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These Minutes are to be confirmed by City Council.

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

**WEDNESDAY, DECEMBER 14, 2005, AND  
FRIDAY, DECEMBER 16, 2005**

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

### **S14.1 CALLS TO ORDER:**

**December 14, 2005 - 9:45 a.m.**

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

The special meeting opened with *O Canada*.

**December 16, 2005 - 9:41 a.m.**

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

The special meeting opened with *O Canada*.

### **S14.2 NOTICES OF SPECIAL MEETINGS**

**December 14, 2005:**

Deputy Mayor Pantalone in the Chair.

Deputy Mayor Pantalone read the following Notice of Special Meeting:

“In accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, the Mayor has called a special meeting of Council on 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.”

### **December 16, 2005**

Mayor Miller in the Chair.

Mayor Miller read the following Notice of Special Meeting:

“In accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, the Mayor has called a special meeting of Council on Friday, December 16, 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 14, 2005;
- (2) to introduce and enact General Bills; and
- (3) to introduce and enact a confirming by-law for this special meeting.”

### **PRESENTATION OF ADDITIONAL REPORT**

#### **December 14, 2005:**

Deputy Mayor Pantalone in the Chair.

S14.3 Councillor Di Giorgio, with the permission of Council, presented the following Report for the consideration of Council:

Striking Committee Report 6,

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

**S14.4 DECLARATION OF INTEREST**

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**

**S14.5 The following Clauses were brought forward from the Council meeting of December 5, 6 and 7, 2005, and held by Council for further consideration:**

Administration Committee Report 6, Clause 28d.

Audit Committee Report 3, Clause 12c.

Etobicoke York Community Council Report 6, Clause 8d.

North York Community Council Report 6, Clause 8d.

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

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

Works Committee Report 9, Clause 1b.

Policy and Finance Committee Report 10, Clauses 1, 3, 8, 32, 34, 35, 37 and 39.

Administration Committee Report 9, Clauses 8, 11 and 16.

Audit Committee Report 4, Clauses 1 and 3.

Board of Health Report 8, Clause 2.

Community Services Committee Report 9, Clauses 8 and 9.

Planning and Transportation Committee Report 10, Clause 8.

Striking Committee Report 6, Clause 1.

Works Committee Report 11, Clauses 7 and 16.

Etobicoke York Community Council Report 9, Clause 12.

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

Toronto and East York Community Council Report 9, Clauses 15, 18, 30, 42, 43 and 64.

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

Policy and Finance Committee Report 10, Clauses 32 and 34.

Administration Committee Report 9, Clause 16.

Striking Committee Report 6, Clause 1.

Audit Committee Report 4, Clause 1.

North York Community Council Report 9, Clause 15.

**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.**

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

S14.6 **Toronto and East York Community Council Report 9, Clause 30, headed “Removal of One Privately Owned Tree - 646 Broadview Avenue (Ward 30 - Toronto-Danforth)”.**

**December 14, 2005:**

*Vote:*

The Clause was adopted, without amendment.

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

**S14.7 Policy and Finance Committee Report 10, Clause 1, headed “Toronto Drug Strategy Report”.**

**December 14, 2005:**

Deputy Mayor Pantalone advised the Council that, in accordance with the procedural motion adopted by Council on December 7, 2005, the following motions had been brought forward for consideration with this Clause:

*Motions from Council Meeting of December 5, 6 and 7, 2005:*

(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);”.

*Motions moved December 14, 2005:*

- (c) Councillor Stintz moved that the Clause be amended by deleting the following Recommendation (24) from the Toronto Drug Strategy Report:
- “(24) the City of Toronto support federal legislation to decriminalize the possession of small amounts of cannabis for personal use. This support is contingent upon a commitment from the federal government to ensure appropriate levels of funding for prevention, harm reduction and treatment to minimize the prevalence of cannabis use and its associated harms, especially for youth (P, HR and E);”.
- (d) Councillor Holyday moved that the Clause be received.

- (e) Councillor Watson moved that the Clause be amended by:
- (1) amending the lead-in phrase to Recommendation (I) of the Policy and Finance Committee by inserting, after the words “dated October 2005,”, the words “in principle, and that no implementation proceed until the report requested in Recommendation (III) of the Policy and Finance Committee has been considered by Council and”, so that the lead-in phrase now reads as follows:
    - “(I) City Council adopt Recommendations (1) to (66) contained in the “Toronto Drug Strategy Report – A Comprehensive Approach to Alcohol and Other Drugs in the City of Toronto”, dated October 2005, in principle, and that no implementation proceed until the report requested in Recommendation (III) of the Policy and Finance Committee has been considered by Council and subject to adding the following words to Recommendation (65):”;
  - (2) deleting the following Recommendation (34) of the Toronto Drug Strategy Report:
    - “(34) the City of Toronto work with appropriate provincial ministries and institutional and community service providers to ensure that prevention, harm reduction and treatment services are available where people need them throughout the city and ensure that this information is available to diverse populations (P, HR and T);”; and
  - (3) deleting the following Recommendation (65) of the Toronto Drug Strategy Report:
    - “(65) the City of Toronto conduct a needs assessment and feasibility study for supervised consumption sites taking into account the decentralized nature of drug use in Toronto; and further, that City Council reaffirm that no consumption sites will be established unless the protocol is followed, which requires that Federal, Provincial, Municipal and Police approval be given prior to the establishment of such a facility; and during the feasibility study, the issue of neighbourhood impacts be specifically addressed, the ward Councillors be surveyed for residential groups that would be interested, and staff seek the input of those residential groups on this matter prior to the completion of the feasibility study (P and HR); and”.

Deputy Mayor Bussin in the Chair.

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

“That:

- (1) the City of Toronto work with the Toronto Police Service and appropriate community groups and service providers to develop strategies to prevent and stop the use of children as ‘runners’ for drug dealers in our communities; and
- (2) a copy of the report, entitled ‘Toronto Drug Strategy Report – A Comprehensive Approach to Alcohol and Other Drugs in the City of Toronto’, dated October 2005, be forwarded to the Association of Municipalities of Ontario (AMO), the Federation of Canadian Municipalities (FCM) and all municipalities in the Greater Toronto Area.”

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

“That:

- (1) the Federal Government be requested to strengthen the Criminal Code to provide a more severe punishment for those convicted of drug trafficking, including those trafficking cannabis in small amounts, and that the only exception be for those persons carrying a medical certificate requiring the drug; and
- (2) the Federal Government be requested to stiffen the penalties for both those convicted of operating grow houses and the owners of the properties who carry on these operations, with a view to imposing a 10-year jail term for those convicted.”

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

“That:

- (1) the Alcohol and Gaming Commission of Ontario be requested to consult and work closely with the City of Toronto for the purpose of reviewing and approving applications for Liquor Licences; and
- (2) the City of Toronto:
  - (a) re-affirm its commitment to develop a protocol to co ordinate the review, response and approval of Liquor Licence applications by City divisions; and
  - (b) undertake a review of its operations with respect to the review of Liquor Licences for the purpose of designating a specific division that



will be responsible for the co ordination of these reviews, and the communication of a response on each application; and

(3) the Province of Ontario be requested to review the legislative provisions applicable to licensed establishments so that they would be required to show proof yearly that the requirements of the safer bars program are met, and that licences be suspended until such time as it can be demonstrated that these requirements have been met.”

(i) Councillor Hall moved that the Clause be amended by:

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

“such study to include information on the effects of drug use in Toronto, on:

- (a) neighbourhoods and communities, including proximity to schools where young people congregate;
- (b) commercial and industrial businesses;
- (c) crime patterns in geographic areas; and
- (d) property values in surrounding areas;

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

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

- (a) neighbourhoods and communities, including proximity to schools where young people congregate;
- (b) commercial and industrial businesses;
- (c) crime patterns in geographic areas; and
- (c) property values in surrounding areas;

and further, that City Council reaffirm that no consumption sites will be established unless the protocol is followed, which requires that

Federal, Provincial, Municipal and Police approval be given prior to the establishment of such a facility; and during the feasibility study, the issue of neighbourhood impacts be specifically addressed, the ward Councillors be surveyed for residential groups that would be interested, and staff seek the input of those residential groups on this matter prior to the completion of the feasibility study (P and HR);”; and

(2) adding the following:

“That an assessment of the operation of a supervised consumption site, such as the Vancouver facility, be conducted on site by a team comprised of representation from the Toronto Police Service, City Council and City staff.”

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

“That City of Toronto Municipal Code Chapter 709, Smoking, be amended to state that the by-law refers to the smoking of all substances.”

(k) Councillor Carroll moved that the Clause be amended by adding the following words to Recommendation (65) of the Toronto Drug Strategy Report:

“such feasibility study to include an in depth examination of the Mobile Safe-Use Unit program in service in Berlin”.

(l) Councillor Kelly moved that:

(1) the Clause be referred to the Community Services Committee for consideration; or

(2) in the event Part (1) fails, the Clause be amended by:

(a) referring Recommendations (1), (2), (48) and (57) of the Toronto Drug Strategy Report back to the Policy and Finance Committee for financial review;

(b) referring Recommendations (7), (8), (9), (39), (41), (43), (44), (51), (53), (60) and (61) of the Toronto Drug Strategy Report to the Community Services Committee for consideration;

(c) referring Recommendations (13) and (38) of the Toronto Drug Strategy Report to the Economic Development and Parks Committee for consideration;

- (d) deleting the following Recommendation (62) of the Toronto Drug Strategy Report:

“(62) the City of Toronto support the development of a “drug users group” to undertake a range of activities, including advocacy for the rights of people who use illegal drugs, harm reduction initiatives, education, community development and consumer representation (HR);”;

- (e) referring Recommendation (40) of the Toronto Drug Strategy Report to the Community Services Committee for consideration; and

- (f) adding the following:

“That the Medical Officer of Health be requested to explore the option of adding the opening and promoting of withdrawal clinics and long lasting abstinence therapies, and report to the Board of Health.”

*Vote on Referral:*

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

Yes - 6 Councillors:	Del Grande, Ford, Holyday, Kelly, Palacio, Watson
No - 31 Mayor: Councillors:	Miller Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker

Lost by a majority of 25.

*Motions:*

- (m) Councillor Lindsay Luby moved that the Clause be amended by adding the following:
- “That the Federal government be requested to:
- (1) institute a ban on conditional sentencing (house arrest) for serious drug crimes; and
  - (2) impose higher fines for drug dealers and producers.”
- (n) Councillor Ashton moved that:
- (1) the Clause be amended by referring Recommendation (24) of the Toronto Drug Strategy Report to the Community Services Committee for consideration; and
  - (2) Part (1) of motion (f) by Councillor Li Preti be amended by adding the following words:

“and further that the Federal Minister of Justice be requested to review the Criminal Code with the view to strengthening sentences for offences where children/youths are being exploited by adults engaged as ‘runners’ for drug dealers”.
- (o) Councillor Mihevc moved that the Clause be amended by adding to Recommendation (III) of the Policy and Finance Committee, the words “and that this report be submitted for consideration during the 2006 Operating Budget process”, so that Recommendation (III) now reads as follows:
- “(III) the City Manager, in consultation with the Medical Officer of Health, be requested to report further to the Policy and Finance Committee on implementation and budgetary issues; and that this report be submitted for consideration during the 2006 Operating Budget process;”.

*Ruling by Deputy Mayor:*

Deputy Mayor Bussin ruled motion (j) by Councillor Milczyn out of order, as the City of Toronto can only regulate tobacco.

*Votes:*

Adoption of motion (a) by Councillor Mammoliti:

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

Carried by a majority of 37.

Adoption of Part (2)(a) of motion (1) by Councillor Kelly:

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

Lost by a majority of 11.

Adoption of Part (2)(b) of motion (1) by Councillor Kelly:

Yes - 12 Councillors: Cho, Del Grande, Ford, Holyday, Kelly, Milczyn, Minnan-Wong, Nunziata, Palacio, Shiner, Stintz, Watson
No - 27 Mayor: Miller Councillors: Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Soknacki, Thompson, Walker

Lost by a majority of 15.

Adoption of Part (2)(c) of motion (1) by Councillor Kelly:

Yes - 12	
Councillors:	Cho, Del Grande, Ford, Holyday, Kelly, Milczyn, Minnan-Wong, Nunziata, Palacio, Shiner, Stintz, Watson
No - 27	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Soknacki, Thompson, Walker

Lost by a majority of 15.

Adoption of motion (d) by Councillor Holyday:

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

Lost by a majority of 25.

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

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

Lost by a majority of 25.

Adoption of motion (o) by Councillor Mihevc:

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

Carried by a majority of 23.

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

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

Lost by a majority of 21.

Adoption of Part (2) of motion (b) by Councillor Minnan-Wong:

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

Lost by a majority of 19.

Adoption of Part (1) of motion (n) by Councillor Ashton:

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

Lost by a majority of 13.

Adoption of motion (c) by Councillor Stintz:

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

Lost by a majority of 3.

Adoption of Part (3) of motion (b) by Councillor Minnan-Wong:

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

Lost by a majority of 1.

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



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

Lost by a majority of 11.

Adoption of Part (4) of motion (b) by Councillor Minnan-Wong:

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

Lost by a majority of 13.

