



**PLANNING AND TRANSPORTATION COMMITTEE
DECISION DOCUMENT
MEETING 1
(SPECIAL MEETING TO BE HELD ON JANUARY 20, 2006 TO
COMPLETE UNFINISHED BUSINESS)**

Report 1 to be considered by City Council on January 31, February 1 and 2, 2006

Date of Meeting: Monday, January 9, 2006
Time: 9:30 a.m.
Location: Committee Room 1
City Hall
100 Queen Street West
Toronto, Ontario

Enquiry: Betty Henderson
Committee Administrator
416-392-8088
bhender1@toronto.ca

The Decision Document is for preliminary reference purposes only. Please refer to the Committee's Report to City Council or to the minutes for the official record.

How to Read the Decision Document:

- *recommendations of the Committee to City Council are in bold type after the item heading;*
- *action taken by the Committee on its own authority does not require Council's approval – it is reported to Council for information, and is listed in the decision document in bold type under the heading "Action taken by the Committee"; and*
- *Declarations of Interest, if any, appear at the end of an item.*

The following Minutes were Confirmed:

- (a) *November 7, 2005;*
- (b) *November 7, 2005 (joint meeting with Administration Committee);*
- (c) *November 30, 2005 (joint meeting with Works Committee); and*
- (d) *November 30, 2005 (special Planning and Transportation Committee meeting).*

Communications/Reports:

1. 2006 Operating Budget

Report 1, Clause 13(a)

Action taken by the Committee:

The Planning and Transportation Committee:

- (1) received the presentations from the Deputy City Manager and relevant staff on the following programs under the purview of the Committee:
 - (a) Building Services;
 - (b) Business Support Services;
 - (c) City Planning;
 - (d) Municipal Licensing and Standards;
 - (e) Clean and Beautiful City Secretariat;
 - (f) Community Partnership and Investment Program; and
 - (g) Waterfront Secretariat; and
- (2) deferred further consideration of the 2006 Operating Budget and communications until a Special Meeting of the Committee to be held on January 20, 2006.

CITY PLANNING

2. Designation of Community Improvement Project Areas to Implement the BIA Commercial Façade Improvement Program
(Public Meeting under the *Planning Act*)

Report 1, Clause 1

The Planning and Transportation Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the report (December 19, 2005) from the Chief Planner and Executive Director, City Planning.

Report (December 19, 2005) from the Chief Planner and Executive Director, City Planning recommending approval of By-laws adopting Community Improvement Plans or Amendments to existing Community Improvement Plans, and designating new Commercial Improvement Project Areas where necessary, to implement the City's Commercial Façade Improvement Program within the 44 Business Improvement Areas that do not currently benefit from existing façade related Community Improvement Plans.

Recommendations:

It is recommended that:

- (1) Council approve the by-laws in Attachment 1 designating new Community Improvement Project Areas and adopting Community Improvement Plans pursuant to Section 28 of the Planning Act to facilitate further implementation of the City's Commercial Façade Improvement Program;
- (2) Council approve the by-laws in Attachment 2 to this report, amending existing Community Improvement Plans and/or designations, pursuant to Section 28 of the Planning Act to facilitate further implementation of the City's Commercial Façade Improvement Program;
- (3) this report be forwarded to the Economic Development Committee for information;
- (4) Council authorize the City Solicitor to make such stylistic and technical changes to the draft by-laws and plans as may be required before introducing necessary bills to Council for enactment; and.
- (5) the appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.

3. Union Station Precinct – Implementation of Master Plan Toronto Centre – Rosedale, Ward 28

Report 1, Clause 2

The Planning and Transportation Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the report (December 8, 2005) from the Chief Planner and Executive Director, City Planning.

Report (December 8, 2005) from the Chief Planner and Executive Director, City Planning, seeking Council approval for a strategy to implement the Union Station Master Plan initiative.

Recommendations:

It is recommended that:

- (1) City Council establish a working group consisting of City Councillors and staff, representatives from the Union Station transportation operators, the Union Pearson Group and the Union Station Revitalization Public Advisory Group to prepare a strategic implementation plan to fund the Bold Moves identified in the Master Plan for consideration with the recommendations of the Union Station Precinct Study; and

- (2) appropriate City staff be authorized and directed to take all necessary actions to give effect thereto.

