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These Minutes were confirmed by City Council on May 23, 2006.

MINUTES OF THE COUNCIL OF THE CITY OF TORONTO

**TUESDAY, APRIL 25, 2006,
WEDNESDAY, APRIL 26, 2006, AND
THURSDAY, APRIL 27, 2006**

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

CALL TO ORDER - 9:39 a.m.

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

The meeting opened with *O Canada*.

5.2 CONFIRMATION OF MINUTES

Councillor Del Grande, seconded by Councillor Carroll, moved that the Minutes of the following meetings of Council be confirmed in the form supplied to the Members:

- regular meeting of January 31, February 1 and 2, 2006;
- special meeting of January 31, 2006;
- special meeting of February 14, 2006; and
- special meeting of March 29 and 30, 2006.

Ruling by Mayor:

Councillor Shiner requested the Mayor to rule on whether Council was able to confirm the Minutes from the special meeting of Council on March 29 and 30, 2006, as Councillor Shiner believed the approved Operating Budget was no longer balanced, as a result of the reduced interest rate used to calculate Toronto Hydro's payments to the City, thereby contravening the *Municipal Act, 2001*.

Mayor Miller ruled that the Minutes were properly before Council.

Vote to Confirm Minutes:

Yes - 31	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fillion, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Palacio, Pantalone, Rae, Silva, Soknacki, Thompson, Watson
No - 8	
Councillors:	Feldman, Ford, Minnan-Wong, Nunziata, Ootes, Pitfield, Saundercook, Shiner

Carried by a majority of 23.

5.3 PETITIONS

- (a) Councillor Giambrone submitted a petition (undated) containing the signatures of approximately 430 individuals in opposition to the proposed Dovercourt Traffic Plan.

The above petition was received and considered with Toronto and East York Community Council Report 3, Clause 46, headed "Dovercourt Park Area Traffic Management Plan - Area bounded by Bloor Street West, Dufferin Street, Dupont Street and Dovercourt Road (Ward 18 - Davenport)".

- (b) Councillor Ashton submitted a petition containing the signatures of approximately 70 individuals expressing concern with the proposed cancellation of recreational ice skating at the Scarborough Village arena during the spring and summer months.

The above petition was received.

PRESENTATION OF REPORTS

- 5.4 Councillor Holyday presented the following Reports for consideration by Council:

Deferred Clause from January 31, February 1 and 2, 2006

Works Committee Report 1, Clause 5a

Deferred Clauses from February 14, 2006

Policy and Finance Committee Report 1, Clauses 10b, 12b and 14b
Works Committee Report 1, Clause 11b
Etobicoke York Community Council Report 1, Clauses 3b and 4b
Etobicoke York Community Council Report 2, Clauses 3a, 5a and 8a
North York Community Council Report 2, Clause 21a
Toronto and East York Community Council Report 2, Clauses 41a and 48a

New Committee Reports:

Policy and Finance Committee Report 3
Administration Committee Report 2
Audit Committee Report 1
Board of Health Report 2
Community Services Committee Report 2
Economic Development and Parks Committee Report 2
Planning and Transportation Committee Report 2
Striking Committee Report 2
Works Committee Report 2

New Community Council Reports:

Etobicoke York Community Council Report 3
North York Community Council Report 3
Scarborough Community Council Report 3
Toronto and East York Community Council Report 3

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

5.5 DECLARATIONS OF INTEREST

Councillor Cowbourne declared her interest in the following matters, in that her husband is employed by an independent electricity system operator which is directly responsible for the sale of hydro electricity in Ontario:

- Item (1), entitled “City of Toronto Energy Plan”, contained in Policy and Finance Committee Report 3, Clause 33, headed “Other Items Considered by the Committee”; and
- Motion J(30), moved by Councillor Shiner, seconded by Mayor Miller, respecting the Power Generating Facility - Port Lands.

Councillor Cowbourne also declared her interest in Item (p), entitled “Acquisition of Toronto District School Board’s Wanita Road Site (Ward 44 – Scarborough East)”, contained in Administration Committee Report 2, Clause 21, headed “Other Items Considered by the Committee”, in that the subject property is immediately adjacent to her home.