Adoption of Part (5) of motion (b) by Councillor Minnan-Wong:

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

Lost by a majority of 23.

Adoption of Part (2)(e) of motion (1) by Councillor Kelly:

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

Lost by a majority of 11.

Adoption of Part (6) of motion (b) by Councillor Minnan-Wong:

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

Lost by a majority of 13.

Adoption of Part (2)(d) of motion (l) by Councillor Kelly:

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

Lost by a majority of 11.

Adoption of Part (3) of motion (e) by Councillor Watson:

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

Lost by a majority of 5.

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

Yes - 37 Mayor: Councillors:	Miller Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 2 Councillors:	Ford, Grimes

Carried by a majority of 35.

Adoption of motion (k) by Councillor Carroll:

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

Carried by a majority of 11.

Adoption of Part (2) of motion (n) by Councillor Ashton:

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

Carried, without dissent.

Adoption of Part (1) of motion (f) by Councillor Li Preti, as amended:

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

Carried, without dissent.

Adoption of Part (2) of motion (f) by Councillor Li Preti:

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

Carried by a majority of 33.

Adoption of Part (1) of motion (g) by Councillor Cho:

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

Lost by a majority of 13.

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

Yes - 27 Mayor: Councillors:	Miller Altobello, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fillion, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Nunziata, Palacio, Shiner, Stintz, Thompson, Walker, Watson
No - 12 Councillors:	Ashton, Augimeri, Bussin, Fletcher, Giambrone, Milczyn, Minnan-Wong, Moscoe, Pantalone, Rae, Saundercook, Soknacki

Carried by a majority of 13.

Adoption of Parts (1) and (2) of motion (h) by Councillor Nunziata:

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

Carried, without dissent.

Adoption of Part (3) of motion (h) by Councillor Nunziata:

Yes - 37	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 2	
Councillors:	Bussin, Kelly

Carried by a majority of 35.

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

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

Carried by a majority of 11.

Adoption of Part (2)(f) of motion (l) by Councillor Kelly:

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

Carried by a majority of 29.

Adoption of Part (1) of motion (m) by Councillor Lindsay Luby:

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

Carried by a majority of 9.

Adoption of Part (2) of motion (m) by Councillor Lindsay Luby:

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

Carried, without dissent.

Adoption of Clause, as amended:

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

Carried by a majority of 9.

*Summary:*

In summary, Council amended this Clause by:

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

“such study to include:

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

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

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

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

and further, that City Council reaffirm that no consumption sites will be established unless the protocol is followed, which requires that



Federal, Provincial, Municipal and Police approval be given prior to the establishment of such a facility; and during the feasibility study, the issue of neighbourhood impacts be specifically addressed, the ward Councillors be surveyed for residential groups that would be interested, and staff seek the input of those residential groups on this matter prior to the completion of the feasibility study (P and HR);”; and

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

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

- (3) adding the following:

“That:

- (a) the Federal Government be requested to:
- (i) stiffen the penalties for both those convicted of operating grow houses and the owners of the properties who carry on these operations, with a view to imposing a 10-year jail term for those convicted;
  - (ii) institute a ban on conditional sentencing (house arrest) for serious drug crimes; and
  - (iii) impose higher fines for drug dealers and producers;
- (b) the City of Toronto work with the Toronto Police Service and appropriate community groups and service providers to develop strategies to prevent and stop the use of children as ‘runners’ for drug dealers in our communities; and further that the Federal Minister of Justice be requested to review the Criminal Code with the view to strengthening sentences for offences where children/youths are being exploited by adults engaged as ‘runners’ for drug dealers;

- (c) the Province of Ontario be requested to review the legislative provisions applicable to licensed establishments so that they would be required to show proof yearly that the requirements of the safer bars program are met, and that licences be suspended until such time as it can be demonstrated that these requirements have been met;
- (d) the Alcohol and Gaming Commission of Ontario be requested to consult and work closely with the City of Toronto for the purpose of reviewing and approving applications for Liquor Licences;
- (e) the City of Toronto:
  - (i) re-affirm its commitment to develop a protocol to co-ordinate the review, response and approval of Liquor Licence applications by City divisions; and
  - (ii) undertake a review of its operations with respect to the review of Liquor Licences for the purpose of designating a specific division that will be responsible for the co-ordination of these reviews, and the communication of a response on each application;
- (f) an assessment of the operation of a supervised consumption site, such as the Vancouver facility, be conducted on site by a team comprised of representation from the Toronto Police Service, City Council and City staff;
- (g) the Medical Officer of Health be requested to explore the option of adding the opening and promoting of withdrawal clinics and long-lasting abstinence therapies, and report to the Board of Health;
- (h) a copy of the report, entitled 'Toronto Drug Strategy Report – A Comprehensive Approach to Alcohol and Other Drugs in the City of Toronto', dated October 2005, be forwarded to the Association of Municipalities of Ontario (AMO), the Federation of Canadian Municipalities (FCM) and all municipalities in the Greater Toronto Area; and
- (i) City Council thank Councillor Rae, Chair, and the rest of the members of the Toronto Drug Strategy Council Reference Group, for their leadership on this report.”

**S14.8 Policy and Finance Committee Report 10, Clause 8, headed “Confidential Communication from Toronto Hydro Corporation Respecting Street and Expressway Lighting”.**

**December 14, 2005:**

*Motion:*

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

“That:

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

‘It is recommended that:

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

*Votes:*

The motion by Councillor Shiner carried.

Adoption of Clause, as amended:

Yes - 29	
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 7	
Councillors:	Ashton, Del Grande, Ford, Kelly, Pitfield, Thompson, Walker

Carried by a majority of 22.

*Summary:*

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

“That:

- (1) the staff recommendations contained in the Recommendations Section of the confidential report (December 9, 2005) from the Deputy City Manager and Chief Financial Officer and the City Solicitor, be adopted. The following staff Recommendation (2) contained in the Recommendations Section of the report is now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the security of the property of the municipality or local board:
  - (2) the Deputy City Manager and Chief Financial Officer or, in his absence, the City Manager, be authorized to finalize the Street and Expressway Lighting Asset Sale transaction on the terms set out in Appendix “A” and that authority be granted to enter into the necessary agreements embodying such terms, together with such modifications or additional deemed appropriate by the Deputy City Manager and Chief Financial Officer or, in his absence, the City Manager, consistent with such terms;’; and

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

‘It is recommended that:

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

**S14.9 Policy and Finance Committee Report 10, Clause 37, headed “Reserves and Reserve Funds Quarterly Variance Report - September 30, 2005”.**

**December 14, 2005:**

*Motion:*

Councillor Pitfield 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 Budget Advisory Committee on the City’s Reserves and Reserve Fund Accounts which have not had transactions between 1999 and 2003.”

*Votes:*

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

**S14.10 Toronto and East York Community Council Report 9, Clause 15, headed “Status Report - Official Plan Amendment and Rezoning Application, Intention to Designate under Part IV of the *Ontario Heritage Act* and Approval of Alterations to Designated and Heritage Buildings – 430 Broadview Avenue and 548, 550 and 558 Gerrard Street East - Bridgepoint Health (Ward 30 – Toronto-Danforth)”.**

**December 14, 2005:**

*Motion:*

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

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

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

“It is recommended that:

- (1) part of 548 Gerrard Street East, described as being part of Township Lot 15 in the First Concession from the Bay and shown on as Parts 1 and 7 on Sketch No. PS-2005-124 (the ‘Gerrard Property’) be declared surplus to the City’s requirements with the intended method of disposal to be by way of a land exchange with Bridgepoint Health for lands owned by Bridgepoint Health shown hatched on Sketch No. PS-2005-097;
- (2) part of 14 St. Matthews Road, described as being part of Township Lot 15 in the First Concession from the Bay and shown as Parts 8, 11, 12, 13, 15 and 16 on Sketch No. PS-2005-124 (the ‘St. Matthews Property’), be declared surplus to the City’s requirements, subject to the retention of permanent easement in favour of the City over a portion of Part 12 shown cross-hatched on Sketch No. PS-2005-124 for City purposes, with the intended method of disposal to be by way of a land exchange and sale with Bridgepoint Health for lands owned by Bridgepoint Health shown cross-hatched on Appendix ‘C’ and an amendment to the existing long-term lease with Bridgepoint Health for Part 13 on Sketch No. PS-2005-124;

- (3) all steps necessary to comply with the City's real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code be taken;
- (4) authority be granted to the Chief Corporate Officer to grant an easement to Hydro One on terms and conditions satisfactory to the Chief Corporate Officer and City Solicitor over part of Parts 3, 4, 5, 6, 7, 8, 11 and 12 on Sketch No. PS-2005-124, for an existing hydro cable installation, and to grant the permanent easement prior to the conveyances to Bridgepoint Health;
- (5) authority be granted to the Chief Corporate Officer to enter into negotiations with Bridgepoint Health, and that staff explore a full range of options from nominal sum transaction to market value transaction, for a land exchange, sale and amendment to the existing long-term lease, and any other agreements deemed appropriate; and
- (6) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto." ' "

*Votes:*

The motion by Councillor Watson carried.

The Clause, as amended, carried.

**S14.11 Administration Committee Report 6, Deferred Clause 28d, headed "Court Service Agreement with GO Transit for Provincial Offences Fines".**

*Motion:*

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

"That:

- (1) a parallel agreement on the same subject be negotiated with the Toronto Transit Commission; and

- (2) Council adopt the staff recommendations contained in the Recommendations Section of the supplementary report (October 14, 2005) from the Director, Court Services [as contained at the end of the Clause], subject to deleting from Recommendation (1) the word “not”, so that the staff recommendations, as amended, now read as follows:

‘It is recommended that:

- (1) an agreement to distribute fine revenues between Court Services and the Toronto Transit Commission be established;  
and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

*Votes:*

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

Yes - 3 Councillors: Ashton, Augimeri, Moscoe
No - 25 Mayor: Miller Councillors: Altobello, Bussin, Carroll, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Ford, Giambrone, Hall, Holyday, Li Preti, Lindsay Luby, Mihevc, Milczyn, Nunziata, Palacio, Pantalone, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson

Lost by a majority of 22.

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

Yes - 1 Councillor: Moscoe
No - 28 Mayor: Miller Councillors: Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Ford, Giambrone, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Nunziata, Palacio, Pantalone, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson

Lost by a majority of 27.

The Clause was adopted, without amendment.



**S14.12 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.

**December 14, 2005:**

Deputy Mayor Bussin advised the Council that, in accordance with the procedural motion adopted by Council on December 7, 2005, the following motion had been brought forward for consideration with this Clause:

*Motion from Council Meeting of December 5, 6 and 7, 2005:*

(a) 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 (OMB).”

*Motion moved December 14, 2005:*

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

“That the City Solicitor be requested to include consultations with the community and the local Councillor in the scope of work for the outside planning consultants retained for the OMB hearing, in order to bring forward a community perspective on the appropriate development of this site.”

*Votes:*

Adoption of motion (a) by Councillor Carroll:

Yes - 23	
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Giambrone, Hall, Jenkins, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Rae, Shiner, Stintz, Thompson, Walker
No - 3	
Councillors:	Del Grande, Ford, Holyday

Carried by a majority of 20.

Adoption of motion (b) by Councillor Shiner:

Yes - 27	
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cowbourne, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Shiner, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 26.

Adoption of Clause, as amended:

Yes - 30	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 29.

*Summary:*

In summary, Council adopted the following:

“That:

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

Deputy Mayor Pantalone in the Chair.

**S14.13 Administration Committee Report 9, Clause 8, headed “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”.**

**December 14, 2005:**

*Motion:*

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

“That a provision be included in all future RFPs stipulating that the supply of both Original Equipment Manufacturer and non-Original Equipment Manufacturer accessories, such as batteries, chargers and other accessories, in compliance with manufacturers' specifications, will not invalidate manufacturers' warranties.”

*Ruling by Deputy Mayor:*

Deputy Mayor Pantalone ruled the motion by Councillor Thompson out of order, as it relates to general policy and the Clause only pertains to an extension of an existing contract with a vendor of record.

*Vote:*

Adoption of Clause, without amendment:

Yes - 26	
Councillors:	Altobello, Augimeri, Bussin, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Moscoe, Nunziata, Pantalone, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 25.

**S14.14 Policy and Finance Committee Report 10, Clause 39, headed “Operating Variance Report for the Nine Months Ended - September 30, 2005”.****December 14, 2005:***Motion:*

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

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

*Votes:*

The motion by Councillor Del Grande carried.

The Clause, as amended, carried.

Deputy Mayor Bussin in the Chair.

**S14.15 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”.****December 14, 2005:**

Deputy Mayor Bussin advised the Council that, in accordance with the procedural motion adopted by Council on December 7, 2005, the following motions had been brought forward for consideration with this Clause:

*Motions from Council Meeting of December 5, 6 and 7, 2005:*

- (a) Councillor Watson moved that the Clause be amended by deleting Part 2 of Section (d) of Schedule A to the report (October 11, 2005) from the Acting Executive Director, Municipal Licensing and Standards and inserting instead the following:

“2. From Monday to Wednesday, the number of security guards be in a ratio of 1 for every 100 patrons in attendance and from Thursday to Sunday, the number of security guards be in a ratio of 1 for every 100 patrons authorized by the approved occupancy load noted on the liquor licence.”

