), 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 302)

Procedural Vote:

The vote to waive referral of Motion J(30) 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(30), a Notice of Decision (September 23, 2005) from the Acting Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel, which is on file in the City Clerk's Office.

Vote:

Motion J(30) was adopted, without amendment.

12.99 J(31) TEDCO's Application for Judicial Review of IPC Order MO-1966

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: Mayor Miller

"WHEREAS the City Clerk submitted a report to the Policy and Finance Committee advising on the status of proceedings related to the Information and Privacy Commissioner's Order MO-1966 (Report 10, Clause 43(k), entitled 'TEDCO Mega Film Studio Project: Freedom on Information Request'); and

WHEREAS the City Solicitor has prepared an in-camera report seeking clarification and instructions from Council on the City's position in an Application for Judicial Review of the Information and Privacy Commissioner's ('IPC') Order MO-1966 pertaining to the City of Toronto Economic Development Corporation; and

WHEREAS this matter must be considered at this meeting of Council in order to submit a notice of appearance according to the rules of civil procedure if the City takes a position, or to advise the other parties immediately if the City takes no position on this issue;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the confidential report (December 1, 2005) from the City Solicitor and that Council adopt the staff recommendations contained in the Recommendations Section of the report."

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(31) 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(31), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer. (See Fiscal Impact Statement Summary, Page 302)

Procedural Vote:

The vote to waive referral of Motion J(31) 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(31), a confidential report (December 1, 2005) from the City Solicitor. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation.

Disposition:

As Council did not conclude its consideration of Motion J(31) prior to the end of this meeting, consideration of the Motion was postponed to the special meeting of City Council on December 14, 2005.

12.100 J(32) 650-672 Sheppard Avenue East - Ontario Municipal Board Decision/Order No. 0150 Granting Exclusions to Gross Floor Area Definition – Appeal to Divisional Court – Revision to Settlement

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 Ootes

“WHEREAS the Ontario Municipal Board issued its Decision/Order No. 0150 on January 25, 2005 with respect to a proposed development at 650-672 Sheppard Avenue East, and City Council subsequently instructed the City Solicitor to seek leave to appeal that Decision/Order to Divisional Court; and

WHEREAS at its meeting held on February 16, 2005, City Council by the adoption of Motion J(14), as amended, adopted the City Solicitor's in-camera report dated February 15, 2005 thereby authorizing the City Solicitor to settle the City's application for leave to appeal the OMB Decision/Order to Divisional Court; and

WHEREAS the developer has requested revision to the settlement; and

WHEREAS this is a time sensitive matter since the application for leave to appeal to the Divisional Court is scheduled to be heard in January, 2006;

NOW THEREFORE BE IT RESOLVED THAT City Council consider and adopt the staff recommendations contained in the Recommendations Section of the confidential report (December 5, 2005) from the City Solicitor."

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(32) 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(32), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer. (See Fiscal Impact Statement Summary, Page 302)

Procedural Vote:

The vote to waive referral of Motion J(32) 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(32), a confidential report (December 5, 2005) from the City Solicitor. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation.

Disposition:

As Council did not conclude its consideration of Motion J(32) prior to the end of this meeting, consideration of the Motion was postponed to the special meeting of City Council on December 14, 2005.

12.101 J(33) Request to Change Judicial Parolling and Leniency System

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:

Moved by: Councillor Palacio

Seconded by: Councillor Nunziata

“WHEREAS Judges are too lenient in their sentencing thereby doing a disservice to victims of crime, affected communities, and to the Police by letting repeating offenders get out even before our Police Officers complete the paper work; and

WHEREAS the current parolling system has become a revolving door syndrome by allowing repetitive and dangerous offenders out of prison without completing their sentences; and

WHEREAS the City of Toronto has been the epicentre of 50 homicides by guns thus far in 2005; 50 young lives have been lost due to guns and street violence; and

WHEREAS due to the deployment of Toronto Police Officers to high risk neighbourhoods, hard-core criminals are moving on to quiet neighbourhoods that are vulnerable to this kind of unwelcome intrusion; and

WHEREAS due to the lack of Community Policing around public housing developments and elementary schools in targeted areas, guns and gangs are more prevalent than ever;

NOW THEREFORE BE IT RESOLVED THAT the federal and provincial governments be requested to do the following:

- (1) implement tougher penalties for those who smuggle guns into the Country;
- (2) implement tougher penalties with minimum prison terms for those who commit crimes with guns, or are in possession of illegal guns;
- (3) ensure that when repeat offenders are sentenced, those sentences reflect their habitual offender status and that they be required to serve the full term of the sentence; and
- (4) ensure that sentences and fines reflect the actual costs of arrest and prosecutions;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be requested to report to the Policy and Finance Committee on how the City can make property owners legally and financially liable if it is proven that the landlord knew that their premises were being used for illegal or criminal activities.”

Fiscal Impact Statement:

City Council had before it, for consideration with 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 302)

Ruling by Mayor:

Councillor Soknacki requested the Mayor to rule on whether this Motion was in order.

Mayor Miller ruled Motion J(33) redundant, in that Motion J(17) deals with similar issues.

Councillor Nunziata challenged the ruling of the Mayor:

Vote to Uphold Ruling of Mayor:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, Di Giorgio, Fletcher, Ford, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Saundercook, Soknacki, Thompson
No - 15	
Councillors:	Ashton, De Baeremaeker, Del Grande, Grimes, Li Preti, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Stintz, Walker, Watson

Carried by a majority of 11.

Disposition:

Motion J(33) was ruled redundant, in that Motion J(17) deals with similar issues.

12.102 J(34) OMB Appeals of Site Plan and Zoning – 3025 Finch Avenue West (Ward 7 York West)

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

Moved by: Councillor Mammoliti

Seconded by: Councillor Palacio

“WHEREAS the City and the developer of the proposed residential development at 3025 Finch Avenue West mediated the appeals of the zoning and site plan applications before the Ontario Municipal Board on the form of and conditions to the development and reached a settlement of same which was approved by City Council by the adoption of Motion J(29) at its meeting held on November 30, 2004; and

WHEREAS the Ontario Municipal Board after hearings on December 20, 2004 and July 26, 2005 found the proposal to be good planning and implemented the settlement through the issuance of its Decision No. 2368; and

WHEREAS some of the conditions of approval of the development deal with the environmental remediation of the site since it was previously used as a land fill site for approximately 45,000 tonnes of domestic waste; and

WHEREAS pursuant to two Certificates of Approval issued by the Ministry of the Environment, the developer has, for a number of months, been excavating the site and removing the waste with the intention of obtaining building permits prior to the end of the year; and

WHEREAS the developer wishes to maintain the affordability of the dwelling units in the development by remaining eligible for the 2004 Development Charges rate under the Development Charges By-law, through obtaining an above-grade building permit on or before December 31, 2005; and

WHEREAS the developer advises that due to unforeseen delays in the screening process of the waste on site, it is unlikely to be in a position to satisfy all of the environmental conditions to obtain an above-grade building permit by the end of the year, and accordingly, it requests the City to amend the settlement documentation so as to allow the Chief Building Official to exercise her discretion to issue a conditional building permit for foundation and above-grade construction if she sees fit, with the commitment that all of the environmental conditions will be satisfied before the full building permit issuance and the completion of the buildings, including the requirement that a Record of Site Condition be filed in the Ministry of the Environment's Environmental Site Registry; and

WHEREAS given the extensive mediation and settlement between the developer and the City, the Ministry of the Environment's involvement in the process, and the commitment to environmentally remediate the site and provide affordable housing, it is reasonable to amend the settlement documentation to allow for the possibility of a conditional building permit being issued;

NOW THEREFORE BE IT RESOLVED THAT Council hereby direct and authorize the City Solicitor to amend the environmental provisions of the settlement documentation, including the proposed zoning by-law and Section 37 Agreement to permit the Chief Building Official or her delegate to issue a conditional building permit for the proposed development, such amendments to be in a form satisfactory to the City Solicitor;

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

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(34) 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(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 302)

Procedural Vote:

The vote to waive referral of Motion J(34) 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(34), Ontario Municipal Board Decision No. 2368, issued September 8, 2005, pertaining to 3025 Finch Avenue West, which is on file in the City Clerk's Office.

Vote:

Motion J(34) was adopted, without amendment.

12.103 J(35) Application for Sign Variance - 25 Vice Regent Boulevard

Councillor Ford 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 Ford

Seconded by: Councillor Ootes

“WHEREAS assisting economic development and creating a positive business climate within the City of Toronto, should be a part of this Council's mandate; and

WHEREAS the property municipally known as 25 Vice Regent Boulevard (Woodbine Pontiac) is ready for business in the very tough automobile retail sector and has applied for sign variances; and

WHEREAS due to the Council meeting cycle there will not be a Community Council meeting until January 17, 2006 and a City Council meeting until January 31, 2006; and

WHEREAS the applicant wishes to proceed with the application and approval in a

timely manner; and

WHEREAS the staff report is positive and recommends the approval of the sign variances;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the report (December 1, 2005) from the Chief Building Official and Executive Director.”

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(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 302)

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.

Council also had before it, during consideration of Motion J(35), a report (December 1, 2005) from the Chief Building Official and Executive Director. (See Attachment 5, Page 279)

Vote:

Motion J(35) was adopted, without amendment.

Summary:

In adopting Motion J(35), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (December 1, 2005) from the Chief Building Official and Executive Director:

“It is recommended that:

- (1) the request for variances be approved for the reasons outlined in this report;
- (2) the overall number of business identification fascia signs on this property be

limited to six; and

- (3) the applicant be advised, upon approval of variances, of the requirement to obtain the necessary sign permit(s).”

12.104 J(36) Western Hemisphere Travel Initiative Request to Add Issue to the Great Lakes and St. Lawrence Cities Agenda

December 6, 2005:

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

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

Moved by: Councillor Moscoe

Seconded by: Councillor McConnell

“**WHEREAS** on September 2, 2005, the United States Department of Homeland Security published advance notice of new regulations that will require all citizens of the United States, Canada, Bermuda and Mexico to have passports to enter or re-enter the United States by January 1, 2008; and

WHEREAS these requirements will discourage cross border interaction and have devastating effects on the Canadian and American economies, particularly on border cities; and

WHEREAS the primary tourist market for Toronto is Ohio, Michigan and New York States; and

WHEREAS fewer than 23 percent of all Americans hold United States passports; and

WHEREAS a family of four will be required to spend almost \$400.00 to obtain passports to travel to Canada; and

WHEREAS the present easily accessible border facilitates 300,000 crossings a day and more than \$1.2 billion a day in trade; and

WHEREAS, for example:

- over 3,500 Canadian nurses staff Detroit hospitals;
- a truck crosses the US-Canada border every 25 seconds, 24 hours a day, and 7 days a week;
- more than 5.2 million US jobs rely on trade with Canada; and
- the regulations will result in a \$750 million decline in tourism receipts in US communities from 2005 to 2008 alone; and

WHEREAS all Great Lakes cities are border cities; and

WHEREAS the Great Lakes cities are meeting on December 12 and 13, 2005; and

WHEREAS only US cities can effectively lobby the United States Congress to modify the regulations;

NOW THEREFORE BE IT RESOLVED THAT the Mayor be requested to place the Western Hemisphere Travel Initiative on the agenda of the Great Lakes and St. Lawrence Cities agenda for its meeting on December 12 and 13, 2005 as an emergent issue;

AND BE IT FURTHER RESOLVED THAT City Council solicit support from all United States member municipalities to lobby Congress to modify home land security regulations to mitigate the devastating effects of the Passport regulations on the Canadian and United States economies.”

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(36) 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(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 302)

Procedural Vote:

The vote to waive referral of Motion J(36) 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(36), a Memorandum (October 31, 2005) to the Standing Committee on Municipal Infrastructure and Transportation Policy, headed “Update on the Western Hemisphere Travel Initiative”, which

is on file in the City Clerk's Office.

Disposition:

As Council did not conclude its consideration of Motion J(36) prior to the end of this meeting, consideration of the Motion was postponed to the special meeting of City Council on December 14, 2005.

12.105 J(37) Inventory of Surplus Properties for Affordable Housing and Community Purposes

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 Mammoliti

“WHEREAS the Toronto District School Board (TDSB) and Toronto Catholic District School Board (TCDSB) have declared a number of schools surplus in the past several years that have been converted into various land uses, except housing and support services; and

WHEREAS City Council recently approved City participation in the new Affordable Housing Program, where the new approach is to provide a permanent housing solution, not shelters; and

WHEREAS use of federal and provincial funds has been made available for better affordability (lower rents); and

WHEREAS the Province announced the first wave of allocations to the City of Toronto under the new Federal and Provincial Affordability Housing Program; and

WHEREAS the City's priorities for further Federal \$1.6 billion for housing, mainly on the railway lands, waterfront, aboriginal, co-operative housing and replacement homes in Regent Park must be aggressively pursued; and

WHEREAS presently the City's waiting list for affordable/subsidized housing has over 70,000 names with a waiting period of up to 10 years;

NOW THEREFORE BE IT RESOLVED THAT the General Manager, Shelter, Support and Housing Administration, be requested to report to an upcoming meeting of the Affordable Housing Committee on:

- (1) any possible Toronto District School Board or Toronto Catholic District School Board facilities that are available, or could soon be available to be converted to Affordable Housing by either the City or a non-profit housing provider; and
- (2) the process, including necessary steps from the City and respective Boards, to make this happen should a property be available;

AND BE IT FURTHER RESOLVED THAT the City Manager be requested to compile a list from agencies, boards, commissions and City divisions, of any City-owned facilities that are currently significantly under-utilized, with suggestions for possible consolidation of operations, with the intent that any surplus faculties or vacant publicly-owned properties be identified and made available for affordable housing.”

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(37) 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(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 302)

Procedural Vote:

The vote to waive referral of Motion J(37) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Motion J(37), without amendment:

Yes - 30	
Mayor:	Miller
Councillors:	Augimeri, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Grimes, Jenkins, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 13	

Councillors: Altobello, Ashton, Bussin, Del Grande, Filion, Ford, Hall, Holyday, Kelly, Lindsay Luby, Milczyn, Ootes, Pitfield
--

Carried by a majority of 17.

Motion to Re-Open:

Councillor Shiner, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(37) be re-opened for further consideration, the vote upon which was taken as follows:

Yes - 32 Councillors: Altobello, Ashton, Bussin, Cho, Chow, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, McConnell, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker
No - 11 Mayor: Miller Councillors: Augimeri, Carroll, Davis, Fletcher, Jenkins, Mammoliti, Mihevc, Moscoe, Pantalone, Watson

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

Deputy Mayor Bussin in the Chair.

Motion:

Councillor Del Grande moved that Motion J(37) be amended by:

- (1) amending the title of the Notice of Motion to read “Inventory of Surplus Properties for Affordable Housing and Community Purposes”;
- (2) adding to the end of the first Recital, the words “and community services”, so the first Recital now reads as follows:

“WHEREAS the Toronto District School Board (TDSB) and Toronto Catholic District School Board (TCDSB) have declared a number of schools surplus in the past several years that have been converted into various land uses, except housing and support services and community services;” and

- (3) adding to the end of Part (1) of the first Operative Paragraph, the words “as well as other public usage facilities”, so that Part (1) now reads as follows:

- “(1) any possible Toronto District School Board or Toronto Catholic District School Board facilities that are available, or could soon be available to be converted to Affordable Housing by either the City or a non-profit housing provider, as well as other public usage facilities; and”.

Votes:

The motion by Councillor Del Grande carried.

Motion J(37), as amended, carried.

Mayor Miller in the Chair.

12.106 J(38) 1100 Lansdowne Avenue (Building 13) – Official Plan and Zoning By-law Amendment (Ward 17 - Davenport)

Councillor Palacio 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 Palacio

Seconded by: Councillor Nunziata

“**WHEREAS** City Council adopted Etobicoke York Community Council Report 7, Clause 4, headed ‘Final Report – Official Plan Amendment and Rezoning Application, Applicant: George Vrachas – Part of 1100 Lansdowne Avenue (Building 13) (Ward 17 – Davenport)’, at its meeting held on September 28, 29 and 30, 2005; and

WHEREAS since that meeting, minor changes have been made to the Zoning By-Law Amendment to clarify the calculation of residential gross floor area and to identify the potential location of stair structures along the southerly 67.05 metres of the building adjacent to Lansdowne Avenue; and

WHEREAS these changes do not alter the size of the proposed building or the general nature of the development proposal; and

WHEREAS City Council has provided adequate public notice under the *Planning Act, R.S.O. 1990, c. P.13*, as amended, regarding the proposed Official Plan Amendment and Zoning By-law Amendment and has determined that no further notice is required pursuant to subsection 34(17) of the *Planning Act*;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of

Chapter 27 of the City of Toronto Municipal Code, Etobicoke York Community Council Report 7, Clause 4, headed 'Final Report - Official Plan Amendment and Rezoning Application, Applicant: George Vrachas - Part of 1100 Lansdowne Avenue (Building 13) (Ward 17 - Davenport)', be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT:

- (1) Section 6 (3) of the draft Zoning By-law Amendment be revised to read as follows:

'The lowest floor level of the building is to be exempt for the *residential gross floor area* calculation';

- (2) a new Section 5 (4) be added to the draft Zoning By-law Amendment to read as follows:

'Notwithstanding the provisions of clause 5 iii) of this by-law, nothing shall prevent the construction of stair structures along the southerly 67.05 metres (220 feet) of the building adjacent to Lansdowne Avenue, as shown on Map 2 attached to and forming part of this by-law'; and

- (3) no further notice shall be given in respect of the proposed by-laws."

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 302)

Vote to Re-open:

The first Operative Paragraph contained in Motion J(38) carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

The balance of Motion J(38) was adopted, without amendment.

12.107 J(39) Agnes Macphail Selection Committee Membership

December 6, 2005:

Councillor Davis, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions 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.

December 7, 2005:

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 Pitfield

“WHEREAS the Agnes Macphail Award Selection Committee selects the 2006 Agnes Macphail Award recipient; and

WHEREAS the Agnes Macphail Award Selection Committee is composed of:

- the Member of Parliament (or his/her representative) for the riding of Don Valley West (the riding in which Agnes Macphail lived);
- the Member of Provincial Parliament (or his/her representative) for the ridings of Toronto-Danforth and Beaches-East York;
- one East York citizen who is a current or former member of a Council appointed board or committee (to be appointed by the Toronto East York and North York Community Councils);
- one former member of the Borough of East York Council (to be appointed by the Toronto and East York Community Council); and
- all previous winners of the Agnes Macphail Award; and

WHEREAS candidates for the Selection Committee are drawn from within the boundaries of the former Borough of East York; and

WHEREAS Toronto City Council is required to endorse appointments to the Agnes Macphail Award Selection Committee;

NOW THEREFORE BE IT RESOLVED THAT Council endorse the appointment to the Agnes Macphail Award Selection Committee, the individuals listed in the confidential communication (December 6, 2005) from the Administrative Support, Agnes Macphail Recognition Committee.”

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(39) to the North York Community Council and 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(39) to the North York Community Council and 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(39), a confidential communication (December 6, 2005) from the Administrative Support, Agnes Macphail Recognition Committee. This communication remains confidential, except for the recommendations (see Summary below), in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals.

Vote:

Motion J(39) was adopted, without amendment.

Summary:

In adopting Motion J(39), without amendment, Council has endorsed the appointment of the individuals listed in the Recommendations Section of the confidential communication (December 6, 2005) from the Administrative Support, Agnes Macphail Recognition Committee, as follows:

“It is recommended that Toronto City Council:

- (1) endorse the appointment of John Papadakis, former East York Councillor, and of Bruce Thornton, member of Council appointed Board/Committee, to the Agnes Macphail Award Selection Committee; and
- (2) endorse the appointment of George Vasilopoulos as an alternate member.”

12.108 J(40) Preservation of Site for Institutional Purposes - 175 Brentcliffe Road

December 6, 2005:

Councillor Pitfield, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions 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.

December 7, 2005:

Councillor Pitfield moved that the necessary provisions of Chapter 27 of the City of Toronto

Municipal Code be waived to permit introduction of the following Notice of Motion:

Moved by: Councillor Pitfield

Seconded by: Councillor Jenkins

“**WHEREAS** the Canadian National Institute severed its property and sold a portion of this site to a residential developer to cover the costs of its new building; and

WHEREAS the Centre for Mental Health and Addiction is in the process of consolidating its four current sites into one main site at its 1001 Queen Street West location, rendering the facility at 175 Brentcliffe Road surplus; and

WHEREAS the Centre for Mental Health and Addiction would like to use the revenue from the sale of 175 Brentcliffe Road to offset the costs of this consolidation; and

WHEREAS the maximum revenue is generated by the sale to a residential developer; and

WHEREAS area residents have expressed concern regarding the potential of the Institutional area located at 175 Brentcliffe Road for redevelopment for residential purposes; and

WHEREAS the former City of North York Official Plan and the new City of Toronto Official Plan do not permit residential use on the 175 Brentcliffe Road site; and

WHEREAS at the July 2004 City Council meeting, the City of Toronto placed an Interim-Control By-law on the Bayview institutions located east of Bayview Avenue and north of Kilgour Road; and

WHEREAS at past community meetings, representatives from the City have indicated concerns with any future residential development on this site as the transportation network and sewer network is already at capacity; and

WHEREAS the City of Toronto believes that all institutional space should be protected; and

WHEREAS Sunnybrook Hospital has indicated an interest in purchasing this site for institutional use;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto request that the Minister of Health and Long-Term Care intervene and ensure that this site is not sold off for residential development but preserved for institutional use.”,

the vote upon which was taken as follows:

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

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(40) 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(40) to the North York Community Council was taken as follows:

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

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

Council also had before it, during consideration of Motion J(40), a communication (December 7, 2005) from Dr. Paul Garfinkel, President and Chief Executive Officer, Centre for Addiction and Mental Health, submitted by Deputy Mayor Joe Pantalone, Ward 19 Trinity-Spadina, which is on file in the City Clerk's Office.

Deputy Mayor Bussin in the Chair.

Motion:

Deputy Mayor Pantalone moved that Motion J(40) be referred to the Planning and Transportation Committee for consideration at its meeting on January 9, 2006.

Vote on Referral:

The motion by Deputy Mayor Pantalone carried.

12.109 J(41) Authority to Enter Into Agreements with the Owners of 533 Richmond Street West and 51 Bathurst Street under Section 45(9) of the Planning Act

December 5, 2005:

Councillor Chow, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions 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.

December 6, 2005:

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 (the ‘Committee’) granted variances respecting the number of parking spaces, building set-back, building dimensions, amenity space, and building height for the property located at 533 Richmond Street West and made its decision conditional on the Owner entering into an agreement under Section 45(9) of the *Planning Act* to provide a cash contribution of \$25,000.00 (twenty-five thousand dollars) to the City of Toronto, prior to final and binding approval of the Minor Variance Application to be used for improvements to St. Clarence Square Park; and

WHEREAS the Committee granted variances, including variances respecting height, amenity space requirements and angular plane requirements to permit a mixed-use building having 421 units for the property located at 51 Bathurst Street and made its decision conditional on, among other things, the Owner entering into an agreement under Section 45(9) of the *Planning Act* to provide a cash contribution of \$75,000.00

(seventy-five thousand dollars) to the City of Toronto; half of which was received when the decision became final and binding and the remaining half to be received when the above-grade building permit is issued to be divided equally between streetscape improvements to Camden Street between Spadina Avenue and Brant Street and improvements to Wellington Street between Spadina Avenue and Bathurst Street; and

WHEREAS authority is required from City Council for City staff to execute agreements under Section 45 (9) of the *Planning Act*; and

WHEREAS execution of each of these agreements is a time sensitive matter, to ensure the City of Toronto receives the payments it requires and the Owners of the properties receive the approval they need to construct their projects;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto grant the authority to enter into an agreement with the Owner of 533 Richmond Street West and to enter into an agreement with the Owner of 51 Bathurst Street to secure the required payments pursuant to the Committee of Adjustment decisions;

AND BE IT FURTHER RESOLVED THAT City Council authorize the City Solicitor to undertake any steps necessary to implement Council's direction, including the execution of Section 45 (9) agreements, pertaining to the variances conditionally set out in the decisions of the Committee."

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(41) 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(41) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also has before it, during consideration of Motion J(41), the following, which are on file in the City Clerk's Office.

- Notice of Decision (October 21, 2005) from the Acting Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel, respecting 51 Bathurst Street; and
- Notice of Decision (August 12, 2005) from the Acting Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel, respecting 533 Richmond Street West.

Vote:

Motion J(41) was adopted, without amendment.

**12.110 J(42) Amendment to Section 37 Agreement for 3 and 6 Windermere Avenue
(Ward 13)**

December 6, 2005:

Councillor Saundercook, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions 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.

December 7, 2005:

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 707-2001 and 708-2001 to permit comprehensive residential redevelopment of the former Stelco site; and

WHEREAS the first phase of that project is now under construction on Block ‘E’, being the block on the east side of Windermere Avenue; and

WHEREAS the applicant is attempting to clear conditions for site plan approval and obtain a building permit for the second phase of this project on Block ‘B’, on the west side of Windermere Avenue prior to the year’s end in order to pay development charges (currently at the 2003 rate); and

WHEREAS the Section 37 Agreement requires provision for a daycare facility for 52 children to be made prior to release of the building permit: and

WHEREAS the site owner, Cresford Developments, has proposed to provide a temporary daycare facility off-site and requests that the Section 37 Agreement be amended to permit a temporary facility; and

WHEREAS the next City Council meeting is scheduled to be held in January 2006;

and

WHEREAS the Chief Planner and Executive Director, City Planning, has prepared a report dated December 6, 2005;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached report (December 6, 2005) from the Chief Planner and Executive Director, City Planning, and adopt the staff recommendations contained in the Recommendations Section of the report.”

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

Procedural Vote:

The vote to waive referral of Motion J(42) 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(42), a report (December 6, 2005) from the Chief Planner and Executive Director, City Planning. (See Attachment 6, Page 283.)

Vote:

Motion J(42) was adopted, without amendment.

Summary:

In adopting Motion J(42), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (December 6, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that authority be granted to amend the Section 37 agreement for 3 and 6 Windermere Avenue in order to:

- (1) permit an interim, off-site daycare facility to be located in the Windermere United Church at 356 Windermere Avenue;
- (2) require that the interim facility will be leased and equipped at the owner’s expense; and
- (3) require the permanent on-site facility be provided in the next phase of development.

It is further recommended that the City Solicitor be authorized and directed to take the necessary action to give effect thereto.”

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

December 5, 2005:

Councillor Moscoe, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions 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.

December 6, 2005:

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

Moved by: Councillor Moscoe

Seconded by: Councillor Filion

“**WHEREAS** it is currently City practice for residents to have access to view plans of a neighbouring residential house property until the construction is completed; and

WHEREAS the Building Division has recently issued a directive that residents may not view the building plans for neighbouring properties without making a Freedom of Information request and receiving written permission from the property owner/agent; and

WHEREAS in many instances the construction may be completed before a Freedom of Information request may be processed; and

WHEREAS Councillors have also been denied this information;

NOW THEREFORE BE IT RESOLVED THAT Council direct City staff to allow residents to view building plans for neighbouring residential house properties, until construction is completed and the file closed, unless the plans are restricted at the request of the property owner/agent, for security or safety reasons;

AND BE IT FURTHER RESOLVED THAT the Building Division initiate a process whereby applicants for building permits may request, and can demonstrate, that their plans should be restricted from public viewing due to security or safety reasons;

AND BE IT FURTHER RESOLVED THAT plans that have not been so restricted be available to elected officials, if required, at any time for reasons of fulfilling their municipal responsibilities.”

Council also had before it, for consideration with Motion J(43), a Briefing Note (December 6, 2005), headed “Routine Disclosure Policy on Building Plans (Update)”, from the Director, Corporate Access and Privacy. (See Attachment 7, Page 286.)

Disposition:

As Council did not conclude its consideration of Motion J(43) prior to the end of this meeting, consideration of the Motion was postponed to the special meeting of City Council on December 14, 2005.

12.112 J(44) Request to Reaffirm the City of Toronto Position Regarding a Subway Line to Pearson Airport from Union Station

December 6, 2005:

Councillor Nunziata, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions 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.