4. Authorization for City Planning Staff to Consult with the Development Industry, Community Organizations Interest Groups and the Public on Proposed Section 37 Implementation Guidelines

Report 1, Clause 3

Action taken by the Committee:

The Planning and Transportation Committee deferred consideration of reports December 19 and December 22, 2005, from the Chief Planner and Executive Director, City Planning, until its Special Meeting on January 20, 2006.

Report (December 19, 2005) from the Chief Planner and Executive Director, City Planning, seeking authority to consult with the development industry, community organizations, interest groups and the public on Proposed Guidelines for Implementation of Section 37 of the Planning Act, to assist in the implementation of the Height and/or Density Incentive policies contained in Section 5.1.1 of the new Official Plan.

Recommendations:

It is recommended that:

- (1) City Planning staff be authorized to consult with the Greater Toronto Home Builders' Association, the Urban Development Institute, community organizations, interest groups and the general public on Proposed Guidelines for Implementation of Section 37 of the Planning Act, contained in Appendix A to this report; and
- (2) the Chief Planner and Executive Director, City Planning Division, be directed to report to Planning and Transportation Committee on the results of the consultation and revised Guidelines for adoption.

4(a). Supplementary Report: Council Directions on Section 37 Negotiations to be included in the Proposed Section 37 Implementation Guidelines

Report (December 22, 2005) from the Chief Planner and Executive Director, City Planning, to include City Council's recent directions regarding the involvement of Ward Councillors and City Planning staff in the negotiating of Section 37 agreements in the Proposed Section 37 Implementation Guidelines.

Recommendations:

It is recommended that:

- (1) City Council's directions, adopted at its meeting of December 14 and 16, 2005, regarding the involvement of Ward Councillors and City Planning staff in the negotiating of Section 37 agreements, be included in the Proposed Section 37 Implementation Guidelines; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

5. Proposed Growth Plan for the Greater Golden Horseshoe

Report 1, Clause 4

Action taken by the Committee:

The Planning and Transportation Committee deferred consideration of report (December 16, 2005) from the Chief Planner and Executive Director, City Planning, until its Special Meeting on January 20, 2006.

Report (December 16, 2005) from the Chief Planner and Executive Director, City Planning, summarizing the proposed Growth Plan and advise Council of its implications for the City and the region.

Recommendations:

It is recommended that:

- (1) the Mayor write to the Minister of Public Infrastructure Renewal to:
 - (a) commend the Minister for continuing to develop the Growth Plan as a starting point for curbing urban sprawl and as a basis for integrating land use planning, provision of infrastructure and protection of valuable natural and cultural heritage in the GGH;
 - (b) indicate Council's support for the proposed Growth Plan, contingent on the Plan being modified as recommended in this report, and on the Province developing a satisfactory phasing and funding strategy for the transit and other infrastructure improvements necessary to support the Plan's implementation;
 - (c) urge the Minister to develop a comprehensive infrastructure strategy as soon as possible to support the effective implementation of the Growth Plan;

- (d) request that the Minister modify the proposed Growth Plan to:
- (i) provide for the review and refinement of the employment forecasts in Schedule 3 as part of the proposed sub-area regional economic assessment;
 - (ii) revise Policy 2.2.6.2 to indicate that downtown Toronto's role as the prime office centre for Canada will be supported and strengthened through investments in transit and other services, and that the Financial District will be identified as a provincially significant designated employment area;
 - (iii) revise the definition of 'major office' to 'freestanding office buildings of 25,000 square feet or greater,' consistent with regulations under the Assessment Act;
 - (iv) revise the definition of 'municipal comprehensive review' to specifically include consideration of population and growth projections, alternative directions for growth, and how best to accommodate this growth, consistent with the definition in the Provincial Policy Statement;
 - (v) provide more explicitly that provincial investment will be linked to municipal policies and strategies for intensification and contingent on progress in achieving intensification;
 - (vi) revise Policy 2.2.5.1 to provide greater flexibility for intensification around major transit stations, particularly if they are located in intensification corridors such as the Avenues in the City of Toronto's new Official Plan, or if they are located in Employment Districts where residential development may not be desired;
 - (vii) provide for the assessment of development potential in urban growth centres and an increase in their density target if warranted;
 - (viii) revise Policy 2.2.8.2 to provide that the review of the need for and amount of additional designated Greenfield area should be done at the sub-area level;
 - (ix) modify Policy 3.2.2.5 to include Provincial support for the implementation of Transportation Demand Management (TDM) policies by the upper- and single tier municipalities;