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

“That the Acting Executive Director, Municipal Licensing and Standards report back to City Council in June 2006, through the Planning and Transportation Committee, on the possibility of licensing event promoters in the City of Toronto.”

*Motion moved December 14, 2005:*

- (c) Councillor Rae moved that motion (a) by Councillor Watson be amended by inserting the words “as well as at private functions” after the words “From Monday to Wednesday” in Part 2 of Section (d) of Schedule A.

*Votes:*

Motion (c) by Councillor Rae carried.

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

Motion (b) by Councillor Thompson carried.

Adoption of Clause, as amended:

Yes - 27	
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Milczyn, Moscoe, Nunziata, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 26.

**December 16, 2005:**

*Motion to Re-Open:*

Councillor Lindsay Luby, 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, the vote upon which was taken as follows:

Yes - 22	
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Soknacki
No - 8	
Councillors:	Ford, Holyday, Minnan-Wong, Pitfield, Shiner, Stintz, Walker, Watson

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

*Motion:*

- (d) Councillor Mihevc moved that motion (a) by Councillor Watson be amended by deleting from the amendment to Part 2 of Section (d) of Schedule A, the words “authorized by the approved occupancy load noted on the liquor licence”, and inserting instead the words “in attendance”, so that Part 2 of Section (d) of Schedule A, now reads as follows:

- “2. From Monday to Wednesday, the number of security guards be in a ratio of 1 for every 100 patrons in attendance and from Thursday to Sunday, the number of security guards be in a ratio of 1 for every 100 patrons in attendance.”

*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 next regular meeting of City Council on January 31, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Soknacki:

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

**S14.16 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”.**

**December 14, 2005:**

Deputy Mayor Bussin advised the Council that, in accordance with the procedural motion adopted by Council on December 7, 2005, the following motion had been brought forward for consideration with this Clause:

*Motion from Council Meeting of December 5, 6 and 7, 2005:*

- (a) 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.

*Motion moved December 14, 2005:*

- (b) Councillor Nunziata moved that the Clause, together with motion (a) by Councillor Moscoe, be referred back to the Works Committee for further consideration:

*Vote on Referral:*

Motion (b) by Councillor Nunziata carried.

*Summary:*

In summary, City Council referred this Clause, together with the following motion, back to the Works Committee for further consideration:

Moved by Councillor Moscoe:

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

**S14.17 Administration Committee Report 9, Clause 11, headed “Sale of Surplus Property - Portions of 2756 Old Leslie Street (Ward 24 - Willowdale)”.****December 14, 2005:***Motion:*

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

*Votes:*

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

**S14.18 Audit Committee Report 3, Deferred Clause 12c, headed “Toronto Emergency Medical Services (EMS) Operational Support Review - Response to Auditor General Recommendations”.****December 16, 2005:***Vote:*

Adoption of Clause, without amendment:

Yes - 30	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Thompson, Walker, Watson
No - 2	
Councillors:	Ford, Minnan-Wong

Carried by a majority of 28.



**S14.19 North York Community Council Report 6, Deferred Clause 8d, headed “Community Safety Zone - Grandravine Drive (Ward 8 - York West and Ward 9 - York Centre)”.**

**December 16, 2005:**

The Clause was submitted without recommendation.

*Motions:*

- (a) Councillor Li Preti moved that Council adopt the following:

“That the Community Safety Zone be implemented on Grandravine Drive, on a trial basis for one year at an approximate cost of \$1,600.00; and further that, at the end of the one-year trial, the General Manager, Transportation Services, be requested to report back to the North York Community Council on the effectiveness of the Community Safety Zone and with final recommendations.”

- (b) Councillor Augimeri moved that the Clause be received.

*Vote:*

Adoption of motion (b) by Councillor Augimeri:

Yes - 21	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Ford, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Pantalone, Watson
No - 8	
Councillors:	Cho, Li Preti, Nunziata, Palacio, Pitfield, Shiner, Soknacki, Walker

Carried by a majority of 13.

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

*Summary:*

In summary, City Council received this Clause.

**S14.20 Economic Development and Parks Committee Report 8, Deferred Clause 18c, headed “Other Items Considered by the Committee”.****December 16, 2005:***Motion:*

Councillor Ford moved that Item (j), entitled “Toronto City Hall Hockey Team”, contained in this Clause, be referred back to the Economic Development and Parks Committee for further consideration.

*Vote:*

Adoption of motion by Councillor Ford:

Yes - 18	
Councillors:	Ashton, Cowbourne, Di Giorgio, Fletcher, Ford, Hall, Holyday, Jenkins, Li Preti, McConnell, Milczyn, Minnan-Wong, Nunziata, Palacio, Pitfield, Soknacki, Walker, Watson
No - 12	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Lindsay Luby, Mihevc, Moscoe, Pantalone, Shiner

Carried by a majority of 6.

**S14.21 Policy and Finance Committee Report 10, Clause 3, headed “Implementation of the Recommendations of the Bellamy Inquiry”.****December 16, 2005:**

Mayor Miller advised the Council that, in accordance with the procedural motion adopted by Council on December 7, 2005, the following motion had been brought forward for consideration with this Clause:

*Motion from Council Meeting of December 5, 6 and 7, 2005:*

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

*Permission to Revise Motion:*

Councillor Moscoe, with the permission of Council, revised his motion to read as follows:

“That the Clause be amended to provide that the ‘Ethics Steering Committee’ be renamed the ‘Bellamy Recommendations Steering Committee’.”

*Votes:*

The revised motion by Councillor Moscoe carried.

Adoption of Clause, as amended:

Yes - 31	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

**S14.22 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)”.**

**December 16, 2005:**

*Motion:*

Councillor Mihevc moved that the Clause be amended by deleting the recommendations of the Etobicoke York Community Council and inserting instead the following:

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

*Votes:*

Adoption of motion by Councillor Mihevc:

Yes - 20	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Fletcher, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Pitfield, Shiner, Thompson, Walker
No - 10	
Councillors:	Ashton, Di Giorgio, Ford, Grimes, Kelly, Milczyn, Minnan-Wong, Nunziata, Palacio, Saundercook

Carried by a majority of 10.

The Clause, as amended, carried.

**S14.23 Policy and Finance Committee Report 9, Deferred Clause 31b, headed “Toronto Transit Commission - Streetcar Fleet Plan”.**

**December 16, 2005:**

Mayor Miller advised the Council that, in accordance with the procedural motion adopted by Council on December 7, 2005, the following motions had been brought forward for consideration with this Clause:

*Motions from Council Meeting of December 5, 6 and 7, 2005:*

- (a) 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 following recommendation of the Budget Advisory Committee contained in the communication (October 14, 2005) from the Committee:

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

- (b) 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 future decision being made by the Toronto Transit Commission on any refurbishing of current streetcars or purchase of new streetcars.”

*Votes:*

Adoption of motion (b) by Councillor Shiner:

Yes - 31	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Thompson, Walker
No - 0	

Carried, without dissent.

Adoption of motion (a) by Councillor Watson:

Yes - 30	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Walker
No - 2	
Councillors:	Ford, Thompson

Carried by a majority of 28.

The Clause, as amended, carried.

*Summary:*

In summary, City Council amended this Clause by:

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

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

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

- (2) adding the following:

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

**S14.24 Audit Committee Report 4, Clause 3, headed “Let’s Build Program – 3810 Bathurst Street and 1555 Jane Street”.**

**December 16, 2005:**

*Motion:*

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

“That the following staff recommendations contained in the Recommendations Section of the supplementary report (December 5, 2005) from the Chief Planner and Executive Director, City Planning Division, be adopted:

‘It is recommended that:

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

*Votes:*

The motion by Councillor Di Giorgio carried.

The Clause, as amended, carried.

**S14.25 Policy and Finance Committee Report 9, Deferred Clause 46b, headed “Other Items Considered by the Committee”.**

**December 16, 2005:**

*Motion:*

Councillor Ford moved that Item (f), entitled “City of Toronto Hiring Practices and Employment Policies”, as contained in the Clause, be referred back to the Policy and Finance Committee for further consideration.

*Vote:*

Adoption of motion by Councillor Ford:

Yes - 9	
Councillors:	Ford, Holyday, Kelly, Milczyn, Minnan-Wong, Nunziata, Palacio, Pitfield, Walker
No - 24	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Saundercook, Shiner, Thompson

Lost by a majority of 15.

The Clause was received for information.

*Summary:*

In summary, City Council received Item (f), entitled “City of Toronto Hiring Practices and Employment Policies”, as contained in this Clause, for information.

**S14.26 Works Committee Report 9, Deferred Clause 1b, headed “Bicycle Lane Guidelines and Royal York Road Pavement Marking Options (All Wards)”.**

**December 16, 2005:**

*Ruling by Mayor Miller:*

Mayor Miller ruled the following staff Recommendation (2) contained in the Recommendations Section of the report (September 26, 2005) from the General Manager, Transportation Services, out of order, as it would require a re-opening of a previous decision of Council:

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

Councillor Holyday challenged the ruling of the Mayor.

*Vote to Uphold Ruling of Mayor:*

Yes - 27	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Thompson, Walker
No - 2	
Councillors:	Ashton, Holyday

Carried by a majority of 25.

*Motions:*

- (a) Councillor Moscoe moved that the balance of the Clause be referred back to the Works Committee for further consideration, in order to provide an opportunity for Councillor Moscoe to address the Committee
- (b) Councillor Milczyn moved that motion (a) by Councillor Moscoe be amended to provide that the balance of the Clause also be referred to the Community Councils, with a request that the Community Councils provide comments on the Bicycle Lane Guidelines to the Works Committee.

*Votes:*

Motion (b) by Councillor Milczyn carried.

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

*Summary:*



In summary, City Council:

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

**S14.27 Board of Health Report 8, Clause 2, headed “Provision of Animal Services to the Town of Markham and the City of Pickering”.**

**December 16, 2005:**

*Motion:*

Councillor Kelly moved that the Clause be referred back to the Board of Health, with a request that Board invite elected officials and staff from the Town of Markham and the City of Pickering to attend the meeting.

*Vote on Referral:*

Adoption of motion by Councillor Kelly:

Yes - 13 Councillors:	Bussin, De Baeremaeker, Ford, Holyday, Kelly, Li Preti, Lindsay Luby, Nunziata, Palacio, Pitfield, Shiner, Thompson, Walker
No - 18 Mayor: Councillors:	Miller Ashton, Augimeri, Carroll, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Saundercook

Lost by a majority of 5.

The Clause was adopted, without amendment.

**S14.28 Community Services Committee Report 9, Clause 8, headed “Ontario Works Special Diet Allowance Update”.**

**December 16, 2005:**

*Motions:*

- (a) Councillor Ford moved that the Clause be received.

Councillor Lindsay Luby in the Chair.

Mayor Miller in the Chair.

- (b) Councillor Ashton moved that the Clause be amended by deleting Recommendation (1) of the Community Services Committee and inserting instead the following new Recommendation (1):

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

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

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

*Votes:*

Adoption of motion (a) by Councillor Ford:

Yes - 6	
Councillors:	Filion, Ford, Holyday, Kelly, Minnan-Wong, Nunziata
No - 27	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Thompson, Walker, Watson

Lost by a majority of 21.

Adoption of motion (b) by Councillor Ashton:

Yes - 26 Mayor: Miller Councillors: Ashton, Augimeri, Bussin, Carroll, De Baeremaeker, Di Giorgio, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Thompson, Walker, Watson
No - 5 Councillors: Davis, Filion, Fletcher, McConnell, Mihevc

Carried by a majority of 21.

Mayor Miller, due to the above decision of Council, declared motion (c) by Councillor Mihevc, redundant.

Adoption of Clause, as amended:

Yes - 32 Mayor: Miller Councillors: Ashton, Augimeri, Bussin, Carroll, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Thompson, Walker, Watson
No - 0

Carried, without dissent.

*Summary:*

In summary, City Council amended this Clause by deleting Recommendation (1) of the Community Services Committee and inserting instead the following new Recommendation (1):

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

The Clause, as amended, carried.

**S14.29 Community Services Committee Report 9, Clause 9, headed “Harm Reduction Programs in Shelters”.****December 16, 2005:***Motion:*

Councillor Ford moved that the Clause be amended to provide that the budget for this Program be reduced by \$100,000.00 (\$80,000.00 for alcohol and \$20,000.00 for cigarettes).

*Ruling by Mayor:*

Mayor Miller ruled the motion by Councillor Ford out of order, as the 2006 Operating Budget for Shelter, Support and Housing Administration was not before Council for consideration.

*Vote:*

Adoption of Clause, without amendment:

Yes - 24	
Mayor:	Miller
Councillors:	Bussin, Cho, Davis, Di Giorgio, Filion, Fletcher, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Palacio, Pantalone, Pitfield, Saundercook, Thompson, Walker, Watson
No - 3	
Councillors:	Ford, Holyday, Nunziata

Carried by a majority of 21.

**S14.30 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)”.****December 16, 2005:**

The Clause was submitted without recommendation.