December 7, 2005:

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 Palacio

“**WHEREAS** in 1998, following the cancellation of the Eglinton Subway line by the Provincial Government, which was to have connected to Pearson Airport, the City requested senior governments to build a ‘rapid transit’ connection between Pearson Airport and Union Station, using the CN Weston Corridor; and

WHEREAS the senior levels of government have committed significant sums of money, including \$235 million of municipal money, in part for the creation of a private, for-profit Air-Rail Link, which is deliberately designed to be priced out of reach of ordinary citizens and will be almost exclusively used by business travelers to Toronto; and

WHEREAS the proposed design of the Air-Rail Link creates significant environmental problems for residents along the entire corridor, in particular in Weston, Mt. Dennis, St. Clair Avenue West and Liberty Village; and

WHEREAS the northwest of the City faces significant economic disadvantages, leading to personal poverty, crime and gun violence and has no City rapid transit facilities whatsoever; and

WHEREAS the northwestern part of the City, including large sections of the former Cities of Etobicoke, York and North York are terribly underserved by public transit; and

WHEREAS City Council on October 1 and 2, 1998 adopted Clause 1 of Report 10 of The Urban Environment and Development Committee, headed 'A Rapid Transit Connection Between Pearson International Airport and Union Station'(attached);

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto reaffirm its original request for a rapid transit link to the northwest of the City, connecting Pearson Airport and Union Station and providing rapid transit to the residents of the City, in particular to the disadvantaged northwest quadrant, as a City-building measure;

AND BE IT FURTHER RESOLVED THAT the City make it clear that this rapid transit link should be a subway, with at least 10 stops in communities along the route, connected to the Bloor route at Dundas West;

AND BE IT FURTHER RESOLVED THAT GO Transit, CN and CP be asked to bury their rail lines in the resultant subway arterial routes as St. Clair Avenue West and Queen Street to be located underneath rail lines;

AND BE IT FURTHER RESOLVED THAT the Chief Planner and Executive Director, City Planning be requested to report to an upcoming meeting of the Planning and Transportation Committee, on the economic and transportation benefits in the area;

AND BE IT FURTHER RESOLVED THAT the Chief General Manager of the Toronto Transit Commission be consulted in the authoring of this report;

AND BE IT FURTHER RESOLVED THAT the City allow the private sector partners of the federal government to create a separate Air-Rail link, should they so choose, along the same excavation and at their expense, as originally promised by the federal government, provided that the subway link is created first or simultaneously.”

Council also had before it, during consideration of Motion J(44), Urban Environment and Development Committee Report 10, Clause 1, headed “A Rapid Transit Connection Between

Pearson International Airport and Union Station”, which was adopted, as amended, by City Council on October 1 and 2, 1998, and which is on file in the City Clerk’s Office.

Motion:

Councillor Nunziata moved that Motion J(44) be referred to the Chief Planner and Executive Director, City Planning, for a report to the Planning and Transportation Committee.

Vote on Referral:

The motion by Councillor Nunziata carried.

12.113 J(45) Temporary Sales Offices in former North York - Site Plan Control

December 6, 2005:

Councillor Filion, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions 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.

December 7, 2005:

Councillor Filion 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 Filion

Seconded by: Councillor Moscoe

“**WHEREAS** the former City of North York By-law (General Provisions For All Zones Section 6 (2)) provides as-of-right zoning for temporary Sales Offices in all zones in the former City of North York, including residential neighbourhoods; and

WHEREAS this By-law provides no time limits on the construction of temporary sales offices; and

WHEREAS this By-law provides no limits on the size of temporary sales offices; and

WHEREAS this By-law provides no restrictions on the location of temporary sales offices; and

WHEREAS temporary sales offices covered by this By-law are not subject to site plan;

NOW THEREFORE BE IT RESOLVED THAT temporary Sales Offices covered in the former City of North York By-law be subject to site plan effective immediately, and that the necessary Bill be introduced;

AND BE IT FURTHER RESOLVED THAT the Chief Planner and Executive Director, City Planning, review the By-law (General Provisions For All Zones Section 6 (2) - Special Uses Permitted - (a) Uses Incidental to Construction) and report to the Planning and Transportation with any recommended changes.”

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(45) 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(45) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(45) was adopted, without amendment.

12.114 J(46) Request for Report on Liability of Landlords Who Allow Illegal Activities within their Premises

December 7, 2005:

Councillor Palacio, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions 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 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 Nunziata

“**WHEREAS** some commercial establishments allow illegal activities to take place within their premises like gambling, prostitution, drug dealing, excessive noise, public

drunkenness and obnoxious behaviour, thereby creating public nuisances and intimidation to surrounding communities; as a result of continuous investigation by local authorities, their liquor licenses have been suspended or their business licenses have been revoked; and

WHEREAS residential property owners allow their premises to be used for illegal or criminal activities like crack houses, drug dealings, marijuana grow-ops; and

WHEREAS landlords have been informed by authorities (Police, Municipal Licensing and Standards, LLCB, AGCO, etc.) about illegal activities taking place within their premises and subsequently have been served with notices of violation or notices of compliance for land uses that are not allowed under current zoning by-laws; and

WHEREAS hundreds of hours are being spent by local authorities throughout their investigations, costing taxpayers hundreds of thousands of dollars to investigate and enforce same;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be requested to report to the Policy and Finance Committee on how the City can make property owners legally and financially liable if it is proven that the landlord knew that their premises were being used for illegal or criminal activities.”

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

Motion:

Councillor Palacio moved that Motion J(46) be amended by inserting in the second and third Recitals, after the word “WHEREAS”, the word “some”, so that the second and third Recitals now reads as follows:

“**WHEREAS** some residential property owners allow their premises to be used for illegal or criminal activities like crack houses, drug dealings, marijuana grow-ops; and

WHEREAS some landlords have been informed by authorities (Police, Municipal Licensing and Standards, LLCB, AGCO, etc.) about illegal activities taking place

within their premises and subsequently have been served with notices of violation or notices of compliance for land uses that are not allowed under current zoning by-laws; and”.

Votes:

The motion by Councillor Palacio carried.

Motion J(46), as amended, carried.

12.115 J(47) Directions Report, OMB Settlement Proposal, 46 Halford Avenue

December 6, 2005:

Councillor Saundercook, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions 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.

December 7, 2005:

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 Stintz

“**WHEREAS** on May 13, 2002, Rivermill Developments Ltd. submitted rezoning and site plan approval applications to develop three lots of record at the rear of 46 Halford Avenue, fronting onto Old Mill Drive, with 6 stacked condominium townhouses; and

WHEREAS significant community consultation took place through the establishment of a Working Committee; and

WHEREAS on February 12, 2003, Rivermill Developments Ltd. appealed the rezoning and site plan applications to the Ontario Municipal Board and a Hearing was scheduled for November 3, 2003; and

WHEREAS at its meeting of September 22, 23, 24 and 25, 2003, City Council received a Status and Directions Report (September 15, 2003), and instructed the City Solicitor to oppose the zoning and site plan appeals at the Ontario Municipal Board Hearing; and

WHEREAS the Ontario Municipal Board Hearing was adjourned sine die at the request of Rivermill Developments Ltd. in order to address outstanding issues; and

WHEREAS on June 2, 2005, the property owner submitted a settlement proposal for the development; and

WHEREAS the Ontario Municipal Board has rescheduled the hearing on these matters for January 3 and 4, 2006; and

WHEREAS the next City Council meeting is scheduled to be held on January 31, 2006 after the date of the Ontario Municipal Board Hearing; and

WHEREAS the Chief Planner and Executive Director, City Planning, has prepared the attached confidential report (December 5, 2005);

NOW THEREFORE BE IT RESOLVED THAT City Council consider the confidential report (December 5, 2005) from the Chief Planner and Executive Director, City Planning, and adopt the staff recommendations contained in the Recommendations Section of the report.”

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

Procedural Vote:

The vote to waive referral of Motion J(47) 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(47), a confidential report (December 5, 2005) from the Chief Planner and Executive Director, City Planning.

Motion:

Councillor Saundercook moved that Motion J(47) be amended by amending the first Operative Paragraph so that it now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT City Council consider the confidential report (December 5, 2005) from the Chief Planner and Executive Director, City Planning, and adopt the staff recommendations contained in the Recommendations Section of the report, subject to the following:

- (1) the Owner undertaking the necessary engineering studies and carrying out any

required preventative actions to ensure soil stability for properties in the surrounding area; and

- (2) the Owner providing additional testing as may be required by the City with respect to hydro-geology and soil stability with special regard for the property at 55 Humberview Road.”

Votes:

The motion by Councillor Saundercook carried.

Motion J(47), as amended, carried.

Summary:

In adopting Motion J(47), as amended, Council adopted, as amended, the staff recommendations contained in the Recommendations Section of the confidential report (December 5, 2005) from the Chief Planner and Executive Director, City Planning. The following recommendations are now public, and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation:

“It is recommended that City Council instruct the City Solicitor and appropriate City staff, if required, to attend the Ontario Municipal Board (OMB) in support of application TC CMB 2002 0005, in accordance with the settlement proposal received on June 1, 2005, and as described in the body of this report, subject to:

- (1) the submission of the required by-law at the OMB to amend Zoning By-law No. 1-83, in a form satisfactory to the City Solicitor and the Chief Planner and substantially in accordance with the draft Zoning By-law provided by the applicant and attached as Attachment 7; and
- (2) City staff requesting the Ontario Municipal Board to withhold its Order on all referrals pending satisfactory resolution of the specifics of the site plan application that is similarly before the Ontario Municipal Board, in the event the various technical and physical issues have not been satisfactorily resolved upon commencement of the OMB hearing.”

12.116 J(48) Declaration of Vacancy – Ward 20 – Trinity-Spadina

December 7, 2005:

Councillor Davis, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than

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

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

Moved by: Councillor Watson

Seconded by: Councillor Davis

“**WHEREAS** subsection 260(1) of the *Municipal Act, 2001*, as amended, provides that a Member of Council may resign from office by filing a notice in writing with the City Clerk; and

WHEREAS Councillor Olivia Chow filed a letter of resignation with the City Clerk on December 7, 2005; and

WHEREAS subsection 259(1) of the *Municipal Act, 2001*, as amended, provides that the office of a Member of Council becomes vacant if the Member resigns from office; and

WHEREAS subsection 262(1) of the *Municipal Act, 2001*, as amended, requires that Council shall, at its next meeting, declare the office to be vacant;

NOW THEREFORE BE IT RESOLVED THAT pursuant to subsection 262(1) of the *Municipal Act, 2001*, as amended, the office of Councillor, Ward 20 – Trinity-Spadina, be declared vacant.”

Council also had before it, for consideration with Motion J(48), a draft By-law to declare the Council office for Ward 20 - Trinity-Spadina vacant. (See Attachment 8, Page 288.)

Vote:

Motion J(48) was adopted, without amendment.

12.117 J(49) Options for Filling the Vacancy in the Office of Councillor (Ward 20 – Trinity-Spadina)

December 7, 2005:

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

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

Moved by: Councillor Watson

Seconded by: Councillor Davis

“WHEREAS Council has previously declared the office of Councillor, Ward 20 – Trinity-Spadina, to be vacant; and

WHEREAS subsection 263(5) of the *Municipal Act, 2001*, as amended, provides that Council shall, within 60 days after the day the office is declared vacant, appoint a person to fill the vacancy or pass a by-law to require that the vacancy be filled through the conduct of a by-election; and

WHEREAS City Council adopted a policy at its meeting of February 1, 2 and 3, 2000 to provide that vacancies occurring prior to November 30th in the year preceding a regular election would be filled by by-election and vacancies occurring after November 30th would be filled by appointment;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached report from the City Clerk dated December 7, 2005, headed ‘Options on Filling the Vacancy in the Office of Councillor, Ward 20 – Trinity-Spadina’ and decide upon a method to fill the vacancy;

Council also had before it, during consideration of Motion J(49), a report (December 7, 2005) from the City Clerk. (See Attachment 9, Page 289.)

Motion:

Councillor Watson moved that Motion J(49) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the report (December 7, 2005) from the City Clerk.”

Votes:

The motion by Councillor Watson carried.

Motion J(49), as amended, carried.

Summary:

In adopting Motion J(49), as amended, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (December 7, 2005) from the City Clerk:

“It is recommended that:

- (1) in accordance with Council’s policy, the vacancy be filled through the appointment of a qualified elector following the process set out in Appendix ‘A’ to this report;
- (2) individuals may complete a Consent of Nominee form and a Declaration of Qualification for either the vacancy in Ward 41 – Scarborough-Rouge River or the vacancy in Ward 20 – Trinity-Spadina, but not both;
- (3) the City Clerk’s 2005 operating budget be increased by \$20,000.00 with funding provided from the Election Reserve, for a net zero impact;
- (4) in the interim, the current staff of former Councillor Chow continue to serve the constituents of Ward 20 – Trinity-Spadina until the new Councillor is appointed and a decision is made by Council or the new Councillor with respect to staffing; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

12.118 J(50) Ontario Municipal Board Hearing - 224 Lytton Boulevard

December 7, 2005:

Councillor Stintz, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions 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 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 Jenkins

“**WHEREAS** on June 23, 2005, the Committee of Adjustment, North York Panel, refused an application to sever the lot located at the property municipally known as 224 Lytton Boulevard and construct three single family detached homes; and

WHEREAS over 200 local residents signed a petition opposed to this application; and

WHEREAS the Committee of Adjustment did not approve this variance application for the following reasons:

- the proposed lots are not in keeping with the general pattern of development in the area;
- the application does not maintain the general intent of the Official Plan; and
- the proposed lots are not consistent with the lots in the area; and

WHEREAS the applicant has appealed the Committee of Adjustment decision to the Ontario Municipal Board, which is scheduled for January 4, 2006;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be requested to hire an outside planner to attend the Ontario Municipal Board hearing to defend the decision of the Committee of Adjustment regarding 224 Lytton Boulevard.”

Council also had before it, for consideration with Motion J(50), an Extract from the Minutes of the North York Panel of the Committee of Adjustment Meeting held on June 23, 2005, which is on file in the City Clerk’s Office.

Disposition:

As Council did not conclude its consideration of Motion J(50) prior to the end of this meeting, consideration of the Motion was postponed to the special meeting of City Council on December 14, 2005.

12.119 Consideration of the following matters was deferred to the special meeting of City Council on December 14, 2005, as they remained on the Order Paper at the conclusion of this meeting of Council:

Administration Committee Report 6

Clause 28d - “Court Service Agreement with GO Transit for Provincial Offences Fines”.

Audit Committee Report 3

Clause 12c - “Toronto Emergency Medical Services (EMS) Operational Support Review - Response to Auditor General Recommendations”.

Etobicoke York Community Council Report 6

Clause 8d - “Request for Approval of Variances from Chapter 215, Signs, of the Former City of Etobicoke Municipal Code for a First Party Ground Pylon Sign at 1025 The Queensway (Ward 5 - Etobicoke-Lakeshore)”.

North York Community Council Report 6

- Clause 8d - "Community Safety Zone - Grandravine Drive (Ward 8 - York West and Ward 9 - York Centre)".

Economic Development and Parks Committee Report 8

- Clause 18c - "Other Items Considered by the Committee".
Item (j) Toronto City Hall Hockey Team

Policy and Finance Committee Report 9

- Clause 34b - "Update on Status of Discussions with Toronto Port Authority Concerning Payments in Lieu of Taxes".
- Clause 46b - "Other Items Considered by the Committee".
Item (f) City of Toronto Hiring Practices and Employment Policies

Works Committee Report 9

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

Policy and Finance Committee Report 10

- Clause 1 - "Toronto Drug Strategy Report".
- Clause 3 - "Implementation of the Recommendations of the Bellamy Inquiry".
- Clause 8 - "Confidential Communication from Toronto Hydro Corporation Respecting Street and Expressway Lighting".
- Clause 32 - "Snow Shovelling and Lawn Care Program for Seniors and People with Disabilities".
- Clause 34 - "Mayor's Economic Competitiveness Advisory Committee (All Wards)".
- Clause 35 - "1555 Jane Street – Status of Litigation (Ward 12 - York South-Weston)".
- Clause 37 - "Reserves and Reserve Funds Quarterly Variance Report - September 30, 2005".

- Clause 39 - “Operating Variance Report for the Nine Months Ended - September 30, 2005”.

Administration Committee Report 9

- Clause 8 - “Authority to extend purchasing of Wireless Telecommunications Services through Existing Management Board Secretariat of Ontario Vendor of Record Agreements from December 19, 2005 to June 19, 2006”.
- Clause 11 - “Sale of Surplus Property - Portions of 2756 Old Leslie Street (Ward 24 - Willowdale)”.
- Clause 16 - “Other Items Considered by the Committee”.
Item (b) Certification of Ironworkers, Local 721

Audit Committee Report 4

- Clause 1 - “Maintenance and Administrative Controls Review – Facilities and Real Estate”.
- Clause 3 - “Let's Build Program – 3810 Bathurst Street and 1555 Jane Street”.

Board of Health Report 8

- Clause 2 - “Provision of Animal Services to the Town of Markham and the City of Pickering”.

Community Services Committee Report 9

- Clause 8 - “Ontario Works Special Diet Allowance Update”.
- Clause 9 - “Harm Reduction Programs in Shelters”.

Planning and Transportation Committee Report 10

- Clause 8 - “Proposed Amendments to the City of Toronto Municipal Code, Chapter 545, Licensing Regarding the Regulation of Entertainment Facilities”.

Works Committee Report 11

- Clause 16 - “Other Items Considered by the Committee”.

- (f) *Outcome of Meeting With Representatives of the Toronto Civic Employees' Union, Local 416 – Recycling Collection Operations in Former York and Etobicoke*

Etobicoke York Community Council Report 9

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

North York Community Council Report 9

- Clause 15 - “Assumption of Services - Downsview Lands Secondary Plan - Block H owned by Costco Canada Inc. - Plan 64R-16745 – Billy Bishop Way (Ward 9 - York Centre)”.
- Clause 21 - “Final Report - OPA & Rezoning Application - 04 176174 NNY 23 OZ - Cityzen Development Group - Rafael + Bigauskas - 25 Buchan Court (Ward 33 - Don Valley East)”.

Toronto and East York Community Council Report 9

- Clause 15 - “Status Report - Official Plan Amendment and Rezoning Application, Intention to Designate under Part IV of the Ontario Heritage Act and Approval of Alterations to Designated and Heritage Buildings – 430 Broadview Avenue and 548, 550 and 558 Gerrard Street East - Bridgepoint Health (Ward 20 – Trinity-Spadina)”.
- Clause 18 - “Directions Report – Application to Amend the Official Plan and Zoning By-law and Alterations to a Heritage Property, Designation under Part IV of the *Ontario Heritage Act* and Authority to Enter into a Heritage Easement Agreement - 100, 112, 120 and 128 Howland Avenue (St. George’s College) (Ward 20 – Trinity Spadina)”.
- Clause 30 - “Removal of One Privately Owned Tree - 646 Broadview Avenue (Ward 30 - Toronto-Danforth)”.
- Clause 42 - “Speed Bumps in Public Lane System bounded by Lappin Avenue, Emerson Avenue, Wallace Avenue and St. Clarens Avenue (Ward 18 - Davenport)”.
- Clause 43 - “Speed Bumps - Public Lane first north of Queen Street East, between Hastings Avenue and Alton Avenue (Ward 30 - Toronto-Danforth)”.
- Clause 64 - “Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code - 2 Strachan Avenue, south-east corner of the Food Building in the CNE Grounds (Ward 20 – Trinity-Spadina)”.

NOTICES OF MOTIONS

- F(1) Moved by Councillor Augimeri, seconded by Councillor Mammoliti, regarding harmonized permit rates (All Wards).
- F(2) Moved by Councillor Shiner, seconded by Councillor Stintz, regarding funding of a New Year's Eve fireworks display.
- I(6) Moved by Councillor Nunizata, seconded by Councillor Hall, regarding a request for enforcement of the *Child and Family Services Act*.
- J(1) Moved by Councillor Jenkins, seconded by Councillor Walker, regarding the cost of living adjustment for elected officials.
- J(9) Moved by Mayor Miller, seconded by Deputy Mayor Feldman, regarding a report of the Integrity Commissioner on a complaint of violation of Councillor's Code of Conduct.
- J(17) Moved by Councillor Stintz, seconded by Deputy Mayor Feldman, regarding a request to the Federal Government to increase mandatory minimum sentences for criminals convicted of gun related crimes.
- J(20) Moved by Councillor Ford, seconded by Councillor Ootes, regarding a Site Plan Approval and Rezoning Application for 110 Rexdale Boulevard.
- J(22) Moved by Deputy Mayor Bussin, seconded by Councillor Rae, regarding an appeal to the Ontario Municipal Board for 19 and 21 Scarboro Beach Boulevard (Ward 32 - Beaches-East York).
- J(26) Moved by Councillor Giambrone, seconded by Deputy Mayor Pantalone, regarding the Dufferin Street Underpass Project - Statutory Offers of Compensation.
- J(31) Moved by Councillor Watson, seconded by Mayor Miller, regarding TEDCO'S Application for Judicial Review of IPC Order MO 1966.
- J(32) Moved by Councillor Shiner, seconded by Councillor Ootes, regarding 650-672 Sheppard Avenue East - Ontario Municipal Board Decision/Order No. 0150 granting exclusions to gross floor area definition – appeal to Divisional Court – revision to settlement.
- J(36) Moved by Councillor Moscoe, seconded by Councillor McConnell, regarding the Western Hemisphere Travel Initiative - request to add issue to the Great Lakes and St. Lawrence Cities agenda.

J(43) Moved by Councillor Moscoe, seconded by Councillor Filion, regarding Access to Information - Construction Plans for Neighbouring Properties.

J(50) Moved by Councillor Stintz, seconded by Councillor Jenkins, regarding the Ontario Municipal Board Hearing for 224 Lytton Boulevard.

BILLS AND BY-LAWS

Deputy Mayor Pantalone in the Chair.

12.120 On December 5, 2005, at 7:35 p.m., Councillor Watson, seconded by Councillor Carroll, 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. 1059	By-law No. 977-2005	To confirm the proceeding of the Council at its meeting held on the 5th day of December, 2005,
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the vote upon which was taken as follows:

Yes - 23	Councillors: Augimeri, Bussin, Carroll, Cho, De Baeremaeker, Del Grande, Feldman, Fletcher, Holyday, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz
No - 4	Councillors: Ford, Nunziata, Walker, Watson

Carried by a majority of 19.

Mayor Miller in the Chair.

12.121 On December 6, 2005, at 7:28 p.m., Councillor Minnan-Wong, seconded by Councillor Moscoe, 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. 1025	By-law No. 978-2005	To adopt Amendment No. 566 to the Official Plan for the former City of North York Official Plan with respect to lands municipally known as 120 Dallimore Circle.
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Bill No. 1026 By-law No. 979-2005 To amend former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 120 Dallimore Circle,

the vote upon which was taken as follows:

Yes - 26 Mayor: Miller Councillors: Altobello, Ashton, Bussin, Carroll, Cowbourne, Davis, Del Grande, Feldman, Filion, Fletcher, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Palacio, Pantalone, Pitfield, Thompson, Walker
No - 1 Councillor: Ford

Carried by a majority of 25.

12.122 On December 6, 2005, at 7:29 p.m., Councillor Jenkins, seconded by Councillor McConnell, 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. 1060 By-law No. 980-2005 To confirm the proceeding of the Council at its meeting held on the 5th and 6th days of December, 2005,

the vote upon which was taken as follows:

Yes - 26 Mayor: Miller Councillors: Altobello, Ashton, Bussin, Carroll, Cowbourne, Davis, Del Grande, Feldman, Filion, Fletcher, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Palacio, Pantalone, Pitfield, Thompson, Walker
No - 1 Councillor: Ford

Carried by a majority of 25.

Deputy Mayor Bussin in the Chair.

12.123 On December 7, 2005, at 7:26 p.m., Councillor De Baeremaeker, seconded by Councillor Lindsay Luby, 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. 960	By-law No. 981-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Elora Road and Runnymede Road.
Bill No. 961	By-law No. 982-2005	To permanently close a portion of St. Bartholomew Street and all of St. David Walk, Sackville Green, Belshaw Place, Whiteside Place and Nicholas Avenue.
Bill No. 962	By-law No. 983-2005	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 Bloem Avenue.
Bill No. 963	By-law No. 984-2005	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 Bloem Avenue.
Bill No. 964	By-law No. 985-2005	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 Cayuga Avenue.
Bill No. 965	By-law No. 986-2005	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 Cayuga Avenue.
Bill No. 966	By-law No. 987-2005	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 967	By-law No. 988-2005	To amend By-law No. 31878, as amended, of the former City of North York, regarding Brooke Avenue.

Bill No. 968	By-law No. 989-2005	To amend By-law No. 31878, as amended, of the former City of North York, regarding Craigmere Crescent.
Bill No. 969	By-law No. 990-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Rockford Road.
Bill No. 970	By-law No. 991-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Campbell Crescent.
Bill No. 971	By-law No. 992-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Brookdale Avenue.
Bill No. 972	By-law No. 993-2005	To amend By-law No. 32759, as amended, of the former City of North York, regarding Spenvalley Drive.
Bill No. 973	By-law No. 994-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Spenvalley Drive.
Bill No. 974	By-law No. 995-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Spenvalley Drive.
Bill No. 975	By-law No. 996-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Spenvalley Drive and Yatescastle Drive.
Bill No. 976	By-law No. 997-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Yatescastle Drive.
Bill No. 977	By-law No. 998-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding John Lindsay Court and Sawmill Road.
Bill No. 978	By-law No. 999-2005	To amend By-law No. 31001 of the former City of North York, as

		amended, regarding John Lindsay Court.
Bill No. 979	By-law No. 1000-2005	To amend By-law No. 31878, as amended, of the former City of North York, regarding John Lindsay Court.
Bill No. 980	By-law No. 1001-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II, regarding Ainsley Gardens, Birchcroft Road, Cedarland Drive, Graywood Drive, Great Oak Drive, Greening Crescent, Pippin Place, Remington Drive, Rockingham Drive and Winesap Place.
Bill No. 981	By-law No. 1002-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Fieldway Road.
Bill No. 982	By-law No. 1003-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Wendover Road.
Bill No. 983	By-law No. 1004-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Parking - Chapter 183, Article II, regarding Foch Avenue.
Bill No. 984	By-law No. 1005-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Glazebrook Avenue.
Bill No. 985	By-law No. 1006-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Avenue Road, Sheppard Avenue East and Steeles Avenue West.
Bill No. 986	By-law No. 1007-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines,

		regarding parking machines on Yonge Street.
Bill No. 987	By-law No. 1008-2005	To adopt Amendment No. 1149 to the Official Plan for the former City of Scarborough (Roads Plan, Schedule 'C') with respect to lands municipally known as 313-367 Port Union Road.
Bill No. 988	By-law No. 1009-2005	To amend former City of Scarborough Centennial Community Zoning By-law No. 12077, as amended, with respect to lands municipally known as 313-367 Port Union Road.
Bill No. 989	By-law No. 1010-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Greer Road.
Bill No. 990	By-law No. 1011-2005	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. 991	By-law No. 1012-2005	To amend By-law No. 92-93, a by law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York, regarding Douglas Crescent and Hopedale Avenue.
Bill No. 992	By-law No. 1013-2005	To amend further By-law No. 271, a By-law "To prohibit parking on certain sides of certain highways", being a By-law of the former Borough of East York, regarding Hopedale Avenue.
Bill No. 993	By-law No. 1014-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Glen Morris Street, Hewarden Crescent, Maitland Street and Whitaker Avenue.