- (x) revise Policy 4.2.1.4 to require planning authorities to identify locally significant natural areas that link and augment the natural system and develop policies for its protection;
- (xi) expand the policies in Section 4.2.4. (Culture of Conservation) to acknowledge a role for the Province and to include urban design standards that encourage and support water conservation and integrated waste management;
- (xii) expand the scope of the sub-area assessments to:
 - (a) consider together the distribution of growth and the provision of infrastructure;
 - (b) facilitate a collaborative approach among municipal governments, the Province and the private sector to manage waste in the GGH, focusing on reduction, diversion and disposal;
 - (c) provide for the modification of the distribution of growth shown in the forecasts in Schedule 3 to reflect 'best solutions' for infrastructure provision; and
 - (d) provide for a comprehensive strategy, including setting investment priorities, for the funding and phasing of transit and other infrastructure; and
- (xiii) indicate that the Province will monitor and evaluate the impacts of growth and urban development in the GGH on the environment, the economy and quality of life, as input to the 10-year review of the Plan required by the Places to Grow Act;
- (5) request the Province to assist municipalities by developing guidelines for implementing the Plan, some of which may involve more specific targets; for example, guidelines and/or targets for waste diversion, air quality, modal share splits based on the Plan's intensification and density targets, and community design;
- (6) re-iterate previous requests that the Minister co-ordinate with other ministries to facilitate the Plan's effective implementation, including:
 - (a) revisions to the *Development Charges Act* to enable municipalities to recover the full cost of growth related infrastructure, to base charges for transit on an approved transit plan rather than average service costs over the past ten years, and to charge for all municipal services required to support complete communities;

- (b) revisions to the *Planning Act*, and other appropriate tools to give municipalities greater authority to protect and enhance the natural heritage system;
 - (c) fiscal policies and tools to direct market demand to achieve the objectives of the GGH Growth Plan;
 - (d) eliminating the differential in the education portion of the property;
 - (e) revisions to the *Environmental Assessment Act* to significantly streamline approval for transit projects and other infrastructure projects that have been identified in Official Plans or in the Growth Plan and which implement the growth objectives of the proposed Growth Plan; and
 - (f) inclusionary zoning powers to ensure that affordable housing may be included in residential or mixed-use developments;
- (2) this report be sent to the Province to support the Mayor's letter;
 - (3) the Mayor's letter and this report be shared with other Mayors and Chairs in the GGH; and
 - (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

6. Preventing Migratory Bird Deaths Resulting from Collision with Buildings

Report 1, Clause 5

The Planning and Transportation Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the report (December 21, 2005) from the Chief Planner and Executive Director, City Planning, subject to:

- (1) referring Recommendation (2)(a), as amended, to the Chief Planner and Executive Director, City Planning, to be considered in conjunction with the development of "Green" Building Guidelines:**
 - "2(a) concerning new construction: that the needs of migratory birds be incorporated into the Site Plan Review process with respect to facilities for lighting, including floodlighting, glass and other bird friendly design features, and that guidelines be established for this purpose;"**

- (2) amending Recommendation (4) to include the “Toronto Bird Observatory” and the “Canadian Union of Public Employees Local 416” to the list of concerned stakeholders;
- (3) amending Recommendation (4)(c) to read:
 - “4(c) develop guidelines for new buildings that can be incorporated into the Site Plan Review process that will help reduce bird collisions;”
- (4) amending Recommendation (5) to read:
 - “5) the Chief Planner and Executive Director, City Planning, be requested to report to the Planning and Transportation Committee on the specifics of a “Lights Out Toronto” biennial awareness raising campaign, before the spring migratory season;”
- (5) adding a new Recommendation (6) with the balance of the Recommendations being renumbered accordingly:
 - “6) the Chief Planner and Executive Director, City Planning, be requested to prepare a report in one year’s time on progress made, such report to review daytime strikes, and investigate light pollution policies and by-laws enacted in other municipal jurisdictions;”.