*Motions:*

(a) Deputy Mayor Pantalone moved that Council adopt the following:

“That:

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

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

“That the proposed sign at 2 Strachan Avenue be refused, and the appropriate City staff be requested to negotiate with Maple Leaf Sports and Entertainment Limited for a sign that addresses the concerns of City staff from a heritage and planning perspective; and the Director, Community Planning, Toronto and East York District, be requested to report back to Council, through the Toronto and East York Community Council, on the results of the negotiations.”

*Votes:*

Adoption of motion (a) by Deputy Mayor Pantalone:

Yes - 20	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Giambrone, Grimes, Hall, Kelly, Lindsay Luby, Mihevc, Nunziata, Pantalone, Saundercook, Soknacki
No - 11	
Councillors:	Fletcher, Ford, Holyday, Jenkins, Milczyn, Moscoe, Pitfield, Shiner, Stintz, Walker, Watson

Carried by a majority of 9.

Mayor Miller, due to the above decision of Council, declared motion (b) by Councillor Watson, redundant.

The Clause, as amended, carried.

*Summary:*

In summary, City Council adopted the following:

“That:

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

**S14.31 Works Committee Report 11, Clause 16, headed “Other Items Considered by the Committee”.**

**December 16, 2005:**

*Motion:*

Councillor Stintz moved that Item (f), entitled “Outcome of Meeting with Representatives of the Toronto Civic Employees’ Union, Local 416 - Recycling Collection Operations in former York and Etobicoke”, contained in this Clause, be referred back to the Works Committee for further consideration.

*Vote:*

The motion by Councillor Stintz carried.

The balance of this Clause was received for information.

**S14.32 Etobicoke York Community Council Report 9, Clause 12, headed “Installation of Speed Humps - East Drive, between Brendwin Road and Bexley Crescent (Ward 11 - York South-Weston)”.**

**December 16, 2005:**

*Motion:*

Councillor Ford moved that the Clause be received.

*Votes:*

Adoption of the motion by Councillor Ford:

Yes - 5 Councillors:	Augimeri, Ford, Holyday, Kelly, Pitfield
No - 27 Mayor: Councillors:	Miller Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Giambrone, Hall, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 22.

The Clause was adopted, without amendment.

**S14.33 Toronto and East York Community Council Report 9, Clause 42, headed “Speed Bumps in Public Lane System bounded by Lappin Avenue, Emerson Avenue, Wallace Avenue and St. Clarens Avenue (Ward 18 - Davenport)”.**

**December 16, 2005:**

*Motion:*

Councillor Ford moved that the Clause be received.

*Votes:*

Adoption of the motion by Councillor Ford:

Yes - 5 Councillors:	Augimeri, Ford, Kelly, Minnan-Wong, Pitfield
No - 28 Mayor: Councillors:	Miller Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 23.

The Clause was adopted, without amendment.

**S14.34 Toronto and East York Community Council Report 9, Clause 43, headed “Speed Bumps - Public Lane first north of Queen Street East, between Hastings Avenue and Alton Avenue (Ward 30 - Toronto-Danforth)”.**

**December 16, 2005:**

*Motion:*

Councillor Ford moved that the Clause be received.

*Votes:*

Adoption of the motion by Councillor Ford:

Yes - 5	
Councillors:	Augimeri, Ford, Kelly, Minnan-Wong, Pitfield
No - 28	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 23.

The Clause was adopted, without amendment.

**S14.35 IN-CAMERA MEETING SESSION OF THE COMMITTEE OF THE WHOLE**

**December 14, 2005:**

Deputy Mayor Bussin in the Chair.

*Procedural Motion:*

Deputy Mayor Pantalone, at 6:00 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matters on the Order Paper for this meeting of Council, in accordance with the provisions of the *Municipal Act, 2001*:



- (a) 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”, as it contains information pertaining to litigation or potential litigation;
- (b) Policy and Finance Committee Report 10, Clause 35, headed “1555 Jane Street – Status of Litigation (Ward 12 - York South-Weston)”, as it contains information pertaining to litigation or potential litigation; and
- (c) 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:*

The motion by Deputy Mayor Pantalone carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 6:05 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the *Municipal Act, 2001*.

Committee of the Whole rose, reconvened as Council at 7:19 p.m., and met in public session in the Council Chamber.

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

**S14.36 Policy and Finance Committee Report 9, Clause 34b, headed “Update on Status of Discussions with Toronto Port Authority Concerning Payments in Lieu of Taxes”.**

*Report of the Committee of the Whole:*

Deputy Mayor Bussin, 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 Moscoe moved that the Clause be amended by:
  - (1) deleting Recommendation (1) of the Policy and Finance Committee and inserting instead the following confidential instructions to staff, which are now public in their entirety:

“(1) City Council advise the Toronto Port Authority that it will be taking

the following action:

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

*Votes:*

Adoption of motion (b) by Councillor Holyday:

Yes - 8 Councillors: Ford, Holyday, Minnan-Wong, Nunziata, Palacio, Shiner, Soknacki, Stintz
No - 19 Councillors: Altobello, Augimeri, Bussin, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Pantalone, Rae

Lost by a majority of 11.

Adoption of motion (a) by Councillor Moscoe:

Yes - 18 Councillors: Altobello, Augimeri, Bussin, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Moscoe, Pantalone, Rae
No - 9 Councillors: Ford, Holyday, Milczyn, Minnan-Wong, Nunziata, Palacio, Shiner, Soknacki, Stintz

Carried by a majority of 9.

The Clause, as amended, carried.

**S14.37 Policy and Finance Committee Report 10, Clause 35, headed “1555 Jane Street – Status of Litigation (Ward 12 - York South-Weston)”.**

The Clause was submitted without recommendation.

**December 14, 2005:**

*Report of the Committee of the Whole:*

Deputy Mayor Bussin, 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 Hall moved that City Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (November 16, 2005) from

the City Solicitor, attached to the confidential communication (November 22, 2005) from the Policy and Finance Committee.

(b) Councillor Di Giorgio moved that the Clause be received.

*Votes:*

Adoption of motion (b) by Councillor Di Giorgio:

Yes - 14 Councillors:	Altobello, Augimeri, Davis, De Baeremaeker, Di Giorgio, Filion, Ford, Jenkins, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Walker
No - 13 Councillors:	Bussin, Cowbourne, Fletcher, Giambrone, Hall, Holyday, Lindsay Luby, Minnan-Wong, Nunziata, Rae, Shiner, Soknacki, Stintz

Carried by a majority of 1.

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

**December 16, 2005:**

Mayor Miller in the Chair.

*Motion to Re-Open:*

Councillor Davis, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, which carried, the vote upon which was taken as follows:

Yes - 33 Mayor: Councillors:	Miller Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Thompson, Walker
No - 1 Councillor:	Ford

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

*Motion:*

Councillor Di Giorgio moved that City Council adopt the following:

“That:

- (1) \$500,000.00 be set aside in the 2007-2010 Capital Budget to be discussed in June 2006, to provide community facilities as a satellite to the new York Community Centre;
- (2) the 280 daycare spaces approved under the Best Start program be confirmed for the immediate vicinity; and
- (3) the staff recommendations contained in the Recommendations Section of the confidential report (November 16, 2005) from the City Solicitor, attached to the confidential communication (November 22, 2005) from the Policy and Finance Committee, be adopted.”

*Votes:*

Adoption of Parts (1) and (2) of the motion by Councillor Di Giorgio:

Yes - 33	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Thompson, Walker
No - 1	
Councillor:	Ford

Carried by a majority of 32.

Adoption of Part (3) of the motion by Councillor Di Giorgio and Clause as amended:

Yes - 33	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Thompson, Walker
No - 1	
Councillor:	Ford

Carried by a majority of 32.

*Summary:*

In summary, City Council adopted the following:

“That:

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

‘It is recommended that:

- (1) Council authorize the City Solicitor to direct its outside legal counsel to settle the outstanding litigation in accordance with the settlement offer described in the correspondence of Mr. Makuch dated November 1, 2005; and

- (2) an amending Section 37 Agreement be prepared by the City Solicitor to provide for payment to the City of \$25,000.00 to implement the settlement offer, to be used to provide for parks and recreational improvements in the surrounding area as determined by the General Manager, Parks, Forestry and Recreation, and that the appropriate City officials be authorized to execute such agreement.’ ”

**S14.38 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)”.**

**December 14, 2005:**

*Report of the Committee of the Whole:*

Deputy Mayor Bussin, 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) Deputy Mayor Pantalone moved that the Clause be amended by adding the following:  
“That the confidential report (November 29, 2005) from the City Solicitor, be received.”
- (b) Councillor Holyday moved that the Clause be amended by adding the following:  
“That the confidential report (November 29, 2005) from the City Solicitor, be adopted.”
- (c) Councillor Rae moved that the Clause be amended by:
  - (1) deleting Recommendation (4) of the Toronto and East York Community Council;

(2) adding the following:

“That Council adopt the following recommendations of the Toronto Preservation Board contained in its communication dated June 10, 2005:

‘That City Council:

- (1) adopt the staff recommendations in the Recommendations Section of the report (May 26, 2005) from the Director, Policy and Research, City Planning Division; and
- (2) list the property at 128 Howland Avenue on the City of Toronto Inventory of Heritage Properties.’ ”

*Votes:*

Adoption of motion (a) by Deputy Mayor Pantalone:

Yes - 15	
Councillors:	Augimeri, Bussin, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Jenkins, Moscoe, Palacio, Pantalone, Soknacki, Walker
No - 12	
Councillors:	Altobello, Ford, Hall, Holyday, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Rae, Shiner, Stintz

Carried by a majority of 3.

Deputy Mayor Bussin, due to the above decision of Council, declared motions (b) and (c) by Councillors Holyday and Rae, respectively, redundant.

*Summary:*

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

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



**MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION**

Deputy Mayor Pantalone in the Chair.

**S14.39 F(1) Harmonized Permit Rates (All Wards)**

**December 16, 2005:**

Deputy Mayor Pantalone 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, during consideration of 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 136.)

Council also had before it, during consideration of Motion F(1), a communication (November 9, 2005) from the Ru-Yi Tai-Ji Exercise Group, c/o Shinn-Der Chang, forwarding a petition signed by 67 individuals requesting that the high rates for gymnasium use at Community Centres be waived, which is on file in the City Clerk’s Office.

*Motion:*

Councillor Augimeri moved that Motion F(1) be amended by deleting from the second Operative Paragraph the words “in May of 2006”, and inserting instead the words “on May 1, 2006”, so that such Operative Paragraph now reads as follows:

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

*Votes:*

Adoption of motion by Councillor Augimeri:

Yes - 23	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Carroll, Cho, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Shiner, Thompson, Walker
No - 8	
Councillors:	Ashton, Cowbourne, Ford, Hall, Kelly, Milczyn, Soknacki, Stintz

Carried by a majority of 15.

Adoption of Motion F(1), as amended:

Yes - 20 Councillors:	Augimeri, Carroll, Cho, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Jenkins, Kelly, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Shiner, Thompson, Walker
No - 11 Mayor: Councillors:	Miller Ashton, Bussin, Cowbourne, De Baeremaeker, Ford, Hall, Holyday, Lindsay Luby, Soknacki, Stintz

Carried by a majority of 9.

*Summary:*

[Note:

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

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

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

Deputy Mayor Bussin in the Chair.

**S14.40 F(2) Funding of New Year’s Eve Fireworks Display**

**December 14, 2005:**

Deputy Mayor Bussin 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, during consideration of 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 137.)

*Vote:*

Adoption of Motion F(2), without amendment:

Yes - 17	
Councillors:	Augimeri, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Fletcher, Grimes, Holyday, Jenkins, Mihevc, Milczyn, Minnan-Wong, Pantalone, Saundercook, Shiner, Stintz
No - 17	
Councillors:	Altobello, Ashton, Bussin, Carroll, Davis, Del Grande, Ford, Giambrone, Kelly, Lindsay Luby, Nunziata, Pitfield, Rae, Soknacki, Thompson, Walker, Watson

Lost, there being a tie vote.

*Disposition:*

Motion F(2) was not adopted by City Council.

Deputy Mayor Pantalone in the Chair.

S14.41 I(6) **Request for Enforcement of the *Child and Family Services Act***

**December 16, 2005:**

Deputy Mayor Pantalone 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*.”

*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 134.)

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.

*Vote:*

Adoption of Motion I(6), without amendment:

Yes - 12	
Councillors:	Ashton, Di Giorgio, Grimes, Hall, Holyday, Kelly, Lindsay Luby, Milczyn, Nunziata, Palacio, Pitfield, Stintz
No - 19	
Councillors:	Augimeri, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Filion, Fletcher, Ford, Giambrone, Jenkins, Mihevc, Minnan-Wong, Moscoe, Pantalone, Shiner, Soknacki, Walker, Watson

Lost by a majority of 7.

*Disposition:*

Motion I(6) was not adopted by City Council.