Bill No. 994	By-law No. 1015-2005	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the proposed front yard fence columns on the property municipally known as 74 Elmcrest Road from the maximum height requirements.
Bill No. 995	By-law No. 1016-2005	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the hours of operation of holistic centres and traditional medicine establishments.
Bill No. 996	By-law No. 1017-2005	To adopt Amendment No. 354 to the Official Plan for the former City of Toronto with respect to lands municipally known as 590 Jarvis Street.
Bill No. 997	By-law No. 1018-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto with respect to lands municipally known as 590 Jarvis Street.
Bill No. 998	By-law No. 1019-2005	To adopt Amendment No. 1146 to the Official Plan for the former City of Scarborough with respect to the City Centre Secondary Plan.
Bill No. 999	By-law No. 1020-2005	To amend former City of Scarborough, Employment Districts Zoning By-law No. 24982, as amended, with respect to the Progress Employment District for uses located north of Ellesmere Road, south of Highway 401, west of Bellamy Road and east (including properties on or near the west side) of Brimley Road.
Bill No. 1000	By-law No. 1021-2005	To amend former City of Scarborough By-law No. 20512, as amended, respecting the dedication of land for park purposes for residential development, to provide for the

		alternative dedication parkland rate with respect to lands in the Scarborough Centre.
Bill No. 1001	By-law No. 1022-2005	To provide for the levy and collection of 2006 interim realty taxes and penalties for non-payment thereof.
Bill No. 1002	By-law No. 1023-2005	To amend Municipal Code Chapter 767, Taxation, the Tax Assistance Program for Eligible Low-Income Disabled Persons and Low-Income Seniors.
Bill No. 1003	By-law No. 1024-2005	To amend Municipal Code Chapter 441, Fees, to increase the fee for use of the Interactive Voice Response system for Parking Infraction Payments, and to impose a fee for the use of the City's Internet based Parking Ticket Payment Module.
Bill No. 1004	By-law No. 1025-2005	To establish an obligatory reserve fund named the Ward 37 Skateboard Park Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 1005	By-law No. 1026-2005	To amend Municipal Code Chapter 441, Fees, to charge a Dishonoured Cheque Fee and Late Payment Fees on all fees imposed under this Chapter.
Bill No. 1006	By-law No. 1027-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Carlton Street.
Bill No. 1007	By-law No. 1028-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Caithness Avenue and Carlton Street.

Bill No. 1008	By-law No. 1029-2005	To amend Municipal Code Chapter 363, to provide for an increase of building permit fees.
Bill No. 1009	By-law No. 1030-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, to replace parking meters with parking machines on Cranbrooke Avenue, Harbord Street and Holbrooke Avenue.
Bill No. 1010	By-law No. 1031-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, to increase on-street rates on Queen Street East between Woodbine Avenue and Nursewood Road.
Bill No. 1011	By-law No. 1032-2005	To amend By-law No. 764-1999, as amended by By-law No. 15-2004, to extend the expiration of Part Lot Control exemption for certain lands found within the lands commonly known as Phase II of the Woodbine Park Development.
Bill No. 1012	By-law No. 1033-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Macaulay Avenue.
Bill No. 1013	By-law No. 1034-2005	To amend By-law No. 92-93, a by law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York, regarding Dawes Road.
Bill No. 1014	By-law No. 1035-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Dawes Road.
Bill No. 1015	By-law No. 1036-2005	To amend further By-law No. 196, a By-law entitled "To restrict the speed of motor vehicles", being a by law of the former Borough of East York, regarding Park Vista.

Bill No. 1016	By-law No. 1037-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Hallam Street, Salem Avenue and Campbell Avenue.
Bill No. 1019	By-law No. 1038-2005	To authorize the entering into of an agreement for the provision of a soccer stadium at Exhibition Place as a municipal capital facility.
Bill No. 1020	By-law No. 1039-2005	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 Paulson Road.
Bill No. 1021	By-law No. 1040-2005	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 Paulson Road.
Bill No. 1022	By-law No. 1041-2005	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 Trethewey Drive.
Bill No. 1023	By-law No. 1042-2005	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 Trethewey Drive.
Bill No. 1024	By-law No. 1043-2005	To amend City of Toronto Municipal Code Chapter 103, Heritage, regarding the adoption of a Heritage Property Tax Rebate Program.
Bill No. 1028	By-law No. 1044-2005	To amend unicipal Code Chapter 950, Traffic and Parking, to add certain carparks.
Bill No. 1029	By-law No. 1045-2005	To adopt Amendment No. 351 to the Official Plan for the former City of Toronto with respect to lands municipally known as part of 1100 Lansdowne Avenue.

Bill No. 1030	By-law No. 1046-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto with respect to lands municipally known as part of 1100 Lansdowne Avenue.
Bill No. 1031	By-law No. 1047-2005	To designate a Site Plan Control Area (Warden Woods Community).
Bill No. 1032	By-law No. 1048-2005	To amend City of Toronto Municipal Code Chapter 880, Fire Routes, with respect to the designation of Fire Routes.
Bill No. 1033	By-law No. 1049-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Spadina Road.
Bill No. 1034	By-law No. 1050-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Spadina Road.
Bill No. 1035	By-law No. 1051-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Wellington Street West and Windsor Street.
Bill No. 1036	By-law No. 1052-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Fulton Avenue.
Bill No. 1037	By-law No. 1053-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Keele Street.
Bill No. 1038	By-law No. 1054-2005	To declare the Council office for Ward 41 - Scarborough-Rouge River vacant.
Bill No. 1040	By-law No. 1055-2005	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the hours of operation of Body Rub Parlours.

Bill No. 1041	By-law No. 1056-2005	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting holistic centres, holistic practitioners and professional holistic associations.
Bill No. 1042	By-law No. 1057-2005	To name the proposed private lane at 165 Dixon Road as “Tamarack Circle”.
Bill No. 1043	By-law No. 1058-2005	To name the public lane extending southerly from Gerrard Street East to Dundas Street East between Sherbourne Street and Seaton Street as “Oskenonton Lane”.
Bill No. 1044	By-law No. 1059-2005	To name the proposed private lane at 7 Holmesdale Road as “Dhir Mews”.
Bill No. 1045	By-law No. 1060-2005	To amend City of Toronto Municipal Code Chapter 880, Fire Routes, to designate fire routes.
Bill No. 1046	By-law No. 1061-2005	To amend further Metropolitan By law No. 109-86, respecting maximum rates of speed on certain former Metropolitan Roads, regarding Don Valley Parkway.
Bill No. 1047	By-law No. 1062-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Front Street West.
Bill No. 1048	By-law No. 1063-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Front Street West.
Bill No. 1049	By-law No. 1064-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on St. Patrick Street.
Bill No. 1050	By-law No. 1065-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting St. Patrick Street.

Bill No. 1051	By-law No. 1066-2005	To repeal By-law No. 957-2005, being a by-law to amend By-law No. 69-2005, being a By-law “To authorize agreements respecting the issue and sale of debentures for the year 2005.”
Bill No. 1052	By-law No. 1067-2005	To amend By-law No. 527-2005, being a by-law “To appoint nine members of City Council as members of the Toronto Transit Commission.”, so as to appoint replacement members of City Council as members of the Toronto Transit Commission.
Bill No. 1053	By-law No. 1068-2005	To adopt Amendment No. 38 to the Official Plan for the former Borough of East York with respect to lands municipally known as 1042-1048 Broadview Avenue.
Bill No. 1054	By-law No. 1069-2005	To amend By-law No. 6752, as amended, of the former Borough of East York with respect to lands municipally known as 1042-1048 Broadview Avenue.
Bill No. 1056	By-law No. 1070-2005	To amend City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of, to regulate the placing, installation and maintenance of publication dispensing boxes, units and kiosks on City streets.
Bill No. 1057	By-law No. 1071-2005	To adopt Amendment No. 356 to the Official Plan for the former City of Toronto with respect to lands municipally known as 500 Sherbourne Street.
Bill No. 1058	By-law No. 1072-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto, with respect to lands municipally known as 500 Sherbourne Street,

the vote upon which was taken as follows:

Yes - 32 Mayor: Miller Councillors: Altobello, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Thompson, Walker, Watson
No - 4 Councillors: Del Grande, Ford, Minnan-Wong, Stintz

Carried by a majority of 28.

12.124 On December 7, 2005, at 7:28 p.m., Councillor Cho, seconded by Deputy Mayor Feldman, 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. 1061	By-law No. 1073-2005	To confirm the proceedings of the Council at its meeting held on the 5th, 6th and 7th days of December, 2005,
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the vote upon which was taken as follows:

Yes - 34 Mayor: Miller Councillors: Altobello, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 2 Councillors: Ford, Minnan-Wong

Carried by a majority of 32.

The following Bills were withdrawn:

Bill No. 1017	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 1018	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.

- Bill No. 1027 To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to the subject lands located on the north side of Rexdale Boulevard, east of Kipling Avenue municipally known as 110 Rexdale Boulevard.
- Bill No. 1039 To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the regulation of entertainment establishments/nightclubs.
- Bill No. 1055 To authorize the entering into an agreement for the sale of the City of Toronto Street and Expressway Lighting Assets to Toronto Hydro Street Lighting Inc. and to authorize a Street and Expressway Lighting Service Agreement for the ongoing installation, operation and maintenance of the street and Expressway Lighting Assets by Toronto Hydro Street Lighting Inc. as a municipal capital facility.

OFFICIAL RECOGNITIONS:

12.125 Condolence Motions

December 5, 2005:

Mayor Miller in the Chair.

Mayor Miller, seconded by Councillor Grimes, moved that:

“WHEREAS the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing, on November 9, 2005, of Maria Teresa Milczyn, mother of Councillor Peter Milczyn; and

WHEREAS Maria Teresa Milczyn, born Maria Graf in Wadowice, Poland, lived a storied life full of adventure and experiences; and

WHEREAS Maria Teresa Milczyn, while in her teens, relocated to Siberia for a few years when World War II broke out; and

WHEREAS Maria Teresa Milczyn, upon her return back to Poland, completed her high school education and pursued a post-secondary education at Jagiellonian University in Krakow, obtaining a Master’s Degree in Journalism; and

WHEREAS Maria Teresa Milczyn was hired as the Deputy Foreign Editor of Krakow’s Dziennik newspaper; and

WHEREAS Maria Teresa Milczyn, upon migrating to Canada in 1963, dedicated the majority of her time to municipal, provincial and federal politics as a volunteer

campaigner and fundraiser; and

WHEREAS Maria Teresa Milczyn also served as a tour guide for foreign dignitaries from Poland;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to her son Peter and his fiancé Rose.”

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 Maria Teresa Milczyn.

December 6, 2005:

Mayor Miller in the Chair.

Deputy Mayor Feldman, 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 Marco Muzzo, husband of Resy Muzzo and father of Marc, Isabell and Diana; and

WHEREAS the family fondly remembers their deceased beloved son Robert; and

WHEREAS Marco Muzzo immigrated to Canada from Italy and was proud of his heritage, proud to be called an immigrant and very proud to be a Canadian; and

WHEREAS Marco came to this country and became a skilled tradesman, who developed into a strong leader in the development industry; and

WHEREAS Mr. Muzzo had a work ethic few could match; and

WHEREAS Marco approached everything with persistence and hard work to become a well known developer in Toronto and the GTA; and

WHEREAS Marco proved to be a City builder; and

WHEREAS Marco was a quiet benefactor to many institutions and charities in our City;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to the Muzzo family.”

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 Marco Muzzo.

12.126 **Presentations/Introductions/Announcements:**

December 5, 2005:

Mayor Miller, during the morning session of the meeting, introduced the students of Cardinal Newman School, present at the meeting.

Councillor Altobello, with the permission of Council, introduced Doug Mahood, a former member of City Council, present at the meeting.

Mayor Miller, with the permission of Council, during the afternoon session of the meeting, gave a presentation to the Council on the 2005 Public Sector Quality Fair and advised the Council that the City of Toronto had won 25 awards for outstanding achievement in program and service delivery at the 2005 Public Sector Quality Fair, which is a Province-wide Fair that showcases service excellence in government, health care and education. The Fair gave a ringing endorsement of City programming, with Toronto's submissions receiving eight gold awards, nine silver and eight bronze.

Mayor Miller, during the afternoon session of the meeting, introduced the Grade 10 students of Cardinal Newman School, present at the meeting.

December 6, 2005:

Mayor Miller, with the permission of Council, during the morning session of the meeting, gave a presentation to the Council on the 2005 International Cartographic Association Award for Excellence in Cartography. The Mayor advised the Council that the City of Toronto Building Construction Dates Map, designed by Patricia Morphet of the Technical Services Division, Survey and Mapping, had received two major awards for the best map in the urban category from both the judging panel and the delegates, as part of the Canadian Cartographic Exhibit prepared for the International Map Exhibit, on display in A Coruña, Spain, at the International Cartographic Association (ICA) Conference held July 9 to 16, 2005. Mayor Miller extended, on behalf of Council, the congratulations of Council to Patricia Morphet, and invited her to the podium to accept the award.

Councillor Augimeri, with the permission of Council, during the morning session of the meeting, introduced the Grade 5 students of Blessed Marguerita School, present at the meeting.

Deputy Mayor Feldman, during the morning session of the meeting, introduced the students of Willowood School, present at the meeting.

Mayor Miller, during the morning session of the meeting, introduced the Commander and crew of Her Majesty's Canadian Ship (HMCS) Toronto, Commander Stuart Moors, Commanding Officer, Lieutenant Commander Larry Trim, Executive Officer, and Chief Petty Officer First Class Luc Tremblay, present at the meeting. The Mayor advised the Council of the recent activities of HMCS Toronto as special ambassador for the City of Toronto and invited Commander Moors to address the Council. Mayor Miller then invited Councillors Grimes and Lindsay Luby to the podium to assist him in presenting scrolls to the Commander and crew in recognition of the valuable support they provide as ambassadors of the City.

Mayor Miller, during the afternoon session of the meeting, introduced the interns from the Parliamentary Intern Program, present at the meeting.

Mayor Miller, during the afternoon session of the meeting, introduced the Grades 5 and 6 students of Hawthorne II Bilingual Alternative School, present at the meeting.

Councillor Cowbourne, with the permission of Council, during the afternoon session of the meeting, introduced Bas Balkissoon, former Member of City Council for Ward 41, Scarborough-Rouge River, present at the meeting.

December 7, 2005:

Mayor Miller, during the morning session of the meeting, introduced Richard Butts, the new Manager of Solid Waste Management for the City of Toronto, present at the meeting.

Deputy Mayor Bussin, during the morning session of the meeting, introduced the students of the following schools, present at the meeting.

- Grade 10 students of Neil McNeil;
- Grades 7 and 8 students of St. Robert School; and
- ESL students from Bathurst Heights.

Mayor Miller, during the morning session of the meeting, advised the Council that five years ago, Council supported the addition of Youth Outreach Works to the resources of Parks, Forestry and Recreation and that, during the first five years of the program, more than 350,000 youth contacts were made.

Mayor Miller further advised the Council that the City of Toronto now has a total of 31 permanent full time Youth Outreach Workers, as a result of approving a budget to expand and improve the Youth Outreach Worker Program in Parks, Forestry and Recreation. Mayor Miller then introduced the following Youth Outreach Workers present at the meeting and requested them to stand and be recognized for their valuable contribution to the City of Toronto:

Prince Agbo
Kim Alexander

Eileen Alexander
Andrea Barrowclough

Althea Betty	Donalessa Birkett
Michael Campbell	Carol Calder
Maxwayne Christy	Tricia Clarke
Jason Cruikshank	Shawn Dwyer
Devin Fan	Blaine Felix
Tina Gopal	Wilton Hall
Matthew Hilts	Charles Holder
Arlene Roze Jardine	Kevin Jeffers
Rick Lee	Nigel Levy
Paul Martin	Sean Morrison
Josette Nathaniel	Madonna Primus
George Samuel	Jasmine Sukari
Benoit Tardif	Franz Thomas
Keba Thomas	

Mayor Miller, during the afternoon session of the meeting, introduced the students of Mabin School, present at the meeting.

Councillor Chow, during the afternoon session of the meeting, announced that she had submitted to the City Clerk, her resignation from her seat on City Council as the representative of Ward 20, Trinity-Niagara. The Mayor and Members of Council wished former Councillor Chow all the very best of luck in the upcoming Federal election.

Notice of Special Meeting:

Mayor Miller advised that a Special Meeting of City Council had been called for Wednesday, December 14, 2005, in the Council Chamber, Toronto City Hall, such meeting to start at 9:30 a.m., for the following purposes:

- (1) to complete consideration of unfinished business from the Council meeting on December 5, 6 and 7, 2005;
- (2) to introduce and enact General Bills; and
- (3) to introduce and enact a confirming by-law for this special meeting.

12.127 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE

Vary the order of proceedings of Council:

December 5, 2005:

Mayor Miller in the Chair.

Councillor Stintz, seconded by Councillor Li Preti, at 10:33 a.m., moved that Council vary the order of its proceedings to consider Joint Planning and Transportation Committee and Works Committee Report 2, Clause 1, headed “Spadina Subway Extension Environmental Assessment Study”, as a ‘time sensitive’ matter, and that it be considered on Wednesday, December 6, 2005, at 2:00 p.m., immediately after consideration of Policy and Finance Committee Report 10, Clause 1, headed “Toronto Drug Strategy Report”, the vote upon which was taken as follows:

Yes - 36	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fillion, Fletcher, Giambrone, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 6	
Councillors:	Ford, Holyday, Jenkins, Minnan-Wong, Pitfield, Walker

Carried by a majority of 30.

Councillor Chow, at 10:36 a.m., moved that Council vary the order of its proceedings to consider the following matters on the Order Paper for this meeting of Council, as ‘time sensitive’ matters:

- Policy and Finance Committee Report 9, Deferred Clause 34b, headed “Update on Status of Discussions with Toronto Port Authority Concerning Payments in Lieu of Taxes”;
- Planning and Transportation Committee Report 10, Clause 8, headed “Proposed Amendments to the City of Toronto Municipal Code, Chapter 545, Licensing Regarding the Regulation of Entertainment Facilities”;
- Toronto and East York Community Council Report 9, Clause 10, headed “Request for Further Direction – Application to Amend the Official Plan and Zoning By-law; Alteration to a Building Designated under Part IV of the *Ontario Heritage Act* and Authority to Enter into a Heritage Easement Agreement; and Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code – 500 Lake Shore Boulevard West (Ward 20 - Trinity-Spadina)”;
- Toronto and East York Community Council Report 9, Clause 11, headed “Status Report - Terms of Reference - Bloor Annex Corridor Visioning Study (Wards 19 and 20 - Trinity-Spadina)”;

- Toronto and East York Community Council Report 9, Clause 16, headed “Request for Direction Report - Rezoning Application – 90 Stadium Road (Ward 20 - Trinity-Spadina)”; and
- Toronto and East York Community Council Report 9, Clause 18, headed “Directions Report – Application to Amend the Official Plan and Zoning By law and Alterations to a Heritage Property, Designation under Part IV of the *Ontario Heritage Act* and Authority to Enter into a Heritage Easement Agreement - 100, 112, 120 and 128 Howland Avenue (St. George’s College) (Ward 20 – Trinity-Spadina)”,

the vote upon which was taken as follows:

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

Carried by a majority of 22

Councillor Carroll, at 10:37 a.m., moved that Council vary the order of its proceedings to consider North York Community Council Report 9, Clause 21, headed “Final Report - OPA & Rezoning Application - 04 176174 NNY 23 OZ - Cityzen Development Group - Rafael + Bigauskas - 25 Buchan Court (Ward 33 - Don Valley East)”, as a ‘time sensitive’ matter, which carried.

Councillor Giambrone, at 10:38 a.m., moved that Council vary the order of its proceedings to consider Item (f), entitled “Outcome of Meeting with Representatives of the Toronto Civic Employees’ Union, Local 416 - Recycling Collection Operations in former York and Etobicoke”, as contained in Works Committee Report 11, Clause 16, headed “Other Items Considered by the Committee”, as a ‘time sensitive’ matter, which carried. Councillor Giambrone, with the permission of Council, subsequently withdrew his request.

Councillor Thompson, at 10:39 a.m., moved that Council vary the order of its proceedings to consider Policy and Finance Committee Report 10, Clause 33, headed “Ward 37 Skateboard Park Fundraising (Ward 37 - Scarborough Centre)”, as a ‘time sensitive’ matter, which carried.

Councillor Watson, at 10:41 a.m., moved that Council vary the order of its proceedings to consider Etobicoke York Community Council Report 6, Deferred Clause 8d, headed “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)”, and Toronto and East York Community Council Report 9, Clause 64, headed “Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code - 2 Strachan Avenue, south-east corner of the Food Building in the CNE Grounds (Ward 20 – Trinity-Spadina)”, concurrently, the vote upon which was taken as follows:

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

Lost by a majority of 3.

Councillor Mammoliti, at 10:42 a.m., moved that Council vary the order of its proceedings to consider the Deferred Clauses appearing on the Order Paper for this meeting of Council during the morning session of this day of meeting, and that Council then consider matters of a ‘time sensitive’ nature, which carried.

December 6, 2005:

Mayor Miller in the Chair.

Councillor Walker, at 2:31 p.m., moved that Council vary the order of its proceedings to consider Motion J(1), moved by Councillor Jenkins, seconded by Councillor Walker, regarding the cost of living adjustment for elected officials, as a ‘time sensitive’ matter, the vote upon which was taken as follows:

Yes – 24	
Councillors:	Altobello, Cho, Chow, Davis, Del Grande, Feldman, Ford, Holyday, Jenkins, Kelly, Li Preti, McConnell, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Rae, Shiner, Stintz, Thompson, Walker, Watson
No – 19	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Carroll, Cowbourne, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Giambrone, Grimes, Hall,

Lindsay Luby, Mammoliti, Mihevc, Moscoe, Pantalone, Saundercook, Soknacki
--

Carried by a majority of 5.

Councillor Walker, at 2:33 p.m., moved that Council vary the order of its proceedings to consider Motion J(1), moved by Councillor Jenkins, seconded by Councillor Walker, regarding the cost of living adjustment for elected officials, immediately following Council's consideration of Joint Planning and Transportation Committee and Works Committee Report 2, Clause 1, headed "Spadina Subway Extension Environmental Assessment Study", the vote upon which was taken as follows:

Yes - 20	
Councillors:	Altobello, Ashton, Cho, Del Grande, Ford, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Shiner, Stintz, Thompson, Walker, Watson
No - 23	
Mayor:	Miller
Councillors:	Augimeri, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Grimes, Hall, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Pantalone, Rae, Saundercook, Soknacki

Lost by a majority of 3.

Councillor Ford, at 2:34 p.m., moved that Council vary the order of its proceedings to consider Motion J(1), moved by Councillor Jenkins, seconded by Councillor Walker, regarding the cost of living adjustment for elected officials, immediately following Council's consideration of Policy and Finance Report 11, Clause 1, headed "Report of the Governing Toronto Advisory Panel – 'The City We Want – The Government We Need' ", the vote upon which was taken as follows:

Yes - 17	
Councillors:	Altobello, Del Grande, Ford, Holyday, Jenkins, Kelly, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Stintz, Thompson, Walker, Watson
No - 26	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Soknacki

Lost by a majority of 9.

Councillor Watson, at 6:25 p.m., moved that Council vary the order of its proceedings to vote on Policy and Finance Committee Report 11, Clause 1, headed “Report of the Governing Toronto Advisory Panel – ‘The City We Want – The Government We Need’”, on Wednesday, December 7, 2005, which carried.

December 7, 2005:

Procedural Motion:

Councillor Soknacki moved the following procedural motion:

“That:

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

Vote on Procedural Motion:

The procedural motion by Councillor Soknacki carried.

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

December 5, 2005:

Deputy Mayor Pantalone in the Chair.

Deputy Mayor Pantalone, at 12:25 p.m., proposed that Council now recess and reconvene at 2:00 p.m. Council concurred in the proposal by Deputy Mayor Pantalone.

Councillor Shiner, at 7:27 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. recess, and that Council continue in session, in order to conclude consideration of Policy and Finance Committee Report 10, Clause 4, headed “Enwave Reorganization and Income Trust”, and to vote on a confirming bill for this portion of the proceedings, the vote upon which was taken as follows:

Yes - 23	
Councillors:	Augimeri, Bussin, Carroll, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Ford, Grimes, Holyday, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Shiner, Soknacki, Stintz, Walker
No - 6	
Councillors:	Cho, Del Grande, Kelly, Pitfield, Rae, Watson

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

December 6, 2005:

Councillor Thompson, at 6:29 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. recess, and that Council continue in session until 9:00 p.m., in order to conclude consideration of Policy and Finance Committee Report 11, Clause 1, headed “Report of the Governing Toronto Advisory Panel – ‘The City We Want – The Government We Need’ ”, the vote upon which was taken as follows:

Yes - 14	
Councillors:	Augimeri, Carroll, Davis, De Baeremaeker, Del Grande, Fillion, Ford, Giambrone, Holyday, Mihevc, Moscoe, Pantalone, Soknacki, Thompson
No - 25	
Councillors:	Altobello, Ashton, Bussin, Cho, Cowbourne, Di Giorgio, Feldman, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Stintz, Walker, Watson

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

December 7, 2005:

Mayor Miller, with the permission of Council, at 9:40 a.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. adjournment, and that Council continue in session until 7:30 p.m., which carried, more than two-thirds of Members present having voted in the affirmative.

12.128 ATTENDANCE

December 5, 2005	9:37 a.m. to 12:25 p.m.*	2:08 p.m. to 6:06 p.m.*	Roll Call 4:35 p.m.	Ctte. Of the Whole In-Camera 6:07 p.m.	7:28 p.m. to 7:36 p.m.*
Miller	x	x	-	-	-
Altobello	x	x	-	-	-
Ashton	x	x	x	x	-
Augimeri	x	x	x	x	x
Bussin	x	x	x	x	x
Carroll	x	x	-	x	x
Cho	x	x	x	x	x
Chow	x	-	-	x	-
Cowbourne	x	x	x	-	-
Davis	x	x	-	x	x
De Baeremaeker	x	x	-	x	x
Del Grande	x	x	x	x	x
Di Giorgio	x	x	-	x	-
Feldman	x	x	x	x	x
Filion	x	x	-	-	-
Fletcher	x	x	-	x	x
Ford	x	x	x	x	x
Giambrone	x	x	-	-	-
Grimes	x	x	x	x	x
Hall	x	x	-	-	-
Holyday	x	x	x	x	x
Jenkins	x	x	x	x	-
Kelly	x	x	x	x	x

Minutes of the Council of the City of Toronto
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December 5, 2005	9:37 a.m. to 12:25 p.m.*	2:08 p.m. to 6:06 p.m.*	Roll Call 4:35 p.m.	Ctte. Of the Whole In-Camera 6:07 p.m.	7:28 p.m. to 7:36 p.m.*
Li Preti	x	x	x	-	-
Lindsay Luby	x	x	x	x	x
Mammoliti	x	x	-	-	-
McConnell	x	x	x	x	x
Mihevc	x	x	-	x	x
Milczyn	x	x	x	x	x
Minnan-Wong	x	x	x	-	-
Moscoe	x	x	x	x	x
Nunziata	x	x	x	x	x
Ootes	x	x	-	x	x
Palacio	x	x	x	x	x
Pantalone	x	x	x	x	x
Pitfield	x	x	x	x	x
Rae	x	x	x	x	x
Saundercook	x	x	x	x	-
Shiner	x	x	x	x	x
Soknacki	x	x	-	x	x
Stintz	x	x	x	x	x
Thompson	x	x	x	-	-
Walker	x	x	x	x	x
Watson	x	x	x	x	x
Total	44	43	29	34	29

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

December 6, 2005	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 7:30 p.m.*	Roll Call 3:48 p.m.	Roll Call 4:13 p.m.
Miller	x	x	-	x
Altobello	x	x	x	x
Ashton	x	x	x	-
Augimeri	x	x	x	x
Bussin	x	x	x	x

Minutes of the Council of the City of Toronto
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December 6, 2005	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 7:30 p.m.*	Roll Call 3:48 p.m.	Roll Call 4:13 p.m.
Carroll	x	x	-	x
Cho	x	x	x	x
Chow	x	x	-	-
Cowbourne	x	x	x	x
Davis	x	x	-	x
De Baeremaeker	x	x	x	x
Del Grande	x	x	x	x
Di Giorgio	x	x	-	x
Feldman	x	x	x	x
Filion	x	x	-	-
Fletcher	x	x	x	x
Ford	x	x	-	x
Giambrone	x	x	-	x
Grimes	x	x	x	x
Hall	x	x	x	x
Holyday	x	x	x	x
Jenkins	x	x	x	x
Kelly	x	x	-	x
Li Preti	x	x	-	-
Lindsay Luby	x	x	x	x
Mammoliti	x	x	x	x
McConnell	x	x	-	-
Mihevc	x	x	-	x
Milczyn	-	x	-	x
Minnan-Wong	x	x	x	-
Moscoe	x	x	x	x
Nunziata	x	x	-	x
Ootes	x	x	x	x
Palacio	x	x	x	-
Pantalone	x	x	-	x
Pitfield	x	x	x	x

Minutes of the Council of the City of Toronto
December 5, 6 and 7, 2005

December 6, 2005	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 7:30 p.m.*	Roll Call 3:48 p.m.	Roll Call 4:13 p.m.
Rae	x	x	-	-
Saundercook	x	x	x	x
Shiner	x	x	x	-
Soknacki	x	x	x	-
Stintz	x	x	-	x
Thompson	x	x	x	x
Walker	x	x	x	x
Watson	x	x	x	x
Total	43	44	27	34

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

December 7, 2005	9:35 a.m. to 12:30 p.m.*	2:07 p.m. to 7:30 p.m.*	Roll Call 10:27 a.m.
Miller	x	x	-
Altobello	x	x	x
Ashton	x	x	-
Augimeri	x	x	x
Bussin	x	x	x
Carroll	x	x	x
Cho	x	x	x
Chow	x	x	-
Cowbourne	x	x	x
Davis	x	x	x
De Baeremaeker	x	x	-
Del Grande	x	x	x
Di Giorgio	x	x	-
Feldman	x	x	x
Filion	x	x	x
Fletcher	x	x	x
Ford	x	x	x
Giambrone	x	x	x

Minutes of the Council of the City of Toronto
December 5, 6 and 7, 2005

December 7, 2005	9:35 a.m. to 12:30 p.m.*	2:07 p.m. to 7:30 p.m.*	Roll Call 10:27 a.m.
Grimes	x	-	-
Hall	x	x	x
Holyday	x	x	x
Jenkins	x	x	x
Kelly	x	x	x
Li Preti	x	x	x
Lindsay Luby	x	x	x
Mammoliti	x	x	x
McConnell	x	x	x
Mihevc	-	x	x
Milczyn	x	x	-
Minnan-Wong	x	x	x
Moscoe	x	x	x
Nunziata	x	x	x
Ootes	x	x	x
Palacio	x	x	-
Pantalone	x	x	x
Pitfield	x	x	x
Rae	x	x	x
Saundercook	x	x	x
Shiner	-	x	-
Soknacki	-	x	-
Stintz	x	x	x
Thompson	x	x	x
Walker	x	x	x
Watson	x	x	x
Total	41	43	34

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

Council adjourned on December 7, 2005, at 7:30 p.m.

