

[Guide to Minutes](#)

[Agenda Index](#)

These Minutes were confirmed by City Council on April 25, 2006.

**MINUTES OF A SPECIAL MEETING  
OF THE COUNCIL  
OF THE  
CITY OF TORONTO**

**TUESDAY, FEBRUARY 14, 2006**

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

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

S3.1 Mayor Miller took the Chair and called the Members to order.

The special meeting opened with *O Canada*.

**S3.2 NOTICE OF SPECIAL MEETING**

Mayor Miller read the following Notice of Special Meeting:

“A special meeting of Council will be held on Tuesday, February 14, 2006, in the Council Chamber, Toronto City Hall, at 9:30 a.m., for the following purposes:

- (1) to complete consideration of unfinished business from the January 31, February 1 and 2, 2006, regular meeting of City Council;
- (2) to consider the Reports of the Community Councils from their meetings on February 7, 2006;
- (3) to introduce and enact General Bills; and
- (4) to introduce and enact a Confirming By-law for this special meeting.”

## **PRESENTATION OF REPORTS**

### **S3.3 Councillor Rae presented the following Reports for consideration by Council:**

#### Deferred Clauses from January 31, February 1 and 2, 2006:

Policy and Finance Committee Report 1, Clauses 10a, 12a, 14a and 21a,  
Community Services Committee Report 1, Clause 3a,  
Economic Development and Parks Committee Report 1, Clauses 5a and 16a,  
Works Committee Report 1, Clause 11a,  
Etobicoke York Community Council Report 1, Clauses 3a and 4a, and  
Toronto and East York Community Council Report 1, Clauses 9a and 39a.

#### New Community Council Reports:

Etobicoke York Community Council Report 2,  
North York Community Council Report 2,  
Scarborough Community Council Report 2, and  
Toronto and East York Community Council Report 2,

and moved, seconded by Deputy Mayor Bussin, that Council now give consideration to such Reports, which carried.

### **S3.4 DECLARATIONS OF INTEREST**

Councillor Filion declared his interest in Motion J(35), moved by himself, seconded by Councillor Moscoe, respecting 21 Cameron Avenue – Designation of a Property under Part IV of the *Ontario Heritage Act* – Ward 23 (Willowdale), which was adopted, without amendment, by City Council on January 31, February 1 and 2, 2006, in that, subsequent to that Council meeting, he was advised that one of the owners of the property was the general contractor for a house Councillor Filion was building. Councillor Filion requested that the minutes of the January 31, February 1 and 2, 2006 meeting of City Council be amended to delete him as the mover of Motion J(35) and substitute Councillor Moscoe, the seconder of the Motion, as the mover.

Councillor Moscoe declared his interest in North York Community Council Report 2, Clause 32, headed “Submission of Revised Application to Amend the Official Plan and Zoning By-law - 03 201751 NNY 08 OZ Draft Plan of Subdivision - 04 138822 NNY 08 SB Site Plan Control Application - 03 201756 NNY 08 SA 102 - 134 Hucknall Road”, in that his principal residence is within the vicinity of the proposed development.

Councillor Pitfield declared her interest in Toronto and East York Community Council Report 2, Clause 19, headed “Status Report - Rezoning Application - 90 Stadium Road (Ward 20 - Trinity-Spadina)”, in that she has purchased a share in a yacht club on Stadium Road.

Councillor Shiner declared his interest in Toronto and East York Community Council Report 2, Clause 3, headed “Final Report - Rezoning Application - King-Spadina Interim Control By-law (Ward 20 - Trinity-Spadina)”, in that his family own property in the area.

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

**S3.5 The following Clauses were held by Council for further consideration:**

Policy and Finance Committee Report 1, Clauses 10a, 12a, 14a and 21a.

Community Services Committee Report 1, Clause 3a.

Economic Development and Parks Committee Report 1, Clauses 5a and 16a.

Works Committee Report 1, Clause 11a.

Etobicoke York Community Council Report 1, Clauses 3a and 4a.

Toronto and East York Community Council Report 1, Clauses 9a and 39a.

Etobicoke York Community Council Report 2, Clauses 3, 5, 8 and 12.

North York Community Council Report 2, Clauses 16, 18, 19, 20, 21, 24 and 32.

Scarborough Community Council Report 2, Clause 7.

Toronto and East York Community Council Report 2, Clauses 3, 18, 19, 28, 31, 38, 41, 42, 44, 46 and 48.

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

Toronto and East York Community Council Report 1, Clause 39a.

**The following Clause was added to the agenda for this special meeting:**

Etobicoke York Community Council Report 1, Clause 21a. (See Minute S3.14, Page 7)

**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.**

**S3.6 Policy and Finance Committee Report 1, Deferred Clause 21a, headed “Toronto Youth Strategy”.**

*Motion:*

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

“That City Council designate 2007 as the Year of Children and Youth.”

*Votes:*

Adoption of motion by Councillor Thompson:

Yes - 35	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

The Clause, as amended, carried.

**S3.7 Etobicoke York Community Council Report 2, Clause 8, headed “Proposed Installation of School Bus Loading Zone on Renault Crescent and Proposed Left-Turn Prohibition from the Driveway of All Saints Catholic School onto Royal York Road (Ward 2 - Etobicoke North) and (Ward 4 - Etobicoke Centre)”.**

*Motion:*

Councillor Ford moved that consideration of this Clause be postponed to the next regular meeting of City Council on April 25, 2006.

*Vote:*

The motion by Councillor Ford carried.

**S3.8 Etobicoke York Community Council Report 2, Clause 12, headed “Natural Garden Exemption Request - 10 Savalon Court (Ward 3 - Etobicoke Centre)”.**

*Motion:*

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

“That a condition be imposed on the owner of the property to maintain the approved Natural Garden to the satisfaction of the Municipal Licensing and Standards Division and the Parks, Forestry and Recreation Division, failing which, the approval will become null and void.”

*Votes:*

The motion by Councillor Holyday carried.

The Clause, as amended, carried.

**S3.9 Toronto and East York Community Council Report 2, Clause 18, headed “Further Report - Amendment to Section 37 Agreement - Official Plan Amendment and Rezoning Application - Wellesley Central Health Corporation - 146-160 Wellesley Street East (Ward 27 - Toronto Centre-Rosedale)”.**

*Motion:*

Councillor Rae moved that the Clause be amended to provide that Council’s actions of May 18, 19 and 20, 2004, [as contained in Toronto South Community Council Report 4, Clause 2] be amended so that the subdivision agreement containing those provisions referred to in Recommendation (6) of the report (April 20, 2004) from the Director, Community Planning, South District [as contained in that Clause], also provide that the hard services portion of the development charges being water, sanitary sewers, roads and storm water management services, for the Block 1 redevelopment, be payable on the date of issuance of a building permit, and that the appropriate City officials be authorized to take the necessary action to implement such action.

*Votes:*

The motion by Councillor Rae carried.

The Clause, as amended, carried.

**S3.10 Toronto and East York Community Council Report 2, Clause 48, headed “Relocation of Parking from the North Side to the South Side of the Street During Winter Months - MacPherson Avenue, between Avenue Road and Yonge Street (Ward 27 - Toronto Centre-Rosedale)”.**

*Motion:*

Councillor Rae moved that consideration of this Clause be postponed to the next regular meeting of City Council on April 25, 2006.

*Vote:*

The motion by Councillor Rae carried.

**S3.11 Toronto and East York Community Council Report 2, Clause 42, headed “Continuation of One-Year Trial Programme - Mechanical Street Sweeping Within the Area Bounded by Bloor Street West to the North, CN Rail Corridor to the West, College Street to the South and Dufferin Street to the East (Ward 18 - Davenport)”.**

The Clause was submitted without recommendation.

*Motion:*

Councillor Giambrone moved that Council adopt the staff recommendations contained in the Recommendations Section of the report (January 26, 2006) from the Director, Transportation Services, Toronto and East York District [as contained in the Clause].

*Votes:*

The motion by Councillor Giambrone carried.

The Clause, as amended, carried.

**S3.12 Toronto and East York Community Council Report 2, Clause 46, headed “Amendments to Parking Regulations - Perth Avenue, Ruskin Avenue, Wallace Avenue, Macaulay Avenue and Ernest Avenue (Ward 18 - Davenport)”.**

The Clause was submitted without recommendation.

*Motion:*

Councillor Giambrone moved that Council adopt the staff recommendations contained in the Recommendations Section of the report (February 2, 2006) from the Director, Transportation Services, Toronto and East York District [as contained in the Clause].

*Votes:*

The motion by Councillor Giambrone carried.

The Clause, as amended, carried.

**S3.13 Toronto and East York Community Council Report 2, Clause 44, headed “Decision of the Agnes Macphail Award Selection Committee - Recipient of the 2006 Agnes Macphail Award”.**

*Vote:*

The Clause was adopted, without amendment.

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

**S3.14 Etobicoke York Community Council Report 1, Deferred Clause 21a, headed “Removal of Pedestrian Crossover on Islington Avenue at Golfdown Drive; and Installation of Pedestrian Activated Traffic Lights (Ward 2 - Etobicoke North)”.**

*[City Council on January 31, February 1 and 2, 2006, postponed consideration of this Clause to its regular meeting on April 25, 2006.]*

*Procedural Motion on February 14, 2006:*

Councillor Ford moved that, in accordance with section 27-46 of Chapter 27, Council Procedures, of the City of Toronto Municipal Code, Council consider Etobicoke York Community Council Report 1, Clause 21, headed “Removal of Pedestrian Crossover on Islington Avenue at Golfdown Drive; and Installation of Pedestrian Activated Traffic Lights (Ward 2 - Etobicoke North)”, at the special Council meeting on February 14, 2006.

*Vote on Procedural Motion:*

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

*Motion:*

Councillor Ford moved that the Clause be amended by deleting the Operative Paragraph contained in the motion (January 17, 2006) by Councillor Ford, as contained in the Clause, and inserting instead the following:

**“NOW THEREFORE BE IT RESOLVED THAT Council:**

- (1) direct that a pedestrian activated traffic control signal be installed at the intersection of Islington Avenue and Golfdown Drive coincident with the removal of the existing split pedestrian crossover at the same location; and
- (2) authorize and direct the appropriate City officials to take the necessary action to give effect thereto, including the introduction of the necessary Bills in Council.”

*Votes:*

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

Yes - 27	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Ford, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Shiner, Silva, Thompson
No - 0	

Carried, without dissent.

Deputy Mayor Pantalone in the Chair.

**S3.15 Community Services Committee Report 1, Deferred Clause 3a, headed “Proposals for Implementing Toronto Social Services’ Response to the Auditor General’s Report on Recovery of Social Assistance Overpayments (June 2005)”.**

*Motions:*

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

“That the General Manager, Social Services, be requested to report to the March 8, 2006 meeting of the Community Services Committee on the safeguards in place to prevent individuals from claiming social assistance using false identity.”

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

“That the General Manager, Social Services, be requested to report to the March 8, 2006 meeting of the Community Services Committee on the use of biometric identification (finger scanning).”



- (c) Councillor Kelly moved that motion (a) by Councillor Ootes be amended by adding the words “such report to also address current safeguards in place in other jurisdictions, including the existing technology being used”.

*Votes:*

Adoption of motion (b) by Councillor Nunziata:

Yes - 24	
Councillors:	Altobello, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Ford, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 11	
Councillors:	Ainslie, Ashton, Augimeri, Carroll, Davis, Giambrone, McConnell, Mihevc, Moscoe, Pantalone, Silva

Carried by a majority of 13.

Motion (c) by Councillor Kelly carried.

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

The Clause, as amended, carried.

*Summary:*

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

“That the General Manager, Social Services, be requested to report to the March 8, 2006 meeting of the Community Services Committee, on:

- (1) the use of biometric identification (finger scanning); and
- (2) the safeguards in place to prevent individuals from claiming social assistance using false identity, such report to also address current safeguards in place in other jurisdictions, including the existing technology being used.”

**S3.16 Economic Development and Parks Committee Report 1, Deferred Clause 5a, headed “Tourism Action Plan: Report on 2005 Tourism Program Visitor Information Services Projects (All Wards)”.**

*Motions:*

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

“That Visitor Information Kiosks be installed at the Toronto Zoo and the Scarborough Civic Centre.”

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

“That the General Manager, Parks, Forestry and Recreation, in consultation with the Executive Director of Tourism, be requested to provide a briefing note to all Members of Council on the Information Pillars Pilot Project, including the size, location and orientation of the pillars, the size of billboards, and the terms of the pilot agreement with Astral, including advertising revenue for Astral and revenue for the City.”

*Votes:*

Motion (a) by Councillor Del Grande carried.

Motion (b) by Councillor Davis carried.

The Clause, as amended, carried.

*Summary:*

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

“That:

- (1) Visitor Information Kiosks be installed at the Toronto Zoo and the Scarborough Civic Centre; and
- (2) the General Manager, Parks, Forestry and Recreation, in consultation with the Executive Director of Tourism, be requested to provide a briefing note to all Members of Council on the Information Pillars Pilot Project, including the size, location and orientation of the pillars, the size of billboards, and the terms of the pilot agreement with Astral, including advertising revenue for Astral and revenue for the City.”

**S3.17 Economic Development and Parks Committee Report 1, Deferred Clause 16a, headed “Reduction in Permit Fees Policy (All Wards)”.**

*Motions:*

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

“That compensation be provided to those groups negatively impacted by the change in the implementation dates from January 1, 2006, to May 1, 2006, for the new harmonized permit fees, and that funds for this purpose be provided from within the Parks, Forestry and Recreation 2006 Operating Budget.”

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

“That the General Manager of Parks, Forestry and Recreation, be requested to include in the further report to the Economic Development and Parks Committee, statistics on the level of violence and shootings, as part of the analysis in determining the new priority centres within the City.”

Mayor Miller in the Chair.

Deputy Mayor Pantalone in the Chair.

*Votes:*

Adoption of motion (a) by Councillor Hall:

Yes - 10	
Mayor:	Miller
Councillors:	Altobello, Cowbourne, De Baeremaeker, Filion, Hall, McConnell, Ootes, Saundercook, Stintz
No - 23	
Councillors:	Ainslie, Augimeri, Bussin, Carroll, Davis, Di Giorgio, Ford, Giambrone, Holyday, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Shiner, Silva, Soknacki, Thompson, Walker, Watson

Lost by a majority of 13.