**S14.42 J(1) Cost of Living Adjustment for Elected Officials**

**December 16, 2005:**

Deputy Mayor Pantalone called on the following Motion appearing on the Order Paper:

**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 No. 8, Clause 16, headed ‘Cost of Living Adjustment for Non-Union Staff’, be re-opened for further consideration, only as it pertains to salary increases for elected officials;

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

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

*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 3, Page 138)

Council also had before it, during consideration of Motion J(1), a Toronto Star Article (December 16, 2005) entitled "Council's pay hike must be rescinded", submitted by Councillor Jane Pitfield, Ward 26, Don Valley West, which is on file in the City Clerk's Office.

*Motion:*

- (a) Councillor Moscoe moved that Motion J(1) be amended by:
- (1) deleting the second Operative Paragraph, and inserting instead the following:  
  
"AND BE IT FURTHER RESOLVED THAT Council adopt the recommendation of the Policy and Finance Committee, as contained in the Clause."; and
  - (2) adding the following new Operative Paragraphs:  
  
"AND BE IT FURTHER RESOLVED THAT Members of Council be advised that if they do not wish to accept the proposed increase in Councillors' salary, they be directed to advise the City Clerk by noon on Monday, December 19, 2005, of the amount they wish to donate back to the City, by way of a written memorandum (hard copy);  
  
**AND BE IT FURTHER RESOLVED THAT**, in the event that Council establishes an external body to review Councillors' remuneration:
    - (i) Councillors be given the opportunity to make representation to the external body;
    - (ii) the external body's report be treated in the same manner as compulsory arbitration; and
    - (iii) the external body report directly to Council, and Council be obliged to adopt its recommendations without debate or discussion."

*Extension of Time to Speak:*

Councillor Walker spoke to the matter for a period of five minutes. Councillor Watson moved that, in accordance with §27-27, Five Minute Limit, of Chapter 27, Council Procedures, of the City of Toronto Municipal Code, Councillor Walker be granted a further period of five minutes in order to conclude his remarks, the vote upon which was taken as follows:

Yes - 21	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Carroll, De Baeremaeker, Di Giorgio, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Milczyn, Nunziata, Shiner, Stintz, Walker, Watson
No - 10	
Councillors:	Bussin, Cowbourne, Filion, Giambrone, Mihevc, Minnan-Wong, Moscoe, Palacio, Pantalone, Pitfield

Carried by a majority of 11.

*Motion:*

- (b) Councillor Walker moved that Part (2) of motion (a) by Councillor Moscoe be amended to provide that the external body be requested to bring forward its recommendations respecting salaries for Members of Council during this term of Council, with such recommendations to take effect for the start of the next term of Council (December 1, 2006).

*Procedural Motion:*

Moved by Councillor Soknacki:

“That:

- (1) all motions moved at the December 16, 2005 meeting of City Council on any items remaining on the agenda be forwarded to the next regular meeting of City Council on January 31, 2006, or to a special meeting of City Council called to complete consideration of unfinished business, should one be called, and these motions be deemed to be moved; and
- (2) any speaker’s lists from the December 16, 2005 meeting of City Council be carried forward to the next regular meeting of City Council on January 31, 2006, or to a special meeting of City Council called to complete consideration of unfinished business, should one be called, and be adopted for continuing the debate on this matter at that meeting, and that a provision be allowed for any Members who were not on a speaker’s list to add their names.”

*Vote:*



The motion by Councillor Soknacki carried.

*Disposition:*

[Note:

City Council on December 5-7, 2005, 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 Motion J(1) prior to the end of this meeting, consideration of the Motion was postponed to the next regular meeting of City Council on January 31, 2006.

Council also adopted the following procedural motion:

“That:

- (1) all motions moved at the December 16, 2005 meeting of City Council on any items remaining on the agenda be forwarded to the next regular meeting of City Council on January 31, 2006, or to a special meeting of City Council called to complete consideration of unfinished business, should one be called, and these motions be deemed to be moved; and
- (2) any speaker’s lists from the December 16, 2005 meeting of City Council be carried forward to the next regular meeting of City Council on January 31, 2006, or to a special meeting of City Council called to complete consideration of unfinished business, should one be called, and be adopted for continuing the debate on this matter at that meeting, and that a provision be allowed for any Members who were not on a speaker’s list to add their names.”

**S14.43 J(9) Report of Integrity Commissioner on Complaint of Violation of Councillor’s Code of Conduct**

**December 16, 2005:**

As Council did not conclude its consideration of the following Motion prior to the end of this meeting, consideration of the Motion was postponed to the next regular meeting of City Council on January 31, 2006:

**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, for consideration with 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 134)

Council also had before it, for consideration with Motion J(9), a report (November 28, 2005) from the Integrity Commissioner (See Attachment 1, Page 114).

**S14.44 J(17) Request to the Federal Government to Increase Mandatory Minimum Sentences for Criminals Convicted of Gun-Related Crimes**

**December 14, 2005:**

Deputy Mayor Pantalone called on the following Motion appearing on the Order Paper::

**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.”

*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 134)

*Motion:*

Councillor Nunziata moved that Motion J(17) be amended by adding the following new Operative Paragraphs:

**“AND BE IT FURTHER RESOLVED THAT** the federal and provincial governments be requested to do the following:

- (1) implement tougher penalties for those who smuggle guns into the Country;
- (2) implement tougher penalties with minimum prison terms for those who commit crimes with guns, or are in possession of illegal guns;
- (3) ensure that when repeat offenders are sentenced, those sentences reflect their habitual offender status and that they be required to serve the full term of the sentence; and
- (4) ensure that sentences and fines reflect the actual costs of arrest and prosecutions;

**AND BE IT FURTHER RESOLVED THAT** the City Solicitor be requested to report to the Policy and Finance Committee on how the City can make property owners legally and financially liable, if it is proven that the landlord knew that their premises were being used for illegal or criminal activities.”

*Votes:*

The motion by Councillor Nunziata carried.

Motion J(17), as amended, carried.

**S14.45 J(20) Site Plan Approval and Rezoning Application - 110 Rexdale Boulevard****December 16, 2005:**

As Council did not conclude its consideration of the following Motion prior to the end of this meeting, consideration of the Motion was postponed to the next regular meeting of City Council on January 31, 2006:

**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.”

*Fiscal Impact Statement:*

City Council had before it, for consideration with 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 134)

Council also had before it, for consideration with Motion J(20), a report (December 5, 2005) from the Chief Planner and Executive Director, City Planning (See Attachment 2, Page 121).

**S14.46 J(22) Appeal to the Ontario Municipal Board – 19 and 21 Scarborough Beach Boulevard (Ward 32 - Beaches-East York)**

**December 14, 2005:**

Deputy Mayor Pantalone called on the following Motion appearing on the Order Paper:

**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.”

*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.

Council also had before it, during consideration of Motion J(22), a confidential report (November 28, 2005) from the City Solicitor.

*Vote:*

Adoption of Motion J(22), without amendment:

Yes - 29	
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Pantalone, Rae, Saundercook, Shiner, Stintz, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 28.

*Summary:*

In adopting Motion J(22), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report (November 28, 2005) from the City Solicitor. The following staff recommendations contained in the Recommendations Section of the report are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to litigation or potential litigation:

“It is recommended that:

- (1) Council approve, in principle, a settlement between the City and the appellant for the Ontario Municipal Board (OMB) appeal allowing the severance of the

existing 4-plex into 2 duplexes and permitting the associated variances;

- (2) the City Solicitor and appellant enter into Minutes of Settlement implementing the recommendations as follows:
- (a) that the appellant amend its application to seek consent from the Ontario Municipal Board to create further easements to accommodate vehicular access behind 19 and 21 Scarboro Beach Boulevard, in a manner satisfactory to Transportation Services;
  - (b) that the appellant amend its application to request the following further variance, for each of 19 and 21 Scarboro Beach Boulevard, at the Ontario Municipal Board Hearing:
    - ‘The number of required motor vehicle parking spaces for each property be reduced to one.’;
  - (c) that the appellant further amend its application in the following manner:
    - (i) Application A0334/05TEY Requested Variance 5 shall state:
      - ‘The minimum dimensions for a motor vehicle parking space are 2.6 by 5.9 metres but the proposed parking space is 2.6 by 5.65 metres.’;
    - (ii) Application A0334/05TEY Requested Variance 6 be deleted (inaccessible parking space(s)); and
    - (iii) Application A0335/05TEY Requested Variance 4 be deleted (inaccessible parking space(s)); and
  - (d) that the Ontario Municipal Board grant the above variance, for each of 19 and 21 Scarboro Beach Boulevard, the consent application B0053/05TEY, and the Requested Variances, contained in applications A0034/05TEY and A0335/05TEY, as amended, subject to the following conditions:
    - (i) each property is limited to one parking space; and
    - (ii) the severance and creation of easements shall occur substantially in accordance with a set of plans to be submitted by the appellant and approved by the City of Toronto’s Transportation Services division and City Planning division.”

Deputy Mayor Bussin in the Chair.



**December 14, 2005:**

Deputy Mayor Bussin called on the following Motion appearing on the Order Paper:

**Moved by: Councillor Giambrone**

**Seconded by: Councillor Watson**

**“WHEREAS** City Council, at its meeting held on July 19, 20, 21 and 26, 2005, adopted Administration Committee Report 6, Clause 20, and thereby authorized and directed staff to complete the expropriation process to acquire all right, title and interest in the lands municipally known 405 Dufferin Street and part of 390-444 Dufferin Street for the proposed Dufferin Street Underpass project; and

**WHEREAS** title to the said parcels of land was vested in the City on October 14, 2005, by the registration of Expropriation Plans AT949025 and CA808274; and

**WHEREAS** pursuant to the *Expropriations Act*, the City is required to serve offers of compensation upon the registered owners of the parcels by January 13, 2006, which is prior to City Council’s next meeting on January 31, 2006; and

**WHEREAS** pursuant to the delegated authority contained in Clause 1 of Report 11 of the Corporate Services Committee, entitled ‘Acquisition and Disposal of Real Property’, adopted, as amended, by City Council on July 29, 30 and 31, 1998, the City Manager has authority to approve statutory offers of compensation for expropriations, where the payment is \$500,000.00 or less; and

**WHEREAS** as the two offers of compensation could exceed the City Manager’s \$500,000.00 delegated authority limit, City staff require authorization to make the offers of compensation up to a specified maximum amount, with the actual amount of the offers of compensation to be determined on the basis of an independent consultant’s appraisal report, which is pending;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the confidential report (December 2, 2005) of the Chief Corporate Officer, entitled ‘Statutory Offers of Compensation – All of 405 Dufferin Street and Part of 390-444 Dufferin Street - Dufferin Street Jog Elimination at Queen Street West – Proposed Dufferin Street Underpass Project’, and that the staff recommendations contained in the Recommendations Section of the report be adopted.”

*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.

Council also had before it, during consideration of Motion J(26), a confidential report (December 2, 2005) from the Chief Corporate Officer.

*Motion:*

Councillor Shiner moved that Motion J(26) be received.

*Votes:*

Adoption of motion by Councillor Shiner:

Yes - 7	
Councillors:	Del Grande, Ford, Holyday, Li Preti, Shiner, Stintz, Thompson
No - 16	
Councillors:	Augimeri, Bussin, Davis, Di Giorgio, Fletcher, Giambrone, Hall, Lindsay Luby, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Saundercook, Walker, Watson

Lost by a majority of 9.

Adoption of Motion J(26), without amendment:

Yes - 20	
Councillors:	Altobello, Augimeri, Bussin, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Walker, Watson
No - 8	
Councillors:	Del Grande, Ford, Holyday, Li Preti, Saundercook, Shiner, Stintz, Thompson

Carried by a majority of 12.

*Summary:*

In adopting Motion J(26), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report (December 2, 2005) from the Chief Corporate Officer. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information that is subject to solicitor-client privilege.

**S14.48 J(31) TEDCO's Application for Judicial Review of IPC Order MO-1966**

**December 16, 2005:**

As Council did not conclude its consideration of the following Motion prior to the end of this meeting, consideration of the Motion was postponed to the next regular meeting of City Council on January 31, 2006.

**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.”

*Fiscal Impact Statement:*

City Council had before it, for consideration with Motion J(31), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer.

Council also had before it, for consideration with 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.

Deputy Mayor Pantalone in the Chair.

**S14.49 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****December 14, 2005:**

Deputy Mayor Pantalone called on the following Motion appearing on the Order Paper:

**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.”

*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.

Council also had before it, during consideration of Motion J(32), a confidential report (December 5, 2005) from the City Solicitor.

*Vote:*

Motion J(32) was adopted, without amendment.

*Summary:*

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

“It is recommended that City Council:

- (1) agree to vary the February 15, 2005 settlement by permitting:
  - (a) the maximum parking ratio of 1.4 parking spaces per apartment house dwelling (inclusive of visitor parking) to be calculated based on the entire site with flexibility to allow a higher maximum ratio of 1.5 parking spaces per apartment house dwelling (inclusive of visitor parking) for the buildings with the larger units while the building with the smaller units would have a maximum ratio of 1.3 parking spaces per apartment house dwelling (inclusive of visitor parking), provided the overall maximum parking ratio for apartment house dwelling units (inclusive of visitor parking) would continue to be capped at a ratio of 1.4 (inclusive of visitor parking) for the site; and
  - (b) a 0.20 visitor parking ratio to be applied to the entire site; and
- (2) authorize and direct the appropriate City officials to take the necessary action to give effect thereto.”