**DAVID R. MILLER,
Mayor**

**ULLI S. WATKISS,
City Clerk**

ATTACHMENT 1 [Notice of Motion J(3)]

Communication (November 18, 2005) addressed to Councillor Case Ootes, from Mayor David Miller (See Minute 12.71, Page 98):

In response to your Media Release and Notice of Motion of November 16, 2005, I have attached a series of documents that trace the events of 2003 that led to the formation of the GTA Solid Waste Strategy Group and ultimately, the production of the Gartner Lee contingency options report.

Toronto's participation in the GTA Waste Strategy Group was approved by Council at the September 22, 23 and 24, 2003 meeting and included a Memorandum of Understanding (MOU) between Toronto and the Regions of York, Durham and Peel to "work co-operatively on waste management planning process (including) planning for and securing waste disposal capacity."

As you point out in your release, there are reasons why this report needs to be confidential at this time. However, I am recommending to Works Committee Chair, Shelley Carroll, that staff present a briefing session on contingency disposal options, including those outlined in the Gartner Lee report, to an in-camera session of the Works Committee in early 2006. As is the policy with any standing committee, this session would be open to all interested Members of Council.

I trust this in-camera session will provide you and other Members of Council with the information you have requested.

Attachments:

- Correspondence by Minister Chris Stockwell dated February 21, 2003
- Reply by Mayor Mel Lastman dated March 5, 2003
- Follow-up response by Works Committee Chair, Brad Duguid dated May 23, 2003
- Memorandum of Understanding by City of Toronto and Regions of York, Peel and Durham dated August 20, 2003.

(Briefing Note dated November 16, 2005, prepared by
the Acting General Manger, Solid Waste Management Services,
entitled "GTA Waste Disposal Contingency Options – Gartner Lee Report")

Issue/Background:

- The Gartner Lee Report on contingency landfill options in the event of a U.S. border was commissioned by the GTA Waste Strategy Group in September 2004.

- The GTA Waste Strategy Group was formed in July 2003 at the request of then Environment Minister Chris Stockwell. The Minister instructed the City of Toronto, and the Regions of York, Durham and Peel to form a senior level working group to co-operatively develop a “Plan B” in the event of a closure of the U.S. border to waste, and to work on matters of waste diversion.
- The GTA Waste Strategy Group first met on July 15, 2003. Representation included the Regional Chairs, the Mayor of the City of Toronto (delegated to then Works Chair, Brad Duguid) and senior staff. York Region Chair Bill Fisch was appointed Chair.
- In August 2003, the GTA Waste Strategy Group drafted a “Memorandum of Understanding – Regarding a Co-operative Approach to Waste Management Planning” (attached.) The MOU outlined “an agreement to work co-operatively on waste management planning processes including...planning for and securing waste disposal capacity.” The MOU also outlined a cost-sharing agreement for consulting services. The City of Toronto’s share, based on waste tonnage, is 44 percent.
- This MOU was approved by Council on September 22, 23, 24, 25, 2003 as an attachment to an August 20, 2003 staff report, entitled “Co-ordination of Waste Diversion and Disposal Initiatives in the Greater Toronto Area (GTA).”
- The GTA Waste Strategy Group met regularly and at its April 13, 2004 meeting, authorized the hiring of a consultant to undertake a landfill contingency study. (Councillor Jane Pitfield had replaced Councillor Duguid as the City’s representative on this Committee.)
- Following the review of several proposals by a GTA staff team, Gartner Lee was selected to undertake the study at a cost of \$75,000.00 (Toronto’s share - approximately \$35,000.00) and work began in September 2004.
- The Gartner Lee report was presented to then Environment Minister Dombrowski on February 8, 2005. In addition to members of the GTA Waste Strategy Group, (Regional Chairs Anderson, Fisch and Kolb, Works Committee Chair, Councillor Jane Pitfield), Vice Chair, Deputy Mayor Bussin and Mayor Miller attended.
- Numerous attempts by Chair Fisch to schedule a follow-up meeting were unsuccessful.

Current Status:

- Works Committee Chair, Councillor Shelley Carroll, will organize an In Camera briefing session on contingency options for members of the Works Committee in early 2006.

(The attachments to Mayor Miller’s communication (November 18, 2005) are on file in the City Clerk’s Office.)

ATTACHMENT 2 [Notice of Motion J(9)]

Report (November 28, 2005) from the Integrity Commissioner, entitled “Report on Complaint of Violation of Councillors’ Code of Conduct”. (See Minute 12.77, Page 108):

Purpose:

To report on the upholding of a complaint that a Councillor violated Section IV (“Use of City Property, Services and Other Resources”) 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.

Recommendations:

It is recommended that Council receive this report.

Background:

A member of the public complained that a Councillor had violated Section IV of the Code of Conduct by including in promotional material for her/his family company his City business card bearing the corporate logo for the City of Toronto. It was alleged that this was an improper use of the intellectual property of the City and one that would give rise to an appearance of conflict of interest in that the Councillor was not maintaining a clear demarcation line between her/his private affairs and her/his responsibility to the City.

I investigated the complaint under Part B (“Formal Complaint Protocol”) of the Council Code of Conduct Complaint Protocol (“Complaint Protocol”).

Comments:

On the basis of my investigation, I concluded that there had been a violation of Section IV of the Code of Conduct. The City of Toronto corporate logo is clearly part of the intellectual property of the City and, as such, owned by the City. It is the subject of a patent, a registered trade mark, and an assertion of copyright. As well, the Corporate Identity Program Principles for the Use of City of Toronto Corporate Logo, Coat of Arms and Official Flag, adopted by City Council at its meeting of July 4, 5 and 6, 2000, provides that the City corporate logo may “only be used to specifically identify officially endorsed City business”.

Including a City Business card as part of promotional material for a Councillor's private business constitutes improper use of City property. It also can give rise to a reasonable perception that the Councillor is using her/his elected office to influence potential customers. This brings the conduct within the prohibitions contained in Section IV, particularly when that Section is interpreted in the light of two of the key statements of principle in the Preamble to the Code of Conduct: those pertaining to the improper use of influence and arranging one's private affairs in such a way as to promote public confidence and to bear close public scrutiny.

In so concluding, I rejected the Councillor's contention that I should not pursue this investigation because, in terms of Section 4 of the Complaint Protocol, it was "frivolous, vexatious and not made in good faith". The issue was far from trivial. My investigation revealed that at least one other person had expressed concerns about it to another Councillor. The complaint was fully and articulately developed. Given all that and the absence of other evidence of vexatiousness or bad faith, I determined that I should not decline jurisdiction solely on the basis that the complainant was identified with a political party different than the one to which the Councillor belonged.

I also determined that it was no defence to the allegations that the Councillor had not charged her/his office account for the printing of the card and not used City Hall facilities in producing it. Similarly, I rejected the contention that there was no breach because the Councillor's purpose in including the card in the promotional material was to demonstrate the high quality of business cards produced by a particular printing process used by her/his family company.

I did, however, accept that the distribution of the cards in this manner was "an error of judgment made in good faith" in terms of Section 5 of the Complaint Protocol. As a consequence, I am precluded from recommending any penalty in my report to Council.

All of these matters are more fully developed in my decision which I distributed to the parties and which constitutes Appendix A to this report.

Conclusions:

In distributing her/his City Council business card with samples of her/his family company's printing work, the Councillor violated Section IV of the Code of Conduct by using the intellectual property of the City of Toronto without permission and in a manner that reasonably created the impression that he/she might be using that property of the City to further her/his business interests. However, I have also concluded that the Councillor's conduct amounted to an error of judgment made in good faith. I therefore am simply moving that Council receive this report and not recommending that it impose any penalty.

(Report dated November 28, 2005, from
the Integrity Commissioner, entitled "Report on Complaint")

Nature of Complaint:

The Executive Assistant to an MPP, acting in her/his personal capacity, brought a complaint against a City Councillor alleging a violation of Section IV of the Code of Conduct for Members of Council ("Code of Conduct"). More particularly, he/she alleged that the Councillor had improperly used City property by distributing her/his City business card (bearing the City of Toronto corporate logo) as part of a mail distribution promoting her/his outside business interests. In support of these allegations, the complainant also relied on two of the key statements of principle in the Preamble to the Code of Conduct: those pertaining to the improper use of influence and arranging one's private affairs in such a way as to promote public confidence and to bear close public scrutiny.

Summary of Findings:

I have concluded that the Councillor did violate the Code of Conduct by using his City business card as part of the distribution of promotional material for her/his family business. The corporate logo is the property of the City and should be used for City Council purposes only. Section IV of the Code of Conduct makes this clear. That conclusion is also reinforced by the purposes on which the Code of Conduct is based: that Councillors should not use the influence of their office to achieve personal gain and that, on assuming office, they should ensure that there is a separation of business and personal interests from their City responsibilities in such a way as to promote public confidence.

I have also concluded, however, that the Councillor's actions constituted an error of judgment made in good faith in terms of Section 5 of the Council Code of Conduct Complaint Protocol ("Complaint Protocol"). I will therefore be recommending in my report to Council that it impose no penalty.

Facts:

In February 2005, MPPs and others received a package of promotional material in the mail from a printing company. That promotional material consisted of samples of labels, stickers, decals, seals and tags produced by the company. That company is the family business of a City Councillor. Included in the material was that Councillor's City business card bearing the City of Toronto corporate logo.

Shortly thereafter, the Executive Assistant of one of the MPPs to whom this package had been sent, made a formal complaint under the Complaint Protocol asserting that the inclusion of the City business card in the package of material constituted a violation of Section 4 of the Code of Conduct.

As this was a matter clearly within my jurisdiction and as it raised a potentially significant issue concerning the use of City resources, I forwarded the complaint to the Councillor. Thereafter, I met with her/him to discuss the nature of the allegations and eventually received a formal response to the complaint which I then shared (as required) with the complainant. This then led the complainant to provide further elaborations of her/his concerns. As part of my investigation, I also met with another Councillor who had received a communication from a member of the public complaining about receipt of the same package of promotional materials.

In my initial interview with the Councillor, he/she urged me not to proceed any further with the complaint on the basis that it was politically motivated. He/she pointed to the fact that the complainant was the Executive Assistant to an MPP representing a political party other than the one to which the Councillor professed allegiance. Under Section 4 of the Complaint Protocol, I am instructed not to conduct an investigation where a complaint is “frivolous, vexatious and not made in good faith”.

The Councillor did not, however, contest responsibility for the distribution of the promotional material. Rather, he/she provided the following justifications:

- (1) The inclusion of her/his City business card in the package of promotional materials was for the purpose of providing a sample of the effectiveness of a particular printing process.
- (2) He/she had arranged for her/his business cards printed at her/his own expense and not through the printing services offered to Councillors at City Hall.

In her/his response, the complainant asserted that all of this was beside the point. There were clear rules establishing the uses to which City Hall business cards and the City’s corporate logo could be put and they did not include anything to do with a Councillor’s private or business interests.

Relevant Provisions:

Section IV of the Code of Conduct provides as follows:

No member of Council should use, or permit the use of City land, facilities, equipment, supplies, services, staff or other resources (for example, City-owned materials, web sites, Council delivery services and Council global budgets) for activities other than the business of the Corporation. Nor should any member obtain financial gain from the use or sale of City-developed intellectual property (for example, inventions, creative drawings, and drawings), computer programs, technical innovations, or other items capable of being patented, since all such property remains that of the City.

The key statements of principle in the Preamble to the Code of Conduct include the following:

[N]o member of Council shall use the influence of their office for any purpose other than for 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 personal scrutiny.

The City of Toronto has registered the City Hall logo under the *Patent Act*, R.S.C. 1985, c.T-10. Subsections 9(d) and (m) of that Act prohibit its adoption “in connection with a business”. It has also been trademarked (Application Number 1009551, filed March 24, 1999).

The City further asserts copyright over the logo. Section 3 of the *Copyright Act*, R.S.C. 1985, c. C-42, requires the permission of the City to produce or reproduce the logo.

The Corporate Identity Program Principles for the Use of City of Toronto Corporate Logo, Coat of Arms and Official Flag, adopted by City Council at its meeting of July 4, 5 and 6, 2000, provides:

The City of Toronto logo represents the corporation of the City of Toronto, its departments and associated bodies across all facets of municipal business. The logo, as an Official Mark, may only be used to specifically identify officially endorsed City business.

Section 4 of the Complaint Protocol provides:

If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an inquiry, the Integrity Commissioner shall not conduct an inquiry and shall state the reasons for not doing so in the report.

Section 5 of the Complaint Protocol provides:

If the Integrity Commissioner determines...that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall so state in the report and recommend that no penalty be imposed.

Analysis:

Was the Complaint Frivolous, Vexatious or Not Made in Good Faith?

This is not a frivolous matter. It raises an important issue as to the uses that Councillors may legitimately make of their City business cards and, in particular, whether those cards may be

linked in any way to furtherance of private or business interests.

Was the complaint vexatious or not made in good faith? Merely because a complainant is of a political persuasion other than that of the Councillor who is the subject of the complaint is not in itself sufficient to establish vexatiousness or a lack of good faith. In this instance, I have no other evidence that this was indeed the case. The complainant's documentation was well-presented. As already noted, it raised a significant issue of principle. Also, my investigations made it clear that the complainant was not alone in having concerns about the legitimacy of this use of the Councillor's City business card and the City's Corporate logo.

Merits

In terms of Section 4 of the Code of Conduct, there is no doubt that the corporate logo is part of the "resources" and "intellectual property" of the City of Toronto. As such, Councillors should not use that logo, even on their City business cards, "for activities other than the business of the Corporation".

That prohibition clearly covers the use of a City business card in conjunction with the promotion of a Councillor's external business activities. This interpretation of the scope of Section 4 of the Code of Conduct is underscored by the terms of the key statements of principle in the Code's preamble relating to the improper use of influence and arranging one's private affairs in such a way as to promote public confidence and to bear close public scrutiny. While these are not independent or free-standing bases for complaint, they are relevant in determining the scope of the substantive prohibitions in the Code of Conduct. In this respect, the complainant captures the problem neatly in her/his letter of complaint when he/she states:

The very presence of [her/his] business card in the package gives the appearance of the councillor using [her/his] elected office to influence potential customers.

In addition, it also could create the impression that the Councillor is available to conduct the business of her/his firm on City Council property or through the use of City Hall facilities such as telephone, fax, and e-mail.

I accept that the Councillor, having produced her/his own City business cards at her/his own expense, may have been of the view that there was nothing improper with sending that card out to potential customers as an example of the excellent work that her or his family company could execute, and for no other purpose. However, as the Bellamy Report makes clear in Recommendations 20-24, it is of vital importance that Councillors make sure that they do not create even an apparent conflict of interest such as "us[ing] their positions to further their private interests". Whatever the Councillor's intentions, it is not unreasonable for members of the public to draw the conclusion that this use of the City business card was calculated to enhance the prosperity of the family company by inviting them to draw a link between the fact that one of the owners is a Councillor and the business probity of the firm.

In any event and irrespective of intention or motives, this form of distribution of a Councillor's business card amounts to a use of City property (its corporate logo) without permission. The City has the right to control the extent to which materials produced incorporating the City logo can be used for promotional purposes.

The Issue of Penalty

This is a novel issue. I also accept that the Councillor believed that her/his actions were justified on the grounds that he/she asserted both at the interview and in her/his formal response. In short, I have no basis for any finding that he/she was aware that her/his actions constituted a violation of Section 4 of the Code of Conduct.

In light of all these circumstances, I have determined that, in terms of Section 5 of the Complaint Protocol, the breach was the result of an error of judgment made in good faith. That requires me to recommend that no penalty be imposed and that will be my recommendation in my report to Council.

More importantly, however, this establishes a precedent to guide the future conduct of Councillors in relation to the use of their City business cards.

Conclusions:

I have concluded that it is an improper use of City property for a Councillor to include her or his City business card in promotional material relating to her or his outside business interests. This constitutes a violation of Section 4 of the Code of Conduct. However, I accept that, in this instance, the Councillor made an error of judgment in good faith and am not recommending any sanction. My report to Council will therefore be primarily for the information of Council and to provide guidance for the future uses of City business cards by not only this Councillor but all others.

ATTACHMENT 3 [Notice of Motion J(20)]

Report (December 5, 2005) from the Chief Planner and Executive Director, City Planning, entitled "Supplementary Report, Application to Amend Etobicoke Zoning Code, Application No. TA CMB 2002 0023, K & K Car Wash, Michael Faric, Architect, 110 Rexdale Boulevard, Ward 2 - Etobicoke North". (See Minute 12.88, Page 130):

Purpose:

This report outlines the key changes to the proposed by-law after the holding of the statutory public meeting on an application to amend the Etobicoke Zoning Code to permit a convenience restaurant, car rental establishment and expanded convenience kiosk on the lands currently occupied by a service station and a car wash.

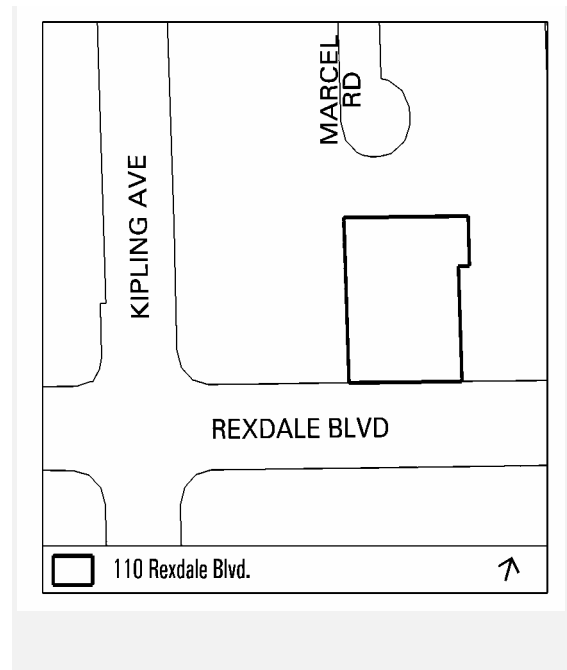
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) amend the Etobicoke Zoning Code, substantially in accordance with the draft Zoning By-law Amendment appended as Attachment 4;
- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required;
- (3) amend Recommendation (3) of the Final Report (Etobicoke Community Council Report 6, Clause 15, adopted by City Council on July 22, 23 and 24, 2003) to delete the requirement of the owner to submit a Record of Site Condition acknowledged by the Ministry of the Environment, and submit a letter from the Ministry of the Environment indicating the site is not subject to an audit or that the site has passed the environmental audit; and



- (4) determine pursuant to Section 34(17) of the *Planning Act* that no further public notice regarding the proposed amendments to the zoning by-law is necessary.

Background:

On July 22, 23, and 24, 2003, Toronto City Council adopted Planning staff's Supplementary Report dated July 21, 2003 and Final Report dated June 16, 2003 recommending conditional approval of the zoning by-law amendment. Recommendation (3) of the Final Report required the owner to submit an environmental report addressing the suitability of soil and groundwater conditions for the proposed use for peer review; submit a Record of Site Condition acknowledged by the Ministry of the Environment and submit a letter from the Ministry of the Environment indicating the site is not subject to an audit or that the site has passed the environmental audit, all prior to the bills being adopted by Council.

On February 1, 2 and 3, 2005, City Council approved the site plan control application for this property. Under this approval, the applicant intended to expand the main car wash building to accommodate an expanded convenience sales area and take-out restaurant. However, on July 13, 2005, the applicant submitted a revised site plan application showing a separate kiosk building to accommodate the proposed convenience sales area and take-out restaurant. Planning staff issued "Notice of Approval Conditions" for this proposal on October 5, 2005, subject to the draft zoning by-law being adjusted and adopted by Council.

Zoning

In order to permit the development of the revised site plan, the following amendments to the original draft zoning by-law presented to City Council on July 22, 23 and 24, 2003 are required:

- Section 1.(b) The maximum gross floor area of all buildings shall be limited to 450 square metres, whereas the original draft zoning by-law intended to permit a maximum gross floor area of 446 square metres;
- Section 1.(c) The maximum floor area dedicated for convenience store and take-out restaurant uses shall be limited to a combined total of 125 square metres, however, the maximum floor area dedicated for the take-out restaurant shall be limited to 65 square metres, whereas the original draft zoning by-law intended to limit the convenience store to a maximum floor area of 60 square metres, and the take-out restaurant to a maximum of 65 square metres;
- Section 1.(d)i) Minimum east side yard building setback of 12.5 metres, whereas the original draft zoning by-law intended a minimum side yard building setback of 36 metres;
- Section 1.(d)ii) Minimum rear yard canopy setback of 30 metres and minimum east side yard canopy setback of 11 metres, whereas the original draft zoning by-law

intended a minimum rear yard canopy setback of 40 metres and a minimum east side yard canopy setback of 12 metres;

- Section 1.(g) Minimum size of the vehicle waiting line spaces for the mechanical car wash shall be set at 6 metres in length and 3 metres in width, whereas the original draft zoning by-law intended minimum vehicle waiting line space sizes of 5 metres in length and 3.6 metres in width; and
- Section 3. The total number of parking spaces to be provided on-site shall be 13, of which a maximum of 4 may be used for the display of rental vehicles, whereas the original draft zoning by-law permitted a maximum of 5 parking spaces to be used for the display of rental vehicles.

Community Consultation

A Community Consultation meeting was held on March 27, 2003 and a further on-site meeting was held on July 17, 2003 to provide area property/business owners and residents with an opportunity to review and comment on the application.

In consultation with the local Councillor, staff recommended that further public notice regarding the proposed amendments to the zoning by-law following the July 9, 2003 statutory public meeting is not necessary in this instance, as the proposed changes are minor and no further significant public interest issues are anticipated.

Comments:

Technical Services staff confirmed that the requirement for a peer review of the environmental report addressing the suitability of soil and groundwater conditions has been satisfactorily completed. However, Technical Services advise that the applicant is not legally required to provide any further environmental documentation, including a Record of Site Condition (RSC) acknowledged by the Ministry of the Environment and a letter from the Ministry of the Environment regarding environmental audit requirements, as per the remainder of Recommendation (3) of the Planning staff's Final Report. Requirements of the Building Division with respect to applicable law and the RSC will be determined at the Building Permit stage.

Planning staff are satisfied that the concerns raised through community consultation and agency circulation have been adequately addressed through the site plan approval process, and that the environmental/contamination issue has been satisfactorily met as a condition of zoning approval.

Conclusions:

Planning staff is satisfied that all matters relating to site plan approval and previous rezoning conditions have been met, and therefore recommend that the application be approved.

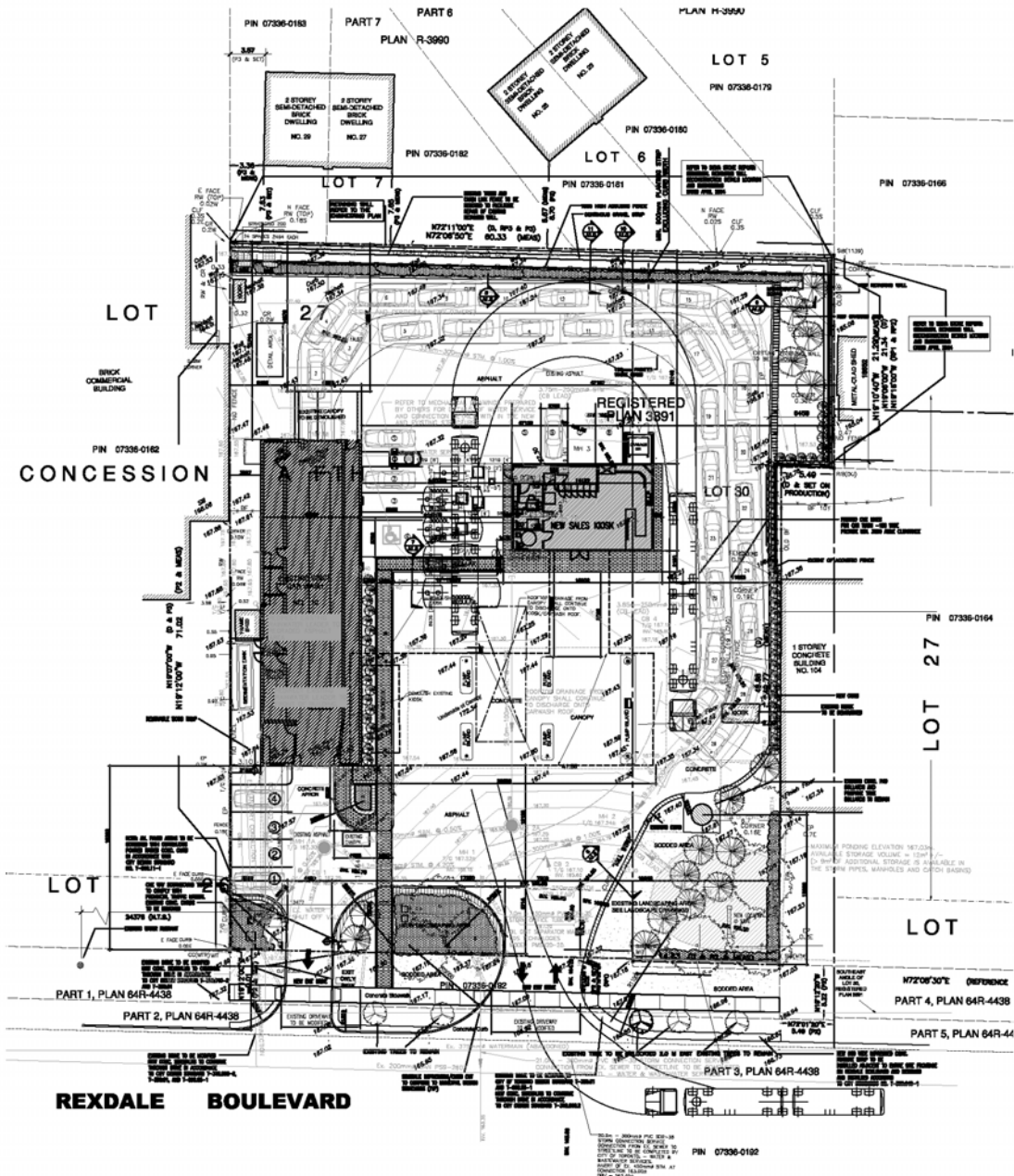
Contact:

Matthew Premru, Planner
Tel: 416-394-6004; Fax: 416-394-6063
E-mail: mpremru@toronto.ca

List of Attachments:

Attachment 1:	Site Plan
Attachment 2:	Elevations
Attachment 3:	Application Data Sheet
Attachment 4:	Zoning Bill (revised)
Attachment 5:	Schedule A

Attachment 1



Site Plan

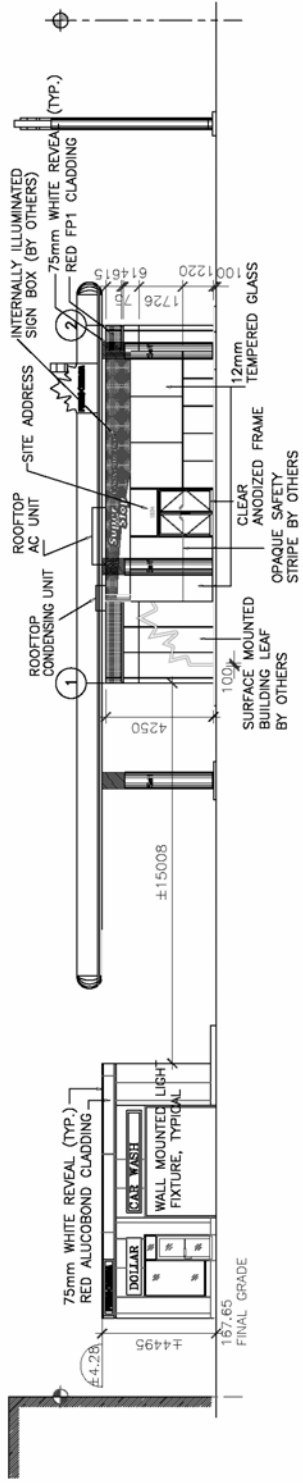
110 Rexdale Boulevard

Applicant's Submitted Drawing

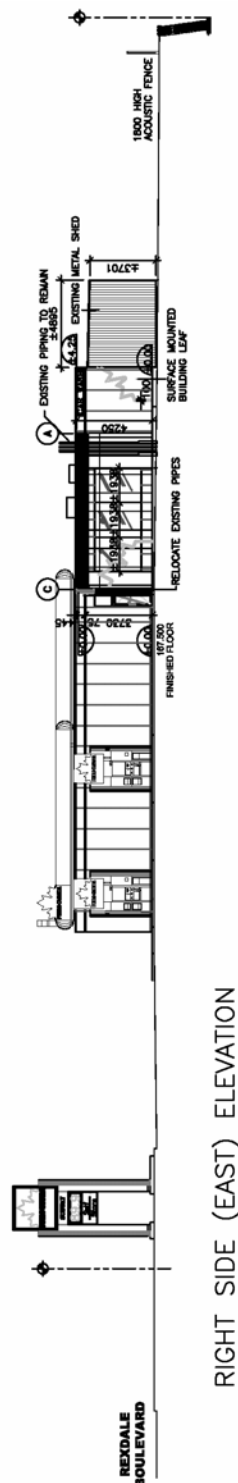
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Attachment 2



FRONT (SOUTH) ELEVATION



RIGHT SIDE (EAST) ELEVATION

110 Rexdale Boulevard

Elevations

Applicant's Submitted Drawing

Not to Scale
 11/22/05

File # 03_167305

Attachment 3

APPLICATION DATA SHEET

Application Type	Site Plan Approval	Application Number:	03 167305 WET 02 SA
Details		Application Date:	August 19, 2003

Municipal Address: 110 REXDALE BLVD, TORONTO ON
 Location Description: PL 3891 PT LT30 **GRID W0204
 Project Description: To permit a convenience restaurant, car rental establishment and expanded convenience kiosk on the lands currently occupied by a service station and a car wash.