Action taken by the Committee:

The Planning and Transportation Committee:

- (a) requested the Chief Planner and Executive Director, City Planning to report to the Planning and Transportation Committee on any increased costs that “impact” the construction industry from the implementation of the practices and policies respecting migratory birds.
- (b) received the following communications;
 - (i) (January 4, 2006) from Pinky Franklin, President, Toronto Field Naturalists, in support of the recommendations in the report (December 21, 2005) from the Chief Planner and Executive Director, City Planning;
 - (ii) (undated) from Heather Ray, Director, Resource and Partnership Development, Fatal Light Awareness Program (FLAP), in support of the staff recommendations pertaining to Migratory Birds;
 - (iii) (January 6, 2006) from Daniel Klem Jr., Ph.D., D.Sc., Professor of Biology and Sarkis Acopian Professor Ornithology and Conservation Biology, in support of the staff recommendations pertaining to Migratory Birds;

- (iv) **(January 5, 2006) from Randy Burke, President and CEO, DCS Daylight Cleaning Systems Inc., in support of the staff recommendations pertaining to Migratory Birds; and**
- (v) **January 6, 2006) from Check Stradling, Executive Vice President, BOMA, in support of the staff recommendations pertaining to Migratory Birds.**

Report (October 21, 2005) from the Chief Planner and Executive Director, City Planning, responding to Council's motion requesting the preparation of migratory bird friendly policies and practices to be applied to new buildings, City-owned buildings, and existing buildings in order to reduce bird collision deaths by at least 50 per cent. In addition, Council directed that staff identify ways and means the City could: minimize migratory bird kills; assist in the rescue, rehabilitation and release of injured migratory birds; and participate in a public awareness campaign.

Recommendations:

It is recommended that:

- (1) Council advocate and encourage the turning off of unnecessary lighting during the spring and fall migratory bird seasons;
- (2) Council adopt the following bird-friendly policies and practices for buildings to help reduce bird collisions:
 - (a) concerning new construction: that the needs of migratory birds be incorporated into the Site Plan Review process with respect to facilities for lighting, including floodlighting, and that guidelines be established for this purpose;
 - (b) concerning City buildings: that the City continues the lights out policy after business hours and during weekends currently practiced under the Energy Management Program and that staff are reminded of this policy at the beginning of each migratory season; and
 - (c) concerning existing buildings: that the area bounded by Bloor Street to the waterfront and University Avenue to Jarvis Street be targeted for a program to encourage property owners, managers and tenants to voluntarily participate in a 'lights out' policy during the spring and fall migratory seasons;
- (3) Council institute an annual campaign to be known as "Lights Out Toronto" in order to promote public awareness of migratory birds in the City and the danger buildings and lighting pose to them;

- (4) staff consult with concerned stakeholders including the Fatal Light Awareness Program, Toronto Wildlife Centre, Earth Rangers, Toronto Field Naturalists, the Toronto Ornithological Club, Toronto Animal Services, the Canadian Wildlife Service, Toronto Hydro and Building Owners and Managers Association, in order to:
 - (a) provide advice on creating an awareness-raising campaign on the issues of migratory bird deaths;
 - (b) identify best practices for the rescue, rehabilitation and release of injured migratory birds; and
 - (c) develop guidelines for the lighting of new buildings that can be incorporated into the Site Plan Review process that will help reduce bird collisions;
- (5) the Medical Officer of Health, in consultation with the Chief Planner, report to the Budget Advisory Committee on the specifics, of a “Lights Out Toronto” bi-annual awareness raising campaign, before the spring migratory season; and
- (6) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

7. Parking Space Dimensions Zoning Review

Report 1, Clause 6

The Planning and Transportation Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the report (December 21, 2005) from the Chief Planner and Executive Director, City Planning, subject to:

- (1) adding a new Recommendation No. (2) to read as follows:**

“Notwithstanding any reduction previously granted on a site specific zoning by-law or Official Plan amendment or by a Committee of Adjustment decision, the new standards shall apply to all properties within the City of Toronto on a go-forward basis and that any new parking spaces established shall be at the new standard.”;
and

- (2) renumbering Recommendation No. (2) in the report (December 21, 2005) from the Chief Planner and Executive Director, City Planning accordingly.**

Report (December 21, 2005) from the Chief Planner and Executive Director, City Planning, recommending the adoption of harmonized zoning regulations for parking space dimensions.