Deputy Mayor Feldman declared his interest in the following matters, in that he is a past President, shareholder and member of the subject Club:

- Etobicoke York Community Council Report 3, Clause 61, headed “Request to Install an Irrigation Supply Main Crossing Under Jane Street for the Oakdale Golf and Country Club (Ward 9 - York Centre and Ward 7 York West)”;
- Item (r), entitled “Request to Install an Irrigation Supply Main Crossing under Jane Street for the Oakdale Golf and Country Club (Ward 7 – York West and Ward 9 - York Centre)”, contained in Policy and Finance Committee Report 3, Clause 33, headed “Other Items Considered by the Committee”; and
- Item (a), entitled “Request to Install an Irrigation Supply Main Crossing under Jane Street for the Oakdale Golf and Country Club (Ward 7 – York West and Ward 9 - York Centre)”, contained in North York Community Council Report 3, Clause 33, headed “Other Items Considered by the Community Council.

Councillor Mammoliti declared his interest in Etobicoke York Community Council Report 3, Clause 52, headed “Encroachment Application - 930 St. Clair Avenue West (Ward 17 - Davenport)”, in that his spouse owns land in the subject area.

Mayor Miller declared his interest in Motion F(1), moved by Deputy Mayor Feldman, seconded by Deputy Mayor Pantalone, respecting the Integrity Commissioner Report on Awarding of City Contract for Market Research Services to Northstar Research Partners, in that an associate of the subject firm is the Campaign Manager for his upcoming election campaign.

Councillor Pitfield declared her interest in Policy and Finance Committee Report 3, Clause 5, headed “Complaint Pursuant to Section 20 of the *Development Charges Act, 1997* Granite Club – 2350 Bayview Avenue, Toronto”, in that she is a member of the subject Club.

Councillor Shiner declared his interest in Works Committee Report 1, Clause 11b, headed “Distribution of City of Toronto Tap Water – Toronto Pure”, as it relates to the motion moved by Councillor Ford, in that a member of his family is a seasonal employee with the City of Toronto.

Councillor Shiner also declared his interest in Toronto and East York Community Council Report 3, Clause 4, headed “King-Spadina Interim Control By-law Study (East of Spadina Avenue) (Ward 20 - Trinity-Spadina)”, in that his family owns property in the immediate area.

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

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

Works Committee Report 1, Clause 5a

Policy and Finance Committee Report 1, Clauses 10b, 12b and 14b

Works Committee Report 1, Clause 11b

Etobicoke York Community Council Report 1, Clauses 3b and 4b

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

North York Community Council Report 2, Clause 21a

Toronto and East York Community Council Report 2, Clauses 41a and 48a

Policy and Finance Committee Report 3, Clauses 2, 3, 4, 7, 9, 12, 18, 19, 21, 22, 24, 25, 26, 27, 28, 29 and 33

Administration Committee Report 2, Clause 1, 2, 6, 9, 12, 19 and 21

Audit Committee Report 1, Clauses 4 and 9

Board of Health Report 2, Clause 1

Community Services Committee Report 2, Clauses 1, 2, 7, 11 and 12

Economic Development and Parks Committee Report 2, Clauses 1, 2 and 9

Planning and Transportation Committee Report 2, Clauses 1, 2, 3, 10, 11 and 13

Striking Committee Report 2, Clause 1

Works Committee Report 2, Clauses 1, 3, 12, 15, 16, 17, 21 and 23

Etobicoke York Community Council Report 3, Clauses 2, 3, 6, 8, 10, 25, 29, 30, 31, 33, 38, 56, 57, 60 and 61

North York Community Council Report 3, Clauses 3, 29 and 32

Scarborough Community Council Report 3, Clauses 2, 5, 12 and 13

Toronto and East York Community Council Report 3, Clauses 1, 2, 4, 6, 27, 30, 41, 42, 43, 44, 48, 54, 57, 58, 59, 60, 61, 62, 63, 64, 67, 74, 75, 76, 85 and 89

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

Policy and Finance Committee Report 1, Clause 10b

Policy and Finance Committee Report 3, Clauses 3, 7, 19 and 21

Administration Committee Report 2, Clauses 1 and 9

Community Services Committee Report 2, Clauses 2 and 12

Works Committee Report 2, Clause 12

Etobicoke York Community Council Report 3, Clauses 6 and 29

North York Community Council Report 3, Clause 29

Toronto and East York Community Council Report 3, Clauses 67 and 76

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

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

Scarborough Community Council Report 3, Clause 1. (See Minute 5.28, Page 26).

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

- 5.7 **Toronto and East York Community Council Report 2, Clause 48a, 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 the Clause be received.

Vote:

The motion by Councillor Rae carried.

5.8 Policy and Finance Committee Report 3, Clause 27, headed “Lease of City-Owned Property Located at 60 Bergamot Avenue - Affordable Rental Housing and Child Care Facility (Ward 2 - Etobicoke North)”.

Vote:

The Clause was adopted, without amendment.