PLANNING CONTROLS

Official Plan Designation:	Special Retail	Site Specific Provision:	
Zoning:	CL	Historical Status:	
Height Limit (m):	14m	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	4090.5	Height:	Storeys:	1
Frontage (m):	54.86		Metres:	4.3
Depth (m):	71.02			
Total Ground Floor Area (sq. m):	479.06			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	13
Total Non-Residential GFA (sq. m):	479.06		Loading Docks	1
Total GFA (sq. m):	479.06			
Lot Coverage Ratio (%):	11.71			
Floor Space Index:	0.11			

DWELLING UNITS

Tenure Type:

Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	0

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	0	0
Retail GFA (sq. m):	479.06	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Matthew Premru, Planner
TELEPHONE: (416) 394-6004

Attachment 4

DRAFT Zoning By-law Amendment

Authority: City of Toronto Council
as adopted by City of Toronto Council on ~ 2005.
Enacted by Council: ~ 2005.

CITY OF TORONTO

BY-LAW No. ~ -2005

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to the subject lands located on the north side of Rexdale Boulevard, east of Kipling Avenue, municipally known as 110 Rexdale Boulevard.

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and held at least one public meeting in accordance with the *Planning Act*;

THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

1. Notwithstanding the provisions of Section 304-20, 320-21(B1, D, H, I), 320-22. (C., D., H.), 320-91 of the Etobicoke Zoning Code, a convenience store, a take-out restaurant with or without a full commercial kitchen, a vehicle rental establishment, and mechanical car wash, shall be permitted to operate in conjunction with a service station on the lands shown as Limited Commercial (CL) on Schedule "A" attached hereto, subject to the following:

a) For the purpose of this By-law a convenience store shall be identified as follows:

"Convenience Store: a commercial building or structure or part thereof, where food and convenience goods are stored and offered for sale at retail, and which may include as an accessory use, subject to Section 2 herein, the sale of food prepared on the premises."

b) The maximum gross floor area of all buildings shall be limited to 450 square metres.

- c) The maximum floor area dedicated for convenience store and take-out restaurant uses shall be limited to a combined total of 125 square metres, however, the maximum floor area dedicated for the take-out restaurant shall be limited to 65 square metres.
- d) Notwithstanding Section 320-79 of the Etobicoke Zoning Code the following set-backs shall be maintained:
 - i) Building setbacks:
 - Minimum front yard setback of 18 metres
 - Minimum rear yard setback of 19 metres
 - Minimum west side yard setback of 3 metres
 - Minimum east side yard setback of 12.5 metres
 - ii) Canopy setbacks:
 - Minimum front yard setback of 17.5 metres
 - Minimum rear yard setback of 30 metres
 - Minimum east side yard setback of 11 metres
 - iii) Propane tank setbacks:
 - Minimum front setback of 13 metres
 - Minimum east setback of 4.5 metres
 - iv) Below-grade sediment tank is permitted at 0 metre clearance setback in the west side yard.
- e) Notwithstanding the provisions of Sections 320-21.D., and 320-22.F. of the Etobicoke Zoning Code, the following landscape strips shall be maintained:
 - i) Minimum front yard of 3 metres
 - ii) Minimum rear yard of 2.9 metres
 - iii) Minimum east yard of 1.3 metres

The landscape strip shall not apply to areas containing underground tanks, driveways, and pedestrian accesses.
- f) The width of ramps along REXDALE Boulevard shall not exceed 7.5 metres, measured along the property line.
- g) Notwithstanding Section 320-22 B1, the minimum size of the vehicle waiting line spaces for the mechanical car wash shall be set at 6 m in length and 3 m in width.

2. For the purpose of this By-law, seating for the consumption of prepared foods shall be prohibited.
3. Notwithstanding Section 320-18 and 320-23 of the Etobicoke Zoning Code, the total number of parking spaces to be provided on-site shall be 13 of which a maximum of 4 may be used for the display of rental vehicles.
4. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall take precedence, otherwise the Etobicoke Zoning Code shall apply.
5. Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
~ -2005 ~, 2005	Lands located on the north side of Rexdale Boulevard, east of Kipling Avenue.	To permit a convenience store, a take out restaurant, a vehicle rental establishment and a mechanical car wash to operate in conjunction with a service station.

ENACTED AND PASSED this ~ day of ~, 2005.

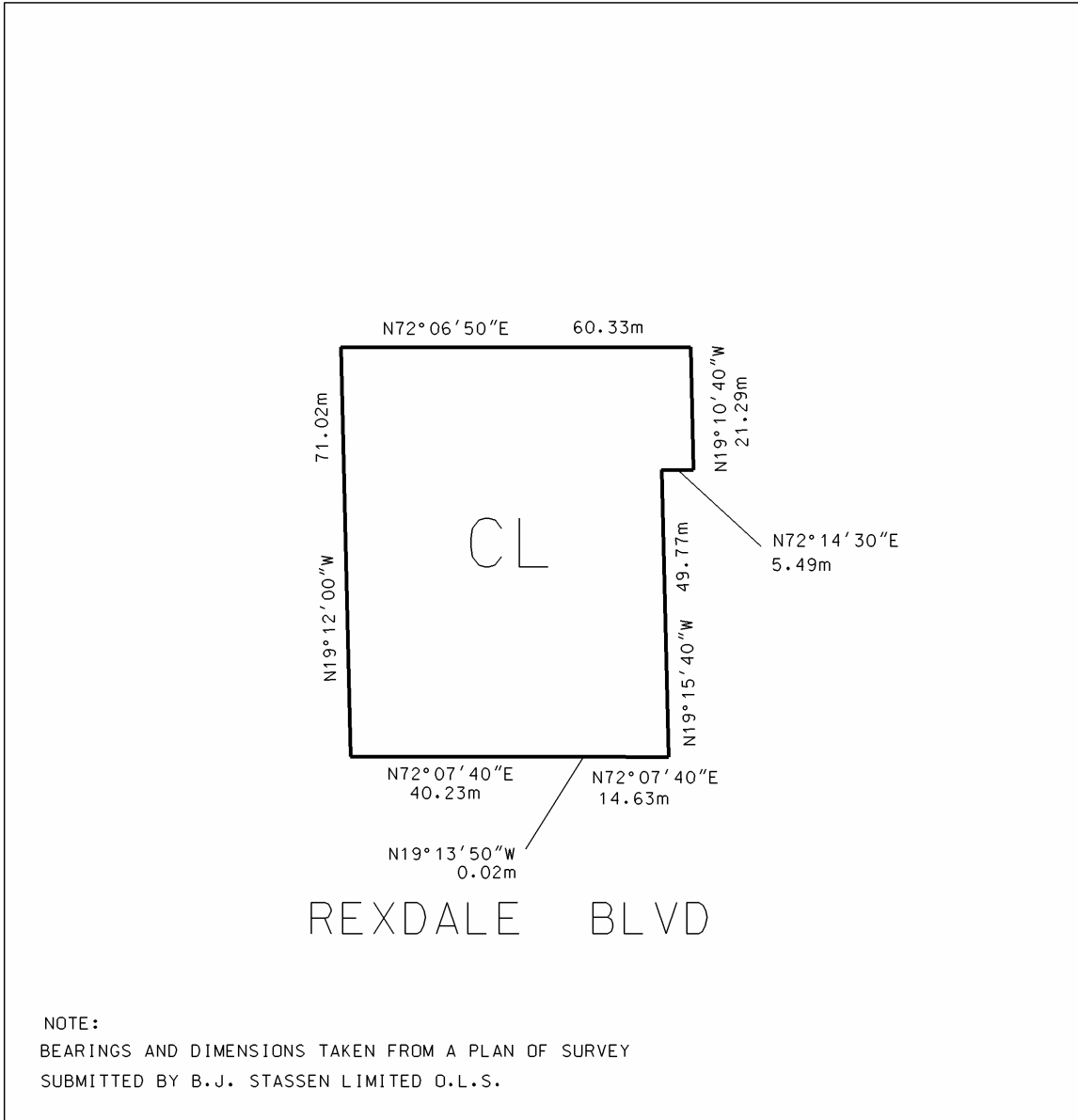
DAVID MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Attachment 5

TORONTO Schedule 'A' BY-LAW



**PART OF LOTS 26 AND 27 CONCESSION A FRONTING
THE HUMBER AND PART OF LOT 30 REGISTERED PLAN 3891**

Applicant's Name:		MICHAEL FARIC	
Assessment Map H12	Zoning Code Map/s H12W		scale:
File No. TA CMB2002 0023	Drawing No. CMB2002 0023A	Drawn By: K.P.	



ATTACHMENT 4 [Notice of Motion J(28)]

Report (December 5, 2005) from the City Clerk, entitled “Options on Filling the Vacancy in the Office of Councillor, Ward 41 - Scarborough-Rouge River”. (See Minute 12.96, Page 146):

Purpose:

To outline for Council's consideration the options for filling the vacancy in the office of Councillor, Ward 41 - Scarborough-Rouge River.

Financial Implications and Impact Statement:

The estimated cost to fill the vacancy through an appointment is \$20,000.00 to cover administration, advertising, supplies and printing. Should Council decide instead to fill the vacancy through a by-election, the estimated cost is \$150,000. In addition, should Council implement a contribution rebate program for candidates in a by-election, there will be additional costs for this program. While it is difficult for staff to estimate the cost of a rebate program as it is dependent upon the number of candidates who file a nomination; based on the last by-election, it is estimated the program would cost approximately \$50,000.00.

The necessary funds for the appointment process or a by-election and contribution rebate program, if applicable, would be transferred from the Election Reserve to the City Clerk's 2005 operating budget.

The Deputy City Manager and Chief Financial Officer has reviewed this report and concurs with the financial implications.

Recommendations:

It is recommended that:

- (1) in accordance with Council's policy, the vacancy be filled through the appointment of a qualified elector following the process set out in Appendix “B” to this report;
- (2) the necessary funds for the appointment process be transferred from the Election Reserve to the City Clerk's 2005 operating budget;
- (3) in the interim, the current staff of former Councillor Balkissoon continue to serve the constituents of Ward 41 – Scarborough-Rouge River until the new Councillor is appointed and a decision is made by Council or the new Councillor with respect to staffing; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Council Background/Reference:

At its meeting of February 1, 2, and 3, 2000, Council, in adopting Clause 1 of Report 2 of the Administration Committee (Policy on Filling Vacancies on City Council), approved the following recommendation:

- “(1) any vacancy in the office of the Mayor or a Councillor declared by Council prior to November 30 in the year prior to an election year be filled through the conduct of a by-election;
- (2) any vacancy in the office of the Mayor or a Councillor declared by Council after November 30 in the year prior to an election year shall be filled through an appointment;”

This policy was developed in response to Council’s stated desire for a policy which would guide its decision making process when deciding how vacancies are to be filled. Notwithstanding the foregoing policy, Legal staff have advised that the *Municipal Act, 2001*, as amended, still requires that Council make a formal decision on the method of filling a Council vacancy as each vacancy occurs. (A copy of the Policy on Filling Vacancies on City Council is attached as Appendix “A”.)

Comments:

Subsection 263(5) of the *Municipal Act, 2001*, as amended, provides that Council shall, within 60 days after the day the office is declared vacant, either appoint a qualified person to fill the vacancy or pass a by-law to require that the vacancy be filled through the conduct of a by-election.

Section 264 of the *Municipal Act, 2001*, as amended, provides that the person appointed or elected to fill the vacancy shall hold office for the remainder of the term of office of the person whose place he or she is appointed or elected to fill. Accordingly, the person appointed would hold office until November 30, 2006.

(1) Appointment

Clause 263(1)(a) of the *Municipal Act, 2001*, as amended, provides that Council may fill the vacancy by appointing a person who has consented to accept the office if appointed.

To be qualified to hold the office, a person must be:

- (i) 18 years of age or older;
- (ii) a Canadian citizen;

- (iii) a resident of the City of Toronto, or an owner or tenant of land in the City or the spouse of such an owner or tenant; and
- (iv) not disqualified under any *Act* from holding municipal office.

Interested individuals should be given a reasonable period of time to submit an application for consideration by Council. If Council chooses to fill the vacancy by appointment, staff recommend Council adopt the process set out in Appendix "B". The City Clerk would advertise to invite applications from qualified electors for consideration by the Scarborough Community Council at its meeting of January 17, 2006. Council would consider the recommendation from the Scarborough Community Council at a Special Meeting to be held at 5:00 p.m., January 31, 2006. This would be within the 60 day time period required by the *Municipal Act, 2001*, as amended.

These proposed dates are in accordance with the existing schedule of meetings. If Council wishes to fill the vacancy in a timelier manner, it could schedule special meetings of the Scarborough Community Council and Council to consider the matter earlier than January 31, 2006. This would enable the person appointed to be properly briefed on the issues going to the January Council meeting.

The estimated cost for the appointment process for administration, supplies, printing and advertising is \$20,000.00.

(2) By-election

Clause 263(1)(b) of the *Municipal Act, 2001*, as amended, provides that Council may fill the vacancy through the conduct of a by-election in accordance with section 65 of the *Municipal Elections Act, 1996*, as amended.

If a by-election is to be held to fill the vacancy, the Clerk is responsible for setting the date of nomination day, which cannot be more than 60 days after the passing of the by-law indicating a by-election is required. Voting day is 45 days after nomination day.

Should Council decide to have a by-election and pass the necessary by-law at its meeting of December 5, 6 and 7, 2005, nomination day would be Friday, January 6, 2006, with voting day on Monday, February 20, 2006. Advance votes would be held on Saturday, February 11, 2006 and Sunday, February 12, 2006.

The estimated cost of administering a by-election is \$150,000.00. This cost estimate is based upon the final costs of the 2001 Ward 31 – Beaches-East York by-election, adjusted for inflation.

In addition, should Council decide to approve a campaign contribution rebate program similar to the one approved by Council for the 2006 municipal election, the City would incur additional costs. While it is difficult for staff to estimate the cost of a rebate program as it is dependent upon the number of candidates, it is estimated the program would cost approximately \$50,000.00 based upon the 2001 Beaches-East York by-election.

In the event Council decides to conduct a by-election to fill the vacancy, draft bills are attached to establish the dates and times of advance voting (Appendix "C") and to authorize a contribution rebate program (Appendix "D").

Councillor Office Staff:

Given the experience and knowledge of the current staff in serving the constituents of Ward 41 – Scarborough-Rouge River through the office of former Councillor Balkissoon, Council may wish to have the current staff continue to support the office in the interim until a new Councillor is appointed and a decision is made by the new Councillor with respect to staffing. Council may also wish to request that the new Councillor be urged to give first consideration to retaining the current staff.

Conclusions:

Staff recommend that the vacancy in the office of Councillor, Ward 41 – Scarborough-Rouge River be filled through the appointment of a qualified elector.

Contact:

Greg Essensa, Director, Elections and Registry Services
Tel – 416-392-8019, E-mail: gessensa@toronto.ca

Attachments:

- (1) Appendix "A" – Council Policy on Filling Vacancies
- (2) Appendix "B" – Proposed Appointment Process
- (3) Appendix "C" – Draft Bill to provide for the conduct of a by-election and to establish the dates and times of advance votes
- (4) Appendix "D" – Draft Bill to authorize a campaign contribution rebate program

Appendix "A"

Policy on Filling Vacancies on City Council

[Administration Committee Report 2, Clause 1, headed
"Policy on Filling Vacancies on City Council",
adopted, as amended, by City Council on February 1, 2 and 3, 2000]

(City Council on February 1, 2 and 3, 2000, amended this Clause by:

- (1) deleting from Recommendations Nos. (1) and (2) embodied in the report dated October 21, 1999, from the City Clerk, the date “July 31” and inserting in lieu thereof the date “November 30”, so that such recommendations shall now read as follows:

“(1) any vacancy in the office of the Mayor or a Councillor declared by Council prior to November 30 in the year prior to an election year be filled through the conduct of a by-election;

(2) any vacancy in the office of the Mayor or a Councillor declared by Council after November 30 in the year prior to an election year be filled through an appointment;”;

- (2) deleting from Recommendation No. (2) of the Administration Committee the words “a crime arising from his/her conduct as an elected official” and inserting in lieu thereof the words “an offence arising from a specific breach of trust related to their position as an elected official”, so that such recommendation shall now read as follows:

“(2) that the Province of Ontario be requested to amend the Municipal Elections Act to disallow any person from seeking municipal office who has been convicted of an offence arising from a specific breach of trust related to their position as an elected official.”; and

- (3) adding thereto the following:

“It is further recommended that:

(a) the vacancy in Ward 21, Davenport, be filled by an appointment of a qualified elector to serve the remainder of the term of office;

(b) the procedure to be followed for the appointment be in accordance with the policy for filling vacancies on City Council, as set out in the report dated October 21, 1999, from the City Clerk;

(c) the appointment of a qualified elector to fill the vacancy in Ward 21, Davenport, for the remainder of this term of Council, be considered by City Council at its regular meeting to be held on February 29, 2000; and

(d) the necessary funds for the appointment be provided from the Corporate Contingency Account.”)

The Administration Committee recommends:

- (1) the adoption of the report (October 21, 1999) from the City Clerk; and

- (2) that the Province of Ontario be requested to amend the *Municipal Elections Act* to disallow any person from seeking municipal office who has been convicted of a crime arising from his/her conduct as an elected official.

The Administration Committee submits the following report (October 21, 1999) from the City Clerk:

Purpose:

This report responds to a request from Council for staff to develop a policy on the methods to fill future vacancies on City Council.

Source of Funds:

Not applicable.

Recommendations:

It is recommended that:

- (1) any vacancy in the office of the Mayor or a Councillor declared by Council prior to July 31 in the year prior to an election year be filled through the conduct of a by-election;
- (2) any vacancy in the office of the Mayor or a Councillor declared by Council after July 31 in the year prior to an election year be filled through an appointment; and
- (3) the recommended procedures for filling a vacancy through an appointment, as outlined in Appendix "A", be adopted.

Council Background/Reference:

On July 27, 28, 29 and 30, 1999, City Council, in adopting Clause No. 1 of Report No. 3 of The Administration Committee [Filling of Council Vacancy - Scarborough Highland Creek (Ward 16)], approved the following recommendation:

"It is further recommended that the City Clerk be requested to submit a report to the next meeting of City Council, scheduled to be held on September 28, 1999, through the Administration Committee, and not related to this particular by-election, on options to establish a policy and/or by-law to address methods of filling future vacancies on City Council, so as to provide that the filling of vacancies is not left to the discretion of Members of Council."

Comments and/or Justification:

The *Municipal Act* contains certain provisions Council must follow when filling a vacancy on Council. Section 43 of the Act states that “where the seat of a member of council becomes vacant under section 38, the council shall forthwith declare the seat to be vacant”. Should Council neglect to make such a declaration, an elector may commence court action for a declaration that the office of a Member of Council has become vacant in accordance with the *Municipal Act*.

Generally, Council has two available options for filling a vacancy; through an appointment or through the conduct of a by-election. These options apply to vacancies in the offices of both the Mayor and Councillors. Council’s discretion is only restricted if the vacancy occurs after March 31 in the year of a regular election. In this instance, Council must fill the vacancy by way of an appointment within forty-five days of the vacancy occurring; a by-election may not be held. If the vacancy occurs less than forty-six days before nomination day in a regular election, the vacancy need not be filled.

The person appointed or elected to fill a vacancy shall hold office for the remainder of the term of the Member of Council.

(1) Appointment:

Section 45 of the *Municipal Act* permits Council, at a meeting called for that purpose, to fill a vacancy by appointing a person who has consented to accept the office and who is qualified to hold the office. To be qualified, a person must be:

- (a) eighteen years of age or older;
- (b) a Canadian citizen;
- (c) a resident of the City of Toronto or the owner or tenant of land in the City of Toronto or the spouse of such an owner or tenant; and
- (d) not disqualified under any Act from holding municipal office.

If the vacancy is in the office of mayor, in addition to the above noted qualifications, the person appointed must be a current Member of Council on the date of the appointment.

If more than one person is nominated for appointment, a vote of the Members of Council shall be taken by the Clerk. The person who receives the votes of more than one-half of the number of all Members of Council shall fill the vacancy.

The recommended procedures to be followed in appointing a person to fill a vacancy on Council are set out in Appendix “A” attached hereto.

Advantages:

- (1) less costly procedure than conducting a by-election (estimated \$20,000.00 in advertising costs to seek persons interested in being appointed);
- (2) process can be completed in a timely manner; and
- (3) less labour intensive and less costly process from a staffing perspective.

Disadvantages:

- (1) could be viewed as a less democratic process; and
- (2) it could be perceived that Council was affording an advantage to the individual appointed should he or she decide to run in the next municipal election.

(2) By-Election:

Section 46 of the *Municipal Act* permits Council to pass a by-law to provide that a vacancy on Council shall be filled by way of a by-election. The by-election shall be held in accordance with Section 65 of the *Municipal Elections Act, 1996*.

Under section 65 of the *Municipal Elections Act, 1996*, if Council determines that a by-election is to be held, the Clerk is responsible for setting the date of nomination day, which is to be a day not more than thirty days after the passing of the by-law indicating a by-election is required. Voting day shall be thirty-one days after nomination day. The by-election shall be conducted as far as possible in the same manner as a regular election.

As noted above, no by-election may be held to fill a vacancy that occurs after March 31 in the year of a regular election.

Advantages:

- (1) best ensures a democratic process for constituents; and
- (2) provides an opportunity for election staff to test new procedures and processes in advance of a regular election.

Disadvantages:

- (1) more costly process than an appointment (a single member ward by-election is estimated to cost \$85,000.00 plus \$35,000.00 for a contribution rebate program);

- (2) a by-election is a longer time process than an appointment; and
- (3) more labour intensive and costly process from a staffing perspective.

Past Practices in Filling Vacancies:

In reviewing past practices in the former municipalities now making up the City of Toronto, staff researched Council vacancies back to 1984 and found a total of nineteen vacancies that were filled. Of these nineteen vacancies, eleven were filled by appointment and eight through by-elections.

Of the eleven appointments, nine were in a regular election year, six of which were after the mandatory March 31st date as provided by the *Municipal Act*. The remaining two appointments were made in the year preceding an election year. One was made in the month of June and the other in the month of October. In the subsequent municipal election six of the eleven ran for office.

Of the eight by-elections, none were in an election year. Four were held in the year preceding an election year. The remaining four by-elections were held in the year immediately following the previous municipal election. In the subsequent municipal election, seven of the eight ran for office.

During this first term of Toronto City Council, two by-elections have been conducted to date. The first (September 24, 1998) was mandated by Provincial legislation to give East York (Ward 1) a third Council Member. The second (September 23, 1999) was as a result of Council's decision to hold a by-election to fill the recent vacancy in Scarborough Highland Creek (Ward 16).

Analysis:

Other than the cost differential, there are three major factors to be considered in deciding between an appointment and the conduct of a by-election to fill a vacancy.

- (a) The Timing of the Vacancy:

There is more merit in filling a vacancy through a by-election the earlier the vacancy occurs in the Council term. Conversely, the later the vacancy occurs, the more justification there is to appointing a person to fill the vacancy. The Provincial legislation recognizes this fact by stipulating that all vacancies after March 31 in an election year are to be filled through an appointment.

- (b) Whether the Vacancy is for the Office of the Mayor or a Councillor:

Some might argue there should be different rules in filling a vacancy in the office of the Mayor than a vacancy in the office of a Councillor. The only distinction the legislation makes in this regard is that if an appointment is to be made to fill the office of the Mayor, the person appointed must be a current Member of Council. This recognizes the fact the person would have been elected by at least some of the electorate (in Toronto's case, this would be on a ward basis).

- (c) The Wishes of the Constituents:

Many constituents would argue they should always be given the opportunity to vote for a person to fill the vacancy, this is the essence of a democratic society. However, the voter turnout at by-elections is traditionally very low which would perhaps indicate voter apathy in the process. For example, in the two by-elections conducted during this term of Council, the voter turnout was 19 per cent for East York (Ward 1) and 18 per cent for Scarborough Highland Creek (Ward 16) as compared to a 45.65 percent turnout in the 1997 general municipal election.

In addition, constituents, together with other potential candidates, may argue that Council is giving an unfair advantage to the person appointed should he or she decide to run in the next municipal election. As noted in the past practices of the former municipalities, six of the eleven appointees subsequently ran for office.

By providing Council with total discretion in the manner in which vacancies are to be filled (other than the restrictions during an election year), the Provincial Legislature recognizes that this is ultimately a political decision, there is not one general rule that will satisfy the particular circumstances of all vacancies.

In the development of this policy on the method of filling vacancies on Council, staff have attempted to balance democratic principles with Council's stated desire for a policy which would remove its discretion in the manner in which vacancies are to be filled.

The term of Council begins on December 1 in the year of a regular election and ends thirty-six months later on November 30 in the year of a regular election. The *Municipal Act* requires vacancies occurring after March 31 in an election year to be filled through an appointment. This means that up to the end of the twenty-eighth month of the Council term, a vacancy can be filled by either a by-election or an appointment. The by-election process takes a maximum of 61 days (approximately two months) and, depending on the timing of the vacancy in terms of Council's meeting schedule, up to two months could pass before Council would make a decision on how to fill the vacancy.