Recommendations:

It is recommended that:

- (1) the Chief Planner and Executive Director, City Planning bring forward zoning by-law amendments dealing with parking space dimensions as set out in the report to the next meeting of Planning and Transportation Committee; and
- (2) a Public Meeting under the Planning Act be scheduled for the next meeting of Planning and Transportation Committee.

**8. Civic Improvement Program
Selection of Streetscape Enhancement Projects for 2006**

Report 1, Clause 7

The Planning and Transportation Committee recommends that City Council:

- (1) **receive the report (December 14, 2005) from the Chief Planner and Executive Director, City Planning; and**
- (2) **add Marlee Avenue from Eglinton Avenue to Lawrence Avenue to the reserve list for consideration for streetscape enhancements in 2006.**

Report (December 14, 2005) from the Chief Planner and Executive Director, City Planning, describing the project selection criteria and process for the streetscape enhancement elements of the Civic Improvement Program as requested by Planning and Transportation Committee on November 7, 2005.

Recommendation:

It is recommended that this report be received for information.

MUNICIPAL LICENSING AND STANDARDS

9. Mandatory Certification of Food Handlers *(Public Meeting – Notice Previously Given)*

Report 1, Clause 13(b)

Action taken by the Committee:

The Planning and Transportation Committee recommends to the Budget Advisory Committee and City Council:

- (1) the adoption of the following recommendations, as recommended by the Board of Health:**
 - (a) staff recommendations in the Recommendations Section of the report (October 14, 2005) from the Medical Officer of Health;**
 - (b) all aspects of the implementation of certification of the food handling program (such as public information, training and the certification) be multilingual, especially to the main language groups in Toronto; and**
 - (c) the costs associated with food handling certification for child care centres be recognized in Children's Services purchase of service per diem rates;**
- (2) that applicants for the Mandatory Food Handler Certification Program demonstrate that they are legally allowed to work in Canada; and**
- (3) that the Medical Officer of Health be requested to:**
 - (a) review the possible phase out of the program at such time as the Province adopts Provincial mandatory Food Handler Certification;**
 - (b) review the feasibility of ensuring that the Toronto Program at least contains all of the elements of existing provincial and national programs; and**
 - (c) explore the feasibility of allowing the industry to administer the training course, examination and certification, while ensuring the highest standards are maintained.**

Communication (October 25, 2005) from the Board of Health, forwarding the Board of Health's recommendations from its meeting October 24, 2005.

Recommendations:

The Board of Health recommended to the Planning and Transportation Committee that the Planning and Transportation Committee:

- (1) adopt the staff recommendations in the Recommendations Section of the report (October 14, 2005) from the Medical Officer of Health; and
- (2) adopt the following further recommendations:
 - (a) that all aspects of the implementation of certification of the food handling program (such as public information, training and the certification) be multilingual, especially to the main language groups in Toronto; and
 - (b) the costs associated with food handling certification for child care centres be recognized in Children's Services purchase of service per diem rates.

**10. Licensing of Limousines in the City of Toronto
(Public Meeting under the *Municipal Act*)**

Report 1, Clause 8

The Planning and Transportation Committee recommends that City Council adopt, in principle, the staff recommendations in the Recommendations Section of the report (December 8, 2005) from the Acting Executive Director, Municipal Licensing and Standards.

Action taken by the Committee:

The Planning and Transportation Committee:

- (a) requested Councillors Moscoe and Stintz to meet with the limousine industry prior to the City Council meeting and bring forward appropriate amendments;
- (b) received the following communications:
 - (i) (October 28, 2005) from the City Clerk, advising that City Council, at its meeting on October 26, 27 and 28, 2005, adopted without amendment a Notice of Motions moved by Councillor Stintz, seconded by Councillor Saundercook, respecting Licensing of Livery Vehicles in the City of Toronto;

- (ii) **(January 6, 2006) from Peter Chapman, President, Pristine Car Service forwarding his concerns regarding the Licensing of Limousines in the City of Toronto;**
- (iii) **(January 7, 2006) from Robert Stewart, forwarding comments; and**
- (iv) **(January 9, 2006) from Peter Mandronis, Avonhill Limousine Services Inc., forwarding comments.**

Report (December 8, 2005) from the Acting Executive Director, Municipal Licensing and Standards, recommending amendments to the Municipal Code relative to the licensing of limousines related to the ratio of sedan vehicles to stretch vehicles required to obtain a limousine service company licence.