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

5.9 Policy and Finance Committee Report 3, Clause 33, headed “Other Items Considered by the Committee”.

Motion:

(a) Councillor Thompson moved that the following communications related to Item (g), entitled “Positive Ticketing Program – Pilot Project in No. 41 Division, Toronto Police Service REF: 05-PF#6(6)”, be filed:

- (i) (undated) from Jennifer Harrison, teacher at Ionview Public School;
- (ii) (undated) from Riley Huff;
- (iii) (undated) from Nickcarno Brown;
- (iv) (April 21, 2006) from Cindy Zwicker Reston, Principal, Stephen Bain, Vice Principal, and Nancy McLeod, Vice Principal, Bendale Business and Technical Institute;
- (v) (April 24, 2006) from Tim Brethour, Vice Principal, Winston Churchill Collegiate Institute;
- (vi) (undated) from Fathi Mohamed; and
- (vii) (undated) from Mythreyan Yogaratham.

Deputy Mayor Bussin in the Chair.

Procedural Motion:

Councillor Silva moved that Council waive the necessary provisions of Chapter 27 of the City of Toronto Municipal Code, in order to consider Item (b), entitled “Property Tax Exemption for Sheena’s Place, A Registered Charity (Ward 20 - Trinity-Spadina)”, which carried, more

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

- (b) Councillor Silva moved, with respect to Item (b), entitled “Property Tax Exemption for Sheena’s Place, A Registered Charity (Ward 20 - Trinity-Spadina)”, that Council adopt the following:

“WHEREAS Sheena’s Place, a facility known as the Hospice for Eating Disorders, is a non-profit, community-based support centre for people affected by eating disorders and their families, and serves as a link between hospital-based programs, schools, agencies, therapists, families and people with eating disorders; and

WHEREAS Sheena’s Place is a registered charity, and offers programs at no cost to the user and receives no government funding for their operational expenses, relying instead on financial support from individuals, corporations, foundations, and proceeds from special events; and

WHEREAS the property occupied by Sheena’s Place at 87 Spadina Road has been classified as taxable at the residential tax rate since 1998, with estimated annual taxes of approximately \$10,200.00; and

WHEREAS representatives of Sheena’s Place have indicated that they are seeking to obtain a property tax exemption through a Private Member’s Bill introduced by a Member of Provincial Parliament; and

WHEREAS a report (March 29, 2006) from the Deputy City Manager and Chief Financial Officer, entitled ‘Property Tax Exemption for Sheena’s Place, A Registered Charity’ was submitted to the April 11, 2006 meeting of the Policy and Finance Committee, and was received by the Committee; and

WHEREAS representatives of Sheena’s Place have indicated that the City’s public support of a Private Member’s Bill would greatly further the chances of having the bill approved by the Legislature, and have requested that Council indicate, through its consideration of this report and any motions arising therefrom, its support of this initiative; and

WHEREAS the Council of the City of Toronto recognizes the philanthropic nature of the services provided by Sheena’s Place and acknowledges that the organization fulfills a vital service need and complements the City’s own health and wellness initiatives;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto support the efforts of Sheena’s Place in seeking private legislation that would provide an exemption from property taxes.”

- (c) Councillor Pitfield moved that Item (1), entitled “City of Toronto Energy Plan”, be referred back to the Policy and Finance Committee for further consideration.

Votes:

Mayor Miller in the Chair.

Motion (a) by Councillor Thompson carried.

Deputy Mayor Bussin in the Chair.

Motion (b) by Councillor Silva carried.

Adoption of motion (c) by Councillor Pitfield:

Yes - 24	
Councillors:	Ashton, Augimeri, Cho, Del Grande, Di Giorgio, Feldman, Ford, Grimes, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 12	
Councillors:	Ainslie, Altobello, Bussin, Carroll, Davis, De Baeremaeker, Filion, Fletcher, Mihevc, Milczyn, Moscoe, Silva

Carried by a majority of 12.

The balance of the Clause was received for information.