**S14.50 J(36) Western Hemisphere Travel Initiative - Request to Add Issue to the Great Lakes and St. Lawrence Cities Agenda**

**December 16, 2005:**

As Council did not conclude its consideration of the following Motion prior to the end of this meeting, consideration of the Motion was postponed to the next regular meeting of City Council on January 31, 2006.

**Moved by: Councillor Moscoe**

**Seconded by: Councillor McConnell**

“**WHEREAS** on September 2, 2005, the United States Department of Homeland Security published advance notice of new regulations that will require all citizens of the United States, Canada, Bermuda and Mexico to have passports to enter or re-enter the United States by January 1, 2008; and

**WHEREAS** these requirements will discourage cross border interaction and have devastating effects on the Canadian and American economies, particularly on border cities; and

**WHEREAS** the primary tourist market for Toronto is Ohio, Michigan and New York States; and

**WHEREAS** fewer than 23 percent of all Americans hold United States passports; and

**WHEREAS** a family of four will be required to spend almost \$400.00 to obtain passports to travel to Canada; and

**WHEREAS** the present easily accessible border facilitates 300,000 crossings a day and more than \$1.2 billion a day in trade; and

**WHEREAS**, for example:

- over 3,500 Canadian nurses staff Detroit hospitals;
- a truck crosses the US-Canada border every 25 seconds, 24 hours a day, and 7 days a week;
- more than 5.2 million US jobs rely on trade with Canada; and
- the regulations will result in a \$750 million decline in tourism receipts in US communities from 2005 to 2008 alone; and

**WHEREAS** all Great Lakes cities are border cities; and

**WHEREAS** only US cities can effectively lobby the United States Congress to modify the regulations;

**NOW THEREFORE BE IT RESOLVED THAT** the Mayor be requested to place the Western Hemisphere Travel Initiative on the agenda of the Great Lakes and St. Lawrence Cities agenda;

**AND BE IT FURTHER RESOLVED THAT** City Council solicit support from all United States member municipalities to lobby Congress to modify home land security regulations to mitigate the devastating effects of the Passport regulations on the Canadian and United States economies.”

*Fiscal Impact Statement:*

City Council had before it, for consideration with 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 134)

Council also had before it, for consideration with 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.

**S14.51 J(43) Access to Information - Construction Plans for Neighbouring Properties**

**December 16, 2005:**

As Council did not conclude its consideration of the following Motion prior to the end of this meeting, consideration of the Motion was postponed to the next regular meeting of City Council on January 31, 2006:

**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 3, Page 132.)

Deputy Mayor Bussin in the Chair.

**S14.52 J(50) Ontario Municipal Board Hearing - 224 Lytton Boulevard**

**December 14, 2005:**

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 Jenkins**

**“WHEREAS** on June 23, 2005, the Committee of Adjustment, North York Panel, refused an application to sever the lot located at the property municipally known as 224 Lytton Boulevard and construct three single family detached homes; and

**WHEREAS** over 200 local residents signed a petition opposed to this application; and

**WHEREAS** the Committee of Adjustment did not approve this variance application for the following reasons:

- the proposed lots are not in keeping with the general pattern of development in the area;
- the application does not maintain the general intent of the Official Plan; and
- the proposed lots are not consistent with the lots in the area; and

**WHEREAS** the applicant has appealed the Committee of Adjustment decision to the Ontario Municipal Board, which is scheduled for January 4, 2006;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor be requested to attend the Ontario Municipal Board hearing to defend the decision of the Committee of Adjustment;

**AND BE IT FURTHER RESOLVED THAT** the City Solicitor be requested to hire an outside planner to attend the Ontario Municipal Board hearing to defend the decision of the Committee of Adjustment;

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



sufficient time to prepare for the hearing.”

*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(50) 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(50) 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(50), an Extract from the minutes of the North York Panel Committee of Adjustment meeting held on June 23, 2005, which is on file in the City Clerk’s Office.

*Vote:*

Motion J(50) was adopted, without amendment.

**S14.53 J(51) 946 Lawrence Avenue East – Site Plan Application (Ward 25 – Don Valley West)**

**December 14, 2005:**

Councillor Jenkins requested that, in accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, a Notice of Motion respecting 946 Lawrence Avenue East be added to the agenda for this special meeting, which carried, more than two-thirds of Members present having voted in the affirmative.

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

**Moved by: Councillor Jenkins**

**Seconded by: Councillor Walker**

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

**WHEREAS** on October 19, 2005, the owner of the commercial lands made an application to the City of Toronto to amend the Site Plan Agreement to consolidate the commercial space into one single commercial building on the commercial lands;

the owner is proposing to eliminate the other two commercial buildings originally approved to be located along the Lawrence Avenue frontage in favour of surface parking; and

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

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

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

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

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

*Advice by Deputy Mayor:*

Deputy Mayor Bussin advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(51) to the North York Community Council would have to be waived, in order to now consider this Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(51) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(51), a Notice of Decision (March 19, 2004) from the Manager and Deputy Secretary Treasurer, Midtown Panel, Committee of Adjustment, which is on file in the City Clerk’s Office.

*Vote:*

Motion J(51) was adopted, without amendment.

**S14.54 J(52) Qualified Professional Holistic Associations whose Members may be Licensed as City of Toronto Holistic Practitioners and Owners – Request to Re-open**

**December 14, 2005:**

Councillor Shiner requested that, in accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, a Notice of Motion respecting Professional Holistic Associations be added to the agenda for this special meeting, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Shiner 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 Shiner**

**Seconded by:**                **Councillor Stintz**

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

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

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

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

Council also had before it, during consideration of Motion J(52), a communication (December 13, 2005) from Steve Ellis, Barrister and Solicitor, which is on file in the City Clerk’s Office.

*Vote to Re-open:*

The first Operative Paragraph contained in Motion J(52) carried, more than two-thirds of Members present having voted in the affirmative.

*Motion:*

Councillor Milczyn moved that:

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

*Vote:*

The motion by Councillor Milczyn carried.

*Summary:*

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

“That:

- (1) the balance of Motion J(52) be referred to the Acting Executive Director, Municipal Licensing and Standards;
- (2) the four organizations that were previously denied accreditation be allowed to re-apply;
- (3) the previously approved recommendations contained in Planning and Transportation Committee Report 10, Clause 9, headed ‘Qualified Professional Holistic Associations whose Members may be Licensed as City

of Toronto Holistic Practitioners and Owners’, as adopted by City Council on December 5, 6 and 7, 2005, stand; and

- (4) the Acting Executive Director, Municipal Licensing and Standards report back to the Planning and Transportation Committee meeting on March 6, 2005 on this matter.”

Deputy Mayor Pantalone in the Chair.

**S14.55 J(53) Application for Demolition Permit - 2110 Dundas Street East, 112, 114, 116, 118, 122, 124 and 126 Kingston Road**

**December 14, 2005:**

Deputy Mayor Bussin requested that, in accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, a Notice of Motion respecting 2110 Dundas Street East, 112, 114, 116, 118, 122, 124 and 126 Kingston Road, be added to the agenda for this special meeting, which carried, more than two-thirds of Members present having voted in the affirmative.

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

**Moved by: Deputy Mayor Bussin**

**Seconded by: Councillor Rae**

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

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

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

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

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

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

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

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

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

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

*Advice by Deputy Mayor:*

Deputy Mayor Pantalone advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(53) 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(53) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(53) was adopted, without amendment.

Deputy Mayor Bussin in the Chair.

#### **S14.56 J(54) Access to Ministry of Transportation Vehicle Information by the Municipal Licensing and Standards Division**

**December 14, 2005:**

Councillor Filion requested that, in accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, a Notice of Motion respecting Access to Ministry of Transportation

Information, be added to the special agenda for this meeting, which carried, more than two-thirds of Members present having voted in the affirmative.

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 Stintz**

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

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

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

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

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

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

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

*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(54) to the Administration Committee would have to be waived, in order to now consider this Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(54) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Adoption of Motion J(54), without amendment:

Yes - 25
Councillors: Altobello, Augimeri, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Moscoe, Pantalone, Saundercook, Shiner, Stintz, Thompson, Watson
No - 0

Carried, without dissent.

**S14.57 J(55) Ontario Municipal Board Appeal – 1136 Dupont Street (Ward 18, Davenport)**

**December 14, 2005:**

Councillor Giambrone requested that, in accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, a Notice of Motion respecting Ministry of Transportation Information, be added to the agenda for this special meeting, which carried, more than two-thirds of Members present having voted in the affirmative.

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

**Moved by: Councillor Giambrone**

**Seconded by: Councillor Fletcher**

**“WHEREAS** at its meeting of November 9, 2005, the Committee of Adjustment approved, with conditions, Application A0460/05TEY requesting relief from Zoning



By-law 438-86; and

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

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

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

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

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

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

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

*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(55) 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(55) 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(55), a Notice of Decision (November 10, 2005) from the Acting Manager and Deputy Secretary Treasurer, Toronto and East York Panel, Committee of Adjustment, which is on file in the City Clerk's Office.

*Vote:*

Motion J(55) was adopted, without amendment.

**S14.58 J(56) Appointment to Fill Vacancy on the Social Housing Services Corporation****December 14, 2005:**

Deputy Mayor Pantalone requested that, in accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, a Notice of Motion respecting a Vacancy on the Social Housing Services Corporation, be added to the agenda for this special meeting, which carried, more than two-thirds of Members present having voted in the affirmative.

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

**Moved by: Deputy Mayor Pantalone**

**Seconded by: Mayor Miller**

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

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

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

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

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

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

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

*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(56) to the Striking Committee would have to be waived, in order to now consider this Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(56) to the Striking Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(56) was adopted, without amendment.

S14.59 Consideration of the following matters was deferred to the next regular meeting of City Council on January 31, 2006, as they remained on the Order Paper at the conclusion of this special meeting of Council:

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".

NOTICES OF MOTION

J(1) Moved by Councillor Jenkins, seconded by Councillor Walker regarding a cost of living adjustment for elected officials.

J(9) Moved by Mayor Miller, seconded by Deputy Mayor Feldman regarding a report of Integrity Commissioner on a complaint of violation of the Councillor's Code of Conduct.

J(20) Moved by Councillor Ford, seconded by Councillor Ootes regarding a Site Plan Approval and Rezoning Application for 110 Rexdale Boulevard.

J(31) Moved by Councillor Watson, seconded by Mayor Miller regarding TEDCO'S Application for Judicial Review of IPC Order MO 1966.

- J(36) Moved by Councillor Moscoe, seconded by Councillor McConnell regarding the Western Hemisphere Travel Initiative and a request to add an issue to the Great Lakes and St. Lawrence Cities Agenda.
- J(43) Moved by Councillor Moscoe, seconded by Councillor Filion regarding access to information related to construction plans for neighbouring properties.

### **BILLS AND BY-LAWS**

S14.60 On December 14, 2005, at 7:43 p.m., Councillor Jenkins, seconded by Councillor Filion, 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, which carried:

Bill No. 1055	By-law No. 1084-2005	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.
Bill No. 1075	By-law No. 1085-2005	To adopt Amendment No. 355 to the Railway Lands East Part II Plan for the former City of Toronto with respect to lands municipally known as 40 Bay Street.
Bill No. 1076	By-law No. 1086-2005	To amend former City of Toronto By-law No. 168-93, the Railways Lands East Area A Zoning By-law, as amended, with respect to lands municipally known as 40 Bay Street,

the vote upon which was taken as follows:

Yes - 23
Councillors: Altobello, Augimeri, Bussin, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Jenkins,

	Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Shiner, Soknacki, Stintz, Walker
No - 4	
Councillors:	Ford, Holyday, Minnan-Wong, Nunziata

Carried by a majority of 19.

S14.61 On December 14, 2005, at 7:43 p.m., Councillor Filion, seconded by Councillor Jenkins, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 1077	By-law No. 1087-2005	To confirm the proceedings of the Council at its Special meeting held on the 14th day of December, 2005,
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the vote upon which was taken as follows:

Yes - 25	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Rae, Shiner, Soknacki, Stintz, Walker
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 23.

S14.62 On December 16, 2005, at 4:14 p.m., Councillor Lindsay Luby, seconded by Councillor De Baeremaeker, 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, which carried:

Bill No. 1017	By-law No. 1088-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
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Bill No. 1018	By-law No. 1089-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
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Bill No. 1078	By-law No. 1090-2005	To adopt Amendment No. 345 to the Official Plan for the former City of Toronto with respect to the lands municipally known 109 Bernard Avenue, 100 Spadina Road and 97 Walmer Road.
Bill No. 1079	By-law No. 1091-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto with respect to lands municipally known as 109 Bernard Avenue, 100 Spadina Road and 97 Walmer Road,

the vote upon which was taken as follows:

Yes - 28	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Walker
No - 5	
Councillors:	Ford, Minnan-Wong, Nunziata, Stintz, Watson

Carried by a majority of 23.