Recommendations:

It is recommended that:

- (1) the Municipal Code be amended to exempt owners of three or more livery owner's licences held prior to May 19, 2005, who wish to obtain a limousine service company licence, from the sedan vehicle/stretch vehicle ratio as it pertains to their existing fleet of vehicles, other than meeting the minimum licence requirement of owning or employing at least one stretch vehicle, and the sedan vehicle/stretch vehicle ratio apply to these companies on a go-forward basis as they increase the size of their existing fleets; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

11. Leaf Blower Use Restriction in the City of Toronto

Report 1, Clause 13(c)

Action taken by the Committee:

The Planning and Transportation Committee:

- (a) **received the motion by Councillor Walker, seconded by Councillor Jenkins.**
- (b) **received the following communications:**
 - (i) **(October 2, 2005) from Judith Deutsch, in support of banning leaf blowers;**
 - (ii) **(October 3, 2005) from Mary Ann McDonald, in support of banning leaf blowers;**

- (iii) (October 3, 2005) from Dr. F. Harris, in support of banning leaf blowers;
- (iv) (January 6, 2006) from John and Ann Lovering, in support of controlling the noise caused by leaf blowers; and
- (v) (October 28, 2005) submitted on behalf of the Lytton Park Residents' Organization.

Communication (October 3, 2005) from the City Clerk, advising that City Council, at its meeting on September 28, 29 and 30, 2005, forwarded the following Notice of Motion moved by Councillor Walker, seconded by Councillor Jenkins, respecting Leaf Blower Use Restriction in the City of Toronto to the Planning and Transportation Committee:

“WHEREAS, at the present time, the Noise By-law for the City of Toronto prohibits the creation of noise by the use of leaf blowers, known as ‘powered property service tool’, between the hours of 9:00 p.m. and 7:30 a.m., or 9:00 a.m. in the case of Sundays or holidays; and

WHEREAS gas powered leaf blowers produce sound with a strong tonality, which is particularly objectionable, and levels generally measure in the range of 80-90 dBA; and

WHEREAS as of January 1, 1992, leaf blowers which produce sound levels in excess of 70 dBA at 15 metres are considered to be in violation of the Noise By-law and are, therefore, essentially banned in the City; and

WHEREAS the number of noise complaints resulting from the use of leaf blowers increases steadily each year, as outlined in the Committee Report (January 10, 1996) submitted from the Acting Commissioner of Public Works and the Environment for the City of Toronto; and

WHEREAS the Noise By-law is authorized by section 9(1) of the *City of Toronto Act*, 1971, which reads, ‘...The Council of the Corporation may pass by-laws for prohibiting or regulating the making, causing or permitting of noises or any class or classes of noises within the municipality or any defined area or areas thereof which disturbs or may disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants, or which, in the opinion of the Council, are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants.’; and

WHEREAS the pollution caused by leaf blowers extends beyond noise to dust, debris, mould, hydrocarbons, carbon monoxide, and ground level ozone, all of which increase the levels of pollution and/or smog in the City, resulting in a loss of quality of life for all residents; and

WHEREAS the City of Vancouver, B.C., has already taken the initiative to support a City-wide ban of leaf blowers (Noise Control By-law No. 6555 – November 18, 2003);

NOW THEREFORE BE IT RESOLVED THAT City Council amend the Noise By-law (adopted by Council on June 18-20, 2002) to include the following staff Recommendation (2)(a) contained in the Recommendations Section of the report (November 5, 2001) from the Commissioner of Urban Development Services, as amended by the Planning and Transportation Committee:

‘(2)(a) Section 4 be amended to reflect the prohibited period of time for the operation of a power device that blows or vacuums leaves, grass cuttings, debris or other similar material as follows:

- (i) at all times in Quiet Zones;
- (ii) at all times on residential properties except during the months of October and November for leaf removal;
- (iii) between 6:00 p.m. and 8:00 a.m. Monday to Saturday and at all times on Sunday on non-residential properties; and
- (iv) on Smog Alert days;

AND BE IT FURTHER RESOLVED THAT the appropriate City staff, by mechanism of the Noise and Pollution by-laws, investigate unconditionally banning the operation of any powered leaf blower, electric or gas, in the City of Toronto;

AND BE IT FURTHER RESOLVED THAT the appropriate City staff take the necessary actions to give effect to the foregoing.”