Summary:

Council:

- (1) waived the necessary provisions of Chapter 27 of the City of Toronto Municipal Code, in order to consider Item (b), entitled “Property Tax Exemption for Sheena’s Place, A Registered Charity (Ward 20 - Trinity-Spadina)”, contained in this Clause, and adopted the following:

“**WHEREAS** Sheena’s Place, a facility known as the Hospice for Eating Disorders, is a non-profit, community-based support centre for people affected by eating disorders and their families, and serves as a link between hospital-based programs, schools, agencies, therapists, families and people with eating disorders; and

WHEREAS Sheena’s Place is a registered charity, and offers programs at no cost to the user and receives no government funding for their operational expenses, relying

instead on financial support from individuals, corporations, foundations, and proceeds from special events; and

WHEREAS the property occupied by Sheena's Place at 87 Spadina Road has been classified as taxable at the residential tax rate since 1998, with estimated annual taxes of approximately \$10,200.00; and

WHEREAS representatives of Sheena's Place have indicated that they are seeking to obtain a property tax exemption through a Private Member's Bill introduced by a Member of Provincial Parliament; and

WHEREAS a report (March 29, 2006) from the Deputy City Manager and Chief Financial Officer, entitled 'Property Tax Exemption for Sheena's Place, A Registered Charity' was submitted to the April 11, 2006 meeting of the Policy and Finance Committee, and was received by the Committee; and

WHEREAS representatives of Sheena's Place have indicated that the City's public support of a Private Member's Bill would greatly further the chances of having the bill approved by the Legislature, and have requested that Council indicate, through its consideration of this report and any motions arising therefrom, its support of this initiative; and

WHEREAS the Council of the City of Toronto recognizes the philanthropic nature of the services provided by Sheena's Place and acknowledges that the organization fulfills a vital service need and complements the City's own health and wellness initiatives;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto support the efforts of Sheena's Place in seeking private legislation that would provide an exemption from property taxes.”;

- (2) referred Item (1), entitled “City of Toronto Energy Plan”, contained in this Clause, back to the Policy and Finance Committee for further consideration; and
- (3) received that balance of this Clause for information.

Mayor Miller in the Chair.

5.10 **Administration Committee Report 2, Clause 21, headed “Other Items Considered by the Committee”.**

Motion:

Councillor Moscoe moved that Item (d), entitled “Policy for Purchase of Software Containing only Canadian Spell-Check”, be referred back to the Administration Committee for further consideration.

Votes:

Adoption of the motion by Councillor Moscoe:

Yes - 23	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Lindsay Luby, Mihevc, Moscoe, Pantalone, Saundercook, Shiner, Silva, Soknacki, Thompson
No - 19	
Councillors:	Ainslie, Altobello, Davis, Del Grande, Ford, Grimes, Holyday, Jenkins, Li Preti, Mammoliti, McConnell, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Rae, Watson

Carried by a majority of 4.

The balance of the Clause was received for information.

5.11 Community Services Committee Report 2, Clause 1, headed “Donation of Canadian Coast Guard Vessel SORA to Toronto Fire Services”.

Motion:

Mayor Miller, with the permission of Council, moved that the Clause be amended by amending Recommendation (1) contained in the report (March 2, 2006) from the Fire Chief and General Manager, Fire Services, so that it now reads as follows:

“(1) the City of Toronto accept with thanks the gratuitous transfer of the surplus Canadian Coast Guard vessel SORA; and”.

Votes:

The motion by Mayor Miller carried.

The Clause, as amended, carried.

- 5.12 **Etobicoke York Community Council Report 3, Clause 61, headed “Request to Install an Irrigation Supply Main Crossing Under Jane Street for the Oakdale Golf and Country Club (Ward 9 - York Centre and Ward 7 York West)”.**

Motion:

Mayor Miller, with the permission of Council, moved that the Clause be referred to the Policy and Finance Committee for consideration at its May 16, 2006 meeting.

Vote on Referral:

The motion by Mayor Miller carried.

- 5.13 **Scarborough Community Council Report 3, Clause 12, headed “Final Report Rezoning Application 05 112029 ESC 44 OZ and Plan of Subdivision Application 05 112043 ESC 44 SB Women Religious Project Neighbourhood Housing 4331 Lawrence Avenue East - West Hill Community (Ward 44 - Scarborough East)”.**

Motion:

Councillor Cowbourne moved that consideration of the Clause be postponed to the next regular meeting of City Council on May 23, 2006.

Vote to Postpone:

The motion by Councillor Cowbourne carried.

- 5.14 **Scarborough Community Council Report 3, Clause 13, headed “Final Report Official Plan Amendment Application 03 035189 ESC 42 OZ and Rezoning Application 03 035261 ESC 42 OZ Steeles Markham Developments Ltd., 3351 Markham Road Tapscott Employment District (Ward 42 - Scarborough Rouge River)”.**

Disposition:

This Clause was withdrawn as the applicant failed to give sufficient Notice.