Adoption of motion (b) by Councillor Mammoliti

Yes - 13	
Mayor:	Miller
Councillors:	Augimeri, Del Grande, Ford, Hall, Jenkins, Mammoliti, McConnell, Nunziata, Ootes, Palacio, Pantalone, Walker
No - 22	
Councillors:	Ainslie, Altobello, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Giambrone, Holyday, Lindsay Luby, Mihevc, Moscoe, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Watson

Lost by a majority of 9.

The Clause was adopted, without amendment.

**S3.18 Toronto and East York Community Council Report 2, Clause 3, headed “Final Report - Rezoning Application - King-Spadina Interim Control By-law (Ward 20 - Trinity-Spadina)”.**

*Motion:*

Councillor Silva moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (February 7, 2006) from the Chief Planner and Executive Director, City Planning:

“It is recommended that:

- (1) City Council amend Zoning By-law 438-86 as attached and replace Recommendation (3) in the report dated January 23, 2006, with this recommendation;
- (2) City Council not adopt Recommendations (1) and (2) of the report dated January 23, 2006; and
- (3) City Council determine that no further notice is required.”

*Votes:*

The motion by Councillor Silva carried.

The Clause, as amended, carried.

**S3.19 Toronto and East York Community Council Report 2, Clause 31, headed “Provision of On-Street Parking Spaces Exclusively for Use by Buses in Proximity to the Toronto Coach Terminal (Ward 27 - Toronto Centre-Rosedale)”.**

*Motion:*

Councillor Moscoe moved that the Clause be amended:

- (1) to provide that the by-law be further amended to specify that at no time shall these spaces be used for the loading and unloading of passengers; and
- (2) by adding the following:

“That the City Solicitor, in consultation with the Executive Director, Municipal Licensing and Standards, prepare a draft by-law under the impending *City of Toronto Act* that would authorize the use of a ‘bus size’ Denver Boot as a means of ensuring the collection of fines from out of town buses.”

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

**S3.20 Toronto and East York Community Council Report 2, Clause 28, headed “Reduction of the Speed Limit to Fifty Kilometres Per Hour - Mount Pleasant Road, between Jarvis Street and Crescent Road (Ward 27 - Toronto Centre Rosedale)”.**

*Motion:*

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

“That the Toronto Police Services Board be requested to put Mount Pleasant Road, between Jarvis Street and Crescent Road, under special attention for enforcement and report back to Council in six months, through the Works Committee.”

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

**S3.21 Toronto and East York Community Council Report 1, Deferred Clause 9a, headed “Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code - 1 Jefferson Avenue and 1A Atlantic Avenue (Ward 14 - Parkdale-High Park and Ward 19 - Trinity-Spadina)”.**

*Motion:*

Councillor Di Giorgio moved that the Clause be received, as the application for a variance from Chapter 297, Signs, of the former City of Toronto Municipal Code, for 1 Jefferson Avenue and 1A Atlantic Avenue, has been withdrawn.

*Vote:*

The motion by Councillor Di Giorgio carried.

**S3.22 North York Community Council Report 2, Clause 16, headed “Request for Direction Report - Site Plan Control Application - 05 166083 NNY 15 SA - 749839 Ontario Limited (Cityscape Design Innovations Inc.) - 108 Stayner Avenue (Ward 15 - Eglinton-Lawrence)”.**

*Motions:*

- (a) Councillor Moscoe moved that the Clause be amended by amending the Notice of Approval Conditions, as recommended by the North York Community Council, as follows:

- (1) deleting Condition (1) and inserting instead the following:

“(1) the General Manager, Parks, Forestry and Recreation, as well as the Manager, Heritage Preservation Services, be directed to consult with the Ward Councillor and local residents with respect to the location of replacement trees;”;

- (2) deleting Condition (2);

- (3) deleting Condition (3) and inserting instead the following, re-numbered as Condition (2):

“(2) the development be phased in a manner satisfactory to the Director, Community Planning, North York District, and development on the heritage lot commence and proceed prior to the issuance of building permits for any of the three abutting lots consistent with the Heritage Easement Agreement dated May 20, 2005;”;

- (4) deleting Condition (4) and inserting instead the following, re-numbered as

Condition (3):

- “(3) given past experience with the way the property has been maintained by the present owner, the Executive Director, Municipal Licensing and Standards be directed to closely monitor the construction process and construction activity on this property, including weekend construction, to ensure that all by-laws are observed and strictly adhered to;”;
- (5) re-numbering existing Conditions (5) and (6) as Conditions (4) and (5); and
- (6) adding the following new Conditions (6), (7) and (8):
  - “(6) the applicant shall erect a solid wood fence along the western boundary of the property, the design of which shall be consistent with the heritage designation of the property;
  - (7) all air conditioning units shall be placed between the new homes, in order to not impact existing homes; and
  - (8) the applicant shall be required to replant trees, in neighbourhood parks and on road allowances, to the estimated value of \$83,000.00, that the applicant destroyed, less the value of trees actually planted on the property as outlined in the planning report (\$17,000.00), subject to the approval of the General Manager, Parks, Forestry and Recreation.”;

so the Notice of Approval Conditions, as amended by Council, now read as follows:

- “(1) the General Manager, Parks, Forestry and Recreation, as well as the Manager, Heritage Preservation Services, be directed to consult with the Ward Councillor and local residents with respect to the location of replacement trees;
- (2) the development be phased in a manner satisfactory to the Director, Community Planning, North York District, and development on the heritage lot commence and proceed prior to the issuance of building permits for any of the three abutting lots consistent with the Heritage Easement Agreement dated May 20, 2005;
- (3) given past experience with the way the property has been maintained by the present owner, the Executive Director, Municipal Licensing and Standards be directed to closely monitor the construction process and construction activity on this property, including weekend construction, to ensure that all by-laws are observed and strictly adhered to;

- (4) prior to any building permits being issued, the applicant must pay to the account of Urban Forestry Services, \$7,049.00 in compensation for the four City trees that were arbitrarily removed from City property; and
  - (5) the owner shall ensure that any abandoned wells on the subject lands be decommissioned in accordance with Ontario Ministry of the Environment Regulation 903, as amended, and that a certified copy of “record of abandonment” be submitted to the Chief Building Official, prior to issuing any work permits;
  - (6) the applicant shall erect a solid wood fence along the western boundary of the property, the design of which shall be consistent with the heritage designation of the property;
  - (7) all air conditioning units shall be placed between the new homes, in order to not impact existing homes; and
  - (8) the applicant shall be required to replant trees, in neighbourhood parks and on road allowances, to the estimated value of \$83,000.00, that the applicant destroyed, less the value of trees actually planted on the property as outlined in the planning report (\$17,000.00), subject to the approval of the General Manager, Parks, Forestry and Recreation.”
- (b) Councillor Holyday moved that the Clause be amended by deleting the recommendations of the North York Community Council and inserting instead the following:
- “That the staff recommendations contained in the Recommendations Section of the report (January 20, 2006) from the Director, Community Planning, North York District, [as contained in the Clause], be adopted.”

*Votes:*

Adoption of motion (a) by Councillor Moscoe:

Yes - 31	
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Stintz, Thompson, Walker
No - 5	
Councillors:	Di Giorgio, Ford, Holyday, Palacio, Watson

Carried by a majority of 26.



Deputy Mayor Pantalone, due to the above decision of Council, declared motion (b) by Councillor Holyday, redundant.

The Clause, as amended, carried.

*Summary:*

In summary, Council amended this Clause by amending the Notice of Approval Conditions, as recommended by the North York Community Council, as follows:

- (1) deleting Condition (1) and inserting instead the following:
  - “(1) the General Manager, Parks, Forestry and Recreation, as well as the Manager, Heritage Preservation Services, be directed to consult with the Ward Councillor and local residents with respect to the location of replacement trees;”;
- (2) deleting Condition (2);
- (3) deleting Condition (3) and inserting instead the following, re-numbered as Condition (2):
  - “(2) the development be phased in a manner satisfactory to the Director, Community Planning, North York District, and development on the heritage lot commence and proceed prior to the issuance of building permits for any of the three abutting lots consistent with the Heritage Easement Agreement dated May 20, 2005;”;
- (4) deleting Condition (4) and inserting instead the following, re-numbered as Condition (3):
  - “(3) given past experience with the way the property has been maintained by the present owner, the Executive Director, Municipal Licensing and Standards be directed to closely monitor the construction process and construction activity on this property, including weekend construction, to ensure that all by-laws are observed and strictly adhered to;”;
- (5) re-numbering existing Conditions (5) and (6) as Conditions (4) and (5); and
- (6) adding the following new Conditions (6), (7) and (8):
  - “(6) the applicant shall erect a solid wood fence along the western boundary of the property, the design of which shall be consistent with the heritage designation of the property;

- (7) all air conditioning units shall be placed between the new homes, in order to not impact existing homes; and
- (8) the applicant shall be required to replant trees, in neighbourhood parks and on road allowances, to the estimated value of \$83,000.00, that the applicant destroyed, less the value of trees actually planted on the property as outlined in the planning report (\$17,000.00), subject to the approval of the General Manager, Parks, Forestry and Recreation.”,

so the Notice of Approval Conditions, as amended by Council, now read as follows:

- “(1) the General Manager, Parks, Forestry and Recreation, as well as the Manager, Heritage Preservation Services, be directed to consult with the Ward Councillor and local residents with respect to the location of replacement trees;
- (2) the development be phased in a manner satisfactory to the Director, Community Planning, North York District, and development on the heritage lot commence and proceed prior to the issuance of building permits for any of the three abutting lots consistent with the Heritage Easement Agreement dated May 20, 2005;
- (3) given past experience with the way the property has been maintained by the present owner, the Executive Director, Municipal Licensing and Standards be directed to closely monitor the construction process and construction activity on this property, including weekend construction, to ensure that all by-laws are observed and strictly adhered to;
- (4) prior to any building permits being issued, the applicant must pay to the account of Urban Forestry Services, \$7,049.00 in compensation for the four City trees that were arbitrarily removed from City property; and
- (5) the owner shall ensure that any abandoned wells on the subject lands be decommissioned in accordance with Ontario Ministry of the Environment Regulation 903, as amended, and that a certified copy of “record of abandonment” be submitted to the Chief Building Official, prior to issuing any work permits;
- (6) the applicant shall erect a solid wood fence along the western boundary of the property, the design of which shall be consistent with the heritage designation of the property;
- (7) all air conditioning units shall be placed between the new homes, in order to not impact existing homes; and

- (8) the applicant shall be required to replant trees, in neighbourhood parks and on road allowances, to the estimated value of \$83,000.00, that the applicant destroyed, less the value of trees actually planted on the property as outlined in the planning report (\$17,000.00), subject to the approval of the General Manager, Parks, Forestry and Recreation.”

**S3.23 North York Community Council Report 2, Clause 32, headed “Submission of Revised Application to Amend the Official Plan and Zoning By-law - 03 201751 NNY 08 OZ Draft Plan of Subdivision - 04 138822 NNY 08 SB Site Plan Control Application - 03 201756 NNY 08 SA 102 - 134 Hucknall Road”.**

*Motion:*

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

“That Council adopt staff Recommendations (1)(i) and (2) contained in the Recommendations Section of the supplementary confidential report (February 10, 2006) from the City Solicitor. The following staff Recommendations (1)(i) and (2) are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information that is subject to solicitor-client privilege:

‘It is recommended that:

- (1)(i) Council, if it supports the revised plan calling for 48 units, so advise the Ontario Municipal Board by letter and instruct the City Solicitor not to oppose the applicant, on any motion brought by the applicant to have the Board approve the revised plans but to ensure the appropriate conditions of subdivision and site plan approval are imposed; and
- (2) if the applicant’s motion to review the original Ontario Municipal Board Decision denying the application for 67 units, for stated errors is brought forward, that the City Solicitor oppose that motion under Section 43 of the *OMB Act*.”

*Votes:*

Adoption of motion by Councillor Carroll:

Yes - 31	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Giambrone, Hall, Holyday, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Stintz, Thompson, Walker, Watson
No - 3	
Councillors:	Augimeri, Ford, Kelly

Carried by a majority of 28.

The Clause, as amended, carried.

**S3.24 Scarborough Community Council Report 2, Clause 7, headed “Final Report - OPA and Rezoning Application 05 105326 ESC 44 OZ Plan of Subdivision Application 05 205 195 ESC 44 SB Waltman Building Group (Buttermilk Developments Inc.) Korsiak and Company – East Avenue, East Side between Broadbridge Drive and Baronial Court Centennial Community (Ward 44 - Scarborough East)”.**

*Motions:*

- (a) Councillor Cowbourne moved that the Clause be amended by deleting the recommendation of the Scarborough Community Council and inserting instead the following:

“That the application be refused.”

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

“That, as a condition of draft approval, ensure an easement is provided to allow owners of retaining walls to have access for repair and replacement.”

*Votes:*

Adoption of motion (a) by Councillor Cowbourne:

Yes - 7	
Councillors:	Ashton, Cowbourne, De Baeremaeker, Ford, Jenkins, Kelly, Pantalone
No - 27	
Councillors:	Ainslie, Altobello, Augimeri, Bussin, Carroll, Davis, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Holyday, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pitfield, Rae, Saundercook, Shiner, Silva, Thompson, Walker, Watson

Lost by a majority of 20.

Motion (b) by Councillor Ashton carried.

Adoption of Clause, as amended:

Yes - 28	
Councillors:	Ainslie, Altobello, Augimeri, Bussin, Carroll, Davis, Del Grande, Di Giorgio, Filion, Giambrone, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Thompson, Walker, Watson
No - 6	
Councillors:	Ashton, Cowbourne, De Baeremaeker, Fletcher, Ford, Kelly

Carried by a majority of 22.

*Summary:*

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

“That, as a condition of draft approval, ensure an easement is provided to allow owners of retaining walls to have access for repair and replacement.”

**S3.25 Toronto and East York Community Council Report 2, Clause 38, headed “Directions Report - 629, 633 and 675 Eastern Avenue (Ward 30 - Toronto-Danforth)”.**

*Motion:*

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

“That Council adopt the following staff recommendation contained in the Recommendation Section of the supplementary report (February 13, 2006) from the Chief Planner and Executive Director, City Planning:

‘It is recommended that the Director, Community Planning, Toronto and East York District set up a community consultation process that will include up to two evening meetings to discuss the preliminary findings of the South of Eastern Study prior to reporting out to Toronto and East York Community Council.’ ”

*Votes:*

The motion by Councillor Fletcher carried.