The date that Council declares the seat to be vacant would be the appropriate date to use for the purposes of a policy on whether to fill the vacancy through an appointment or the conduct of a by-election. Section 43 of the *Municipal Act* requires Council to “forthwith” declare the seat to be vacant. While forthwith is not a defined term in the Act, the generally accepted definition is “immediately”.

Staff recommend that any vacancy declared by Council prior to July 31 in the year prior to an election year shall be filled through a by-election. Any vacancy declared after July 31 in the year prior to an election year would be filled through an appointment.

July 31 was chosen as the dividing line date as Council does not meet in August and if Council were to decide at its September meeting to have a by-election, it could not be held until near the end of November which is only four months away from the March 31 cut-off date. Council changes the membership of its Committees after eighteen months, being the halfway mark of the term. It is not recommended that this date be used as it might result in a by-election being conducted during the summer months should Council declare the vacancy immediately prior to the cut-off date. Summer by-elections should be avoided as many electors would be on vacation and therefore unavailable to vote.

Staff recommend that this policy apply in the case of vacancies in both the Mayor’s office and the Councillor’s office.

Conclusion:

Staff are recommending that vacancies in the office of a Member of Council declared by Council prior to July 31 in the year prior to an election year be filled through a by-election. Vacancies occurring after this date would be filled through an appointment.

Council is also requested to approve the recommended procedures for filling a vacancy through an appointment as outlined in Appendix “A”.

Contact Name:

John Hollins, Director of Elections
Telephone No.: 392-8019
E-mail: jhollins@city.north-york.on.ca

Appendix “A”

Procedures for Filling a Councillor’s Vacancy Through an Appointment

- (1) Council shall declare the seat of the Member of Council to be vacant at the next regularly scheduled Council meeting following the occurrence of the vacancy or at a special Council meeting called by the Mayor or requested in writing by a majority of all Members of Council.

- (2) Advertisements shall be placed in the four major daily newspapers and in the local newspaper serving the applicable ward. The advertisements shall indicate Council's intention to appoint a person to the vacancy and outline the process one must follow to become nominated. In addition, notice will be sent to all ratepayers' groups, tenant associations, condominium associations and other individuals in the City who request notice.
- (3) Information sessions shall be conducted by staff. All interested persons must attend one of these sessions and complete a Consent of Nominee form and a Statement of Qualification.
- (4) The vote shall occur at a Council Meeting called for that purpose.
- (5) The meeting shall be called to order by the Mayor or the Presiding Officer at the designated time.
- (6) The Mayor or Presiding Officer shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
- (7) The Clerk will provide to the Mayor or Presiding Officer a list of the names of those candidates who have completed the Consent of Nominee and Statement of Qualification and the Mayor or Presiding Officer will call for a motion from Council in the following form:

“Moved by...

THAT the following persons, who have signified in writing that they are legally qualified to hold the office of Councillor and consented to accept the office if they are appointed to fill the vacancy of Councillor, shall be considered for appointment to fill such vacancy.”

- (8) Each of the candidates shall be afforded the opportunity to address Council for a period of not more than five minutes. The order of speaking will be determined by lot. (The Clerk shall place the names of all candidates in a container and randomly draw the names.)
- (9) Each Member of Council will be allowed no more than one question to each candidate.
- (10) Upon hearing all the submissions of the candidates, Council will proceed to vote as follows:
 - (a) Members of Council will vote by way of ballot;

- (b) following the procedure set out in subsection 45(4) of the *Municipal Act*, where the candidate receiving the greatest number of votes cast does not receive more than one-half the votes of all Members of Council, the candidate or candidates who received the fewest number of votes shall be excluded from the voting and the vote will be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the candidate or candidates who receive the fewest number of votes in the preceding vote, until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the Members of Council present and voting;
- (c) where the votes cast are equal for all the candidates:
 - (i) if there are three or more candidates remaining, the Clerk shall by lot select one such candidate to be excluded from the subsequent voting;
 - (ii) if only two candidates remain, the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the Clerk;
 - (iii) “lot” means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a container and one name being drawn by a person chosen by the Clerk.
- (11) Upon conclusion of the voting, the Clerk will declare to be elected the candidate receiving the votes of more than one-half of the number of the Members of Council present and voting.
- (12) A by-law confirming the appointment shall be enacted by Council appointing the successful candidate to the office for the remainder of the term of the present Council.

Procedures for Filling a Mayor’s Vacancy Through an Appointment

- (1) Council shall declare the seat of the Mayor to be vacant at the next regularly scheduled Council meeting following the occurrence of the vacancy or at a special Council meeting requested in writing by a majority of all Members of Council.
- (2) The vote shall occur at a Council Meeting called for that purpose.
- (3) Any Member of Council wishing to be considered for appointment to the vacancy shall advise the Clerk in writing by 12:00 noon, five business days prior to the meeting.
- (4) The meeting shall be called to order by the Presiding Officer at the designated time.

- (5) The Presiding Officer shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
- (6) The Clerk will provide to the Presiding Officer a list of the names of those Members of Council who have indicated in writing their interest in being appointed to the vacancy and the Presiding Officer will call for a motion from Council in the following form:

“Moved by

THAT the following persons, who have signified in writing their interest in being appointed to the office of Mayor, shall be considered for appointment to fill such vacancy.”
- (7) Each of the candidate Members of Council shall be afforded the opportunity to address Council for a period of not more than five minutes. The order of speaking will be determined by lot. (The Clerk shall place the names of all candidates in a container and randomly draw the names.)
- (8) Each Member of Council will be allowed no more than one question to each candidate.
- (9) Upon hearing all the submissions of the candidates, Council will proceed to vote as follows:
 - (a) Members of Council will vote by way of ballot;
 - (b) following the procedure set out in subsection 45(4) of the *Municipal Act*, where the candidate receiving the greatest number of votes cast does not receive more than one-half the votes of all Members of Council, the candidate or candidates who received the fewest number of votes shall be excluded from the voting and the vote will be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the candidate or candidates who receive the fewest number of votes in the preceding vote, until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the Members of Council present and voting;
 - (c) where the votes cast are equal for all the candidates:
 - (i) if there are three or more candidates remaining, the Clerk shall by lot select one such candidate to be excluded from the subsequent voting;
 - (ii) if only two candidates remain, the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the Clerk;

- (iii) “lot” means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a container and one name being drawn by a person chosen by the Clerk.
- (11) Upon conclusion of the voting, the Clerk will declare to be elected the candidate receiving the votes of more than one-half of the number of the Members of Council present and voting.
- (12) A by-law confirming the appointment shall be enacted by Council appointing the successful candidate to the office for the remainder of the term of the present Council.

The Administration Committee also submits the following report (November 17, 1999) from the City Clerk, entitled “Other Canadian Municipal Policies/Practices on Filling Vacancies on Council”:

Purpose:

This report responds to a request from the Administration Committee to report on the practices by other large Canadian cities in filling vacancies on municipal council.

Funding Sources, Financial Implications and Impact Statement:

Not applicable.

Recommendation:

It is recommended that this report be received for information.

Council Background/Reference:

On July 27, 28, 29 and 30, 1999, City Council, in adopting Clause No. 1 of Report No. 3 of The Administration Committee, headed “Filling of Council Vacancy - Scarborough Highland Creek (Ward 16)”, approved the following recommendation:

“It is further recommended that the City Clerk be requested to submit a report to the next meeting of City Council, scheduled to be held on September 28, 1999, through the Administration Committee, and not related to this particular by-election, on options to establish a policy and/or by-law to address methods of filling future vacancies on City Council, so as to provide that the filling of vacancies is not left to the discretion of Members of Council.”

On November 2, 1999, the Administration Committee had before it a report (October 21, 1999) from the City Clerk in response to the foregoing direction by City Council; and

recommended that:

- “(1) any vacancy in the office of the Mayor or a Councillor declared by Council prior to July 31 in the year prior to an election year be filled through the conduct of a by-election;
- (2) any vacancy in the office of the Mayor or a Councillor declared by Council after July 31 in the year prior to an election year be filled through an appointment; and
- (3) the recommended procedures for filling a vacancy through an appointment, as outlined in Appendix “A”, be adopted.”

The Administration Committee:

- “(1) deferred consideration of the aforementioned report until its meeting scheduled to be held on November 30, 1999; and
- (2) referred the following motions to the City Solicitor for report to the aforementioned meeting of the Administration Committee as to whether Council may adopt a policy set out in the following motions; and as to whether the original direction from Council respecting this matter was in order:

Moved by Councillor Adams on behalf of Councillor Korwin-Kuczynski:

“That anyone appointed by Council be requested to indicate, in writing, that they will not run for election in the next election.”

Moved by Councillor Adams on behalf of Councillor Soknacki:

“That the Administration Committee recommend to Council the adoption of the report (October 21, 1999) from the City Clerk, subject to deleting the date ‘July 31’ and inserting in lieu thereof the date ‘September 30’; and

That the appointment process for Councillors outlined in Appendix ‘A’ be considered by the Community Council where the vacancy occurs.”

Moved by Councillor Miller on behalf of Councillor Nunziata:

“That the City Solicitor be requested to submit a report to the Administration Committee on the eligibility of a person becoming a City Councillor who has been charged or convicted of a criminal offence including municipal corruption;” and

- (3) requested the City Clerk to submit a further report to the aforementioned meeting of the Administration Committee on the practices by other large cities in Canada respecting this issue.”

This report responds to item (3) above.

Background:

As instructed, Elections staff have contacted several large Canadian municipalities to determine what, if any, policies and/or practices exist in filling vacancies on municipal council. To obtain a representative sample, staff ensured that at least one municipality was contacted in each province along with the Yukon and Northwest Territories.

- (1) Mississauga:

There has never been a mid-term vacancy on Mississauga City Council so no policy or practice exists.

- (2) London:

On February 16, 1970, London City Council adopted a policy that in the event there is a vacancy in the office of Councillor, the vacancy shall be filled by appointing the runner-up from the list of persons who ran for the office of Councillor in the Ward for which the vacancy exists at the immediately preceding municipal election, provided that such person has polled at least 50 percent of the number of votes cast for the second Councillor candidate in the Ward (two Councillors are elected per Ward in London), failing which the appointment shall be made by the Municipal Council. [Council Policy 5(2)].

The City does not have a written policy on filling vacancies in the office of the Mayor, but relies on the discretion afforded by the *Municipal Act* to either hold a by-election or make an appointment.

- (3) Ottawa:

Ottawa does not have an established policy in filling vacancies on council. It is left to the discretion of council at the time the vacancy occurs.

(4) Vancouver:

Under the Vancouver Charter, a by-election must be held to fill a vacancy on Council. However, Council may decide not to conduct a by-election:

- (a) if the vacancy occurs after July 1 in the year of a general election; or
- (b) if all the following circumstances apply:
 - (i) the vacancy occurs after January 1 in the year of a general election;
 - (ii) the vacancy is not in an office elected on the basis of a neighbourhood constituency; and
 - (iii) the number of remaining Council members is at least one greater than the quorum for the Council.

(5) Edmonton:

There is no policy that deals with vacancies on Council; the City follows the provisions set out in the *Municipal Government Act* when filling vacancies.

If the vacancy is in the office of Councillor, a by-election must be held to fill the vacancy unless:

- (a) the vacancy occurs in the six months before a general election; or
- (b) the council consists of six or more councillors and the vacancy occurs:
 - (i) in the 18 months before a general election and there is only one vacancy, or
 - (ii) in the 12 months before a general election and the number of councillors remaining is at least one more than the majority of the number of councillors comprising the council.

If the vacancy is in the office of the Chief Elected Official (CEO), which is the City's equivalent to the Mayor, and the CEO is elected by a vote of the electors, the vacancy must be filled:

- (a) by a by-election, if on the date of the vacancy occurring, there are 12 or more months left before the next general election; or
- (b) by either a by-election or Council appointing a Councillor to the office, if on the date of the vacancy occurring, there are less than 12 months left before the

next general election.

If the CEO is appointed by Council from among the Councillors, rather than by a vote of the electors, any vacancy is filled by Council appointing another Councillor to the office.

(6) Regina and Saskatoon:

These Cities follow the provisions of the *Local Government Election Act* in filling council vacancies. The Act provides that if a vacancy occurs, a by-election shall be held to fill the vacancy. However, if the vacancy occurs after January 1 in the year of a general election, the Council may either fill the vacancy through a by-election or decide not to fill the vacancy until the general election.

(7) Winnipeg:

The City follows the provisions of the *City of Winnipeg Act* in filling council vacancies. The Act provides that a by-election shall be held to fill a vacancy. However, if a vacancy occurs in the office of Councillor and there is six months or less remaining in the term of office, the Council may decide to leave the office vacant.

Similarly, if the office of Mayor becomes vacant and there are 12 months or less remaining in the term of office, the deputy mayor shall perform the duties and exercise the powers of the mayor.

(8) Montreal:

The City of Montreal follows the provisions of the *Elections and Referendums in Municipalities Act* in filling vacancies. The Act provides that any vacancy occurring more than 12 months before the next general election must be filled by a by-election.

If there are 12 months or less remaining before the next general election, the Council may hold a by-election. If Council decides not to hold a by-election and the vacancy is in the office of Mayor, the Councillors shall elect one of the Councillors to fill the vacancy. If the vacancy is in the office of Councillor and Council decides not to hold a by-election, the vacancy shall not be filled.

(9) Fredericton:

The City relies on the provisions of the *Municipalities Act* in filling Council vacancies. The Act requires a by-election to be held to fill a vacancy. However, a by-election shall not be held if the vacancy occurs during the twelve months preceding the next general election.

(10) Halifax:

The City follows the provisions of the *Municipal Elections Act* in filling vacancies. The Act provides that a by-election shall be held to fill a vacancy on council. However, if the vacancy occurs within six months of the next general election, a by-election need not be held.

(11) Charlottetown:

The City follows the provisions of the *Charlottetown Area Municipalities Act* in filling vacancies on Council. The Act provides that a by-election must be held to fill any vacancy in the offices of mayor or councillor. However, if the vacancy occurs within six months of the next general election, a by-election need not be held.

(12) St. John's:

The City follows the provisions of the *City of St. John's Act* in filling council vacancies. The Act provides that a by-election must be held to fill a vacancy on council. However, if the vacancy occurs less than two years from the next general election, the vacancy need not be filled. (St. John's Council has a four-year term.)

(13) Yellowknife:

The City has a written policy on filling vacancies on Council. Vacancies shall be filled in accordance with the *Local Authorities Election Act* taking into consideration the following principles:

- (a) vacancies in the offices of the Mayor or Councillor that occur during the first two years of the term, shall be filled by a by-election;
- (b) vacancies in the office of the Mayor which occur during the final year of the term, shall be filled either by a by-election or by the appointment of a Council Member to the office; and
- (c) vacancies in the office of Councillor during the final year of the term, shall be filled by appointment.

A recommendation is currently being brought forward to amend the above noted policy to provide that a vacancy in the office of Mayor that occurs in the final year of the term, shall be filled by the appointment of a Council Member, i.e. the by-election option is being removed.

(14) Whitehorse:

The City follows the provisions of the *Yukon Municipal Act* in filling Council vacancies, which provides that a by-election shall be held to fill the vacancy. However, if the vacancy occurs after February 1 in the year of a general election, Council need not fill the vacancy if the remaining number of members of a council is:

- (a) for a city, at least six councillors and one mayor; and
- (b) for a town, at least four councillors and one mayor.

Conclusions:

With the exception of the City of London and the City of Yellowknife, which have a written policy for the filling of vacancies, all other municipalities surveyed follow the provisions of their applicable Acts. Generally, these Acts provide for all vacancies to be filled through a by-election except when the vacancy occurs within a defined time frame before the next general election (usually either six or twelve months).

Ontario's *Municipal Act* appears to be unique in giving a council total discretion in filling a vacancy through either the conduct of a by-election or an appointment.

Contact Name:

John Hollins,
Director of Elections, City Clerk's Division
Telephone: (416) 392-8019 E-mail: jhollins@city.toronto.on.ca

The Administration Committee also submits the following report (November 17, 1999) from the City Solicitor, entitled "Appointment of Persons to Fill a Council Vacancy":

Purpose:

The purpose of this report is to respond to the Committee's request for a report on issues concerning the appointment of persons to fill a Council vacancy, the Clerk's report on a policy for filling vacancies on City Council, and to address the eligibility of persons to hold the office of City councillor who have been charged or convicted of a criminal offence, including municipal corruption.

Funding Implications and Impact Statement:

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

Recommendation:

It is recommended that this report be received for information.

Background:

At its meeting held on November 2, 1999 the Administration Committee requested that the City Solicitor report to its next meeting on a motion “that anyone appointed by Council be requested to indicate, in writing, that they will not run for election in the next election”. The Committee also referred a motion recommending adoption of the policy on filling vacancies on City Council to the City Solicitor for a report. Finally, the Committee requested that the City Solicitor submit a report on the eligibility of a person becoming a City Councillor who has been charged or convicted of a criminal offence including municipal corruption.

Comments:

Section 45 of the *Municipal Act* authorizes City Council to fill a vacancy in the office of a member of the Council by appointing a person who has consented to accept the office if he or she is appointed to fill the vacancy, except where the vacancy occurs after March 31 in the year of a regular election. There is no legislative authority for Council to require a person to agree not to run for election in the next election as a condition to being nominated or appointed to fill a vacancy. Consequently, if Council were to make such a request, it would not be legally binding and would not prevent the person appointed from running for election in the next election.

The City Clerk’s report of October 21, 1999, recommending Council adopt a policy regarding when Council vacancies should be filled by appointment and when they should be filled by by-election has also been referred to me. The City Clerk report sets out the applicable legislative provisions and the advantages and disadvantages of appointment and of holding by-elections. It responds to City Council’s request that the City Clerk report “on the options to establish a policy and/or by-law to address methods of filling future vacancies on City Council, so as to provide that the filling of vacancies is not left to the discretion of Members of Council.” Legally, Council cannot fetter its discretion to determine whether to appoint or hold a by-election to fill a vacancy. The City Clerk’s report recommends a policy that could be used by City Council in determining when to fill a vacancy through appointment and when a by-election is most appropriate. Legally, Council must consider the merits of filling a vacancy on City Council by appointment or through a by-election as each situation arises. Consequently, if adopted, a policy could be used as a guideline by City Council in making such decisions when these situations arise, but it would not be binding.

Regarding the eligibility of a person becoming a City Councillor who has been charged or convicted of a criminal offence including municipal corruption, subsection 29(1) of the *Municipal Elections Act* provides that a person may be nominated for the office of City Councillor only if the person is qualified to hold office under the *Municipal Act* and, is not ineligible under the *Municipal Elections Act* or any other Act, or otherwise prohibited by law to be nominated for or to hold office. A person who is entitled to be an elector in the local municipality is qualified to hold office under the *Municipal Act* unless otherwise disqualified. Grounds for disqualification are set out in section 37 of the *Municipal Act* and section 17 of the *Municipal Elections Act, 1996*. When read together, the legislation disqualifies a person from running for the office of City Councillor in the following circumstances:

- (i) a person who does not own or rent (either directly or through a spouse), or reside in the City;
- (ii) a person who is not a Canadian citizen;
- (iii) a person who is under 18 years old;
- (iv) a person who is serving a sentence of imprisonment in a penal or correctional institution;
- (v) a person who was convicted of the corrupt practice described in subsection 90(3) of the *Municipal Elections Act, 1996* if voting day in the current election is less than 4 years after the voting day in the election in respect of the year in which the person was convicted.

These offences relate to the giving or accepting, or promising or agreeing to give or accept consideration in connection with the exercise or non-exercise of an elector's vote.

- (vi) a person who continues to be an employee of the City or of a local board of the City;
- (vii) a person who remains a judge of any court;
- (viii) a person who remains a Member of Provincial Parliament, a Member of Parliament or a Senator;
- (ix) a Crown employee who is a Deputy Minister or who is in a position or classification designated by regulation.

Consequently, there are no grounds by which a person would be prohibited from running for municipal office because of being charged or convicted of a criminal offence including municipal corruption unless the conviction relates to influencing voters within the time-frame referenced above, that person was still incarcerated or was otherwise prohibited based on the grounds set out above.

Conclusions:

If Council were to request a person appointed to fill a Council vacancy to indicate in writing that they will not run for election in the next election, this request would not be legally enforceable. If Council adopts a policy on when to fill future vacancies on City Council by appointment or through a by-election, the policy would not be legally binding on City Council, who would continue to consider these matters as they arise, but it would act as a guideline. Section 37 of the *Municipal Act* and section 17 of the *Municipal Elections Act, 1996* set out the grounds that could disqualify a person from running for municipal office. These grounds do not make a person ineligible from becoming a City Councillor because of being charged or convicted of a criminal offence including municipal corruption, other than offences related to influencing voters.

Contact:

Mary Ellen Bench
Director, Municipal Law
Phone: 392-7245
Fax: 392-1017

The Administration Committee reports, for the information of Council, having also had before it a communication (December 9, 1999) from the City Clerk, advising that the Administration Committee at its special meeting held on December 8, 1999, had before it the following reports:

- (i) (October 21, 1999) from the City Clerk, responding to a request from Council for staff to develop a policy on the methods to fill future vacancies on City Council; and recommending that:
 - (1) any vacancy in the office of the Mayor or a Councillor declared by Council prior to July 31 in the year prior to an election year be filled through the conduct of a by-election;
 - (2) any vacancy in the office of the Mayor or a Councillor declared by Council after July 31 in the year prior to an election year be filled through an appointment; and
 - (3) the recommended procedures for filling a vacancy through an appointment, as outlined in Appendix "A" be adopted;

- (ii) (November 17, 1999) from the City Clerk, responding to a request from the Administration Committee to report on the practices by other large Canadian cities in filling vacancies on municipal council; advising that with the exception of the City of London and the City of Yellowknife, which have a written policy for the filling of vacancies, all other municipalities surveyed follow the provisions of their applicable Acts; that generally, these Acts provide for all vacancies to be filled through a by-election except when the vacancy occurs within a defined time frame before the next general election (usually either six or twelve months); that Ontario's *Municipal Act* appears to be unique in giving a council total discretion in filling a vacancy through either the conduct of a by-election or an appointment; and recommending that this report be received for information; and
- (ii) (November 17, 1999) from the City Solicitor, responding to the Committee's request for a report on issues concerning the appointment of persons to fill a Council vacancy, also addressing the eligibility of persons to hold the office of City Councillor who have been charged or convicted of a criminal offence, including municipal corruption; and recommending that this report be received for information.; and

that the Administration Committee deferred consideration of the aforementioned reports until its meeting scheduled to be held on January 11, 2000; and tabled the following motions for consideration at the aforementioned meeting of the Committee:

Moved by Councillor Adams on behalf of Councillor Nunziata:

“That the Province of Ontario be requested to amend the *Municipal Elections Act* to disallow any person from seeking Municipal office who has been convicted of a crime, arising from his/her conduct as an elected official.

Moved by Councillor Shiner (Non member of the Committee):

“That the Committee request the Province of Ontario to amend the legislation:

- (i) to provide that only one member of Council represent citizens in Ward 6 North York Humber; and
- (ii) to reduce the size of Toronto City Council to 56 Members plus one Mayor.”

Moved by Councillor Miller:

“That the Committee recommend to Council the adoption of the report subject to amending Recommendation Nos. (1) and (2) by deleting the words “July 31 in the year prior to an election year” and inserting in lieu thereof the words “January 1st in an election year.”

Councillor Frances Nunziata, York – Humber, appeared before the Administration Committee in connection with the foregoing matter.

(City Council on February 1, 2 and 3, 2000, had before it, during consideration of the foregoing Clause, the following Council communication (January 21, 2000) from the City Clerk:

City Council, at its Special Meeting held on January 19, 2000, adopted, without amendment, the following Motion:

Moved by: **Councillor Berardinetti**

Seconded by: **Councillor Silva**

“**WHEREAS** Councillor Dennis Fotinos, by memorandum dated December 23, 1999, has indicated his intention to resign his seat on the City of Toronto Council; and

WHEREAS such resignation is not effective until accepted by Council; and

WHEREAS Councillor Fotinos is requesting Council to accept his resignation at its special meeting scheduled for January 19, 2000; and

WHEREAS the *Municipal Act* requires Council to forthwith declare a Member’s seat vacant when it has become vacant under Section 38 of the Act; and

WHEREAS the Administration Committee on January 11, 2000 considered a report from the City Clerk (October 21, 1999), on a proposed policy on filling vacancies on City Council; and

WHEREAS the recommendations of the Administration Committee on the City Clerk’s report will be before City Council for consideration at its meeting scheduled for February 1, 2 and 3, 2000;

NOW THEREFORE BE IT RESOLVED THAT the resignation of Councillor Dennis Fotinos be accepted by Council and the office of Councillor, Ward 21, Davenport, be declared vacant;

AND BE IT FURTHER RESOLVED THAT the method of filling the vacancy in Ward 21, Davenport be considered by Council at its meeting on February 1, 2 and 3, 2000, in conjunction with the recommendations of the Administration Committee pertaining to a policy for filling Council vacancies;

AND BE IT FURTHER RESOLVED THAT the City Clerk be requested to ensure that the same procedure is followed administratively as was followed in

the case of the office staff for former Councillors who have vacated their offices, until such time as a new Councillor for Davenport is in place.”

(Memorandum dated December 23, 1999
from Councillor Dennis Fotinos)

Effective January 3, 2000, it is my intention to resign my seat on the Toronto City Council.

It is my understanding that the earliest opportunity for Council to consider my resignation is January 19, 2000. Therefore, I believe it is appropriate for me not to receive my City salary for the period January 4-19 inclusive.

Notwithstanding my departure, my office will continue to be active. My executive assistant, Paula Goncalves and my Constituency Assistant, Joe Magalhes will continue to work with Councillor Disero’s office to assist the residents of Davenport. I have also spoken to Councillor Disero and she has agreed to run my office as well until Council determines how to fill the vacancy.

Please take all the appropriate actions necessary to give effect to this matter.

Thank you for all your assistance in this regard and throughout my years on Metro and City Councils. I wish you all the staff and members of Council all the best.)

Appendix “B”

Procedures for Filling the Vacancy in the Office of
Councillor - Ward 41 - Scarborough-Rouge River through an Appointment with
Presentations at both the Scarborough Community Council and Council

- (1) Advertisements shall be placed in one major daily newspaper and in one local newspaper serving the ward. The advertisements shall indicate Council’s intention to appoint a qualified elector to the vacancy and outline the process one must follow to be considered.
- (2) An information session will be conducted by staff at Toronto City Hall from 5:00 p.m. to 7:00 p.m. on January 9, 2006. All interested persons must attend this session, complete a Consent of Nominee form and a Declaration of Qualification and provide personal identification showing their name and qualifying address within the City of Toronto.
- (3) The deadline for filing the Consent of Nominee form and the Declaration of Qualification for Council’s consideration shall be 12:00 noon on the day following the information session.

- (4) The candidates who have attended the information session, completed a Consent of Nominee form and a Declaration of Qualification and provided personal identification satisfactory to the Clerk, may appear before the Scarborough Community Council at its meeting on January 17, 2006.
- (5) The Chair or Presiding Officer shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
- (6) The Clerk will provide to the Chair or Presiding Officer, a list of the names of those candidates who have completed the Consent of Nominee and Declaration of Qualification and the Chair or Presiding Officer will call for a motion from the Scarborough Community Council in the following form:

“Moved by...

THAT the following persons, who have signified in writing that they are legally qualified to hold the office of Councillor and consented to accept the office if they are appointed to fill the vacancy of Councillor, Ward 41 – Scarborough-Rouge River, shall be considered for appointment to fill such vacancy.”