S14.63 On December 16, 2005, at 4:17 p.m., Councillor Kelly, 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. 1080	By-law No. 1092-2005	To confirm the proceedings of the Council at its Special meeting held on the 14th and 16th days of December, 2005,
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the vote upon which was taken as follows:

Yes - 28	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone,

	Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Stintz
No - 5 Councillors:	Ford, Minnan-Wong, Nunziata, Walker, Watson

Carried by a majority of 23.

The following Bill were withdrawn:

- 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.

#### **OFFICIAL RECOGNITIONS:**

##### **S14.64 Condolence Motions**

##### **December 16, 2005:**

Mayor Miller in the Chair.

Councillor Pitfield, seconded by Councillor Walker, moved that:

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

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

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

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

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

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

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

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to the family and fellow police officers of Constable Valerie Gignac on their tragic loss.”

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

Council rose and observed a moment of silence in memory of the late Constable Valerie Gignac.

#### **S14.65 Presentations/Introductions/Announcements:**

##### **December 14, 2005:**

Councillor Fletcher, with the permission of Council, during the morning session of the special meeting, introduced a delegation from Kwanzhi Province in China, present at the meeting.

Councillor Mihevc, with the permission of Council, during the afternoon session of the special meeting, advised the Council that Toronto Children’s Services unveiled the Children’s Services 2006 Multi-Ethnic Calendar today at one of the City’s Child Care Centres. The calendar features holidays and festivals that are celebrated around the world by different cultures and communities of common bond and children enrolled in Children’s Services Municipal Child Care Centres created the artwork for the calendar. Councillor Mihevc extended, on behalf of Council, the appreciation of Council to the artists for their great pieces of art and encouraged all Members of Council to support this effort and celebrate multi-culturalism.

##### **December 16, 2005:**

Councillor Giambrone, with the permission of Council, during the morning session of the special meeting, introduced the Grades 4 and 5 students of St. Luigi Catholic School, present at the special meeting.

Mayor Miller, during the afternoon session of the special meeting, introduced the Grades 4 and 5 students of St. Luigi Catholic School, present at the special meeting.



Councillor Cho, during the afternoon session of the special meeting, presented the City with a cheque, in the amount of \$1,000.00, from the Can-Kor Senior Bowling and Health Association, to provide assistance for the homeless people of the City of Toronto.

#### S14.66 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE

*Vary the order of proceedings of Council:*

##### **December 14, 2005:**

Councillor Mammoliti, at 2:30 p.m., moved that Council vary the order of its proceedings to consider Policy and Finance Committee Report 10, Clause 35, headed “1555 Jane Street - Status of Litigation (Ward 12 - York South-Weston)”, immediately following consideration of Policy and Finance Committee Report 10, Clause 1, headed “Toronto Drug Strategy Report”, the vote upon which was taken as follows:

Yes - 16	
Councillors:	Cho, Cowbourne, De Baeremaeker, Fletcher, Hall, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Palacio, Pitfield, Rae, Shiner, Stintz, Watson
No - 20	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Davis, Del Grande, Di Giorgio, Ford, Giambrone, Grimes, Holyday, Jenkins, Kelly, Mihevc, Nunziata, Pantalone, Saundercook, Thompson, Walker

Lost by a majority of 4.

*Procedural Motion:*

Councillor Soknacki moved the following procedural motion:

“That:

- (1) all motions moved at the December 14, 2005 special meeting of City Council on any items remaining on the agenda be forwarded to the next special meeting of City Council on December 16, 2005, called to complete consideration of unfinished business, should one be called, and these motions be deemed to be moved; and
- (2) any speaker’s lists from the December 14, 2005 meeting of City Council be carried forward to the next special meeting of City Council on December 16, 2005, 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.

*Vary the order of proceedings of Council:***December 16, 2005:***Motions Regarding Consideration of Matters on Order Paper:*

- (a) Mayor Miller, with the permission of Council, at 9:48 a.m., moved that Council consider the matters for this special meeting of Council in the order they appear on the Order Paper.
- (b) Councillor Walker moved that motion (a) by Mayor Miller be amended to provide that Motion J(1), moved by Councillor Jenkins, seconded by Councillor Walker, regarding a cost of living adjustment for elected officials, be considered at 2:00 p.m. today.

*Votes:*

Adoption of motion (b) by Councillor Walker:

Yes - 15	
Councillors:	Ashton, Cho, Ford, Holyday, Jenkins, Li Preti, Milczyn, Minnan-Wong, Nunziata, Palacio, Pitfield, Shiner, Thompson, Walker, Watson
No - 15	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Carroll, Cowbourne, Davis, Di Giorgio, Fletcher, Giambrone, Grimes, Kelly, Mihevc, Moscoe, Pantalone, Soknacki

Lost, there being a tie vote.

Motion (a) by Mayor Miller carried, without amendment.

*Procedural Motion:*

Councillor Soknacki moved the following procedural motion:

“That:

- (1) all motions moved at the December 16, 2005 meeting of City Council on any items remaining on the agenda be forwarded to the next regular meeting of City Council on January 31, 2006, or to a special meeting of City Council called to complete consideration of unfinished business, should one be called, and these motions be deemed to be moved; and
- (2) any speaker's lists from the December 16, 2005 meeting of City Council be carried forward to the next regular meeting of City Council on January 31, 2006, or to a special meeting of City Council called to complete consideration of unfinished business, should one be called, and be adopted for continuing the debate on this matter at that meeting, and that a provision be allowed for any Members who were not on a speaker's list to add their names."

*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 14, 2005:**

Councillor Shiner, at 7:26 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. adjournment, and that Council continue in session for 10 minutes, the vote upon which was taken as follows:

Yes - 18 Councillors:	Augimeri, Bussin, Cowbourne, De Baeremaeker, Filion, Giambrone, Hall, Holyday, Li Preti, Lindsay Luby, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Rae, Shiner, Soknacki
No - 8 Councillors:	Altobello, Di Giorgio, Fletcher, Ford, Jenkins, Minnan-Wong, Stintz, Walker

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

Deputy Mayor Bussin, with the permission of Council, at 7:40 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 7:40 p.m. adjournment, and that Council continue in session to conclude the vote on any procedural matters and the general bills and the confirming bill, the vote upon which was taken as follows:

Yes - 22 Councillors:	Altobello, Augimeri, Bussin, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Shiner, Soknacki, Walker
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No - 4  
Councillors: Ford, Holyday, Jenkins, Stintz

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

### December 16, 2005:

Mayor Miller at 12:10 p.m., proposed that Council now recess and reconvene at 2:00 p.m., in order to accommodate those Members of Council who are required to attend the meeting of the Toronto Transit Commission. Council concurred in the proposal by Mayor Miller.

### S14.67 ATTENDANCE

#### December 14, 2005:

Councillor Hall, seconded by Councillor Nunziata, moved that the absence of Deputy Mayor Feldman and Councillors McConnell and Ootes from this special meeting of Council, be excused, which carried.

December 14, 2005	Roll Call 9:45 a.m.	9:45 a.m. to 12:30 p.m.*	2:12 p.m. to 6:00 p.m.*	Roll Call 4:32 p.m.	Ctte. of the Whole In-Camera 6:05 p.m.	7:19 p.m. to 7:44 p.m.*
Miller	-	x	x	-	x	x
Altobello	x	x	x	x	x	x
Ashton	-	x	x	x	-	-
Augimeri	x	x	x	x	x	x
Bussin	x	x	x	x	x	x
Carroll	x	x	x	-	x	x
Cho	-	x	x	-	-	-
Cowbourne	x	x	x	x	x	x
Davis	x	x	x	x	x	x
De Baeremaeker	x	x	x	x	x	x
Del Grande	x	x	x	x	-	-
Di Giorgio	x	x	x	x	x	x
Feldman	-	-	-	-	-	-
Filion	-	x	x	-	x	x
Fletcher	x	x	x	-	x	x
Ford	-	x	x	x	x	x

Minutes of Special Meetings of the Council of the City of Toronto  
December 14 and 16, 2005

December 14, 2005	Roll Call 9:45 a.m.	9:45 a.m. to 12:30 p.m.*	2:12 p.m. to 6:00 p.m.*	Roll Call 4:32 p.m.	Ctte. of the Whole In-Camera 6:05 p.m.	7:19 p.m. to 7:44 p.m.*
Giambrone	-	x	x	x	x	x
Grimes	x	x	x	-	-	-
Hall	x	x	x	x	x	x
Holiday	x	x	x	x	x	x
Jenkins	x	x	x	-	x	x
Kelly	-	x	x	x	-	-
Li Preti	-	x	x	x	x	x
Lindsay Luby	x	x	x	x	x	x
Mammoliti	-	x	x	-	-	-
McConnell	-	-	-	-	-	-
Mihevc	-	x	x	x	x	x
Milczyn	x	x	x	-	x	x
Minnan-Wong	-	x	x	-	x	x
Moscoe	-	x	x	x	x	x
Nunziata	x	x	x	-	x	x
Ootes	-	-	-	-	-	-
Palacio	-	x	x	x	x	x
Pantalone	x	x	x	x	x	x
Pitfield	-	x	x	-	-	-
Rae	-	x	x	-	x	x
Saundercook	-	x	x	x	-	-
Shiner	x	x	x	x	x	x
Soknacki	x	x	x	x	x	x
Stintz	x	x	x	x	x	x
Thompson	-	x	x	x	-	-
Walker	x	x	x	x	x	x
Watson	-	x	x	x	x	-
Total	22	40	40	27	31	30

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

**December 16, 2005:**

Councillor Carroll, seconded by Councillor Giambrone, moved that the absence of Deputy Mayor Feldman and Councillors Altobello, Del Grande, Mammoliti, Ootes and Rae from this special meeting of City Council, be excused, which carried.

December 16, 2005	9:41 a.m. to 12:10 p.m.*	2:10 p.m. to 4:20 p.m.*
Miller	x	x
Altobello	-	-
Ashton	x	x
Augimeri	x	x
Bussin	x	x
Carroll	x	x
Cho	x	x
Cowbourne	x	x
Davis	x	x
De Baeremaeker	x	x
Del Grande	-	-
Di Giorgio	x	x
Feldman	-	-
Filion	x	x
Fletcher	x	x
Ford	x	x
Giambrone	x	x
Grimes	x	x
Hall	x	x
Holyday	x	x
Jenkins	x	x
Kelly	x	x
Li Preti	x	x
Lindsay Luby	x	x
Mammoliti	-	-
McConnell	x	x

December 16, 2005	9:41 a.m. to 12:10 p.m.*	2:10 p.m. to 4:20 p.m.*
Mihevc	x	x
Milczyn	x	x
Minnan-Wong	x	x
Moscoe	x	x
Nunziata	x	x
Ootes	-	-
Palacio	x	x
Pantalone	x	x
Pitfield	x	x
Rae	-	-
Saundercook	x	x
Shiner	x	x
Soknacki	x	x
Stintz	-	x
Thompson	x	x
Walker	x	x
Watson	x	x
Total	36	37

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

**Council adjourned on December 14, 2005, at 7:44 p.m.**

**Council adjourned on December 16, 2005, at 4:20 p.m.**

**DAVID R. MILLER,  
Mayor**

**ULLI S. WATKISS,  
City Clerk**

**ATTACHMENT 1 [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 S14.43, Page 74):

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 2 [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 S14.45, Page 77):

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.

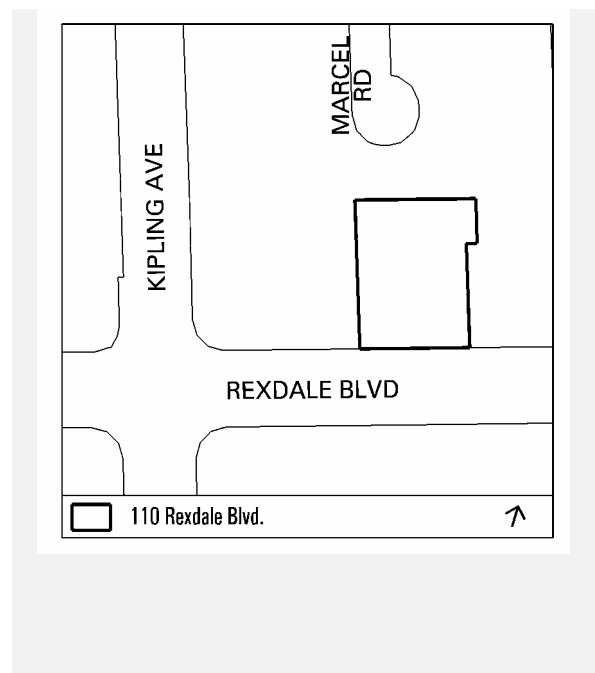
Financial Implications and Impact Statement:

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.