The Clause, as amended, carried.

**S3.26 North York Community Council Report 2, Clause 18, headed “Ontario Municipal Board Hearing – Committee of Adjustment Application A0693/05NY - Verdiroc Holdings Ltd. – 0 Bayview Avenue E/S – North-east Corner of Bayview Avenue and Sheppard Avenue East (Ward 24 - Willowdale)”.**

*Motion:*

Councillor Filion moved that the Clause be amended by deleting the recommendation of the North York Community Council and inserting instead the following:

“That the Resolution by Councillor Filion, as contained in the Clause, be adopted, subject to the Operative Paragraph being amended to read as follows:

**‘THEREFORE BE IT RESOLVED THAT** Council authorize the City Solicitor to attend the Ontario Municipal Board hearing and seek an outside planning consultant, if necessary, to uphold the City’s By-law and the Committee of Adjustment decision.’ ”

*Votes:*

Adoption of motion by Councillor Filion:

Yes - 12	
Councillors:	Ashton, Bussin, Carroll, Cowbourne, Davis, Filion, Fletcher, Jenkins, McConnell, Mihevc, Moscoe, Silva
No - 18	
Councillors:	Augimeri, Del Grande, Ford, Hall, Holyday, Kelly, Lindsay Luby, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson

Lost by a majority of 6.

Adoption of Clause, without amendment:

Yes - 18	
Councillors:	Augimeri, Del Grande, Ford, Hall, Holyday, Kelly, Lindsay Luby, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 12	
Councillors:	Ashton, Bussin, Carroll, Cowbourne, Davis, Filion, Fletcher, Jenkins, McConnell, Mihevc, Moscoe, Silva

Carried by a majority of 6.

**S3.27 North York Community Council Report 2, Clause 19, headed “Final Report - Application to Amend the Zoning By-law And Draft Plan of Subdivision - 05 132083 NNY 08 OZ and 05 132092 NNY 08 SB Walker Nott Dragicevic Associates Ltd. – 4700 Keele Street (Ward 8 - York West)”.**

*Motions:*

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

“That:

- (1) as a condition of subdivision approval, the applicant be required to contribute the present value of \$1,350,000.00 of future operating costs for the clearing and maintenance of 1.6 km of laneway; and

- (2) in future negotiations on Phase III of the development, the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, ensure that the full cost of maintenance of laneways is covered by the developer along with an amount to cover the City's losses on Phase I."

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

"That this laneway be serviced in the same manner and to the same level as every other laneway in the City."

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

"That Deputy City Manager Fareed Amin and the Deputy City Manager and Chief Financial Officer be requested to report to the Works Committee on the budgetary and funding implications of providing future public rear laneways in new developments, in consideration of the different levels of service that are provided in areas of the City."

*Votes:*

Adoption of motion (a) by Councillor Moscoe:

Yes - 17	
Councillors:	Altobello, Augimeri, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Silva, Watson
No - 15	
Councillors:	Ainslie, Ashton, Bussin, Ford, Holyday, Kelly, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson

Carried by a majority of 2.

Deputy Mayor Pantalone, due to the above decision of Council, declared motion (b) by Councillor Ootes, redundant.

Motion (c) by Councillor Ashton carried.



Adoption of Clause, as amended:

Yes - 22	
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Ootes, Palacio, Pantalone, Silva, Watson
No - 10	
Councillors:	Ford, Holyday, Kelly, Nunziata, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson

Carried by a majority of 12.

*Summary:*

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

“That:

- (1) as a condition of subdivision approval, the applicant be required to contribute the present value of \$1,350,000.00 of future operating costs for the clearing and maintenance of 1.6 km of laneway;
- (2) in future negotiations on Phase III of the development, the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, ensure that the full cost of maintenance of laneways is covered by the developer along with an amount to cover the City’s losses on Phase I; and
- (3) Deputy City Manager Fareed Amin and the Deputy City Manager and Chief Financial Officer be requested to report to the Works Committee on the budgetary and funding implications of providing future public rear laneways in new developments, in consideration of the different levels of service that are provided in areas of the City.”

**S3.28 North York Community Council Report 2, Clause 24, headed “Ontario Municipal Board Hearing - Committee of Adjustment Application - 319 and 327 Pleasant Avenue (Ward 23 - Willowdale)”.**

*Motions:*

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

“That the confidential report (February 14, 2006) from the Chief Planner and Executive Director, City Planning, be received.”

- (b) Councillor Fillion moved that the Clause be amended in accordance with the confidential report (February 14, 2006) from the Chief Planner and Executive Director, City Planning.

*Permission to Withdraw Motion:*

Councillor Fillion, with the permission of Council, withdrew his motion (b).

*Motion:*

- (c) Councillor Fillion, with the permission of Council, moved that the Clause be amended by adding the following:

“That City Council authorize the City Solicitor and Planning staff to attend the Ontario Municipal Board hearing to oppose the request for below-grade garages and any other variances that Planning staff, in their professional opinion, cannot support.”

*Votes:*

Motion (c) by Councillor Fillion carried.

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

The Clause, as amended, carried.

*Summary:*

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

“That City Council authorize the City Solicitor and Planning staff to attend the Ontario Municipal Board hearing to oppose the request for below-grade garages and any other variances that Planning staff, in their professional opinion, cannot support.”

**S3.29 North York Community Council Report 2, Clause 20, headed “Request to Remove Privately Owned Trees - 4700 Keele Street (Ward 8 - York West)”.**

*Motion:*

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

“That staff of the Parks, Forestry and Recreation Division and Councillor Moscoe meet with the applicant to determine if there is a possibility of saving any of the 49 mature trees.”

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

### **S3.30 IN-CAMERA MEETING SESSION OF THE COMMITTEE OF THE WHOLE**

Deputy Mayor Pantalone in the Chair.

*Procedural Motion:*

Councillor Stintz, at 4:10 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Toronto and East York Community Council Report 2, Clause 19, headed “Status Report - Rezoning Application - 90 Stadium Road (Ward 20 - Trinity-Spadina)”, in accordance with the provisions of the *Municipal Act, 2001*, as it contains confidential information which is subject to solicitor-client privilege.

*Vote:*

The motion by Councillor Stintz carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 4:15 p.m. to meet privately in the Council Chamber to consider the above matter, in accordance with the provisions of the *Municipal Act, 2001*.

Committee of the Whole rose, reconvened as Council at 4:40 p.m., and met in public session in the Council Chamber.

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

### **S3.31 Toronto and East York Community Council Report 2, Clause 19, headed “Status Report - Rezoning Application - 90 Stadium Road (Ward 20 - Trinity-Spadina)”.**

*Report of the Committee of the Whole:*

Deputy Mayor Pantalone, in accordance with the provisions of the *Municipal Act, 2001*, reported that no motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause.

*Motions moved in Public Session:*

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

“That City Council refuse the application and the City Solicitor be authorized to attend the Ontario Municipal Board.”

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

“That:

- (1) Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (January 30, 2006) 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 that is subject to solicitor-client privilege:

‘That City Council adopt the staff recommendations in the Recommendation Section of the report (October 31, 2005) from the Director, Community Planning, Toronto and East York District, and direct the City Solicitor to attend the Ontario Municipal Board (OMB) and support the position outlined in the report, wherein City Council directed staff to continue negotiations with the applicant to revise their proposal to include the following modifications:

- (i) limit the height of the tower element of the proposal to a maximum of 62 metres (20 storeys) including mechanical penthouse;
- (ii) increase the setbacks on the ninth floor of the buildings located along Stadium Road and the south boundary of the site to 3 metres;
- (iii) increase the setback from the southwest corner of the site at the water’s edge to a minimum of 7 metres measured at a 45 degree angle and convey this land to the City to allow for the expansion of the Martin Goodman Trail, consistent with the principle outlined in the Central Waterfront Secondary Plan to reserve the water’s edge for public use;
- (iv) secure a public connection through the north end of the site between the Martin Goodman Trail and Stadium Road;
- (v) require the owner, at their expense, to provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA)

and constructed with a back flow preventer to the satisfaction of the Commissioner of Works and Emergency Services, including requirements to maintain in good order and repair; and

- (vi) secure a contribution of not less than \$800,000.00, pursuant to s.37 of the *Planning Act*, for improvements to various community amenities in the immediate area as described in the report.'; and
- (2) staff be directed to secure an additional contribution, pursuant to s.37 of the *Planning Act*, to require the applicant to provide a one-year transit pass to the purchaser of each condominium."

*Votes:*

Adoption of motion (a) by Councillor Silva:

Yes - 3	
Councillors:	De Baeremaeker, Pantalone, Silva
No - 23	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cowbourne, Davis, Del Grande, Ford, Hall, Holyday, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Rae, Saundercook, Stintz, Walker, Watson

Lost by a majority of 20.

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

Yes - 14	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Davis, De Baeremaeker, McConnell, Mihevc, Moscoe, Pantalone, Silva, Walker, Watson
No - 12	
Councillors:	Cowbourne, Del Grande, Ford, Hall, Holyday, Kelly, Lindsay Luby, Nunziata, Ootes, Rae, Saundercook, Stintz

Carried by a majority of 2.

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

Adoption of Clause, as amended:

Yes - 26
Councillors: Ainslie, Altobello, Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Fletcher, Ford, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Rae, Saundercook, Stintz, Walker, Watson
No - 2
Councillors: Pantalone, Silva

Carried by a majority of 24.

*Summary:*

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

“That:

- (1) Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (January 30, 2006) 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 that is subject to solicitor-client privilege:

‘That City Council adopt the staff recommendations in the Recommendation Section of the report (October 31, 2005) from the Director, Community Planning, Toronto and East York District, and direct the City Solicitor to attend the Ontario Municipal Board (OMB) and support the position outlined in the report, wherein City Council directed staff to continue negotiations with the applicant to revise their proposal to include the following modifications:

- (i) limit the height of the tower element of the proposal to a maximum of 62 metres (20 storeys) including mechanical penthouse;
- (ii) increase the setbacks on the ninth floor of the buildings located along Stadium Road and the south boundary of the site to 3 metres;
- (iii) increase the setback from the southwest corner of the site at the water’s edge to a minimum of 7 metres measured at a 45 degree angle and convey this land to the City to allow for the expansion of the Martin Goodman Trail, consistent with

the principle outlined in the Central Waterfront Secondary Plan to reserve the water's edge for public use;

- (iv) secure a public connection through the north end of the site between the Martin Goodman Trail and Stadium Road;
  - (v) require the owner, at their expense, to provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Commissioner of Works and Emergency Services, including requirements to maintain in good order and repair; and
  - (vi) secure a contribution of not less than \$800,000.00, pursuant to s.37 of the *Planning Act*, for improvements to various community amenities in the immediate area as described in the report.'; and
- (2) staff be directed to secure an additional contribution, pursuant to s.37 of the *Planning Act*, to require the applicant to provide a one-year transit pass to the purchaser of each condominium."

Staff Recommendations contained in the Recommendations Section of the report (October 31, 2005) from the Director, Community Planning, Toronto and East York District:

"It is recommended that:

- (1) Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board (OMB) and support the position outlined in this report;
- (2) Council direct staff to continue negotiations with the applicant to revise their proposal to include the following modifications:
  - (i) limit the height of the tower element of the proposal to a maximum of 62 metres including mechanical penthouse;
  - (ii) increase the setbacks on the ninth floor of the buildings located along Stadium Road and the south boundary of the site to 3 metres;
  - (iii) increase the setback from the southwest corner of the site at the water's edge to a minimum of 7 metres measured at a 45 degree angle and convey this land to the City to allow for the expansion of the Martin Goodman Trail, consistent with the principle outlined in the

Central Waterfront Secondary Plan to reserve the water's edge for public use; and

- (iv) secure a public connection through the north end of the site between the Martin Goodman Trail and Stadium Road;
- (3) Council direct staff, should the applicant agree to these modifications, to report back to Council on the terms of settlement;
- (4) Council direct staff to incorporate any technical recommendations that have resulted from the circulation of this application to other City Divisions; and
- (5) Council require the owner, at their expense, to provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Commissioner of Works and Emergency Services, including requirements to maintain in good order and repair.”

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

Deputy Mayor Pantalone in the Chair.

#### **S3.32 I(1) Re-opening of Effective Date for Harmonized Permit Rates**

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

**Moved by: Councillor Kelly**

**Seconded by: Councillor Cho**

**“WHEREAS** City Council on December 14 and 16, 2005, adopted, as amended, Motion F(1), and in so doing, delayed the implementation of the harmonized permit rates for six months so that the new rates would take effect on May 1, 2006, instead of January 1, 2006; and

**WHEREAS** community groups from the former municipalities of Scarborough, Etobicoke and East York are negatively affected by the changes in the implementation date from January 1, 2006, to May 1, 2006; and

**WHEREAS** they were only given approximately five days notice; and

**WHEREAS** these community groups did not incorporate the continued permit fees



into their budgets and they have been negatively impacted by the unanticipated cost for use of space in City facilities;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion F(1), headed ‘Harmonized Permit Rates (All Wards)’, be re-opened for further consideration, as it pertains to the implementation date for the harmonized permit rates;

**AND BE IT FURTHER RESOLVED THAT** the harmonized permit rates take effect on March 1, 2006, instead of May 1, 2006.”

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion I(1), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 1, Page 86)

*Vote:*

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

Yes - 11	
Councillors:	Ashton, Cowbourne, De Baeremaeker, Fletcher, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Nunziata, Pitfield
No - 23	
Councillors:	Augimeri, Bussin, Davis, Del Grande, Di Giorgio, Filion, Ford, Giambrone, Mammoliti, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Stintz, Thompson, Walker, Watson

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

*Disposition:*

City Council did not re-open Motion F(1), headed “Harmonized Permit Rates (All Wards)”. As a result, Council did not consider the balance of Motion I(1).