- 5.15 **Toronto and East York Community Council Report 3, Clause 6, headed “Final Report - Official Plan Amendment and Rezoning Application - 751-775 King Street West (Ward 19 - Trinity-Spadina)”.**

Motion:

Deputy Mayor Pantalone moved that the Clause be amended by adding to Recommendation (5)(a) contained in the report (March 20, 2006) from the Director,

Community Planning, Toronto and East York District, the words “and/or towards the achieving of the ‘land bridge’ to Fort York and the waterfront for pedestrians and cyclists”, so that Recommendation (5)(a) now reads as follows:

“(5)(a) \$550,000.00 contribution to improvements to the community building in Stanley Park South, or other improvements to the facilities in the Park, and/or towards the achieving of the ‘land bridge’ to Fort York and the waterfront for pedestrians and cyclists;”.

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

5.16 Toronto and East York Community Council Report 3, Clause 48, headed “Installation/Removal of On-street Parking Spaces for Persons with Disabilities (Ward 14 - Parkdale-High Park; Ward 18 - Davenport; Ward 19 - Trinity-Spadina; Ward 30 - Toronto-Danforth; Wards 31 and 32 - Beaches-East York)”.

Motion:

Councillor Davis moved that the Clause be amended by amending Table “A” to the report (March 20, 2006) from the Director, Transportation Services, Toronto and East York District, by:

- (1) deleting the street name “Milverton Avenue” and inserting instead the street name “Milverton Boulevard” from the 3rd entry in the Removals section, so that the entry now reads as follows:

“31 Glebemount Avenue, west side, between a point 21 metres north of Milverton Boulevard and a point 7 metres further north.”; and

- (2) deleting the words “Wolfrey Avenue, west side” and inserting instead the words “Wolfrey Avenue, north side”, from the 5th entry in the Establishment section, so that the entry now reads as follows:

“30 Wolfrey Avenue, north side, between a point 102 metres east of Broadview Avenue and a point 6 metres further east.”

Votes:

The motion by Councillor Davis carried.

The Clause, as amended, carried.

- 5.17 **Toronto and East York Community Council Report 3, Clause 54, headed “Additional On-street Parking Spaces exclusively for use by Buses; and Amendments to Existing Parking Regulations affecting Parking by Buses in the Downtown area and West Don Lands (Ward 20 - Trinity-Spadina; Wards 27 and 28 – Toronto Centre-Rosedale)”.**

Motion:

Councillor Silva moved that the Clause be amended by deleting the words “Duncan Street” from Recommendations (1) and (2) contained in the report (March 17, 2006) from the Director, Transportation Services, Toronto and East York District, so that Recommendations (1) and (2) now read as follows:

- “(1) the regulations in respect to parking, standing or stopping on the sections of Bay Street, Bremner Boulevard, Front Street East, Lower Simcoe Street, Mill Street, Nelson Street, Overend Street, and Queen Street West, identified in this report and in the attached Appendix 1, be rescinded;
- (2) the regulations in respect to parking, standing or stopping on the sections of Bay Street, Bremner Boulevard, Lower Simcoe Street, Nelson Street, and Queen Street West, identified in this report and in the attached Appendix 2, be implemented; and”.

Votes:

The motion by Councillor Silva carried.

The Clause, as amended, carried.

- 5.18 **Toronto and East York Community Council Report 3, Clause 74, headed “Sale of Commercial Condominium Unit – 222 Spadina Avenue - Unit 8 (Ward 20 - Trinity-Spadina)”.**

The Clause was submitted without recommendation.

Motion:

Deputy Mayor Pantalone moved that Council adopt the staff recommendations contained in the Recommendations Section of the report (March 3, 2006) from the Chief Corporate Officer [as contained in the Clause].

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

Motion to Re-Open:

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

Vote:

The Clause, as amended, carried.

5.19 Toronto and East York Community Council Report 3, Clause 75, headed “Sale of Commercial Condominium Unit – 222 Spadina Avenue - Unit 10 (Ward 20 - Trinity-Spadina)”.

The Clause was submitted without recommendation.

Motion:

Deputy Mayor Pantalone moved that Council adopt the staff recommendations contained in the Recommendations Section of the report (March 3, 2006) from the Chief Corporate Officer [as contained in the Clause].

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

Motion to Re-Open:

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

Vote:

The Clause, as amended, carried.

5.20 Policy and Finance Committee Report 1, Clause 12b, headed “Cost Implications of the Etobicoke York Community Council Holding Public Hearings under the *Planning Act* at the York Civic Centre”.