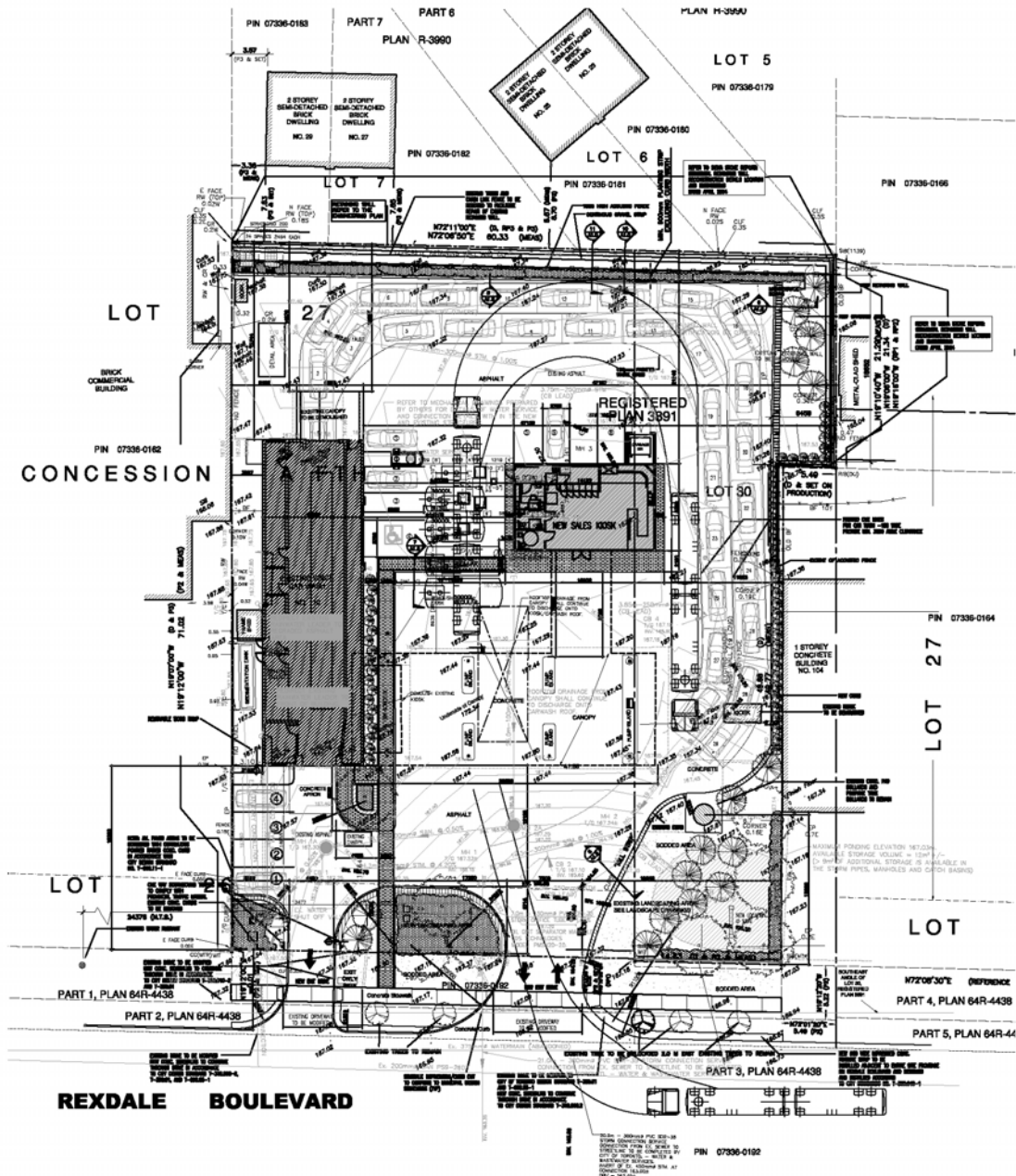
Contact:

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

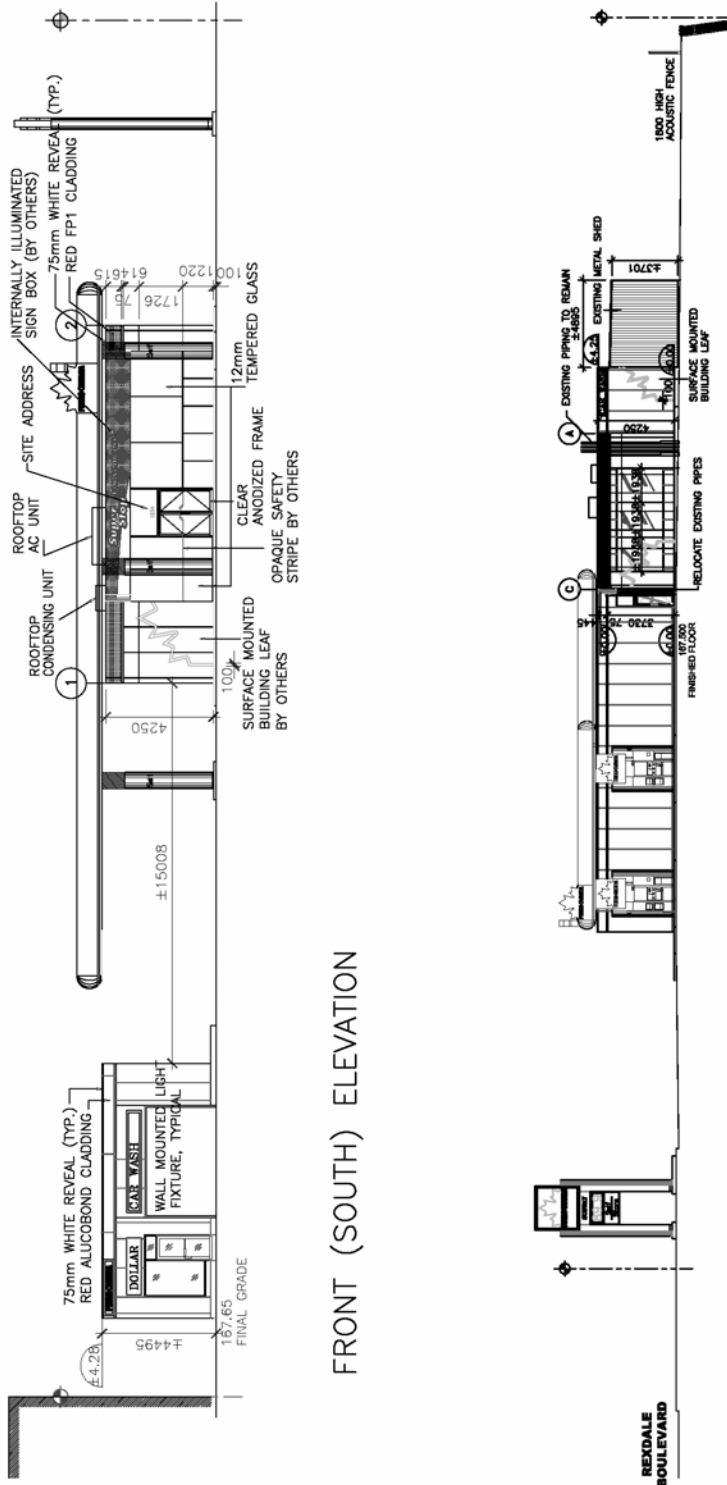
110 Rexdale Boulevard

Applicant's Submitted Drawing

Not to Scale  
11/22/05

File # 03\_167305

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		<b>Total</b>
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**

**FLOOR AREA BREAKDOWN** (upon project completion)

		<b>Above Grade</b>	<b>Below Grade</b>
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	479.06
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	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

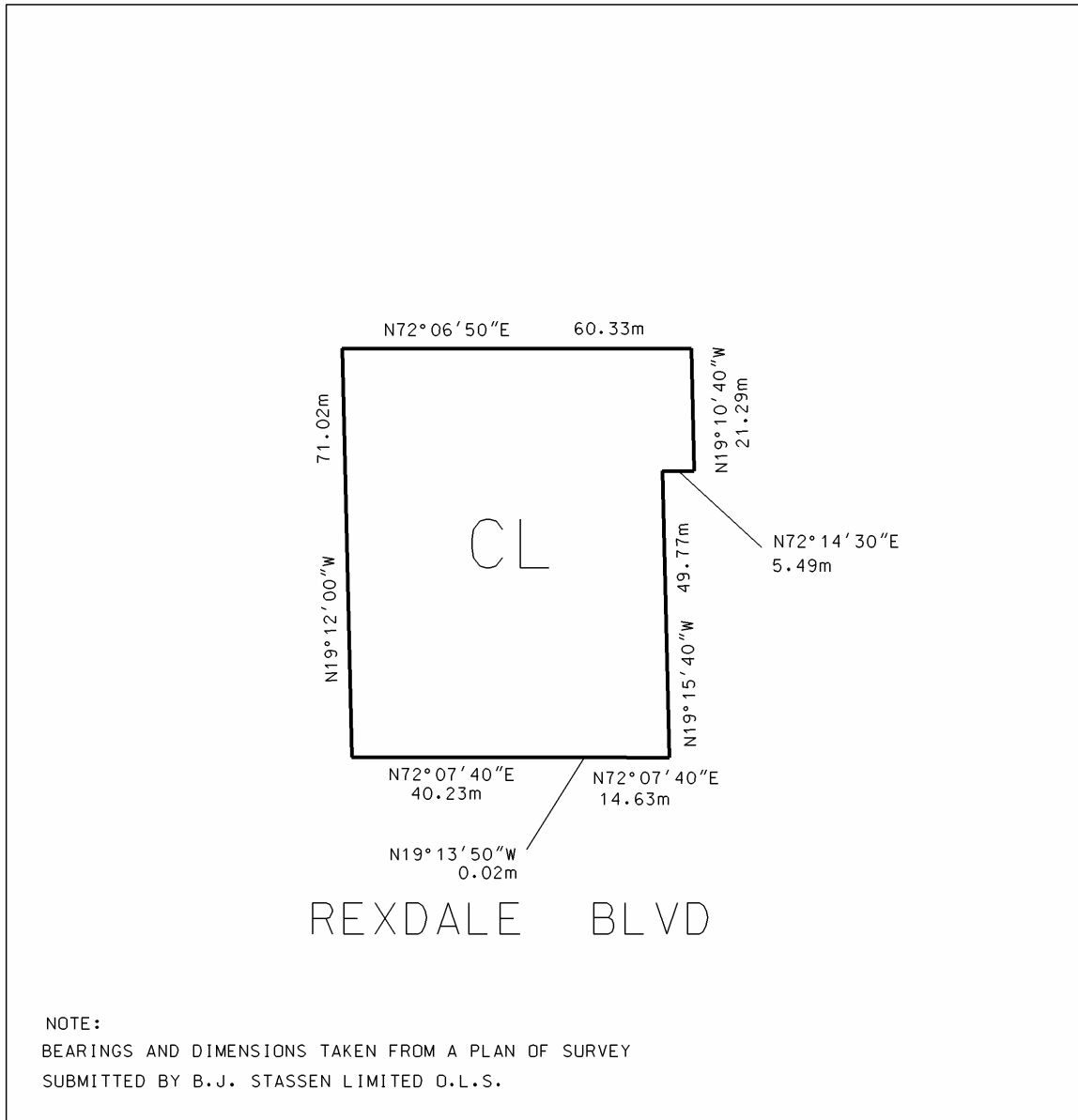
ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



Attachment 5

**TORONTO** Schedule 'A' BY-LAW



NOTE:  
 BEARINGS AND DIMENSIONS TAKEN FROM A PLAN OF SURVEY  
 SUBMITTED BY B.J. STASSEN LIMITED O.L.S.

**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 3 [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 S14.51, Page 88):

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

**FISCAL IMPACT STATEMENT SUMMARY****Notices of Motions****Submitted by the Deputy City Manager and Chief Financial Officer**

Council Meeting – December 14 and 16, 2005

<b>Motion #</b>	<b>Title</b>	<b>Operating \$ (net)</b>	<b>Capital \$ (net)</b>	<b>Comments</b>
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(6)	Request for Enforcement of the <i>Child and Family Services Act</i>	\$0	\$0	Consider.
J(1)	Cost of Living Adjustment for Elected Officials	\$0	\$0	Consider. See FIS.
J(9)	Report of Integrity Commissioner on Complaint of Violation of Councillor's Code of Conduct	\$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(22)	Appeal to the Ontario Municipal Board – 19 and 21			<b><i>Confidential. See Confidential Report Attached to Motion.</i></b>

<b>Motion #</b>	<b>Title</b>	<b>Operating \$ (net)</b>	<b>Capital \$ (net)</b>	<b>Comments</b>
	Scarboro Beach Boulevard (Ward 32 - Beaches-East York)			
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(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>
J(36)	Western Hemisphere Travel Initiative - Request to Add Issue to the Great Lakes and St. Lawrence Cities Agenda	\$0	\$0	Consider.



**FISCAL IMPACT STATEMENT 2 [NOTICE OF MOTION F(2)]**  
**(See Minute S14.40, Page 67)**

**Financial Implications:**

<input checked="" type="checkbox"/> <b>Operating</b>	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>50,000</u> (net)	<input checked="" type="checkbox"/> Future year impacts: \$ <u>50,000</u> (net)
	<input type="checkbox"/> Following year
	<input checked="" type="checkbox"/> Future years
<input checked="" type="checkbox"/> Funding sources (specify):	
<input checked="" type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> <b>Capital</b>	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

**Impacts/Other Comments:**

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – 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 J(1)]  
(See Minute S14.42, Page 70)**

**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:

Program costs: \$ \_\_\_\_\_ (net)

Debt service costs: \$ \_\_\_\_\_ (net)

**Impacts/Other Comments:**

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(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