**S3.33 J(1) Re-opening of Harmonized Permit Rates for Seniors and Youth for Gymnasias and Multi-Purpose Rooms**

Councillor Augimeri requested that, in accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, a Notice of Motion respecting the Harmonized Permit Rates for Seniors and Youths for Gymnasias and Multi-Purpose Rooms, be added to the agenda for this

special meeting, which carried, more than two-thirds of Members present having voted in the affirmative.

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

**Moved by: Councillor Augimeri**

**Seconded by: Councillor Grimes**

**“WHEREAS** City Council on May 17, 18 and 19, 2005, adopted Economic Development and Parks Committee Report 5, Clause 2, in so doing approved new harmonized permit rates for gymnasias, rooms, kitchens, dry pads and children’s use of sports fields, for implementation on January 1, 2006;

**WHEREAS** City Council on December 14 and 16, 2005, adopted, as amended, Motion F(1), and in so doing, delayed the implementation of the harmonized permit rates for six months so that the new rates would take effect on May 1, 2006, instead of January 1, 2006; and

**WHEREAS** the City of Toronto, Parks, Forestry and Recreation Division is committed to lifelong physical activity for seniors and the 2006 Operating Budget should incorporate a plan to help fund recreation for use by seniors to promote a healthy and active lifestyle; and

**WHEREAS** the Parks, Forestry and Recreation Division provides recreation amenities such as multi-purpose rooms and gymnasias for seniors to use and enjoy for recreation purposes; and

**WHEREAS** the Parks, Forestry and Recreation Division charges fees to use these outlets to seniors in the former Scarborough, Etobicoke and East York areas;

**WHEREAS** the City of Toronto recognizes that children and youth are at the forefront of issues concerning health, safety and well being in society, the Parks, Forestry and Recreation’s 2006 Operating Budget should incorporate a plan to help fund recreational use by these groups; and

**WHEREAS** the Parks, Forestry and Recreation Division provides recreational amenities such as gymnasias for children and youths; and

**WHEREAS** the Parks, Forestry and Recreation Division currently charges fees to children and youth to use these outlets;

**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 (All Wards)', be re-opened for further consideration, as it pertains to the permit fees for Seniors and Children and Youth with respect to the use of Class A, B and C gymnasias and multi-purpose rooms;

**AND BE IT FURTHER RESOLVED THAT:**

- (1) permit fees be eliminated for children and youth with respect to the use of Class A, B and C gymnasias; and
- (2) permit fees be eliminated for seniors for the use of multi-purpose rooms and gymnasias (during the day) in the former Scarborough, Etobicoke and East York.”,

the vote upon which was taken as follows:

Yes - 25	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Giambrone, Jenkins, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Shiner, Silva, Thompson
No - 12	
Councillors:	Del Grande, Ford, Hall, Holyday, Kelly, Lindsay Luby, Ootes, Saundercook, Soknacki, Stintz, Walker, Watson

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

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(1), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 2, Page 87)

*Vote:*

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

Yes - 23	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Augimeri, Bussin, Carroll, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Giambrone, Jenkins, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata,

Palacio, Pantalone, Rae, Shiner, Silva, Thompson	
No - 13	
Councillors:	Del Grande, Ford, Hall, Holyday, Kelly, Lindsay Luby, Ootes, Pitfield, Saundercook, Soknacki, Stintz, Walker, Watson

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

*Disposition:*

City Council did not re-open Economic Development and Parks Committee Report 5, Clause 2, headed “Harmonized Permit Rates (All Wards)”. As a result, Council did not consider the balance of Motion J(1).

Mayor Miller in the Chair.

**S3.34 J(2) Request to Federal and Provincial Governments to Preserve the National Child Care Program – Protect High Quality Accessible Child Care in Toronto**

Councillor Davis requested that, in accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, a Notice of Motion respecting Accessible Child Care in Toronto, 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 in the Chair.

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

**Moved by: Councillor Davis**

**Seconded by: Mayor Miller**

**“WHEREAS** Toronto City Council endorsed the following six-point action plan for building a national Early Learning and Child Care program at its meeting on November 30, December 1 and 2, 2004:

- (i) moving from the current user pay and subsidy system to publicly funded programs, as in Quebec and other OECD countries;
- (ii) introducing standards that guarantee quality, universally accessible, developmental, inclusive programming like the *Canada Health Act*, the principles of child care needs to be enshrined in legislation;
- (iii) maintaining existing federal commitments (Canada Social Transfer, Early

Childhood Development Initiative and Multilateral Framework Agreement funding);

- (iv) dedicating a separate adequate designated funding stream for a new, long-term federal transfer to provinces and territories;
- (v) agreeing that all expansion takes place through public and/or not for profit delivery; existing for-profit programs may be grand-parented; and
- (vi) including provincial and territorial accountability, tied to five-year plans that include goals and objectives, timelines and targets, review and evaluation as they build new Early Learning and Child Care (ELCC) systems; and

**WHEREAS** the City of Toronto received \$46 million for child care in 2005 and will receive \$80 million in 2006 from the federal Early Learning and Child Care funding, which will add 2,275 new child care spaces in Toronto; and

**WHEREAS** under the existing federal program, the City of Toronto would have received an additional \$236 million over the life of the five-year program and added a total of 5,855 licensed and subsidized child care spaces in the City of Toronto; and

**WHEREAS** the cancellation of the federal Early Learning and Child Care program by the new Conservative Government puts the City of Toronto's child care system and those new spaces in jeopardy; and

**WHEREAS** the lost funding will leave many children in the City of Toronto without quality accessible child care; and

**WHEREAS** the Conservative Government's proposed child care income support for families is a valid policy goal but is not a substitute for public investment in high quality early learning and child care programs; and

**WHEREAS** less than \$100.00 a month, after taxes, comes nowhere close to covering the cost of high quality child care, and tax credits for employers will not create sustainable, equitable child care programs; and

**WHEREAS** without a national child care program, there will be no choice in child care for parents;

**NOW THEREFORE BE IT RESOLVED THAT** Mayor Miller, on behalf of Council and the residents of the City of Toronto, work with the federal and provincial governments to preserve the national child care program and the Ontario federal-provincial child care agreement;

**AND BE IT FURTHER RESOLVED THAT** the City of Toronto work with families, child care programs, and child care advocacy groups to ensure that the

federal government fulfils its five-year funding commitment to build a national early learning and child care system in Toronto and Canada;

**AND BE IT FURTHER RESOLVED THAT** this motion be circulated to the other municipalities in Ontario.”

*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(2) to the Community Services Committee would have to be waived, in order to now consider this Motion.

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(2), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 85)

*Procedural Vote:*

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

*Vote:*

Adoption of Motion J(2), without amendment:

Yes - 33	
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Stintz, Thompson, Walker, Watson
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 31.

Mayor Miller in the Chair.

**S3.35 J(3) Amendment of Fair Wage By-law**

Councillor Watson requested that, in accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, a Notice of Motion respecting the Fair Wage By-law, 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 in the Chair.

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

**Moved by: Councillor Watson**

**Seconded by: Councillor Davis**

**“WHEREAS** the Ontario Labour Relations Board certified the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Local 721 as the bargaining agent of all ironworkers and ironworkers’ apprentices in the employ of the City of Toronto; and

**WHEREAS** this labour trade certification needs to be reflected in the City’s Fair Wage By-law and the City’s procurement documents;

**NOW THEREFORE BE IT RESOLVED THAT** City Council adopt the staff recommendations contained in the Recommendations Section of the attached report (February 9, 2006) from the City Solicitor, to allow the necessary bill to be enacted by Council to amend the Fair Wage By-law.”

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

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(3), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 85)

*Procedural Vote:*

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

Yes - 32
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Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson, Walker, Watson
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No - 3	Councillors: Ford, Holyday, Kelly
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Carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(3), a report (February 9, 2006) from the City Solicitor. (See Attachment 1, Page 71)

*Vote:*

Motion J(3) was adopted, without amendment.

*Summary:*

In adopting Motion J(3), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (February 9, 2006) from the City Solicitor:

“It is recommended that:

- (1) Schedule B of Municipal Code, Chapter 67, Fair Wage (Labour Trades Contractual Obligations in the Construction Industry) be amended to include references to the International Association of Bridge, Structural and Ornamental Iron Workers, Local 721 and the Iron Workers District Council of Ontario and the Ontario Erectors Association, Incorporated;
- (2) this report be forwarded to the Employee and Labour Relations Committee and the Administration Committee for information; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including introducing bills to Council to give effect to Recommendation (1).”

Mayor Miller in the Chair.

**S3.36 J(4) Ontario Municipal Board Hearing - 30 Kylemore Crescent**



Councillor Lindsay Luby requested that, in accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, a Notice of Motion respecting 30 Kylemore Crescent, 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 in the Chair.

Councillor Lindsay Luby 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 Lindsay Luby**

**Seconded by:**                **Councillor De Baeremaeker**

“**WHEREAS** on Thursday, November 10, 2005, the Committee of Adjustment for the City of Toronto (Etobicoke York Panel) refused Minor Variance Application No. A498/05EYK regarding floor space index at 30 Kylemore Crescent; and

**WHEREAS** the proposal is to maintain the construction of a rear two-storey addition and a second storey addition along the east side wall of the existing dwelling, built beyond the building permit; and

**WHEREAS** the variances requested from the Zoning By-law include an increase in lot coverage, floor space index, and dwelling depth; and

**WHEREAS** the variances are not in keeping with the character of the surrounding neighbourhood; and

**WHEREAS** City Planning staff provided written comment stating that although there is potential for development of the property, the proposal does not meet the four tests of the *Planning Act*; and

**WHEREAS** the applicant appealed the Committee of Adjustment decision to the Ontario Municipal Board, and a hearing for Tuesday, March 14, 2006 has been scheduled;

**NOW THEREFORE BE IT RESOLVED THAT** Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board to oppose the appeal of minor variance application A498/05EYK, related to 30 Kylemore Crescent;

**AND BE IT FURTHER RESOLVED THAT** the City Solicitor be authorized to retain appropriate consultants, if necessary, to support City Council’s position.”

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

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(4), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 85)

*Procedural Vote:*

The vote to waive referral of Motion J(4) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(4), the following, which are on file in the City Clerk's Office:

- Notice of Decision (November 15, 2005) from the Manager and Deputy Secretary-Treasurer, Etobicoke York District, Committee of Adjustment; and
- Report (November 8, 2005) addressed to the Chairman and Members of the Committee of Adjustment, Etobicoke York Panel, from the Director, Community Planning, Etobicoke York District.

*Vote:*

Motion J(4) was adopted, without amendment.

Mayor Miller in the Chair.

**S3.37 J(5) 1011 Lansdowne Avenue – Use of Section 433 of the *Municipal Act, 2001***

Councillor Giambrone requested that, in accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, a Notice of Motion respecting 1011 Lansdowne Avenue, 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 in the Chair.

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 Silva**

“**WHEREAS** the building at 1011 Lansdowne Avenue has been an on going ‘problem property’ for its lawful residents and neighbours as a result of non-compliance with the City’s property standards by-law, and the occupancy of the building, including some of its vacant units, by squatters who include drug users and dealers and persons using the property for prostitution purposes; and

**WHEREAS** despite efforts in 2005 by City enforcement staff and the police (including a month long police operation to deal with the squatter and drug problems), the problems with the maintenance and security of the building and related public safety concerns have returned (for example, there are still eight property standards active orders listed on the City’s Apartment Standards Disclosure Web site); and

**WHEREAS** this safety concern should be addressed as soon as possible; and

**WHEREAS** there are three other buildings in the City owned directly and indirectly by the same owner that have similar problems; and

**WHEREAS** section 433, of the *Municipal Act, 2001* is a new community safety power that permits municipalities to apply to the courts to close down problem properties as ‘public nuisances’ for up to two years;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor be requested to report to the Planning and Transportation Committee on options to use section 433 of the *Municipal Act, 2001* to apply to the courts to close down this building as a ‘public nuisance’;

**AND BE IT FURTHER RESOLVED THAT** the Director of Shelter, Support and Housing Administration be requested to report to the Planning and Transportation Committee on options for providing alternate accommodations to any lawful tenants of the building if the property was closed under section 443 of the *Municipal Act, 2001*.”

*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(5) to the Planning and Transportation Committee would have to be waived, in order to now consider this Motion.

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(5), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 85)

*Procedural Vote:*

The vote to waive referral of Motion J(5) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(5) was adopted, without amendment.

Mayor Miller in the Chair.

**S3.38 J(6) Co-ordinated Street Furniture Project – Authorization for Industry Consultation**

Councillor Carroll requested that, in accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, a Notice of Motion respecting the Co-ordinated Street Furniture Program, 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 in the Chair.

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

**Moved by: Councillor Carroll**

**Seconded by: Mayor Miller**

**“WHEREAS** City Council, at its meeting held on July 19, 20, 21 and 26, 2005 endorsed a strategy and preliminary work plan for achieving a functional, durable, high quality design Co-ordinated Street Furniture Program; and

**WHEREAS** the work plan for the Co-ordinated Street Furniture Program emphasized that, prior to a Request for Proposals (RFP) being issued, the City of Toronto’s goals and objectives in achieving high standards of civic amenities be informed by public and stakeholder input; and

**WHEREAS** an extensive consultation and outreach is incorporated as an integral element of the project and seeks to gather advice and input from a broad range of constituencies; and

**WHEREAS** industry and potential bidders can provide a valuable perspective in formulating a framework for advancing this project, and have indicated an eagerness to participate; and

**WHEREAS** Council, at its same meeting, among other things directed where an industry consultation is conducted prior to a formal procurement process, the Terms of Reference for the particular consultation be approved by Council;

**NOW THEREFORE BE IT RESOLVED THAT** in order to establish a fair and equitable industry consultation for the Co-ordinated Street Furniture Program, Council adopt the staff recommendations contained in the Recommendations Section of the report (February 13, 2006) from the General Manager, Transportation Services, and, in so doing, approve the Terms of Reference contained therein.”

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

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(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 85)

*Procedural Vote:*

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

Council also had before it, during consideration of Motion J(6), a report (February 13, 2006) from the General Manager, Transportation Services. (See Attachment 2, Page 74)

*Vote:*

Motion J(6) was adopted, without amendment.