- (7) Each of the candidates shall be afforded the opportunity to address the Community Council for a period of not more than five minutes. Candidates will speak in the order (date and time) in which they submitted their Consent of Nominee and Declaration of Qualification to the City Clerk.
- (8) Each Member of the Scarborough Community Council will be allowed no more than one question to each candidate.
- (9) Following consideration by the Community Council of all submissions, the Community Council will proceed to vote as follows:
 - (a) Members of the Community Council will vote by way of ballot;
 - (b) Members of the Community Council must sign and print their name on the ballot; ballots that do not contain both the signature and name of the Member will be rejected from the count;

- (c) if the candidate who receives the greatest number of votes cast does not receive more than one-half the votes of all Members of the Community Council present and voting, the candidate or candidates who received the fewest number of votes shall be excluded from the voting and the vote shall be taken again by the Clerk or designate and, if necessary, more than once, excluding in each successive vote the candidate or candidates who received the fewest number of votes in the proceeding vote, until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the Members of the Community Council present and voting;
- (d) where the votes cast are equal for all the candidates:
 - (i) if there are three or more candidates remaining, the Clerk or designate shall by lot select one such candidate to be excluded from the subsequent voting;
 - (ii) if only two candidates remain, the tie shall be broken and the candidate selected by lot conducted by the Clerk or designate shall be the candidate selected by the Community Council for Council's consideration;
 - (iii) "lot" means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a container and one name being drawn by the Clerk or designate.
- (10) Upon conclusion of the voting, the Chair or Presiding Officer will declare the candidate receiving the votes of more than one-half of the number of the Members of the Scarborough Community Council present and voting to be the candidate selected by the Community Council for Council's consideration. The name of the selected candidate will be forwarded to Council in the form of a communication from the Scarborough Community Council.
- (11) The candidates who have attended the information session, completed a Consent of Nominee form and a Declaration of Qualification and provided personal identification satisfactory to the Clerk, may appear before Council at a Special Meeting of Council to be held at 5:00 p.m., January 31, 2006. Candidates may appear before Council whether or not they attended at the Scarborough Community Council.
- (12) The Mayor or Presiding Officer shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.

- (13) The Clerk will provide to the Mayor or Presiding Officer, a list of the names of those candidates who have completed the Consent of Nominee and Declaration of Qualification and the Mayor or Presiding Officer will call for a motion from Council in the following form:

“Moved by...

THAT the following persons, who have signified in writing that they are legally qualified to hold the office of Councillor and consented to accept the office if they are appointed to fill the vacancy of Councillor, Ward 41 – Scarborough-Rouge River, shall be considered for appointment to fill such vacancy.”

- (14) Each of the candidates shall be afforded the opportunity to address Council for a period of not more than five minutes. The order of speaking will be determined by lot. (The Clerk shall place the names of all candidates on equal size pieces of paper in a container and randomly draw the names.)
- (15) Each Member of Council will be allowed no more than one question to each candidate.
- (16) Following consideration by Council of all submissions, Council will proceed to vote as follows:
- (a) Members of Council will vote by way of ballot;
 - (b) Members of Council must sign and print their name on the ballot; ballots that do not contain both the signature and name of the Member will be rejected from the count;
 - (c) if the candidate who receives the greatest number of votes cast does not receive more than one-half the votes of all Members of Council present and voting, the candidate or candidates who received the fewest number of votes shall be excluded from the voting and the vote shall be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the candidate or candidates who received the fewest number of votes in the proceeding vote, until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the Members of Council present and voting;
 - (d) where the votes cast are equal for all the candidates:
 - (i) if there are three or more candidates remaining, the Clerk shall by lot select one such candidate to be excluded from the subsequent voting;

- (ii) if only two candidates remain, the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the Clerk;
 - (iii) “lot” means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a container and one name being drawn by the Clerk.
- (17) Upon conclusion of the voting, the Clerk will declare to be elected the candidate receiving the votes of more than one-half of the number of the Members of Council present and voting.
- (18) A by-law confirming the appointment shall be enacted by Council appointing the successful candidate to the office for the remainder of the term of the present Council.

Appendix “C”

The CITY OF TORONTO

By-law No. _____

To require a by-election in Ward 41 – Scarborough-Rouge River and to establish the dates and times of advance votes

Whereas the office of Councillor, Ward 41 – Scarborough-Rouge River has become vacant; and

Whereas subsection 263(5) of the *Municipal Act, 2001*, as amended, provides that, if the office of a member of council becomes vacant, the council may, by by-law, require an election to be held to fill the vacancy; and

Whereas subsection 43(1) of the *Municipal Elections Act, 1996*, as amended, requires Council, by by-law, to establish the dates and times for an advance vote;

The Council of the City of Toronto **HEREBY ENACTS** as follows:

1. A by-election shall be held to fill the vacant council seat for Ward 41 – Scarborough-Rouge River.
2. Advance votes shall be held on the following dates and during the following hours:
 - (a) Saturday, February 11, 2006, from 10:00 a.m. to 6:00 p.m.; and

(b) Sunday, February 12, 2006, from 10:00 a.m. to 6:00 p.m.

ENACTED AND PASSED this ____ day of _____, A.D. 2005.

DAVID MILLER
Mayor

ULLI S. WATKISS
City Clerk

Appendix “D”

THE CITY OF TORONTO

By-law No. _____

To authorize the payment of rebates to individuals who make contributions to candidates
in the by-election in Ward 41 – Scarborough-Rouge River.

WHEREAS subsection 82(1) of the *Municipal Elections Act, 1996*, as amended (the “Act”), provides that a municipality may, by by-law, provide for the payment of rebates to persons who make contributions to candidates for an office on the municipal council;

The Council of the City of Toronto **HEREBY ENACTS** as follows:

1. The payment of rebates to individuals who make contributions to candidates for the office of Councillor, Ward 41 – Scarborough-Rouge River is authorized. No rebates will be paid to any corporation or trade union that has made a contribution to a candidate for the office of Councillor, Ward 41 – Scarborough-Rouge River.
2. An individual who makes a contribution to a candidate in the by-election in Ward 41 – Scarborough-Rouge River may, on or after the date of the passing of the by-law to require the by-election, apply to the Clerk of the municipality (the “Clerk”) for a rebate.
3. Notwithstanding section 66 of the *Act*, only a contribution of money will be eligible for a campaign contribution rebate.
4. The application for rebate must be received by the Clerk on or before 5:00 p.m., December 15, 2006, unless the candidate’s campaign period is extended under paragraph 4 or

5 of subsection 68(1) of the *Act*. If a candidate's campaign period is extended, the application for rebate for contributions made after April 6, 2006 shall be made within six months after the date the receipt is issued.

5. Despite sections 4, 6, 7, 10 and subsections 11(a) and 11(c), where an applicant for a rebate claims that their application was mailed, but not received by the City Clerk prior to December 15, 2006, that applicant can provide an affidavit to the City Clerk, in a form satisfactory to the City Clerk, attesting to the facts, and the Clerk is authorized to process that application in accordance with the relevant provisions of this by-law.

6. The application for rebate shall be in the form established for that purpose by the Clerk.

7. The application for rebate shall include a receipt in the form provided by the Clerk that is signed by or on behalf of the candidate.

8. A candidate for an office on the municipal council:

(a) shall comply with subsections 78(1) to (4) of the *Act*; and

(b) shall include with the documents filed under subsection 78(1) or (2) of the *Act*, as the case may be, a copy of the receipt issued for the contribution and a copy of all campaign expense invoices incurred as part of the campaign.

9. A candidate for an office on the municipal council, or their spouse, whose campaign period is extended under paragraph 4 or 5 of subsection 68(1) of the *Act*, will not be eligible to receive a rebate application until after the candidate's campaign closes and the final document is filed under subsection 78(2) of the *Act* or subsection 11(d) of this by-law.

10. The Clerk shall compare the receipt filed by the applicant and the copy filed by the candidate to ensure consistency.

11. The Clerk shall pay the applicant a rebate in accordance with sections 12 and 13 if the following conditions are met:

(a) The application complies with sections 4, 6 and 7;

(b) The candidate has complied with section 8;

(c) The Clerk is satisfied that the receipt filed by the applicant and the copy filed by the candidate are consistent;

(d) The Clerk is satisfied that the candidate has filed the documents required by section 78 of the *Act* by:

- (i) the relevant filing date, including a supplementary filing date set out in section 77 of the *Act*, or
- (ii) within 91 days after the relevant filing date, or
- (iii) within the time frame set out in a court order authorizing a later time for filing the financial statements under subsections 80(6) and (7) of the *Act*,

and that no such document shows on its face that the candidate has incurred expenses exceeding what is permitted under section 76 of the *Act*;

- (e) The Clerk is satisfied that the candidate has paid any surplus in accordance with the provisions of section 79 of the *Act* within the time period stipulated in that section;
- (f) In the case of a contribution made on or before April 6, 2006, the time for an application for a compliance audit under section 81 of the *Act* has expired; and
- (g) In the case of a contribution made after April 6, 2006 to a candidate whose election campaign period continues beyond that date, the time for an application under section 81 of the *Act* has expired.

- 12.** (1) Subject to section 13, the rebate shall be calculated as follows:
- (a) If the contribution is \$300.00 or less, the rebate is 75 per cent of the contribution;
 - (b) If the contribution is more than \$300.00 but not more than \$1,000.00, the rebate is \$225.00 plus 50 per cent of the difference between the contribution and \$300.00;
 - (c) If the contribution is more than \$1,000.00, the rebate is the lesser of:
 - (i) \$575.00 plus 33-1/3 per cent of the difference between the contribution and \$1,000.00; or
 - (ii) \$1,000.00.
- (2) Contributions of less than \$25.00 will not receive a rebate.

- 13.** An applicant who makes contributions to more than one candidate may apply for a rebate in respect of each contribution, but is not entitled to receive total rebates amounting to more than the following maximums:

- (a) If the total of the applicant's contributions to all candidates is \$300.00 or less, the maximum is 75 per cent of that total;
- (b) If the total of the applicant's contributions to all candidates is more than \$300.00 but not more than \$1,000.00, the maximum is \$225.00 plus 50 per cent of the difference between that total and \$300.00; or
- (c) If the total of the applicant's contributions to all candidates is more than \$1,000.00, the maximum is the lesser of,
 - (i) \$575.00 plus 33-1/3 per cent of the difference between that total and \$1,000.00, or
 - (ii) \$1,000.00.

14. In accordance with subsection 82(5) of the *Act*, any campaign surplus paid to the Clerk under section 79 of the *Act*, by a candidate participating in the contribution rebate program, will become the property of the City of Toronto.

15. Sections 4, 6, 7, 10 and 11 set out above are subject to section 5 of this by-law.

ENACTED AND PASSED this ____ day of _____, A.D. 2005.

DAVID MILLER
Mayor

ULLI S. WATKISS
City Clerk

ATTACHMENT 5 [Notice of Motion J(35)]

Report (December 1, 2005) from the Chief Building Official and Executive Director, entitled "Request for approval of variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code for four (4) new first party fascia signs and one (1) incidental sign at 25 Vice Regent Blvd., Ward 2 - Etobicoke North". (See Minute 12.103, Page 158):

Purpose:

To review and make recommendations on a request by Domenic Rotundo with Pattison Sign Group for Woodbine Pontiac Buick Limited for approval of variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code to permit the installation of four (4) new business identification fascia (wall) signs and one (1) incidental sign at the above noted location. Refer to attachments for details.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) the request for variances be approved for the reasons outlined in this report;
- (2) the overall number of business identification fascia signs on this property be limited to six; and
- (3) the applicant be advised, upon approval of variances, of the requirement to obtain the necessary sign permit(s).

Background:

This property is zoned industrial (I.C.2) and contains a car dealership (Woodbine Pontiac Buick) presently undergoing renovations. As part of these renovations it is proposed to upgrade the existing signage on the site. The property is located at the southeast corner of Vice Regent Blvd. and Highway 27 in the area south of Rexdale Blvd. This site is surrounded by industrial properties on the north, south and east with the Woodbine Racetrack located to the west on the opposite side of Highway 27. There are no residential properties in the vicinity of this site.

Comments:

Under this application, it is proposed to install four (4) new fascia signs intended to identify the business being conducted on site and one (1) incidental sign intended to direct persons to the PRTS department of the dealership. There presently exists 2 signs attached to the west and north sides of the building (See photos - Attachment 3.1 and 3.4). They were installed by permit when the building was originally constructed in 1983. A site visit to the property reveals that none of the proposed signs have been installed.

The signs do not comply with Chapter 215, Signs, of the former City of Etobicoke Municipal Code in the following ways:

Sign By-law Section & Requirements	Applicant's Proposal	Required Variance
(1) 215-22.B.(1) Industrial Zones –Business Identification Signs Sole occupant businesses may erect two (2) fascia signs for each street frontage, provided that such signs are erected on a wall facing a street.	The applicant proposes four (4) fascia signs (Business Identification) fronting on a street (Highway 27). In addition there is an existing fascia sign resulting in the total number of fascia signs along the Highway 27 frontage to be five (5).	Two (2) fascia signs are permitted on each street frontage. This proposal exceeds the number of fascia signs permitted to face Highway 27 by three (3).
(2) 215-22.D.(2)(a) Industrial Zones – Incidental Signs A maximum display area of 1.5 m ² (16 ft ²) is permitted for incidental signs.	The applicant proposes that the “PARTS” fascia sign is to have a display area of 2.1 m ² (22.6 ft ²)	The proposed sign exceeds the permitted maximum size of 2.1 m ² (22.6 ft ²) by approximately 0.6m ² (6.5 ft ²).

The proposed fascia signs are detailed on the attached drawings and are as follows:

- (1) One (1) sign having a size of 0.6m x 5.5m (2 ft x 18 ft) identifying the dealership as “WOODBINE”;
- (2) Two (2) illuminated custom tower signs identifying “PONTIAC BUICK GMC” each having dimension of 2.5m x 4m (8.2ft x 13.2ft) and areas of 10 m² (107 ft²); and
- (3) One (1) non-illuminated sign identifying the “GOODWRENCH SERVICE” area of the building having dimensions of 0.83m x 5.6m (2.75ft x 18.5ft) and an area of 4.6 m² (50 ft²).

The four (4) new business identification fascia signs are to be installed on the west wall of the building that faces Highway 27. There are no new fascia signs being proposed on either Vice Regent Blvd or Queens Plate Dr.

The two (2) existing signs attached to the north and west façade of the building each have two display faces with dimensions of 3.5m x 4.5m (11.35ft x 14.75ft) facing Highway 27 and 3.5m x 3.25m (11.35ft x 10.68ft) facing north and south. These signs are also considered first party business identification signs.

The by-law permits two (2) business identification fascia signs per street frontage as long as there are only two (2) such signs facing any of the street frontages. Given this property has frontage on three (3) streets, the site is permitted to have a total of six (6) signs. Although the number of signs facing Highway 27 exceeds that permitted by the sign code by three (3), the overall number of signs permitted on this site is not being exceeded.

The by-law permits fascia signs to cover 20 percent of the building face on which they are attached. In this case the fascia signs along the west façade of the building, including the existing sign, has an area of approximately 55m² (590 ft²) and the by-law would permit 91m² (980 ft²).

The existing building is setback over 30m (100ft) from Highway 27 and is located opposite a large vacant portion of the Woodbine Racetrack. These two factors will minimize the impacts, which may occur from increasing the number of signs permitted on this street frontage.

The proposed incidental sign at variance to the sign code is an illuminated sign identifying for customers where the Parts Department is located and will have dimensions of 0.83m x 2.5m (2.75ft x 8.25ft) and an area of 2.1 m² (22.6 ft²). The by-law permits incidental signs to have a maximum area of 1.5m² (16 ft²), which is only 0.6 m² (6.5 ft²) in excess of the by-law.

Conclusions:

The proposed signage for this site will not have a detrimental effect on the abutting properties and as such could be considered minor in nature. Furthermore, the overall number and size of fascia signs permitted on this site would not be exceeded. The applicant has chosen to concentrate the signs on the Highway 27 frontage where they would have the most exposure. It is staff's opinion that the variances requested meets the general intent of the zoning code. It is recommended that the request for the variances be approved subject to the maximum number of fascia signs on the site being limited to six (6).

Contact:

Edward Tipping P.Eng,
Director of Building and
Deputy Chief Building Official
West District
Tel: (416) 394-8006 Fax: (416) 392 8029
E-mail: ttipping@toronto.ca

Armando Barbini, Manager Plan Review
West District
Tel: (416) 394-8072 Fax: (416) 392 8029
E-mail: abarbini@toronto.ca

List of Attachments:

Attachment 1: Zoning Map
Attachment 2: Site Plan and Elevations
Attachment 3: Pictures

(Attachments 1, 2 and 3 are on file in the City Clerk's Office.)

ATTACHMENT 6 [Notice of Motion J(42)]

Report (December 6, 2005) from the Chief Planner and Executive Director, City Planning, entitled “3 and 6 Windermere Avenue – Amendment to the S. 37 Agreement, Parkdale High Park - Ward 13”. (See Minute 12.110, Page 173):

Purpose:

Authority to amend the S. 37 agreement for the development site at 3 and 6 Windermere Avenue is being sought in order to allow for the provision of an interim daycare facility, to be located off-site. The obligation to provide a permanent, on-site facility will be fulfilled in a subsequent phase of this multi-phased development.

Financial Implications and Impact Statement:

There are no financial implications at this point in time.

Recommendations:

It is recommended that authority be granted to amend the Section 37 agreement for 3 and 6 Windermere Avenue in order to

- (1) permit an interim, off-site daycare facility to be located in the Windermere United Church at 356 Windermere Avenue;
- (2) require that the interim facility will be leased and equipped at the owner’s expense;
and
- (3) require the permanent on-site facility be provided in the next phase of development.

It is further recommended that the City Solicitor be authorized and directed to take the necessary action to give effect thereto.

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 at 3 and 6 Windermere Avenue. The first phase of that project is now under construction and nearing completion, on the east side of Windermere Avenue (Block “E”, No. 3 Windermere Avenue). The second phase (Block “B”) on the west side of Windermere Avenue, has recently commenced with the foundation work for 120 townhouse units. The applicant is attempting to satisfy Section 37 agreement conditions in order to get final site plan approval and building permit approval prior to years end in order to avoid the increased costs associated with higher development charges. One condition is the provision of a daycare facility and another condition is the provision of 30 percent low-end-of-market housing.

Comments:

1. Licensed Daycare Facility

The above-noted development application involved a request to amend the City's official plan and zoning by-law to increase the heights and densities beyond the heights and densities that would otherwise be permitted. As part of the application, the owner and the City agreed that a Section 37 agreement would be negotiated that would secure certain public benefits in exchange for the requested increased heights and densities.

The terms of the S. 37 agreement ultimately approved by Council secured a number of public benefits, including a requirement of the owner to construct, finish, furnish and equip a daycare facility sufficient to accommodate 52 children, to be operated on a non-profit basis. The agreement was specific with respect to the timing of the provision of the facility, with an option to provide an off-site facility in the vicinity of the development in the event that the phasing of the project did not permit the provision of the facility in the earliest phase of this multi-phased project. However, the agreement did not contemplate the provision of an interim, off-site facility, with the final facility to be provided on-site, in a later, more appropriate phase of development. The S. 37 agreement also requires Council's approval of any off-site option. Staff are therefore requesting Council approval of an off-site location and authority to amend the Section 37 agreement to allow for an interim facility.

The agreement further stipulates that the daycare facility must be provided either as part of the first phase if the housing units were intended as seniors' housing, or in an off-site location provided the facility was ready for occupancy prior to the occupancy of the first phase of development. In addition, the owner is prohibited from applying for building permits for subsequent phases if the daycare obligation is not satisfied. Plans for this phase no longer include a seniors' housing component, and the estimated date of completion is September 2006. It has since been determined that an on-site facility is ultimately the most desirable option, and the most appropriate location for the on-site facility is in a later phase. In order to comply with the provisions within the S. 37 agreement regarding timing of the provision of the facility, an interim, off-site location was identified.

The owner of the property, Cresford Developments, has agreed to lease space within the Windermere United Church at 356 Windermere Avenue at its expense, which was previously used for licensed child care purposes. Cresford worked closely with staff from City Planning, Children's Services and Ministry of Children and Youth to locate the premises, and this is the only suitable location for an interim facility within the vicinity of the development site. Staff have also had in-put into the formulation of appropriate plans for the refurbishment of the premises, to bring it into complete compliance with the requirements of the *Day Nurseries Act*. Cresford has agreed to make the necessary improvements to the leased premises required by the Ministry of Children and Youth Services for licensing, and to provide the equipment and start-up funds required by the operator. Ministry staff have indicated that the leased premises are sufficient to accommodate the full complement of 52 children as specified in the S. 37 agreement.

If the alternate, interim location is approved by Council, the required alterations to the premises could be carried out well in advance of the occupancy of the first phase, as per the terms of the S. 37 agreement. However, the agreement needs to be amended to allow for an interim option that enables the owner to meet its contractual obligation, and to ultimately secure a purpose-built on-site facility. Therefore, staff are recommending an amendment to the S. 37 agreement to allow for the early provision of off-site services, while retaining the obligation to provide the on-site facility in a later phase of development.

2. Provision of Low-End of Market Housing Units

With respect to the low-end-of-market housing provision, the agreement requires each multi-unit building to provide 30 percent of the units as low-end-of-market housing, unless otherwise approved by the Chief Planner. For clarification, staff accept that this provision will be satisfied in the multi-unit buildings, mainly apartment buildings, in this development. To date, the applicant has provided 21 units over the 30 percent in Phase 1, consisting of stacked townhouses and an apartment tower. To meet the requirement on Phase 2, which consists of 120 street townhouses, another 15 units are required. Phase 3 will be an apartment building and the applicant has committed to provide the other 15 units in that phase, which staff feel is acceptable.

Conclusions:

The timely provision of appropriate daycare facilities is an important City objective for this community, and an amendment to the Section 37 agreement is required to meet that objective. Staff are therefore seeking Council approval of the off-site location and the authority to amend the agreement to permit an interim facility.

This report has been prepared in consultation with the City Solicitor, who concurs with the conclusions herein.

Contact:

David Mckillop
Manager, Community Planning
Phone No: 416-394-8216
Email: dmckillo@toronto.ca

ATTACHMENT 7 [Notice of Motion J(43)]

Briefing Note (December 6, 2005), headed “Routine Disclosure Policy on Building Plans (Update)”, from the Director, Corporate Access and Privacy. (See Minute 12.111, Page 175):

Issue:

- Staff in the Buildings Division in consultation with staff in the Facilities and Real Estate Division and the City Clerk’s Corporate Access and Privacy (CAP) Office have completed the development of a new routine disclosure process for building plans, which avoids the need for the public to request plans formally through the CAP Office.
- The policy is effective as of December 5, 2005.

Key Points:

- The main principles of the Buildings Division policy are as follows:
 - requests for viewing and obtaining copies of all plans held by the City, including building plans for a residential building under construction, will be made with a \$5.00 fee at the Registry Services counters;
 - given the requirements under the *Copyright Act*, the requests will be tracked as formal requests under *Municipal Freedom of Information and Protection of Privacy Act* (“MFIPPA”);
 - requests for plans of properties from requesters other than the owner will require authorization from the property owner or building management company;
- The new policy is based on the principle of the development of a restricted buildings list, to exclude plans where disclosure could reasonably be expected to endanger the security of a building.
- Access means either viewing or copying plans.
- The Buildings Division will work with the CAP Office, Police Services, Corporate Communications and Facilities and Real Estate to develop a restricted list. This will require consultation with many stakeholders and the requisite amount of time to allow for an informed and meaningful analysis of the interests of access, privacy, security.
- Upon completion of a restricted buildings list, there will no longer be the need for requesters to provide written authorization of a building owner or building management company.

Background:

- Of the 1700+ FOI requests that the City received in 2004 for building plans, an estimate places over 80 percent of those from owners seeking their own plans.
- With the development of a sensitive/restricted list and staff training, the requirement of owner consent would not be necessary. Until such time, a policy decision has been made that will balance the access needs of routine disclosure with the security needs of the public.

Update:

- MFIPPA gives a right of access to records held by the City. The Act, however, provides for specific exemptions from this general right of access, including denial of access if the disclosure would constitute an unjustified invasion of personal privacy under section 14(1) or if the disclosure could reasonably be expected to endanger the security of a building under section 8(1)(i).
- The IPC has upheld the application of section 8(1)(i) to building plans where there is sufficient evidence to demonstrate a direct link between disclosure of the plans and the harms identified in the section. See for example MO-1719 (attached).
- The City Clerk is the delegated decision-maker for access and privacy decisions under MFIPPA. As such, the City Clerk is bound by the provisions of MFIPPA and cannot disclose records in the custody and control of the City of Toronto that are required by statute to be withheld.
- It is intended that a list of “restricted buildings” will be created in the new year whereby access can be routinely granted to buildings plans not on the restricted list.
- For the purposes of the Act, disclosure to a councillor is a disclosure to a member of the public. Therefore, the new policy also applies to requests by individual councillors. It is, however, suggested that if a councillor requires access (viewing or copying) to building plans as part of their decision making processes, access can be granted under “confidential cover”.
- On an interim basis, the policy may be amended to allow viewing of construction plans of buildings while under construction, where the applicant has provided their consent to viewing at the time of application.

Questions and Answers:

N/A

Prepared by: Suzanne Craig, Director Corporate Access and Privacy 416-392-9683

ATTACHMENT 8 [Notice of Motion J(48)]

Draft By-law to Declare the Council Office for Ward 20 - Trinity-Spadina Vacant.
(See Minute 12.116, Page 184):

CITY OF TORONTO

BY-LAW No. _____

To declare the council office for Ward 20 – Trinity-Spadina vacant.

WHEREAS Council Olivia Chow has resigned from office by notice in writing filed with the Clerk of the City of Toronto; and

WHEREAS s.259(1) of the *Municipal Act, 2001*, as amended, provides that the office of a member of council becomes vacant if the member resigns from his office; and

WHEREAS s.262 of the *Municipal Act, 2001*, as amended, provides that, where the office of a member of council becomes vacant under s.259, the council shall at its next meeting declare the office to be vacant;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The office of Councillor, Ward 20 – Toronto Spadina is hereby declared to be vacant.

ENACTED AND PASSED this ____ day of December, A.D. 2005.

DAVID MILLER
Mayor

ULLI S. WATKISS
Clerk

ATTACHMENT 9 [Notice of Motion J(49)]

Report (December 7, 2005) from the City Clerk, entitled "Options on Filling the Vacancy in the Office of Councillor, Ward 20 - Trinity-Spadina". (See Minute 12.117, Page 185):

Purpose:

To outline for Council's consideration the options for filling the vacancy in the office of Councillor, Ward 20 - Trinity-Spadina.

Financial Implications and Impact Statement:

The estimated cost to fill the vacancy through an appointment is \$20,000.00 to cover administration, advertising, supplies and printing. Should Council decide instead to fill the vacancy through a by-election, the estimated cost is \$150,000.00. In addition, should Council implement a contribution rebate program for candidates in a by-election, there will be additional costs for this program. While it is difficult for staff to estimate the cost of a rebate program as it is dependent upon the number of candidates who file a nomination; based on the last by-election, it is estimated the program would cost approximately \$50,000.00.

The necessary funds for the appointment process or a by-election and contribution rebate program, if applicable, would be transferred from the Election Reserve to the City Clerk's 2005 operating budget.

The Deputy City Manager and Chief Financial Officer has reviewed this report and concurs with the financial implications.

Recommendations:

It is recommended that:

- (1) in accordance with Council's policy, the vacancy be filled through the appointment of a qualified elector following the process set out in Appendix "A" to this report;
- (2) individuals may complete a Consent of Nominee form and a Declaration of Qualification for either the vacancy in Ward 41 – Scarborough-Rouge River or the vacancy in Ward 20 – Trinity-Spadina, but not both;
- (3) the City Clerk's 2005 operating budget be increased by \$20,000.00 with funding provided from the Election Reserve, for a net zero impact;
- (4) in the interim, the current staff of former Councillor Chow continue to serve the constituents of Ward 20 – Trinity-Spadina until the new Councillor is appointed and a decision is made by Council or the new Councillor with respect to staffing; and

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

Council Background/Reference:

At its meeting of February 1, 2, and 3, 2000, Council, in adopting Clause 1 of Report 2 of the Administration Committee (Policy on Filling Vacancies on City Council), approved the following recommendation:

- “(1) any vacancy in the office of the Mayor or a Councillor declared by Council prior to November 30 in the year prior to an election year be filled through the conduct of a by-election;
- (2) any vacancy in the office of the Mayor or a Councillor declared by Council after November 30 in the year prior to an election year shall be filled through an appointment;”

This policy was developed in response to Council’s stated desire for a policy which would guide its decision making process when deciding how vacancies are to be filled. Notwithstanding the foregoing policy, Legal staff have advised that the *Municipal Act, 2001*, as amended, still requires that Council make a formal decision on the method of filling a Council vacancy as each vacancy occurs. [A copy of the Policy on Filling Vacancies on City Council is before Council as an attachment to Motion J(28) – Options for Filling the Vacancy in Ward 41 – Scarborough-Rouge River].