12. By-Law to Provide a Right to Enter Adjoining Land to Make Repairs and Alterations

Report 1, Clause 13(d)

Action taken by the Committee:

The Planning and Transportation Committee deferred consideration of the report (December 12, 2005) from the Acting Executive Director, Municipal Licensing and Standards, and communications, pending a review by the Acting Director of Municipal Licensing and Standards, the Chair of the Planning and Transportation Committee and other interested Members of Committee, to address the concerns and recommendations identified by deputants to determine whether additional or alternative recommendations should be included, including the right of an owner to deny access, appeal mechanisms and damage to property.

Report (December 12, 2005) from the Acting Executive Director, Municipal Licensing and Standards, reporting on an enforcement policy/protocol for the right-to-entry by-law that is transparent and useful for residents and to propose any corresponding amendments to the proposed by-law, such report replacing the June 8, 2005 report.

Recommendations:

It is recommended that:

- (1) the draft by-law, as set out in Schedule “A”, be adopted;
- (2) the Executive Director of Municipal Licensing and Standards report to the Planning and Transportation Committee one year from the effective date of the proposed by-law on the effectiveness of the by-law and any recommendations to improve the by-law or process, or both, if necessary;
- (3) the City Solicitor be directed to prepare the necessary bill to amend Municipal Code Chapter 363, Building Construction and Demolition, as required, to give effect to the recommendations in this report; and
- (4) staff be directed to take any other action necessary to implement this report’s recommendations.

13. The Control and Regulation of Trailers Used to Provide Goods and Services throughout the City

Report 1, Clause 13(e)

Action taken by the Committee:

The Planning and Transportation Committee:

- (1) referred the report (December 5, 2005) from the Acting Executive Director, Municipal Licensing and Standards to the City Solicitor for a second legal review;
- (2) requested the City Solicitor to advise Committee how the regulation of trailers for the provision of goods and services can be accommodated:
 - (a) within the ambit of the transient trader provisions of the current Act;
 - (b) in light of two recent Court of Appeal decisions respecting the power of municipalities within the provisions of the new City of Toronto Act; and
- (3) directed that the City Solicitor use outside legal advice, if necessary, to accommodate these requests.

Report (December 5, 2005) from the Acting Executive Director, Municipal Licensing and Standards, recommending comment on possible controls and regulations of trailers as places of business.

Recommendation:

It is recommended that the Acting Executive Director, Municipal Licensing and Standards, in consultation with the City Solicitor, be instructed to examine the Province's bill for a new City of Toronto Act, to determine whether it would grant Council authority to pass by-laws to implement controls and regulations of the use of trailers as places of business.

14. The Regulation of Fireworks Displays

Report 1, Clause 9

The Planning and Transportation Committee recommends that City Council:

- (1) adopt the staff recommendations in the Recommendations Section of the report (December 15, 2005) from the City Solicitor, subject to amending Recommendation (3) to read:**
 - “(3) prepare, in consultation with the City Solicitor, a draft harmonized fireworks by-law taking into account the results of the consultation and review set out in this recommendation and this be accomplished no later than January 1, 2007.” ; and**
- (2) request the City Solicitor in reviewing this matter to give consideration to:**
 - (a) regulating the sale of fireworks at the manufacturing or wholesale level; and**
 - (b) placing the emphasis in permitting the regulation and enforcement at the local fire hall level.”**

Report (December 15, 2005) from the City Solicitor, advising Council with respect to the regulation of fireworks.

Recommendations:

It is recommended that the Fire Chief and General Manager:

- (1) undertake meaningful consultation with the pyrotechnic industry and other interested parties regarding the safe use and effective regulation of fireworks sales;**

- (2) review, in consultation with the City Solicitor, religious customs, ceremonies, holidays and practices during which fireworks are traditionally used; and
- (3) prepare, in consultation with the City Solicitor, a draft harmonized fireworks by-law taking into account the results of the consultation and review set out in this recommendation.

15. Ontario Restaurant Hotel & Motel Association v. City of Toronto and Board of Health for the City of Toronto Health Unit – Decision of the Ontario Court of Appeal

Report 1, Clause 13(f)

Action taken by the Committee:

The Planning and Transportation Committee received the communication (December 14, 2005) from the Board of Health.