*Summary:*

In adopting Motion J(6), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (February 13, 2006) from the General Manager, Transportation Services:

“It is recommended that:

- (1) authority be granted to staff to initiate an industry consultation, prior to a formal procurement process, in accordance with the Terms of Reference contained in the comments section of this report, related to the Co-ordinated Street Furniture Program; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

**S3.39 J(7) Ontario Municipal Board Hearing - 12 Sullivan Street**

Councillor Silva requested that, in accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, a Notice of Motion respecting 12 Sullivan Street, be added to the agenda for this special meeting, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Silva 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 Silva**

**Seconded by: Deputy Mayor Pantalone**

“**WHEREAS** the City of Toronto has a responsibility to maintain the character of neighbourhoods and protect them from the adverse impacts of adjacent development; and

**WHEREAS** the Committee of Adjustment refused an application for minor variances at 12 Sullivan Street (attached); and

**WHEREAS** Community Planning staff opposed the application due to negative impact on the neighbouring properties and the inappropriateness of the variances requested; and

**WHEREAS** the proposal does not meet the intent of the Official Plan, does not meet the intent of the Zoning By-law, is not appropriate development of the land and is not minor;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor and appropriate staff be requested to appear at the Ontario Municipal Board hearing to support the refusal of the Variance Application at 12 Sullivan Street.”

*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(7) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion J(7), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 85)

*Procedural Vote:*

The vote to waive referral of Motion J(7) 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(7), a Notice of Decision (November 10, 2005) from the Committee of Adjustment, Toronto and East York Panel, which is on file in the City Clerk's Office.

*Vote:*

Motion J(7) was adopted, without amendment.

**S3.40 J(8) Residential Demolition Application - 82-90 Broadway Avenue (Ward 25 - Don Valley West)**

Councillor Jenkins requested that, in accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, a Notice of Motion respecting 82-90 Broadway Avenue, 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 Fillion**

**“WHEREAS** City Council has approved an Official Plan Amendment and Zoning By-law to permit construction of a 272-unit residential apartment building at 82-90 Broadway Avenue; and

**WHEREAS** a registered Section 37 Agreement has secured the replacement of existing units at 82, 86, and 90 Broadway Avenue in the new building, as well as a tenant assistance package; and

**WHEREAS** the owner has filed for a demolition permit for the vacant apartment buildings at 82, 86, and 90 Broadway Avenue, which requires Council approval;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the City of Toronto adopt the staff recommendations set out in the Recommendations Section of the report (February 13, 2006) from the Chief Planner and Executive Director, City Planning.”

*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(8) 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(8) 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(8), a report (February 13, 2006) from the Chief Planner and Executive Director, City Planning. (See Attachment 3, Page 79)

*Vote:*

Adoption of Motion J(8), without amendment:

Yes - 33	
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson, Watson
No - 2	
Councillors:	Ford, Walker

Carried by a majority of 31.

*Summary:*

In adopting Motion J(8), without amendment, Council adopted, without amendment, the



following staff recommendations contained in the Recommendations Section of the report (February 13, 2006) from the Chief Planner and Executive Director, City Planning:

“It is recommended that City Council approve the application to demolish the residential buildings at 82, 86, and 90 Broadway Avenue and instruct the Chief Building Official to issue the demolition permit after the building permit for the new development has been issued, subject to the following conditions:

- (a) that the applicant submit a Designated Substance Report, a Dust Control Plan and any other required information for review and approval by the Medical Officer of Health, prior to the issuance of the demolition permit;
- (b) that all debris and rubble be removed from the site immediately after demolition;
- (c) that a construction fence be erected in accordance with the provisions of the Municipal Code, Chapter 363, Article III, if deemed appropriate by the Deputy Chief Building Official;
- (d) that the site be maintained free of garbage and weeds, in accordance with the Municipal Code Chapters 632-5 and 629-10, Paragraph B;
- (e) that a replacement building is erected on the site not later than three (3) years from the day demolition of the existing buildings is commenced;
- (f) that, on failure to complete the new building within the time specified in Item (e), the City Clerk shall be entitled to enter on the collector’s roll, to be collected in like manner as municipal taxes, the sum of twenty-thousand (\$20,000.00) dollars for each dwelling unit contained in the buildings in respect of which the demolition permit is issued, and that such sum shall, until payment, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued;
- (g) that any holes on the property be backfilled with clean fill;
- (h) that the owner protect at all time privately owned trees 5, 8, 11 and 15 as inventoried in the Arborist Report, prepared by The Tree Specialists Inc., date stamped as received by Urban Development Services on February 5, 2003, in accordance with the February 5, 2003, report and Landscape Plan, No. L-1, prepared by Terraplan Landscape Architects Inc., date stamped as received by Urban Development Services on May 14, 2004; and
- (i) that the owner protect at all times the three City-owned trees identified as tree 1, unidentified and tree 2 in the Arborist Report prepared by The Tree Specialists Inc., dated January 28, 2003, as shown on plan L-1 Landscape

Plan date stamped as received on January 23, 2003 in accordance with the City of Toronto's Tree Protection Policy and Specifications for Construction Near Trees."

Mayor Miller in the Chair.

**S3.41 J(9) Construction of an Underground TTC Connection Tunnel - 145 Queen Street West**

Councillor McConnell requested that, in accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, a Notice of Motion respecting the Construction of a TTC Underground Connection to 145 Queen Street West, 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 in the Chair.

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

**Moved by: Councillor McConnell**

**Seconded by: Councillor Cowbourne**

**"WHEREAS** the City of Toronto Transportation Services Division was contacted by a consultant acting on behalf of the property owners of 145 Queen Street West, requesting permission to construct an underground tunnel on the University Avenue flank connecting to the existing TTC Osgoode Station; and

**WHEREAS** the tunnel will encroach 9.5 metres within the public right of way on University Avenue commencing approximately 4.0 metres south of Queen Street West and extending 12.5 metres south thereof;

**NOW THEREFORE BE IT RESOLVED THAT** Council adopt the staff recommendations contained in the Recommendations Section of the report (February 13, 2006) from the General Manager, Transportation Services, and in so doing, grant permission to the property owners of 145 Queen Street West for the construction of an underground tunnel on the University Avenue flank, connecting to the existing TTC Osgoode Station."

*Advice by Deputy Mayor Pantalone:*

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(9) 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(9) 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(9), a report (February 13, 2006) from the General Manager, Transportation Services. (See Attachment 4, Page 82)

*Vote:*

Motion J(9) was adopted, without amendment.

*Summary:*

In adopting Motion J(9), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (February 13, 2006) from the General Manager, Transportation Services:

“It is recommended that:

- (1) City Council approve the construction of an underground TTC connection tunnel on the University Avenue flank of 145 Queen Street West, that will encroach 9.5 metres within the public right of way and will commence approximately 4.0 metres south of the Queen Street West curb line, extending approximately 12.5 metres south thereof, linking the Canadian Opera House to the existing Osgoode subway station TTC tunnel, subject to the property owners entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:
  - (a) indemnify the City from and against all actions, suits, claims or demands and from all loss, costs, damages and expenses that may result from such permission granted and providing of an insurance policy for such liability for the lifetime of the Agreement in a form approved by the Deputy City Manager and Chief Financial Officer and in an amount not less than \$5,000,000.00 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;
  - (b) pay an annual rental fee for the underground TTC tunnel connection as determined by the General Manager of Corporate Services;
  - (c) design, construct and maintain the TTC connection tunnel at their own expense in good repair and a condition satisfactory to the General Manager of Transportation Services and will not make any additions

- or modifications to the encroachment beyond what is allowed under the terms of the Agreement;
- (d) obtain approval for associated work on private property from Urban Development Services;
  - (e) pay for the costs of preparing the agreement and the registration of the agreement on title;
  - (f) provide 'as constructed' drawings within 90 days of completing the construction of the underground tunnel;
  - (g) limit the life of the Agreement to the removal of the encroachment or the date of the demolition of the building at 145 Queen Street West, whichever is the less; and
  - (h) accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the Corporation;
- (2) in the event of sale or transfer of the property abutting the encroachment, Legal Services [City Solicitor] and/or General Manager of Transportation Services be authorized to extend the Encroachment Agreement to the new owner, subject to the approval of the General Manager of Transportation Services; and
  - (3) Legal Services [City Solicitor] be requested to prepare and execute the Encroachment Agreement."

Mayor Miller in the Chair.

**S3.42 J(10) Ontario Municipal Board Hearing – 475 Douglas Avenue**

Councillor Stintz requested that, in accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, a Notice of Motion respecting 475 Douglas Avenue 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 in the Chair.

Councillor Shiner, in the absence of 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 Shiner**

**Seconded by:**            **Councillor Walker**

“**WHEREAS** the Committee of Adjustment, North York Panel on January 19, 2006 refused a Minor Variance application to permit the division of a parcel of residential land into two parts and to construct a two-storey dwelling on each of the proposed lots for the property municipally known as 475 Douglas Avenue; and

**WHEREAS** the application was denied by the Committee of Adjustment for the following reasons:

- the general intent and purpose of the Official Plan was not maintained;
- the general intent and purpose of the Zoning By-law was not maintained;
- the variance(s) was not considered desirable for the appropriate development of the land; and
- in the opinion of the Committee, the variance(s) were not minor; and

**WHEREAS** several local residents expressed their opposition to this application through a community petition and their presence at the Committee meeting; and

**WHEREAS** the applicant has appealed the Committee’s decision to the Ontario Municipal Board;

**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 refusing the application to permit an existing one-storey addition attached to the rear of the existing commercial/residential building.”

*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(10) 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(10) 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(10), a Notice of Decision (January 25, 2006) from the Committee of Adjustment, North York Panel, which is on file in the City Clerk’s Office.

*Vote:*

Motion J(10) was adopted, without amendment.

Mayor Miller in the Chair.

**S3.43 J(11) Licensing Hearing - Salvation Army, 450 Pape Avenue (Ward 30, Toronto Danforth)**

Councillor Fletcher requested that, in accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, a Notice of Motion respecting a Licensing Hearing - 450 Pape Avenue, be added to the agenda for this special meeting, which carried, more than two-thirds of Members present having voted in the affirmative.

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

**Moved by: Councillor Fletcher**

**Seconded by: Deputy Mayor Bussin**

**“WHEREAS** the Salvation Army is the owner of 450 Pape Avenue and on July 12, 2005, was granted a temporary rooming house licence pursuant to Chapter 285 of the (former) Toronto Municipal Code; and

**WHEREAS** the temporary rooming house licence has expired and the owner has applied for a renewal licence; and

**WHEREAS** the community has expressed concerns that 450 Pape Avenue is not being operated as a rooming house, and staff from Municipal Licensing and Standards, Buildings and Public Health have inspected the site and advise that 450 Pape Avenue is not in compliance with all applicable law;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor and staff be authorized to attend at the hearing before the Licensing Commissioner to ensure that the operation of the premises is in compliance with the Zoning By-law, Building Code and all other applicable law.”

*Advice by Mayor Miller:*

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(11) to the 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(11) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(11) was adopted, without amendment.

Deputy Mayor Pantalone in the Chair.

**S3.44 J(12) Parking Regulations - Avondale Road and Rosedale Road (Toronto Centre-Rosedale, Ward 27)**

Councillor Rae requested that, in accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, a Notice of Motion respecting Parking Regulations for Avondale Road and Rosedale Road, be added to the agenda for this special meeting, which carried, more than two-thirds of Members present having voted in the affirmative.

Mayor Miller in the Chair.

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

**Moved by: Councillor Rae**

**Seconded by: Deputy Mayor Bussin**

**“WHEREAS** in February, 2005, Council considered Toronto and East York Community Council Report 2, Clause 20, regarding parking regulations on Avondale and Rosedale Roads; and

**WHEREAS** Council adopted the staff recommendations in the report that restricted parking on these two streets from 2:00 p.m. until 4:00 p.m., to discourage afternoon commuter parking; and

**WHEREAS** these measures once implemented, have been less efficacious than originally hoped for; and

**WHEREAS** the Transportation Services Division and the Toronto Fire Services have been consulted on this matter and have no objection to the removal of these measures;

**NOW THEREFORE BE IT RESOLVED THAT:**

- (1) the 'No Parking from 2:00 p.m. to 4:00 p.m., Monday to Friday' regulation that was adopted in the January 13, 2005 staff report be rescinded for:
  - (i) Avondale Road, west side, from Park Road to Rosedale Road;
  - (ii) Rosedale Road, east side, from Avondale to Crescent Road;
  - (iii) Rosedale Road, north side, from Cluny Drive to north/south branch of Rosedale Road; and
  - (iv) Rosedale Road, west side from a point 31.0 metres north of Pine Hill Road to Cluny Drive; and
- (2) the appropriate City officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required."

*Advice by Mayor Miller:*

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(12) 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(12) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(12) was adopted, without amendment.

S3.45 Consideration of the following matters was postponed to the next regular meeting of City Council on April 25, 2006, as they remained on the Order Paper at the conclusion of this special meeting of Council:

Policy and Finance Committee Report 1

- |            |   |  |
|------------|---|--|
| Clause 10a | - | "Toronto Computer Leasing Inquiry and Toronto External Contracts Inquiry Final Status Report".                                       |
| Clause 12a | - | "Cost Implications of the Etobicoke York Community Council Holding Public Hearings under the Planning Act at the York Civic Centre". |



Clause 14a - “Pandemic Influenza Plan for the City of Toronto”.

Works Committee Report 1

Clause 11a - “Distribution of City of Toronto Tap Water – Toronto Pure”.

Etobicoke York Community Council Report 1

Clause 3a - “Removal of One Privately Owned Tree - 65 Avonhurst Road (Ward 5 - Etobicoke-Lakeshore)”.

Clause 4a - “Removal of One Privately Owned Tree - 24 Neilor Crescent (Ward 3 - Etobicoke Centre)”.

Etobicoke York Community Council Report 2

Clause 3 - “Removal of One Privately Owned Tree - 37 Benway Drive (Ward 2 - Etobicoke North)”.

Clause 5 - “Removal of One Privately Owned Tree - 64 Harding Avenue (Ward 12 - York South-Weston)”.

North York Community Council Report 2

Clause 21 - “Final Report - Application for Partial Removal of the Holding (H) Symbol 05 130946 NNY 25 OZ - Sunnybrook and Women’s College Health Sciences Centre – G+G Partnership Architects – 2075 Bayview Avenue (Ward 25 - Don Valley West).”