Motions:

- (a) Councillor Holyday moved that the Clause be received.
- (b) Councillor Hall moved that the Clause be amended by deleting from Recommendation (1) of the Policy and Finance Committee, the words “only when a request has been made by a Member of Council”, and inserting instead the words “at the call of the Community Council Chair, only if the nature of the agenda deems it appropriate”, so that Recommendation (1) now reads as follows:
- “(1) statutory public meetings be held at the York Civic Centre at the call of the Community Council Chair, only if the nature of the agenda deems it appropriate, and that the cost be absorbed by the City Clerk's Office, failing which funds be taken from the Etobicoke York Discretionary Budget; and”.
- (c) Councillor Mammoliti moved that motion (b) by Councillor Hall be amended by:
- (1) adding the words “in consultation with the local Councillor”; and
- (2) deleting the words “failing which, funds be taken from the Etobicoke York Discretionary Budget”.

Votes:

Adoption of motion (a) by Councillor Holyday:

Yes - 3	
Councillors:	Ford, Holyday, Minnan-Wong
No - 25	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Cho, Cowbourne, Davis, Del Grande, Feldman, Filion, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Silva, Watson

Lost by a majority of 22.

Part (1) of motion (c) by Councillor Mammoliti carried.

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

Yes - 18 Councillors:	Altobello, Ashton, Cho, De Baeremaeker, Feldman, Fillion, Grimes, Jenkins, Li Preti, Mammoliti, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pitfield, Saundercook, Silva
No - 15 Mayor: Councillors:	Miller Augimeri, Carroll, Cowbourne, Davis, Del Grande, Ford, Giambrone, Hall, Holyday, Lindsay Luby, Ootes, Pantalone, Soknacki, Watson

Carried by a majority of 3.

Adoption of motion (b) by Councillor Hall, as amended:

Yes - 30 Mayor: Councillors:	Miller Altobello, Ashton, Augimeri, Cho, Cowbourne, Davis, De Baeremaeker, Feldman, Fillion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Silva, Soknacki, Stintz
No - 6 Councillors:	Carroll, Del Grande, Ford, Holyday, Ootes, Watson

Carried by a majority of 24.

Adoption of the Clause, as amended:

Yes - 32 Mayor: Councillors:	Miller Altobello, Ashton, Augimeri, Cho, Cowbourne, Davis, De Baeremaeker, Feldman, Fillion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Silva, Soknacki, Stintz, Thompson, Watson
No - 4 Councillors:	Carroll, Del Grande, Ford, Holyday

Carried by a majority of 28.

Summary:

Council amended this Clause by amending Recommendation (1) of the Policy and Finance Committee so that it now reads as follows:

- “(1) statutory public meetings be held at the York Civic Centre at the call of the Community Council Chair, in consultation with the local Councillor, only if the nature of the agenda deems it appropriate, and that the cost be absorbed by the City Clerk’s Office; and”.

Deputy Mayor Pantalone in the Chair.

5.21 Policy and Finance Committee Report 1, Clause 14b, headed “Pandemic Influenza Plan for the City of Toronto”.

Extension to Question:

Councillor Pitfield asked questions for a period of five minutes. Councillor Li Preti moved that §27-28E, Questioning to Obtain Facts, of Chapter 27, Council Procedures, of the City of Toronto Municipal Code be waived and that Councillor Pitfield be granted a further period of five minutes to ask questions, the vote upon which was taken as follows:

Yes - 23	
Councillors:	Altobello, Augimeri, Cho, De Baeremaeker, Del Grande, Feldman, Filion, Ford, Grimes, Holyday, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pitfield, Soknacki, Stintz, Watson
No - 6	
Councillors:	Cowbourne, Hall, Lindsay Luby, Pantalone, Rae, Saundercook

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

Motions:

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

“That the Medical Officer of Health be requested to:

- (1) report to City Council, through the Board of Health, on the ability of Glaxo Kline Smith to secure the vaccine production capability needed for the City of Toronto; and
- (2) communicate the Web site for Health Canada information, which is www.pandemicinfluenza.gc.ca.”

- (b) Councillor Filion moved that motion (a) by Councillor Pitfield be referred to the Board of Health.

Votes:

Adoption of motion (b) by Councillor Filion:

Yes - 16 Mayor: Miller Councillors: Ainslie, Ashton, Bussin, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Hall, Jenkins, Lindsay Luby, Mihevc, Moscoe, Pantalone, Silva
No - 18 Councillors: Altobello, Augimeri, Del Grande, Feldman, Ford, Giambrone, Holyday, Kelly, Li Preti, Minnan-Wong, Nunziata, Palacio, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson

Lost by a majority of 2.