Comments:

Subsection 263(5) of the *Municipal Act, 2001*, as amended, provides that Council shall, within 60 days after the day the office is declared vacant, either appoint a qualified person to fill the vacancy or pass a by-law to require that the vacancy be filled through the conduct of a by-election.

Section 264 of the *Municipal Act, 2001*, as amended, provides that the person appointed or elected to fill the vacancy shall hold office for the remainder of the term of office of the person whose place he or she is appointed or elected to fill. Accordingly, the person appointed would hold office until November 30, 2006.

- (1) Appointment

Clause 263(1)(a) of the *Municipal Act, 2001*, as amended, provides that Council may fill the vacancy by appointing a person who has consented to accept the office if appointed.

To be qualified to hold the office, a person must be:

- (i) 18 years of age or older;

- (ii) a Canadian citizen;
- (iii) a resident of the City of Toronto, or an owner or tenant of land in the City or the spouse of such an owner or tenant; and
- (iv) not disqualified under any Act from holding municipal office.

Interested individuals should be given a reasonable period of time to submit an application for consideration by Council. If Council chooses to fill the vacancy by appointment, staff recommend Council adopt the process set out in Appendix "A". The City Clerk would advertise to invite applications from qualified electors for consideration by the Toronto and East York Community Council at its meeting of January 17, 2006. Council would consider the recommendation from the Toronto and East York Community Council at a Special Meeting to be held at 5:00 p.m., January 31, 2006. This would be within the 60 day time period required by the *Municipal Act, 2001*, as amended.

These proposed dates are in accordance with the existing schedule of meetings. If Council wishes to fill the vacancy in a timelier manner, it could schedule special meetings of the Toronto and East York Community Council and Council to consider the matter earlier than January 31, 2006. This would enable the person appointed to be properly briefed on the issues going to the January Council meeting.

Staff recommend that should Council decide to fill the vacancies in Ward 41 – Scarborough-Rouge River and Ward 20 – Trinity-Spadina through appointment processes, that individuals may complete a Consent of Nominee form and a Declaration of Qualification for either the vacancy in Ward 41 – Scarborough-Rouge River or the vacancy in Ward 20 – Trinity-Spadina, but not both. This is in keeping with the intent of subsection 29(2) of the *Municipal Elections Act, 1996* that states an individual may only file one nomination paper in a municipal election.

The estimated cost for the appointment process for administration, supplies, printing and advertising is \$20,000.00.

(2) By-election

Clause 263(1)(b) of the *Municipal Act, 2001*, as amended, provides that Council may fill the vacancy through the conduct of a by-election in accordance with section 65 of the *Municipal Elections Act, 1996*, as amended.

If a by-election is to be held to fill the vacancy, the Clerk is responsible for setting the date of nomination day, which cannot be more than 60 days after the passing of the by-law indicating a by-election is required. Voting day is 45 days after nomination day.

Should Council decide to have a by-election and pass the necessary by-law at its meeting of December 5, 6 and 7, 2005, nomination day would be Friday, January 6, 2006, with voting day on Monday, February 20, 2006. Advance votes would be held on Saturday, February 11, 2006 and Sunday, February 12, 2006.

The estimated cost of administering a by-election is \$150,000.00. This cost estimate is based upon the final costs of the 2001 Ward 31 – Beaches-East York by-election, adjusted for inflation. In addition, should Council decide to approve a campaign contribution rebate program similar to the one approved by Council for the 2006 municipal election, the City would incur additional costs. While it is difficult for staff to estimate the cost of a rebate program as it is dependent upon the number of candidates, it is estimated the program would cost approximately \$50,000.00 based upon the 2001 Beaches-East York by-election.

In the event Council decides to conduct a by-election to fill the vacancy, draft bills are attached to establish the dates and times of advance voting (Appendix “B”) and to authorize a contribution rebate program (Appendix “C”).

Councillor Office Staff:

Given the experience and knowledge of the current staff in serving the constituents of Ward 20 – Trinity-Spadina through the office of former Councillor Chow, Council may wish to have the current staff continue to support the office in the interim until a new Councillor is appointed and a decision is made by the new Councillor with respect to staffing. Council may also wish to request that the new Councillor be urged to give first consideration to retaining the current staff.

Conclusions:

Staff recommend that the vacancy in the office of Councillor, Ward 20 – Trinity-Spadina be filled through the appointment of a qualified elector.

Contact:

Greg Essensa, Director, Elections and Registry Services
Tel – 416-392-8019, E-mail: gessensa@toronto.ca

Attachments:

- (1) Appendix “A” – Proposed Appointment Process
- (2) Appendix “B” – Draft Bill to provide for the conduct of a by-election and to establish the dates and times of advance votes
- (3) Appendix “C” – Draft Bill to authorize a campaign contribution rebate program

Appendix "A"

Procedures for Filling the Vacancy in the Office of
Councillor - Ward 20 - Trinity-Spadina through an Appointment with
Presentations at both the Toronto and East York Community Council and Council

- (1) Advertisements shall be placed in one major daily newspaper and in one local newspaper serving the ward. The advertisements shall indicate Council's intention to appoint a qualified elector to the vacancy and outline the process one must follow to be considered.
- (2) An information session will be conducted by staff at Toronto City Hall from 5:00 p.m. to 7:00 p.m. on January 9, 2006. All interested persons must attend this session, complete a Consent of Nominee form and a Declaration of Qualification and provide personal identification showing their name and qualifying address within the City of Toronto.
- (3) Individuals may complete a Consent of Nominee form and a Declaration of Qualification for either the vacancy in Ward 41 – Scarborough-Rouge River or the vacancy in Ward 20 – Trinity-Spadina, but not both. In the event an individual applies for both vacancies, the Consent of Nominee form and Declaration of Qualification first filed will be deemed to have been withdrawn.
- (4) The deadline for filing the Consent of Nominee form and the Declaration of Qualification for Council's consideration shall be 12:00 noon on the day following the information session.
- (5) The candidates who have attended the information session, completed a Consent of Nominee form and a Declaration of Qualification and provided personal identification satisfactory to the Clerk, may appear before the Toronto and East York Community Council at its meeting on January 17, 2006.
- (6) The Chair or Presiding Officer shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
- (7) The Clerk will provide to the Chair or Presiding Officer, a list of the names of those candidates who have completed the Consent of Nominee and Declaration of Qualification and the Chair or Presiding Officer will call for a motion from the Toronto and East York Community Council in the following form:

“Moved by...

THAT the following persons, who have signified in writing that they are legally qualified to hold the office of Councillor and consented to accept the office if they are appointed to fill the vacancy of Councillor, Ward 20 – Trinity-Spadina, shall be considered for appointment to fill such vacancy.”

- (8) Each of the candidates shall be afforded the opportunity to address the Community Council for a period of not more than five minutes. Candidates will speak in the order (date and time) in which they submitted their Consent of Nominee and Declaration of Qualification to the City Clerk.
- (9) Each Member of the Toronto and East York Community Council will be allowed no more than one question to each candidate.
- (10) Following consideration by the Community Council of all submissions, the Community Council will proceed to vote as follows:
 - (a) Members of the Community Council will vote by way of ballot;
 - (b) Members of the Community Council must sign and print their name on the ballot; ballots that do not contain both the signature and name of the Member will be rejected from the count;
 - (c) if the candidate who receives the greatest number of votes cast does not receive more than one-half the votes of all Members of the Community Council present and voting, the candidate or candidates who received the fewest number of votes shall be excluded from the voting and the vote shall be taken again by the Clerk or designate and, if necessary, more than once, excluding in each successive vote the candidate or candidates who received the fewest number of votes in the proceeding vote, until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the Members of the Community Council present and voting;
 - (d) where the votes cast are equal for all the candidates:
 - (i) if there are three or more candidates remaining, the Clerk or designate shall by lot select one such candidate to be excluded from the subsequent voting;
 - (ii) if only two candidates remain, the tie shall be broken and the candidate selected by lot conducted by the Clerk or designate shall be the candidate selected by the Community Council for Council's consideration;

- (iii) “lot” means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a container and one name being drawn by the Clerk or designate.
- (11) Upon conclusion of the voting, the Chair or Presiding Officer will declare the candidate receiving the votes of more than one-half of the number of the Members of the Toronto and East York Community Council present and voting to be the candidate selected by the Community Council for Council’s consideration. The name of the selected candidate will be forwarded to Council in the form of a communication from the Toronto and East York Community Council.
- (12) The candidates who have attended the information session, completed a Consent of Nominee form and a Declaration of Qualification and provided personal identification satisfactory to the Clerk, may appear before Council at a Special Meeting of Council to be held at 5:00 p.m., January 31, 2006. Candidates may appear before Council whether or not they attended at the Toronto and East York Community Council.
- (13) The Mayor or Presiding Officer shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
- (14) The Clerk will provide to the Mayor or Presiding Officer, a list of the names of those candidates who have completed the Consent of Nominee and Declaration of Qualification and the Mayor or Presiding Officer will call for a motion from Council in the following form:
- “Moved by...
- THAT the following persons, who have signified in writing that they are legally qualified to hold the office of Councillor and consented to accept the office if they are appointed to fill the vacancy of Councillor, Ward 20 – Trinity-Spadina, shall be considered for appointment to fill such vacancy.”
- (15) Each of the candidates shall be afforded the opportunity to address Council for a period of not more than five minutes. The order of speaking will be determined by lot. (The Clerk shall place the names of all candidates on equal size pieces of paper in a container and randomly draw the names.)
- (16) Each Member of Council will be allowed no more than one question to each candidate.
- (17) Following consideration by Council of all submissions, Council will proceed to vote as follows:
- (a) Members of Council will vote by way of ballot;

- (b) Members of Council must sign and print their name on the ballot; ballots that do not contain both the signature and name of the Member will be rejected from the count;
 - (c) if the candidate who receives the greatest number of votes cast does not receive more than one-half the votes of all Members of Council present and voting, the candidate or candidates who received the fewest number of votes shall be excluded from the voting and the vote shall be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the candidate or candidates who received the fewest number of votes in the proceeding vote, until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the Members of Council present and voting;
 - (d) where the votes cast are equal for all the candidates:
 - (i) if there are three or more candidates remaining, the Clerk shall by lot select one such candidate to be excluded from the subsequent voting;
 - (ii) if only two candidates remain, the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the Clerk;
 - (iii) “lot” means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a container and one name being drawn by the Clerk.
- (18) Upon conclusion of the voting, the Clerk will declare to be elected the candidate receiving the votes of more than one-half of the number of the Members of Council present and voting.
- (19) A by-law confirming the appointment shall be enacted by Council appointing the successful candidate to the office for the remainder of the term of the present Council.

Appendix “B”

The CITY OF TORONTO

By-law No. _____

To require a by-election in Ward 20 – Trinity-Spadina and to establish
the dates and times of advance votes

Whereas the office of Councillor, Ward 20 – Trinity-Spadina has become vacant; and

Whereas subsection 263(5) of the *Municipal Act, 2001*, as amended, provides that, if the office of a member of council becomes vacant, the council may, by by-law, require an election to be held to fill the vacancy; and

Whereas subsection 43(1) of the *Municipal Elections Act, 1996*, as amended, requires Council, by by-law, to establish the dates and times for an advance vote;

The Council of the City of Toronto **HEREBY ENACTS** as follows:

1. A by-election shall be held to fill the vacant council seat for Ward 20 – Trinity Spadina.
2. Advance votes shall be held on the following dates and during the following hours:
 - (a) Saturday, February 11, 2006, from 10:00 a.m. to 6:00 p.m.; and
 - (b) Sunday, February 12, 2006, from 10:00 a.m. to 6:00 p.m.

ENACTED AND PASSED this _____ day of _____, A.D. 2005.

DAVID MILLER
Mayor

ULLI S. WATKISS
Clerk

Appendix “C”

THE CITY OF TORONTO

By-law No. _____

To authorize the payment of rebates to individuals who make contributions
to candidates in the by-election in Ward 20 – Trinity-Spadina.

WHEREAS subsection 82(1) of the *Municipal Elections Act, 1996*, as amended (the “Act”), provides that a municipality may, by by-law, provide for the payment of rebates to persons who make contributions to candidates for an office on the municipal council;

The Council of the City of Toronto **HEREBY ENACTS** as follows:

1. The payment of rebates to individuals who make contributions to candidates for the office of Councillor, Ward 20 – Trinity-Spadina is authorized. No rebates will be paid to any corporation or trade union that has made a contribution to a candidate for the office of Councillor, Ward 20 – Trinity-Spadina.
2. An individual who makes a contribution to a candidate in the by-election in Ward 20 – Trinity-Spadina may, on or after the date of the passing of the by-law to require the by-election, apply to the Clerk of the municipality (the “Clerk”) for a rebate.
3. Notwithstanding section 66 of the *Act*, only a contribution of money will be eligible for a campaign contribution rebate.
4. The application for rebate must be received by the Clerk on or before 5:00 p.m., December 15, 2006, unless the candidate’s campaign period is extended under paragraph 4 or 5 of subsection 68(1) of the *Act*. If a candidate’s campaign period is extended, the application for rebate for contributions made after April 6, 2006 shall be made within six months after the date the receipt is issued.
5. Despite sections 4, 6, 7, 10 and subsections 11(a) and 11(c), where an applicant for a rebate claims that their application was mailed, but not received by the City Clerk prior to December 15, 2006, that applicant can provide an affidavit to the City Clerk, in a form satisfactory to the City Clerk, attesting to the facts, and the Clerk is authorized to process that application in accordance with the relevant provisions of this by-law.
6. The application for rebate shall be in the form established for that purpose by the Clerk.
7. The application for rebate shall include a receipt in the form provided by the Clerk that is signed by or on behalf of the candidate.
8. A candidate for an office on the municipal council:
 - (a) shall comply with subsections 78(1) to (4) of the *Act*; and
 - (b) shall include with the documents filed under subsection 78(1) or (2) of the *Act*, as the case may be, a copy of the receipt issued for the contribution and a copy of all campaign expense invoices incurred as part of the campaign.
9. A candidate for an office on the municipal council, or their spouse, whose campaign period is extended under paragraph 4 or 5 of subsection 68(1) of the *Act*, will not be eligible to receive a rebate application until after the candidate’s campaign closes and the final document is filed under subsection 78(2) of the *Act* or subsection 11(d) of this by-law.
10. The Clerk shall compare the receipt filed by the applicant and the copy filed by the candidate to ensure consistency.

11. The Clerk shall pay the applicant a rebate in accordance with sections 12 and 13 if the following conditions are met:

- (a) The application complies with sections 4, 6 and 7;
- (b) The candidate has complied with section 8;
- (c) The Clerk is satisfied that the receipt filed by the applicant and the copy filed by the candidate are consistent;
- (d) The Clerk is satisfied that the candidate has filed the documents required by section 78 of the *Act* by:
 - (i) the relevant filing date, including a supplementary filing date set out in section 77 of the *Act*, or
 - (ii) within 91 days after the relevant filing date, or
 - (iii) within the time frame set out in a court order authorizing a later time for filing the financial statements under subsections 80(6) and (7) of the *Act*,

and that no such document shows on its face that the candidate has incurred expenses exceeding what is permitted under section 76 of the *Act*;

- (e) The Clerk is satisfied that the candidate has paid any surplus in accordance with the provisions of section 79 of the *Act* within the time period stipulated in that section;
- (f) In the case of a contribution made on or before April 6, 2006, the time for an application for a compliance audit under section 81 of the *Act* has expired; and
- (g) In the case of a contribution made after April 6, 2006 to a candidate whose election campaign period continues beyond that date, the time for an application under section 81 of the *Act* has expired.

12. (1) Subject to section 13, the rebate shall be calculated as follows:

- (a) If the contribution is \$300.00 or less, the rebate is 75 per cent of the contribution;
- (b) If the contribution is more than \$300.00 but not more than \$1,000.00, the rebate is \$225.00 plus 50 per cent of the difference between the contribution and \$300.00;

- (c) If the contribution is more than \$1,000.00, the rebate is the lesser of:
 - (i) \$575.00 plus 33-1/3 per cent of the difference between the contribution and \$1,000.00; or
 - (ii) \$1,000.00.
 - (2) Contributions of less than \$25.00 will not receive a rebate.
- 13.** An applicant who makes contributions to more than one candidate may apply for a rebate in respect of each contribution, but is not entitled to receive total rebates amounting to more than the following maximums:
- (a) If the total of the applicant's contributions to all candidates is \$300.00 or less, the maximum is 75 per cent of that total;
 - (b) If the total of the applicant's contributions to all candidates is more than \$300.00 but not more than \$1,000.00, the maximum is \$225.00 plus 50 per cent of the difference between that total and \$300.00; or
 - (c) If the total of the applicant's contributions to all candidates is more than \$1,000.00, the maximum is the lesser of,
 - (i) \$575.00 plus 33-1/3 per cent of the difference between that total and \$1,000.00, or
 - (ii) \$1,000.00.
- 14.** In accordance with subsection 82(5) of the *Act*, any campaign surplus paid to the Clerk under section 79 of the *Act*, by a candidate participating in the contribution rebate program, will become the property of the City of Toronto.
- 15.** Sections 4, 6, 7, 10 and 11 set out above are subject to section 5 of this by-law.

ENACTED AND PASSED this ____ day of _____, A.D. 2005.

DAVID MILLER
Mayor

ULLI S. WATKISS
Clerk

FISCAL IMPACT STATEMENT SUMMARY
Notices of Motions
Submitted by the Deputy City Manager and Chief Financial Officer
Council Meeting – December 5, 6 and 7, 2005

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
F(1)	Harmonized Permit Rates (All Wards)	\$0	\$0	Refer to Economic Development and Parks Committee. See FIS.
F(2)	Funding of New Year's Eve Fireworks Display	Current Year: \$50,000; Future Year: \$50,000	\$0	Consider. See FIS.
I(1)	Reading and Display of Motions at Council for Viewers at Home	\$0	\$0	Consider.
I(2)	Request to Provincial Government to Extend Tuition Fee Freeze	\$0	\$0	Consider.
I(3)	Aid to Earthquake Stricken Areas in Pakistan, India and Afghanistan	\$1,000,000	\$0	There are no available funds in the 2005 Operating Budget. Refer to Policy and Finance Committee. See FIS.
I(4)	Distribution of City of Toronto Tap Water – Toronto Pure	\$0	\$0	Consider.
I(5)	Morningside Avenue/Markham By-pass Extension	\$0	\$0	Consider.
I(6)	Request for Enforcement of the <i>Child and Family Services Act</i>	\$0	\$0	Consider.
I(7)	Request for Review of Fines for Body Rub Parlours Operating Without a Licence	\$0	\$0	Consider.
I(8)	Juno Beach Memorial and the Juno Beach Centre Association	\$25,000	\$0	The 2005 Approved Operating Budget does not include funding for this contribution. See FIS.
J(1)	Cost of Living Adjustment for Elected Officials	\$0	\$0	Consider. See FIS.

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
J(2)	Appointment to the Yonge-Dundas Square Board of Management	\$0	\$0	Consider.
J(3)	Agreement Regarding Garbage Disposal between the City of Toronto and the Regions of York, Durham and Peel	\$0	\$0	Consider.
J(4)	Ontario Municipal Board Hearing – 39 Donwoods Drive	\$0	\$0	Consider.
J(5)	Narrowing of St. Enoch's Square	\$0	\$0	Consider.
J(6)	Request to Ban Federal Election Canvassing Throughout the Holiday Season	\$0	\$0	Consider.
J(7)	Boulevard Café – Thai Hua – 240 Queen Street West (Trinity-Spadina, Ward 20)	\$0	\$0	Consider.
J(8)	Grant to Save Our St. Clair (SOS) Group	\$30,000	\$0	Can not be accommodated within existing 2005 Operating Budget for CPIP. Refer to Policy and Finance Committee. See FIS.
J(9)	Report of Integrity Commissioner on Complaint of Violation of Councillor's Code of Conduct	\$0	\$0	Consider.
J(10)	Declaration of Vacancy - Ward 41 - Scarborough-Rouge River			Already Considered by City Council on December 5, 2005.
J(11)	Request to Toronto District School Board and Toronto Catholic District School Board Regarding Lighting in Schoolyards	\$0	\$0	Consider.
J(12)	Personnel Matter Respecting the Auditor General			<i>Confidential. See Confidential Report Attached to Motion.</i>

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
J(13)	Request for Reform to the <i>Tenant Protection Act</i>	\$0	\$0	Consider.
J(14)	Request for Cross-Province Hearings on Legislation Related to Local Health Integration Networks (LHINs)	\$0	\$0	Consider.
J(15)	Conditions for Operating the Blue Chip Truck at Nathan Phillips Square during Santa Clause and St. Patrick's Day Parades	\$0	\$0	Consider.
J(16)	Toronto Entertainment District Association Use of Metro Hall Parking	\$0	\$0	Consider.
J(17)	Request to the Federal Government to Increase Mandatory Minimum Sentences for Criminals Convicted of Gun-Related Crimes	\$0	\$0	Consider.
J(18)	Resolution to Support the Preservation of the Supply Management System for Canada's Dairy, Poultry and Egg Farmers	\$0	\$0	Consider.
J(19)	Five-Minute Grace Period for On-street Pay-and-Display Parking Enforcement and Synchronization of Time on Machines	\$0	\$0	Consider.
J(20)	Site Plan Approval and Rezoning Application - 110 Rexdale Boulevard	\$0	\$0	Consider.
J(21)	Solid Waste Management Contractual Issues (All Wards)			<i>Confidential. See Confidential Report Attached to Motion.</i>

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
J(22)	Appeal to the Ontario Municipal Board – 19 and 21 Scarborough Beach Boulevard (Ward 32 - Beaches-East York)			<i>Confidential. See Confidential Report Attached to Motion.</i>
J(23)	York Durham Sewer System - Request for Injunction	\$0	\$0	Consider.
J(24)	Request for Report on Establishing an Elder Abuse Shelter and Crisis Hotline	\$0	\$0	Consider.
J(25)	Opposition to Proposal for Surtax on Imported Bicycles	\$0	\$0	Consider.
J(26)	Dufferin Street Underpass Project - Statutory Offers of Compensation			<i>Confidential. See Confidential Report Attached to Motion.</i>
J(27)	Request to Federal Government Respecting Hostages in Iraq	\$0	\$0	Consider.
J(28)	Options for Filling the Vacancy in the Office of Councillor (Ward 41 - Scarborough-Rouge River)	\$20,000 Gross; \$0 Net	\$0	The City Clerk's 2005 Approved Budget will need to be adjusted (net zero). See FIS.
J(29)	Amendment to Zoning By-law - 120 Dallimore Circle	\$0	\$0	Consider.
J(30)	Appeal to the Ontario Municipal Board - 54 Gormley Avenue (Ward 21)	\$0	\$0	Consider.
J(31)	TEDCO's Application for Judicial Review of IPC Order MO-1966			<i>Confidential. See Confidential Report Attached to Motion.</i>
J(32)	650-672 Sheppard Avenue East - Ontario Municipal Board Decision/Order No. 0150 Granting Exclusions to Gross Floor Area Definition – Appeal to Divisional Court – Revision to Settlement			<i>Confidential. See Confidential Report Attached to Motion.</i>

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
J(33)	Request to Change Judicial Parolling and Leniency System	\$0	\$0	Consider.
J(34)	OMB Appeals of Site Plan and Zoning – 3025 Finch Avenue West (Ward 7 - York West)			
J(35)	Application for Sign Variance - 25 Vice Regent Boulevard	\$0	\$0	Consider.
J(36)	Western Hemisphere Travel Initiative - Request to Add Issue to the Great Lakes and St. Lawrence Cities Agenda	\$0	\$0	Consider.
J(37)	Inventory of Surplus Properties for Affordable Housing Purposes	\$0	\$0	Consider.
J(38)	1100 Lansdowne Avenue (Building 13) – Official Plan and Zoning By-law Amendment (Ward 17 - Davenport)	\$0	\$0	Consider.

**FISCAL IMPACT STATEMENT 1 [NOTICE OF MOTION F(1)]
(See Minute 12.59, Page 79)**

Financial Implications:

<input type="checkbox"/> Operating	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact: (Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – F(1) – A delay in implementation of harmonized permit rates is revenue neutral; any changes to the approved policy may not be revenue neutral City-wide.

- Consider
- Refer to Economic Development and Parks Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: October 27, 2005

FISCAL IMPACT STATEMENT 2 [NOTICE OF MOTION F(2)]
(See Minute 12.60, Page 81)

Financial Implications:

Operating

Current year impacts: \$ 50,000 (net) Future year impacts: \$ 50,000 (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 – F(2) –Funding of New Year’s Eve Fireworks Display – While \$50,00.00 for 2005 fireworks may be accommodated within the City Council budget through projected under expenditures, the June 30 Variance Report projected a deficit at the year-end. Funding for the 2006 fireworks should be considered during the 2006 budget process.

- Consider Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: October 27, 2005

FISCAL IMPACT STATEMENT 3 [NOTICE OF MOTION I(3)]
(See Minute 12.63, Page 85)

Financial Implications:

Operating

Current year impacts: \$1,000,000 (net) Future year impacts: \$ _____ (net)

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

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(3) – There are no available funds in the 2005 Operating Budget. Refer to Policy & Finance Committee.

- Consider
- Refer to Policy & Finance Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: December 6, 2005

FISCAL IMPACT STATEMENT 4 [NOTICE OF MOTION I(8)]
(See Minute 12.68, Page 93)

Financial Implications:

<input checked="" type="checkbox"/> Operating
<input checked="" type="checkbox"/> Current year impacts: \$ <u>25,000</u> (net)
<input type="checkbox"/> Future year impacts: \$ _____ (net)
<input type="checkbox"/> Following year
<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):
<input type="checkbox"/> Accommodation within approved operating budget
<input type="checkbox"/> New revenues
<input type="checkbox"/> Reserve/Reserve Fund contributions
<input type="checkbox"/> Third party funding
<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)
<input type="checkbox"/> Impact on staffing levels: _____ (positions)

<input type="checkbox"/> Capital
<input type="checkbox"/> Current year impacts: \$ _____ (net)
<input type="checkbox"/> Future year impacts: \$ _____ (net)
<input type="checkbox"/> Following year
<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):
<input type="checkbox"/> Accommodation within approved capital budget
<input type="checkbox"/> New revenues
<input type="checkbox"/> Reserve/Reserve Fund contributions
<input type="checkbox"/> Third party funding
<input type="checkbox"/> Debt
<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 – I(8) – The 2005 Approved Operating Budget does not include funding for this contribution. Council may wish to consider funding from the City Council budget. The 3rd quarter year end projection identifies under-spending in excess of \$800,000.00. However, it should be noted that Corporately, the 3rd quarter variance projects a deficit of approximately \$3 million.

- Consider
- Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: December 6, 2005

**FISCAL IMPACT STATEMENT 5 [NOTICE OF MOTION J(1)]
(See Minute 12.69, Page 94)**

Financial Implications:

Operating

Current year impacts: \$ 0 (net) Future year impacts: \$ _____ (net)

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

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Operating Impact:

<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(1) – The City Council 2005 Approved Budget was adjusted by \$395,400.00 for COLA (2.75%); the 2006 Proposed Budget includes \$365,300.00 for COLA. The Mayor’s 2005 Approved Budget was adjusted by \$42,200.00 for COLA (2.75%); the 2006 Proposed Budget includes \$41,000.00 for COLA. This would include all increases for Elected Officials and their non-union staff. Re-consideration of the increase could result in savings of approximately \$41,028.00.

- Consider Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: December 6, 2005

FISCAL IMPACT STATEMENT 6 [NOTICE OF MOTION J(8)]
(See Minute 12.76, Page 106)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ 30,000 (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(8) – Cannot be accommodated within existing 2005 Operating Budget for CPIP.

- Consider
- Refer to Policy and Finance Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: December 6, 2005

**FISCAL IMPACT STATEMENT 7 [NOTICE OF MOTION J(28)]
(See Minute 12.96, Page 146)**

Financial Implications:

Operating

Current year impacts: \$20,000 (gross) \$0 (net) Future year impacts: \$ _____ (net)

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 checked="" type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Operating Impact:

<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(28) – Approval of the report will result in a cost of \$20,000.00 to fund the appointment of a Councillor. If City Council chooses to fill the vacancy through a by-election, the cost would be \$150,000.00. Funding is available in the Election Reserve for either option. The City Clerk’s 2005 Approved Operating Budget will need to be increased with a recovery from the reserve, for a net zero impact.

- Consider Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: December 6, 2005