Toronto and East York Community Council Report 2

Clause 41 - “Evaluation for the Installation of Speed Humps - Winnifred Avenue, Caroline Avenue and Berkshire Avenue, between Eastern Avenue and Queen Street East (Ward 30 - Toronto-Danforth)”.

**BILLS AND BY-LAWS**

S3.46 On February 14, 2006, at 6:21 p.m., Councillor Silva, seconded by Councillor Mihevc, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this special meeting of Council, be passed and hereby declared as By-laws, which carried:

Bill No. 162	By-law No. 168-2006	To amend former City of North York Zoning By-law No. 7625 with respect
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		to lands municipally known as 4700 Keele Street.
Bill No. 163	By-law No. 169-2006	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 16 and 18 Kimberley Avenue.
Bill No. 164	By-law No. 170-2006	To authorize the alteration of Waverley Road, between Kingston Road and Norway Avenue, by the installation of speed humps.
Bill No. 165	By-law No. 171-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Eglinton Avenue West, Islington Avenue and Royal York Road.
Bill No. 166	By-law No. 172-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding O'Connor Drive.
Bill No. 167	By-law No. 173-2006	To permanently close a portion of the public highway Gunns Road, north of Tarragona Boulevard.
Bill No. 168	By-law No. 174-2006	To amend By-law No. 1916, as amended, of the former Borough of East York with respect to lands municipally known as 851 Millwood Road.
Bill No. 169	By-law No. 175-2006	To amend City of Toronto Municipal Code Chapter 67, Fair Wage, respecting the certification of the Iron Workers Union.
Bill No. 170	By-law No. 176-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Sheppard Avenue East.

Bill No. 171	By-law No. 177-2006	To amend further Metropolitan By-law No. 109-86, respecting maximum rates of speed on certain former Metropolitan Roads, regarding Mount Pleasant Road.
Bill No. 172	By-law No. 178-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Ernest Avenue, Macaulay Avenue, Perth Avenue, Ruskin Avenue and Wallace Avenue.
Bill No. 173	By-law No. 179-2006	To amend further By-law No. 34-93, a by-law “To provide for disabled person parking permit holders”, being a by-law of the former Borough of East York, regarding Coxwell Avenue and Eldon Avenue.
Bill No. 174	By-law No. 180-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Beatrice Street, Donlands Avenue, Jerome Street, Manning Avenue, Olive Avenue, Palmerston Avenue and Salem Avenue.
Bill No. 175	By-law No. 181-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting various streets within the area bounded by Bloor Street West, CN Rail Corridor, College Street and Dufferin Street.
Bill No. 176	By-law No. 182-2006	To designate the property at 10 Toronto Street (Seventh Post Office) as being of cultural heritage value or interest.
Bill No. 177	By-law No. 183-2006	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Humberwood Boulevard.
Bill No. 178	By-law No. 184-2006	To amend By-law No. 31001 of the former City of North York, as

		amended, regarding Byng Avenue and Doris Avenue.
Bill No. 179	By-law No. 185-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Byng Avenue.
Bill No. 180	By-law No. 186-2006	To amend By-law No. 31878, as amended, of the former City of North York, regarding De Quincy Boulevard.
Bill No. 181	By-law No. 187-2006	To amend By-law No. 31878, as amended, of the former City of North York, regarding Armour Boulevard.
Bill No. 182	By-law No. 188-2006	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Queen Street East.
Bill No. 183	By-law No. 189-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Dupont Street, Laneway System first north of Queen Street West, Queen Street East and St. Clarens Avenue.
Bill No. 184	By-law No. 190-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Avenue Road and Kilbarry Road.
Bill No. 185	By-law No. 191-2006	To amend Chapters 320 and 324 of the former City of Etobicoke Zoning Code and site-specific Zoning By-law No. 514-2003, with respect to certain lands fronting on the north and south side of The Queensway, between the Mimico Creek Valley and Kipling Avenue, to introduce a parking requirement for townhouse dwellings within the Limited Commercial-Avenues (AV) zone.

Bill No. 186	By-law No. 192-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Afton Avenue.
Bill No. 187	By-law No. 193-2006	To adopt Amendment No. 1150 to the Official Plan for the former City of Scarborough with respect to lands municipally known as 1206, 1208 and 1210 Kingston Road.
Bill No. 188	By-law No. 194-2006	To amend former City of Scarborough Birchcliff Community Zoning By-law No. 8786, as amended, with respect to lands municipally known as 1206, 1208 and 1210 Kingston Road.
Bill No. 189	By-law No. 195-2006	To exempt lands municipally known as 139, 141, 191 and 193 Morningview Trail from Part Lot Control.
Bill No. 190	By-law No. 196-2006	To amend City of Toronto Municipal Code Chapter 257, Signing Authority, to include Division Heads and the City Manager as authorized signing officers for agreements for the purchase of goods and services and to repeal By-law No. 164 2006.
Bill No. 191	By-law No. 197-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Chestnut Street, Edward Street and Elm Street.
Bill No. 192	By-law No. 198-2006	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands municipally known as the King-Spadina area, west of and including Spadina Avenue.
Bill No. 193	By-law No. 199-2006	To amend City of Toronto Municipal Code Chapter 880, Fire Routes, to designate fire routes.

Bill No. 194	By-law No. 200-2006	To amend City of Toronto Municipal Code Chapter 880, Fire Routes, to designate fire routes.
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Bill No. 195	By-law No. 201-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Avondale Road and Rosedale Road.
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S3.47 On February 14, 2006, at 6:22 p.m., Councillor Hall, seconded by Councillor Nunziata, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this special meeting of Council, be passed and hereby declared as a By-law:

Bill No. 196	By law No. 202-2006	To confirm the proceedings of the Council at its special meeting held on the 14th day of February, 2006,
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the vote upon which was taken as follows:

Yes - 27	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Ford, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Silva, Thompson
No - 0	

Carried, without dissent.

## OFFICIAL RECOGNITIONS:

Mayor Miller in the Chair.

## S3.48 Condolence Motions

Councillor Nunziata and Councillor Saundercook, seconded by Mayor Miller, moved that:

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Chris Tonks, father of Alan Tonks, Member of Parliament for York South-Weston, on February 5, 2006; and

**WHEREAS** Chris Tonks enjoyed over 40 years of elected public service as Councillor, Deputy Reeve, Reeve and Alderman of the former Township, Borough,

and City of York, and was also a Member of the Metropolitan Toronto Council; and

**WHEREAS** Chris Tonks was an Honourary Member of the Royal Canadian Legion Branch 57, a Lifetime Member of the Toronto and Region Conservation Authority, and was active in the York Lions Club for over 40 years; and

**WHEREAS** Chris Tonks was a lifelong Liberal, beginning as Vice-President of the Toronto and York Young Liberal Association in 1937; and

**WHEREAS** Chris Tonks led a life marked by a dedication to public service and he will be sadly missed;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council and the residents of the City of Toronto, our sincere sympathy to his wife, Anna, his sons Alan, wife Cecile, Tom, his wife Veronica and grandchildren Christopher, Matthew, Alison, Tom and Alicia.”

Councillor Rae, seconded by Councillor McConnell, moved that:

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Margaret ‘Peggy’ Ann Walpole; and

**WHEREAS** Peggy Ann Walpole was the founder and Executive Director of Street Haven at the Crossroads, a shelter and drop-in centre for women; and

**WHEREAS** Street Haven at the Crossroads provides much needed addiction case management, education and friendship to women in the East Downtown; and

**WHEREAS** Peggy Ann was a regular member of the Toronto East Downtown Neighbourhood Association and a stalwart of the Pembroke Street community; and

**WHEREAS** Peggy Ann was named a Member of the Order of Canada for her tireless work for the disenfranchised; and

**WHEREAS** Peggy Ann’s compassion and passion for those in need will be sorely missed;

**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 Peggy Ann Walpole’s family, to the staff and residents of Street Haven and to the East Downtown community.”

Councillor Ashton, seconded by Mayor Miller, moved that:

**“WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of John Lawrence ‘Jack’ Pickard on February 6, 2006; and

**WHEREAS** Jack Pickard was Commissioner of Finance and Treasurer for Metropolitan Toronto for 22 years; and

**WHEREAS** Mr. Pickard’s almost 41 year career began with the Metropolitan Corporation as Chief Accountant on October 1, 1953, the year of incorporation of Metro as the first metropolitan form of municipal government in North America, before becoming the Commissioner of Finance and Treasurer; and

**WHEREAS** Jack Pickard was in the forefront of municipal finance with his thoughtful, prudent advice and disciplined financial stewardship that contributed significantly to Metro’s overall strong financial position and to the ‘Triple A’ credit rating awarded to the Municipality by all rating agencies in Canada and the United States, which is the highest possible credit rating recognized in international bond markets; and

**WHEREAS** Jack Pickard was instrumental in securing approximately \$5 billion in financing for many of the City’s significant capital projects, such as the Yonge Street – University and Bloor subway lines, City Hall and Metro Hall, a large number of water and wastewater treatment plants, as well as many parks and community centres, by being the first municipal treasurer in Ontario to access the US and European financial markets in addition to the Canadian market; and

**WHEREAS** Jack Pickard was elected a lifetime Fellow of the Institute of Chartered Accountants of Ontario in 1970 ‘for distinguished service to the profession’, an honour held by approximately three per cent of the membership; and

**WHEREAS** Mr. Pickard served with distinction on various governmental organizations including the Association of Municipalities of Ontario, the Institute of Public Administration of Canada, the Association of Municipal Clerks and Treasurers of Ontario, the Toronto Municipal Employees Credit Union and the Government Finance Officers Association of the United States and Canada; and

**WHEREAS** Mr. Pickard was the most recent Canadian Treasurer to be appointed to the Government Finance Officers Association for the USA and Canada, and was instrumental in promoting Canadian municipal financial best practices; and

**WHEREAS** Mr. Pickard was well known for his flair, his warmth and his cordiality and exhibited the highest standard of dedication and integrity in his service to the Corporation;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere



sympathy to his wife of nearly 61 years, Margaret, and his daughters Alison, Linda and her husband Richard Laws, Joanne and her husband Mike Bulger, and his grandchildren Jennie and Peter Laws, James and Caroline O'Shaughnessy, and John and Marianne Bulger."

Council rose and observed a moment of silence in memory of the late Chris Tonks, Margaret Ann Walpole, and John Lawrence Pickard.

**S3.49 Presentations/Introductions/Announcements:**

**February 14, 2006:**

Mayor Miller in the Chair.

Mayor Miller, during the morning session of the meeting, introduced Lenna Bradburn, the new Executive Director of Municipal Licensing and Standards, present at the meeting.

Mayor Miller, on behalf of Council, during the morning session of the meeting, extended the best wishes of Council to Councillor McConnell on the occasion of her birthday.

Councillor Cowbourne, during the morning session of the meeting, with the permission of Council, introduced the students of Morrish Public School, present at the meeting.

Deputy Mayor Pantalone in the Chair.

Councillor Silva, with the permission of Council, during the morning session of the meeting, introduced João Agostinho Pinto Pereira, Mayor of Albergaria-a-Velha, and Querubim José Pereira da Silva, Parish Priest of Albergaria-a-Velha, present at the meeting.

Mayor Miller in the Chair.

Councillor Mammoliti, with the permission of Council, during the morning session of the meeting, advised the Council that "The Room", a local Toronto band, had won a Q107 contest which gave them an opportunity to participate in a competition to qualify as the opening band for Bon Jovi at the Air Canada Centre on January 30, 2006. Councillor Mammoliti introduced the members of the band, Lead Singer, Dom Marchese, Guitarist, Lu Cacioppo, and Drummer, Joe Delmedico, an employee of the Toronto Transit Commission, present at the meeting.

Mayor Miller, during the morning session of the meeting, introduced the Grade 5 students of Sheppard Public School, present at the meeting.

Deputy Mayor Bussin, during the morning session of the meeting, advised the Council that February is Heart Month and heart disease continues to remain a leading cause of death in Canada. Deputy Mayor Bussin encouraged all Members of Council to generously support the

Heart and Stroke Foundation, as the Foundation receives no operational funding from government.

Councillor Stintz, with the permission of Council, during the afternoon session of the meeting, introduced the students of Loretto Abbey Catholic Secondary School, present at the meeting, who addressed the Council, in unison, regarding their participation in the Empowered Student Partnerships (ESP) program. The students advised the Council that they are in support of a 100 percent smoke-free Ontario and requested Council to consider the implementation of a GOLD standard municipal by-law that supports a 100 percent smoke-free Ontario.

### **S3.50 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE**

*Vary the order of proceedings of Council:*

Deputy Mayor Pantalone in the Chair.

Councillor Ashton, at 4:50 p.m., moved that Council vary the order of its proceedings to consider North York Community Council Report 2, Clause 19, headed “Final Report - Application to Amend the Zoning By-law And Draft Plan of Subdivision - 05 132083 NNY 08 OZ and 05 132092 NNY 08 SB Walker Nott Dragicevic Associates Ltd. - 4700 Keele Street (Ward 8 - York West)”, as a ‘time sensitive’ matter, which carried.

Councillor Moscoe, at 5:45 p.m., moved that Council vary the order of its proceedings to consider North York Community Council Report 2, Clause 20, headed “Request to Remove Privately Owned Trees - 4700 Keele Street (Ward 8 - York West)”, as a ‘time sensitive’ matter, which carried.

*Waive the provisions of Chapter 27 of the City of Toronto Municipal Code related to meeting times:*

### **February 14, 2006:**

Mayor Miller in the Chair.

Mayor Miller, at 12:28 p.m., proposed that Council now recess and reconvene at 2:00 p.m. Council concurred in the proposal by Mayor Miller.

Deputy Mayor Pantalone in the Chair.

Councillor Stintz, at 4:06 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 adjourn at 6:00 p.m., or as soon

thereafter as the debate on the ‘time sensitive’ matters on the Order Paper for this special meeting of Council is concluded, the vote upon which was taken as follows:

Yes - 20	
Councillors:	Ashton, Augimeri, Cowbourne, Davis, Ford, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Palacio, Pantalone, Pitfield, Saundercook, Silva, Stintz, Thompson, Watson
No - 6	
Councillors:	Del Grande, Fletcher, Holyday, Nunziata, Ootes, Rae

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

### S3.51 ATTENDANCE

Councillor Ootes, seconded by Councillor Ford, moved that the absence of Deputy Mayor Feldman and Councillors Cho, Li Preti and Minnan-Wong from the special meeting of Council on February 14, 2006, be excused, which carried.