Adoption of motion (a) by Councillor Pitfield:

Yes - 27 Councillors: Ainslie, Altobello, Ashton, Augimeri, Bussin, Cho, Davis, Del Grande, Feldman, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Minnan-Wong, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Watson
No - 9 Mayor: Miller Councillors: Cowbourne, De Baeremaeker, Filion, Fletcher, Lindsay Luby, Mihevc, Moscoe, Silva

Carried by a majority of 18.

The Clause, as amended, carried.

5.22 **Works Committee Report 1, Clause 11b, headed “Distribution of City of Toronto Tap Water – Toronto Pure”.**

Motions:

- (a) Councillor Stintz moved that the Clause be amended by deleting the Operative Paragraph contained in the Motion, moved by Councillor Moscoe, seconded by Councillor Carroll, and inserting instead the following:

“NOW THEREFORE BE IT RESOLVED THAT the City of Toronto encourage the distribution of City of Toronto tap water in any City facility or the facilities of its agencies, boards and commissions.”

- (b) Councillor Moscoe moved that motion (a) by Councillor Stintz be amended by adding to the end, the words “and discourage the distribution of commercially bottled water where practical”.
- (c) Councillor Giambrone moved that the Clause be amended by adding the following:
 “That the Chief Corporate Officer be requested to report to the Works Committee on the feasibility of using reuseable cups at the City of Toronto’s facilities, and the facilities of its agencies, boards and commissions, such report to include the cost implications.”
- (d) Councillor Kelly moved that the Clause be received.
- (e) Councillor Ford moved that the Clause be amended to provide that the purchase of drinking water from outside sources for consumption by City employees be prohibited.

Ruling by Deputy Mayor:

Deputy Mayor Pantalone ruled motion (e) by Councillor Ford out of order as the City does not purchase water from outside sources.

Councillor Ford challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 24	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Carroll, Cho, De Baeremaeker, Feldman, Filion, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Moscoe, Nunziata, Palacio, Pantalone, Silva, Soknacki, Stintz, Watson
No - 4	
Councillors:	Del Grande, Ford, Minnan-Wong, Ootes

Carried by a majority of 20.

Votes:

Adoption of motion (d) by Councillor Kelly:

Yes - 14	
Councillors:	Di Giorgio, Feldman, Ford, Holyday, Li Preti, Mammoliti, Milczyn, Ootes, Pitfield, Saundercook, Shiner, Soknacki,

Thompson, Watson	
No - 22	
Councillors:	Ainslie, Altobello, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Silva, Stintz

Lost by a majority of 8.

Motion (b) by Councillor Moscoe carried.

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

Adoption of motion (c) by Councillor Giambrone:

Yes - 16	
Councillors:	Bussin, Carroll, Cho, De Baeremaeker, Giambrone, Grimes, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Pantalone, Rae, Saundercook, Silva, Thompson
No - 20	
Councillors:	Ainslie, Altobello, Cowbourne, Del Grande, Di Giorgio, Feldman, Ford, Hall, Holyday, Jenkins, Li Preti, Mammoliti, Milczyn, Ootes, Palacio, Pitfield, Shiner, Soknacki, Stintz, Watson

Lost by a majority of 4.

The Clause, as amended, carried.

Summary:

Council amended this Clause by deleting the Operative Paragraph contained in the Motion, moved by Councillor Moscoe, seconded by Councillor Carroll, and inserting instead the following:

“NOW THEREFORE BE IT RESOLVED THAT the City of Toronto encourage the distribution of City of Toronto tap water in any City facility or the facilities of its agencies, boards and commissions, and discourage the distribution of commercially bottled water where practical.”

5.23 **Works Committee Report 1, Clause 5a, headed “Scarlett Road/CP Rail Bridge Class Environmental Assessment Study (York South-Weston and Parkdale-High Park)”.**

Motion:

Councillor Nunziata, seconded by Councillor Saundercook, moved that the Clause be amended in accordance with the following Motion:

“WHEREAS it is fiscally prudent when undertaking major infrastructure works to protect for reasonably foreseeable future needs so that future costs and disruption of public services are minimized; and

WHEREAS it was recognized in the Scarlett Road/CP Rail Bridge Class Environmental Assessment Study that any new bridge should be designed to protect for a potential future streetcar service; and

WHEREAS protection for an exclusive transit right-of-way was not included in the bridge design as shown in the Environmental Study Report (ESR) due to concerns regarding significantly higher construction costs and impacts on private property; and

WHEREAS TTC and Transportation Services staff have developed a new bridge design concept that incorporates protection for a future transit right-of-way, as shown on Figure No. 1, whose costs and property requirements are similar to those of the bridge design in the ESR;