Communication (December 14, 2005) from the Board of Health, forwarding the report (November 22, 2005) from the City Solicitor, advising of the decision of the Ontario Court of Appeal regarding the Ontario Restaurant Hotel & Motel Association's application to quash s.545-5(3) of Toronto Municipal Code Chapter 545, Licensing, for information.

16. "Green Building Code": Energy Efficiency Provisions in the Ontario Building Code

Report 1, Clause 13(g)

Action taken by the Committee:

The Planning and Transportation Committee received the communication (November 1, 2005) from the City Clerk.

Communication (November 1, 2005) from the City Clerk, advising that City Council at its meeting on October 26, 27, 28 and 31, 2005 directed that a copy of the Policy and Finance Committee Report 9, Clause 2 titled "Green Building Code": Energy Efficiency Provisions in the Ontario Building Code, be forwarded to the Planning and Transportation Committee for information.

**17. Russell Hill Subway Train Accident of August 11, 1995
Due Diligence Checklist Update**

Report 1, Clause 10

The Planning and Transportation Committee recommends that City Council receive the communication (September 1, 2005) from the General Secretary, Toronto Transit Commission.

Communication (September 1, 2005) from the General Secretary, Toronto Transit Commission, forwarding the Toronto Transit Commission Report No. 25 entitled, “Russell Hill Subway Train Accident of August 11, 1995 Due Diligence Checklist Update” to City of Toronto Council through the Planning and Transportation Committee for information.

18. 1998, 2001 & 2004 APTA Rail Safety Audits – Updates

Report 1, Clause 11

The Planning and Transportation Committee recommends that City Council receive the communication (November 29, 2005) from the General Secretary, Toronto Transit Commission.

Communication (November 29, 2005) from the General Secretary, Toronto Transit Commission, forwarding the Toronto Transit Commission Report No. 25 entitled, “1998, 2001 & 2004 APTA Rail Safety Audits – Updates” to City of Toronto Council through the City Planning and Transportation Committee for information.

**19. Procedures to Deal With All Related Land Use
Planning Applications and Appeals to the Ontario Municipal Board**

Report 1, Clause 13(h)

Action taken by the Committee:

The Planning and Transportation Committee received the report (October 31, 2005) from Sue Corke and Fareed Amin, Deputy City Managers.

Report (October 31, 2005) from Sue Corke, Deputy City Manager and Fareed Amin, Deputy City Manager, reporting on the procedure for staff to deal with all related land use planning applications and appeals to the Ontario Municipal Board.

Recommendations:

It is recommended that this report be received for information.

CITY PLANNING

20. Appeal of New Official Plan

(In camera – subject matter relates to matters of litigation, or potential litigation)

Report 1, Clause 12

The Planning and Transportation Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the confidential report (January 3, 2006) from the Chief Planner and Executive Director, City Planning, and the City Solicitor, and because the subject matter relates to matters of litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, discussions be held in camera.

Action taken by the Committee:

The Planning and Transportation Committee received the communication (January 9, 2006) from William H. Roberts, forwarding comments on behalf of the Confederation of Resident and Ratepayers Associations in Toronto.

Confidential report (January 3, 2006) from the Chief Planner and Executive Director, City Planning, and the City Solicitor.

**21. Toronto Taxi Alliance v. City of Toronto
Decision of the Ontario Court of Appeal**

Report 1, Clause 13(i)

Action taken by the Committee:

The Planning and Transportation Committee deferred consideration of the report (January 5, 2006) from the City Solicitor until its Special Meeting of January 20, 2006.

Report (January 5, 2006) from the City Solicitor, advising of the decision of the Ontario Court of Appeal regarding the Toronto Taxi Alliance's application to quash By-law 906-2003 respecting transfers of standard taxicab owner's licences.

Recommendation:

It is recommended that this report be received for information.

22. Regularly Recurring Garage Sales

Report 1, Clause 13(j)

Action taken by the Committee:

The Planning and Transportation Committee deferred consideration of the communication (January 5, 2006) from Councillor Mike Del Grande, Ward 39 Scarborough-Agincourt, until its Special Meeting of January 20, 2006.

Communication (January 5, 2006) from Councillor Mike Del Grande, requesting the Planning and Transportation Committee to direct staff to access the options used by other jurisdictions and to recommend the most suitable way for Toronto to move forward with respect to regularly recurring garage sales.