February 14, 2006	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 4:10 p.m.*	Roll Call 3:09p.m.	Roll Call 3:30 p.m.	Ctte. of the Whole in-Camera 4:15 p.m.	4:42 p.m. to 6:20 p.m.*
Miller	x	x	-	-	-	x
Ainslie	x	x	-	-	x	x
Altobello	x	x	-	x	x	x
Ashton	x	x	x	x	x	x
Augimeri	x	x	x	x	-	x
Bussin	x	x	-	x	x	x
Carroll	x	x	x	x	x	x
Cho	-	-	-	-	-	-
Cowbourne	x	x	x	x	x	x
Davis	x	x	x	-	x	x
De Baeremaeker	x	x	-	-	x	x
Del Grande	x	x	x	x	x	x
Di Giorgio	x	x	x	-	-	-
Feldman	-	-	-	-	-	-
Filion	x	x	x	x	x	x

Minutes of a Special Meeting of the Council of the City of Toronto  
February 14, 2006

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February 14, 2006	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 4:10 p.m.*	Roll Call 3:09p.m.	Roll Call 3:30 p.m.	Ctte. of the Whole in-Camera 4:15 p.m.	4:42 p.m. to 6:20 p.m.*
Fletcher	x	x	-	x	x	x
Ford	x	x	x	-	x	x
Giambrone	x	x	x	-	-	-
Grimes	x	-	-	-	-	-
Hall	x	x	x	x	x	x
Holyday	x	x	x	x	x	x
Jenkins	x	x	x	x	x	x
Kelly	x	x	x	x	x	x
Li Preti	-	-	-	-	-	-
Lindsay Luby	x	x	x	x	x	x
Mammoliti	x	x	-	-	-	-
McConnell	x	x	x	x	x	x
Mihevc	x	x	x	x	x	x
Milczyn	x	-	-	-	-	-
Minnan-Wong	-	-	-	-	-	-
Moscoe	x	x	x	x	x	x
Nunziata	x	x	-	x	x	x
Ootes	x	x	x	x	x	x
Palacio	x	x	x	x	-	x
Pantalone	x	x	x	x	x	x
Pitfield	x	x	x	x	x	x
Rae	x	x	x	x	x	x
Saundercook	x	x	x	x	x	x
Shiner	x	x	x	x	x	x
Silva	x	x	x	x	x	x
Soknacki	x	x	-	-	-	-
Stintz	x	x	x	x	x	x
Thompson	x	x	x	x	x	-
Walker	x	x	x	-	x	x
Watson	x	x	x	x	x	x
Total	41	39	30	29	32	34

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

**Council adjourned on February 14, 2006, at 6:20 p.m.**

**DAVID R. MILLER,**  
Mayor

**ULLI S. WATKISS,**  
City Clerk

**ATTACHMENT 1 [Notice of Motion J(3)]**

Report (February 9, 2006) from the City Solicitor, entitled “Amendment to Fair Wage By-law, Municipal Code, Chapter 67 - Certification of International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Local 721”. (See Minute S3.35, Page 39):

Purpose:

To provide for the necessary amendments to the Fair Wage By-law, Municipal Code, Chapter 67 and the City’s procurement documents in accordance with the decision of the Ontario Labour Relations Board.

Financial Implications and Impact Statement:

There are no financial implications resulting from this report.

Recommendations:

It is recommended that:

- (1) Schedule B of Municipal Code, Chapter 67, Fair Wage (Labour Trades Contractual Obligations in the Construction Industry) be amended to include references to the International Association of Bridge, Structural and Ornamental Iron Workers, Local 721 and the Iron Workers District Council of Ontario and the Ontario Erectors Association, Incorporated;
- (2) this report be forwarded to the Employee and Labour Relations Committee and the Administration Committee for information; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including introducing bills to Council to give effect to Recommendation (1).

Background:

At its meeting of November 7, 2005, the Administration Committee had before it the following motion:

“That:

- (1) Chapter 67 of the City of Toronto Municipal Code be amended by amending Part B2, ‘Current Labour Trade Obligations in the Construction Industry’ and Part B3, ‘Guidelines for Prospective Bidders’ in Attachment ‘A’, titled ‘Labour Trades Contractual Obligations in the Construction Industry’, to include The Ontario Erectors Association and The International Association of Bridge, Structural, Ornamental and Reinforcing Iron Works; and

- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

The Administration Committee referred that motion to the Employee and Labour Relations Committee for consideration. This action is reflected in Clause 16(b) of Administration Committee Report 9, which was before Council at its meeting of December 14 and 16, 2005.

The Ontario Labour Relations Board issued an Order dated August 3, 2005, which certified the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Local 721 as the bargaining agent of all ironworkers and ironworkers’ apprentices in the employ of the City of Toronto.

In order to give effect to the Order of the Ontario Labour Relations Board, it is necessary to amend the Fair Wage By-law to reflect this certification. It is also necessary to amend the City’s procurement documents which contain extracts of the City’s Fair Wage Policy, so that bidders know that if the work they are bidding on is iron work, they must comply with the trade certification. Since there will be a substantial number of procurement calls for construction over the next two months, it is imperative that the by-law and procurement document changes be made at the earliest possible time. A draft by-law is attached to this report.

It is recommended that this report be forwarded to the Employee and Labour Relations Committee and the Administration Committee for information.

Conclusions:

Amendments to the Fair Wage By-law, Municipal Code, Chapter 67 and to the City’s procurement documents need to be done as expeditiously as possible to reflect the certification of the Iron Workers Union for City work.

It is recommended that this report be forwarded to the Employee and Labour Relations Committee and the Administration Committee for information.

Contact:

Lorraine Searles-Kelly  
Municipal Law, Legal Services  
Tel: (416) 392-7240  
Fax: (416) 397-5624  
E-Mail: [lsearles@toronto.ca](mailto:lsearles@toronto.ca)

List of Attachments: Draft By-law – Amendment to Municipal Code, Chapter 67

Draft By-law

Authority: Notice of Motion ( ) moved by Councillor \_\_\_\_\_, seconded by Councillor \_\_\_\_\_ adopted by Council at its meeting of February 14, 2006.

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No.

**To amend Municipal Code, Chapter 67, Fair Wage, respecting  
the certification of the Iron Workers Union.**

WHEREAS the Ontario Labour Relations Board certified the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Local 721 as the bargaining agent of all ironworkers and ironworkers' apprentices in the employ of the City of Toronto;

AND WHEREAS this labour trade certification needs to be reflected in the City's Fair Wage By-law and the City's procurement documents.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Municipal Code, Chapter 67, Fair Wage, is amended as follows:
  - A. By deleting, in Schedule B, Subsections 67-B2.A(7) and (8) and replacing them with the following, as well as adding a new Subsection 67-B2.A(9):
    - “(7) The Ontario Glazier Agreement between The Architectural Glass and Metal Contractors Association and The International Brotherhood of Painters and Allied Trades.
    - (8) The Environmental Sheet Metal Association and the Sheet Metal Workers' International Association and the Ontario Sheet Metal Workers' Conference; and
    - (9) The Ontario Erectors Association, Incorporated and the International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers and Ironworkers District Council of Ontario.”
  - B. By inserting in Schedule B, in Section 67-B3, as the last entry under the column heading “Type of Work”, the words: “Iron work”; and as the last entry under the column heading “City of Toronto”, the letter: “X”.

ENACTED AND PASSED this     day of     , A.D. 2006.

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Mayor

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City Clerk



**ATTACHMENT 2 [Notice of Motion J(6)]**

Report (February 13, 2006) from the General Manager, Transportation Services, entitled “Co-ordinated Street Furniture Project - Authorization for Industry Consultation”. (See Minute S3.38, Page 44):

Purpose:

In accordance with City Council policy concerning City procurement practices, this report seeks Council authority to conduct consultation with interested industry constituents in the formulation of design and policy guidelines, that in turn will contribute to a framework for an upcoming Request for Proposals for co-ordinated street furniture.

Financial Implications and Impact Statement:

There are no financial implications associated with the adoption of this report.

Recommendations:

It is recommended that:

- (1) authority be granted to staff to initiate an industry consultation, prior to a formal procurement process, in accordance with the Terms of Reference contained in the comments section of this report, related to the Co-ordinated Street Furniture Program; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

City Council, at its meeting of July 19, 20, 21 and 26, 2005, endorsed a strategy and preliminary work plan for achieving a functional, durable, high quality co-ordinated street furniture program with initial implementation targeted to commence in late 2007, as an important facet of the Clean and Beautiful City initiative (Works Committee Report 7, Clause 6, headed “Co-ordinated Street Furniture Program (All Wards)”).

At its same meeting, Council also considered Administration Committee Report 6, Clause 9, headed “Policy for Access to Information to Members of Council at Various Stages of the Procurement Process”. In adopting this Clause, as amended, Council, among other things directed that where an industry consultation is conducted prior to a formal procurement process, the terms of reference for the particular consultation be approved by Council.

Comments:

The work plan for the Co-ordinated Street Furniture Program emphasized that prior to an RFP being issued, the City of Toronto's goals and objectives in achieving high standards of civic amenities should be informed by public and stakeholder input. Accordingly, consultation and outreach has been incorporated as an integral element of the project.

An intensive, multi-pronged plan is being rolled out and seeks to gather advice and input from a broad range of constituencies. The input from these consultation activities, combined with technical analyses and related research will be compiled in a Design and Policy Guidelines Document that will establish design principles and serve as a framework for the RFP. It is staff's intention to submit these results and establish Council's direction on fundamental aspects of the project through a report to the May 3, 2006 Works Committee. Subsequently, the RFP will be finalized and issued.

In view of the potential scope and magnitude of contract(s) ultimately anticipated through this process, the consultation and outreach activities, which are intended to be largely conducted by the end of March 2006, address the following groups:

Internal: A broadly-based Steering Committee comprised of Divisional executives has been formed to oversee the conduct of the project and ensure the wide range of related activities and interests are captured. More detailed input and analysis on specific aspects will be obtained through a staff working group and in dealing with key staff in affected Divisions.

General Public: Various public outreach mechanisms have been established through the consultation plan, including a web site, presentation materials, surveys, etc. This element will culminate with public workshops to be held in each District.

Interest Groups: Specific consultations have been/will be held with such groups as the Pedestrian Steering Committee, Business Improvement Areas, the City Cycling Committee, the Toronto Disability Issues Committee, etc.

Design Community: Two key partners have been enlisted: the Roundtable on a Beautiful City Sub-Committee and the Design Exchange. The latter organization will be holding two design charettes to gather creative input and ideas in the formulation of design principles.

A critical segment that is not expressly addressed through the above-noted activities is the industry sector itself, namely those local, national and international firms that may be interested in bidding, or participating in bids on an RFP. It is our view that this group possesses a wealth of knowledge and potential input that could lead to valuable insights in framing the project. We are aware that numerous firms are monitoring this project and have retained representatives to advance their interests. A number have approached the project team seeking to provide their input but staff has not engaged in any discussions with these firms. The formal process described in this report will ensure a fair and transparent industry consultation.

The potential enhancements that could flow to the project from the perspective this sector may provide, from its experience in Toronto and other North American, European and Australian cities must be balanced against the need to ensure that all potential participants have fair and equitable access, and no one potential bidding firm, group or interest gains any prior advantage in the RFP process. It is emphasized that the goal is to seek comment on principles and not individual products or solutions.

To this end, staff wish to establish an industry outreach and consultation process generally in accordance with the following Terms of Reference:

1. A two-stage industry outreach and consultation program be established.
2. The first phase would consist of an overview presentation by the City's project team to a general assembly of interested industry parties, outlining the Co-ordinated Street Furniture Program. Questions of clarification from the industry participants would be addressed.
3. The second stage would consist of any interested industry participant being afforded the opportunity to make an individual presentation to the project team. These consultations would proceed on different day(s) from the Stage One presentation by the project team. Each presentation would be 30 minutes in length. The project team representatives would consist of the Project Director, staff from Transportation Services, City Planning, the Clean and Beautiful City Secretariat, Purchasing and Materials Management and Legal. Other project staff or advisors may also participate as necessary. The project team would not respond to questions at these second stage meetings and no details about the emerging RFP would be discussed. The meetings would be structured essentially as a deputation with advice listened to, but not necessarily followed.
4. In order to make potential bidders aware of the proposed industry consultation and outreach opportunity, a letter would be sent to identified companies advising of the planned process and likely timing, outlining the City's intent to provide an opportunity to present any ideas they may wish about the structure of the emerging RFP, do's and don'ts from their perspectives, etc. More particularly, the letter would indicate the companies may wish to comment on matters such as:
  - (1) one contract, two or more;
  - (2) if divided, what would the important packaging be;
  - (3) length of time for RFP response time;
  - (4) scoring systems; and
  - (5) mix of elements of furniture, design or advertising issues,

or anything they felt the City might want to consider from their experience. The intent is not to receive specific information about a company's products or services.

5. The companies could bring any advisors they wish, but invitations would be to companies.
6. Although a number of potential bidders have made their interest in the project known, we want to take steps to ensure that any interested party is aware of this process. In this regard, the project's website will have information and a link for interested parties to respond and register. All communications in regard to this industry consultation process will be vetted through Purchasing and Legal prior to release.
7. Any input and information received through the industry consultation and outreach will be considered by the project team in the preparation of the design guidelines, directions report and RFP. Written/printed information from companies will be accepted at the stage two meetings and throughout the industry consultation process, but not after the Design and Policy Guidelines Document has been submitted to the Works Committee. Submissions of companies are subject to the Municipal Freedom of Information and Protection of Privacy requirements, except that listing of the parties participating in this process will be considered public.
8. It is anticipated that any interested party, including industry, will have an opportunity to make a deputation at the Works Committee, when it is considering the Design and Policies Guidelines Document and the staff directions report.
9. Participation in the industry consultation process is strictly optional and will have no bearing in the evaluation of any proposals ultimately received in response to an RFP.

The foregoing industry outreach and consultation process is intended to provide potential bidding firms, groups or interests a fair and equitable opportunity to address a number of the key issues affecting a Co-ordinated Street Furniture Project. This input, along with all other ideas emerging from the various consultation activities, will enrich the City's work in achieving a high quality public realm.

The Director of the Purchasing and Materials Management Division has reviewed this report and concurs with its recommendations.

#### Conclusions:

The Co-ordinated Street Furniture Program represents an exceptional opportunity to make significant improvements to the look, feel and image of Toronto's streetscapes. In order to fully achieve the potential of this project, an extensive consultation and outreach component, seeking input from a wide range of constituencies is established in the Project Work Plan.

We are of the view that the industry sector can offer valuable insights.

The input from these consultations, combined with technical analyses and related research will be compiled in a Design and Policy Guidelines Document and staff will report to the May 3, 2006 Works Committee.

In accordance with City Council procurement policies, authority is required to conduct industry consultation. The Terms of Reference contained in this report will establish the ground rules for this opportunity and ensure a fair and equitable process.

Contact:

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### ATTACHMENT 3 [Notice of Motion J(8)]

Report (February 13, 2006) from the Chief Planner and Executive Director, City Planning, entitled “Residential Demolition Application Report 82-90 Broadway Avenue, Ward 25 - Don Valley West”. (See Minute S3.40, Page 79):

#### Purpose:

To report on an application to demolish the three apartment buildings at 82, 86, and 90 Broadway Avenue pursuant to Section 33 of the *Planning Act*.

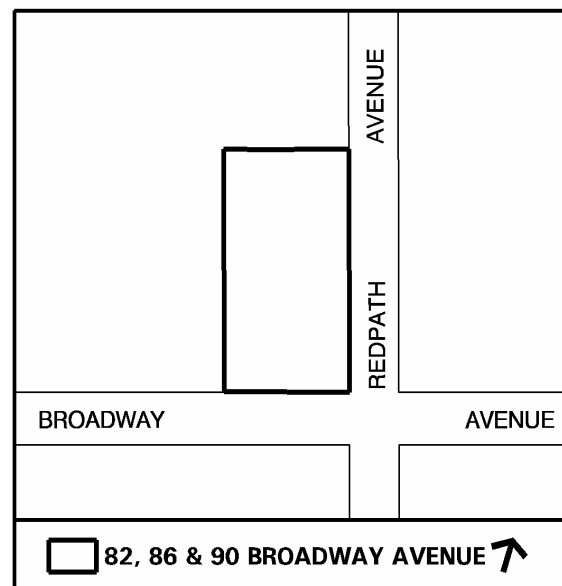
#### Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

#### Recommendations:

It is recommended that City Council approve the application to demolish the residential buildings at 82, 86, and 90 Broadway Avenue and instruct the Chief Building Official to issue the demolition permit after the building permit for the new development has been issued, subject to the following conditions:

- (a) that the applicant submit a Designated Substance Report, a Dust Control Plan and any other required information for review and approval by the Medical Officer of Health, prior to the issuance of the demolition permit;
- (b) that all debris and rubble be removed from the site immediately after demolition;
- (c) that a construction fence be erected in accordance with the provisions of the Municipal Code, Chapter 363, Article III, if deemed appropriate by the Deputy Chief Building Official;
- (d) that the site be maintained free of garbage and weeds, in accordance with the Municipal Code Chapters 632-5 and 629-10, Paragraph B;
- (e) that a replacement building is erected on the site not later than three (3) years from the day demolition of the existing buildings is commenced;



- (f) that, on failure to complete the new building within the time specified in Item (e), the City Clerk shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, the sum of twenty-thousand (\$20,000.00) dollars for each dwelling unit contained in the buildings in respect of which the demolition permit is issued, and that such sum shall, until payment, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued;
- (g) that any holes on the property be backfilled with clean fill;
- (h) that the owner protect at all time privately owned trees 5, 8, 11 and 15 as inventoried in the Arborist Report, prepared by The Tree Specialists Inc., date stamped as received by Urban Development Services on February 5, 2003, in accordance with the February 5, 2003, report and Landscape Plan, No. L-1, prepared by Terraplan Landscape Architects Inc., date stamped as received by Urban Development Services on May 14, 2004; and
- (i) that the owner protect at all times the 3 City owned trees identified as tree 1, unidentified and tree 2 in the Arborist Report prepared by The Tree Specialists Inc., dated January 28, 2003, as shown on plan L-1 Landscape Plan date stamped as received on January 23, 2003 in accordance with the City of Toronto's Tree Protection Policy and Specifications for Construction Near Trees.

Background:

At its meeting of November 30, December 1 and 2, 2004, City Council adopted Official Plan Amendment No. 1108-2004 and Zoning By-law No. 1109-2004 to permit an 8 and 20 storey residential apartment building containing 274 units. Council's approval secured the replacement of 72 of the existing 94 rental units on site in the new building, a cash-in-lieu contribution of \$140,000.00 to the Capitol Revolving Fund for 7 units, and a tenant assistance package pursuant to an Agreement under Section 37 of the *Planning Act*.

Comments:

The owner has applied to demolish the existing buildings under Section 33 of the *Planning Act*. Under the former City of Toronto Municipal Code, the City is designated as an area of demolition control. City Council approval is required for the demolition of residential buildings containing six or more dwelling units. The existing apartment buildings contain 94 dwelling units.

The owner has submitted Building Permit Application No. 05 211262 BLD 00 NB for a new residential building. The Site Plan Control application has been approved, and the permit for the replacement building will be issued shortly. Council is obligated to issue a demolition permit once a building permit for the replacement building has been issued pursuant to subsection 33(6) of the *Planning Act*.

Under the *City of Toronto Act, 1991* (No. 4), the City has the authority to impose reasonable conditions having regard to the nature of the property to be demolished. In this case, conditions relating to construction fencing, removal of debris and maintenance of the site, the use of clean fill material, a dust control plan and tree protection are appropriate. Conditions (e) and (f) above, can be applied only after the issuance of a building permit, therefore the demolition permit should be issued after the building permit is issued.

Conclusions:

City Council adopted Official Plan Amendment No. 1108-2004 and Zoning By-law No. 1109-2004 to permit an 8 and 20 storey residential apartment building containing 274 units. Demolition of the three existing apartment buildings is required to construct the new residential building. Accordingly, it is reasonable to approve the application to demolish the existing buildings, subject to the recommended conditions.

Contact:

Michael Mestyan, Planner  
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Email: [mmestyan@toronto.ca](mailto:mmestyan@toronto.ca)



**ATTACHMENT 4 [Notice of Motion J(9)]**

Report (February 13, 2006) from the General Manager, entitled “Construction of an Underground TTC Connection Tunnel – University Avenue Flank of 145 Queen Street West - ‘The Canadian Opera House’ (Toronto Centre-Rosedale - Ward 28)”. (See Minute S3.41, Page 50):

Purpose:

To report on a request to construct an underground TTC connection tunnel which will encroach within the public right-of-way on the University Avenue flank of 145 Queen Street West, linking the Canadian Opera House to the existing Osgoode subway station TTC tunnel.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) City Council approve the construction of an underground TTC connection tunnel on the University Avenue flank of 145 Queen Street West, that will encroach 9.5 metres within the public right of way and will commence approximately 4.0 metres south of the Queen Street West curb line, extending approximately 12.5 metres south thereof, linking the Canadian Opera House to the existing Osgoode subway station TTC tunnel, subject to the property owners entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:
  - (a) indemnify the City from and against all actions, suits, claims or demands and from all loss, costs, damages and expenses that may result from such permission granted and providing of an insurance policy for such liability for the lifetime of the Agreement in a form approved by the Deputy City Manager and Chief Financial Officer and in an amount not less than \$5,000,000.00 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;
  - (b) pay an annual rental fee for the underground TTC tunnel connection as determined by the General Manager of Corporate Services;
  - (c) design, construct and maintain the TTC connection tunnel at their own expense in good repair and a condition satisfactory to the General Manager of Transportation Services and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement;

- (d) obtain approval for associated work on private property from Urban Development Services;
  - (e) pay for the costs of preparing the agreement and the registration of the agreement on title;
  - (f) provide 'as constructed' drawings within 90 days of completing the construction of the underground tunnel;
  - (g) limit the life of the Agreement to the removal of the encroachment or the date of the demolition of the building at 145 Queen Street West, whichever is the less; and
  - (h) accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the Corporation;
- (2) in the event of sale or transfer of the property abutting the encroachment, Legal Services [City Solicitor] and/or General Manager of Transportation Services be authorized to extend the Encroachment Agreement to the new owner, subject to the approval of the General Manager of Transportation Services; and
- (3) Legal Services [City Solicitor] be requested to prepare and execute the Encroachment Agreement.

Comments:

An application has been received on behalf of the owners of 145 Queen Street West requesting permission to construct an underground TTC connection tunnel, a portion of which will encroach within the public right-of-way on the University Avenue flank. The tunnel will encroach 9.5 metres within the public right-of-way and will commence approximately 4.0 metres south of the Queen Street West curb line extending approximately 12.5 metres south thereof, linking the Canadian Opera House to the existing Osgoode subway station TTC tunnel. A copy of the property data map is shown in Appendix 'A'.

Given the potential impact of these types of applications on existing utility services, it is the applicant's responsibility to undergo a public utility review with a purpose of obtaining clearances or sign offs from the affected utility agencies or satisfying their requirements prior to the issuance of a construction permit authorizing work within the public right-of-way.

We have received clearances from the various utility companies regarding the proposed work and determined that the proposed tunnel connection will not have a negative impact on the public right-of-way.

We have consulted with Appraisal Services, Facilities and Real Estate, Corporate Services, who advised that an appropriate annual rental fee for the first year of the lease term for the tunnel connection within the public right-of-way of University Avenue flank of 145 Queen Street West, based on an area of approximately 9.2 square metres, is estimated to be \$1,300.00.

It is recommended that the initial annual rental fee be utilized for an initial term of 5 years and it may be appropriate that a new annual rental fee be calculated every successive 5 year periods based on the Consumer Price Index, All Items, Toronto.

The applicant is quite anxious to get all the necessary approvals in place in order that construction of the project can commence to meet their grand opening date in June 2006.

We have reviewed the proposal and have determined that the proposed underground TTC connection tunnel will not negatively impact the public right-of-way.

Details of this proposal are on file with this Division.

Conclusions:

As the proposed construction of the TTC connection tunnel linking the Canadian Opera House to the existing Osgoode TTC tunnel access will not impact negatively on the public right-of-way, it should be permitted subject to the property owners entering into an Encroachment Agreement with the City of Toronto to be registered on title of the property.

Contact:

Angie Antoniou, Manager, Right-of-Way Management, Toronto and East York District  
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List of Attachments:

Attachment 1 – Appendix ‘A’ – Property Data Map

(Appendix ‘A’ is on file in the City Clerk’s Office.)

### FISCAL IMPACT STATEMENT SUMMARY

#### Notices of Motions

#### Submitted by the Deputy City Manager and Chief Financial Officer

Council Meeting – February 14, 2006

<b>Motion</b>		<b>Operating</b>	<b>Capital</b>	
<b>#</b>	<b>Title</b>	<b>\$ (net)</b>	<b>\$ (net)</b>	<b>Comments</b>
I(1)	Re-opening of Effective Date for Harmonized Permit Rates	\$109,000	\$0	Additional cost in 2006 would be reduced to \$109,000.00 for March implementation from \$218,000.00 for May implementation. See FIS.
J(1)	Re-opening of Harmonized Permit Rates for Seniors and Youth for Gymnasias and Multi-Purpose Rooms	Current Year: \$0.252 million Future years: \$0.252 million.	\$0	The net 2006 Operating Budget for Parks, Forestry and Recreation would need to be increased by \$0.252 million. See FIS.
J(2)	Request to Federal and Provincial Government to Preserve the National Child Care Program – Protect High Quality Accessible Child Care in Toronto	\$0	\$0	Consider.
J(3)	Amendment of Fair Wage By-law	\$0	\$0	Consider. See Report Attached to Motion.
J(4)	Ontario Municipal Board Hearing – 30 Kylemore Crescent	\$0	\$0	Consider. See Report Attached to Motion.
J(5)	1011 Lansdowne Avenue – Use of Section 433 of the <i>Municipal Act, 2001</i>	\$0	\$0	Consider.
J(6)	Co-ordinated Street Furniture Project – Authorization for Industry Consultation	\$0	\$0	Consider. See Report Attached to Motion.
J(7)	Ontario Municipal Board Hearing – 12 Sullivan Street	\$0	\$0	Consider. See Report Attached to Motion.

**FISCAL IMPACT STATEMENT 1 [NOTICE OF MOTION I(1)]**  
**(See Minute S3.32, Page 32)**

**Financial Implications:**

<input checked="" type="checkbox"/> <b>Operating</b>	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>109,000</u> (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> 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 – I(1) – additional cost in 2006 to compensate groups negatively affected by change of implementation date of Harmonized Permit Fee policy would be reduced to \$109K for March implementation from \$218K for May implementation.

- ☒ Consider      ☐ Refer to Standing Committee

Submitted by: \_\_\_\_\_  
Deputy City Manager and Chief Financial Officer

Date: February 14, 2006

**FISCAL IMPACT STATEMENT 2 [NOTICE OF MOTION J(1)]**  
**(See Minute S3.33, Page 34)**

**Financial Implications:**

<input checked="" type="checkbox"/> <b>Operating</b>	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>0.252 M</u> (net)	<input checked="" type="checkbox"/> Future year impacts: \$ <u>0.252M</u> (net)
	<input type="checkbox"/> Following year
	<input checked="" type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Budget adjustments: \$ <u>0.252M</u> (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

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

**Impacts/Other Comments:**

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

Notice of Motion – J(1) – Eliminating permit fees for children and youth with respect to the use of Class A, B and C gymnasias will result in a permanent revenue loss of \$0.176M. Likewise, eliminating permit fees for the non-prime time use of multi-purpose rooms and gymnasias by seniors in the former Scarborough, Etobicoke and East York will produce a permanent revenue loss of \$0.076M. The net 2006 Operating Budget for Parks, Forestry and Recreation would therefore need to be adjusted by \$0.252M.

- ☐ Consider ☒ Refer to Budget Advisory Committee

Submitted by: \_\_\_\_\_  
Deputy City Manager and Chief Financial Officer

Date: February 14, 2006