NOW THEREFORE BE IT RESOLVED THAT Council’s adoption of the Recommendations of the Works Committee contained in Works Committee Report 1, Clause 5a, be made conditional upon the amendment of the design for the replacement of the Scarlett Road/CP Rail Bridge to protect for an exclusive transit right-of-way as shown on Figure No. 1;

AND BE IT FURTHER RESOLVED THAT authority be granted to the General Manager of Transportation Services to retain Totten Sims Hubicki Associates, being the engineering firm that prepared the ESR, to prepare detailed plans for the amended bridge design, at a cost not to exceed \$75,000.00;

AND BE IT FURTHER RESOLVED THAT should it be determined that the amended bridge design presents technical or cost issues not foreseen in the preliminary engineering work done to date, the General Manager of Transportation Services report back to the Works Committee on his findings and recommendations prior to taking any further action with respect to the Scarlett Road/CP Rail Bridge.”

Votes:

The motion moved by Councillor Nunziata, seconded by Councillor Saundercook, carried.

The Clause, as amended, carried.

- 5.24 **North York Community Council Report 3, Clause 32, headed “Polling Request for Overnight On-Street Permit Parking on One Side of Deloraine Avenue, between Elm Road and a Point 84.9 metres further west (Ward 16 - Eglinton-Lawrence)”.**

Motion:

Councillor Stintz moved that the Clause be referred back to the North York Community Council for further consideration.

Vote on Referral:

The motion by Councillor Stintz carried.

Deputy Mayor Feldman in the Chair.

5.25 Etobicoke York Community Council Report 1, Clause 3b, headed “Removal of One Privately Owned Tree - 65 Avonhurst Road (Ward 5 - Etobicoke-Lakeshore)”.

Motion:

Councillor Hall moved that the Clause be amended by deleting the Recommendation of the Etobicoke York Community Council, and that Council adopt instead the staff recommendations contained in the Recommendations Section of the report (October 17, 2005) from the General Manager, Parks, Forestry and Recreation [as contained in the Clause].

Votes:

Adoption of the motion by Councillor Hall:

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

Carried by a majority of 12.

The Clause, as amended, carried.

Deputy Mayor Pantalone in the Chair.

5.26 Etobicoke York Community Council Report 1, Clause 4b, headed “Removal of One Privately Owned Tree - 24 Neilor Crescent (Ward 3 - Etobicoke Centre)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the Etobicoke York Community Council, and that Council adopt the following instead:

“That the application for a permit to remove the privately owned Colorado blue spruce tree located at the front of 24 Neilor Crescent, be approved, conditional upon the owner planting a replacement tree that is acceptable to the General Manager, Parks, Forestry and Recreation.”

Votes:

Adoption of the motion by Councillor Holyday:

Yes - 11	Councillors: Altobello, Augimeri, Feldman, Ford, Holyday, Kelly, Li Preti, Nunziata, Ootes, Pitfield, Shiner
No - 23	Councillors: Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Saundercook, Silva, Soknacki, Thompson, Watson

Lost by a majority of 12.

The Clause was adopted, without amendment.

5.27 Etobicoke York Community Council Report 2, Clause 3a, headed “Removal of One Privately Owned Tree - 37 Benway Drive (Ward 2 - Etobicoke North)”.

Motion:

Councillor Saundercook moved that the Clause be amended by deleting the Recommendation of the Etobicoke York Community Council, and that Council adopt instead the staff recommendations contained in the Recommendations Section of the report (November 17, 2005) from the General Manager, Parks, Forestry and Recreation [as contained in the Clause].

Ruling by Deputy Mayor:

Councillor Saundercook requested the Deputy Mayor to call for the removal of Councillor Ford from the Council Chamber due to his apparent use of unparliamentary language. Deputy Mayor Pantalone ruled that Councillor Ford’s comments were not unparliamentary.

Councillor Saundercook challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 11	Councillors: Del Grande, Ford, Holyday, Kelly, McConnell, Mihevc, Minnan-Wong, Ootes, Pantalone, Silva, Watson
No - 21	

Councillors:	Augimeri, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Giambrone, Hall, Jenkins, Lindsay Luby, Mammoliti, Moscoe, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson
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Lost by a majority of 10.

Due to the above decision of Council, Councillor Ford withdrew his remarks.

Votes:

Adoption of the motion by Councillor Saundercook:

Yes - 22	Councillors: Altobello, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Hall, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Saundercook, Shiner, Silva, Thompson, Watson
No - 8	Councillors: Augimeri, Di Giorgio, Ford, Holyday, Kelly, Mammoliti, Nunziata, Ootes

Carried by a majority of 14.

The Clause, as amended, carried.

5.28 Scarborough Community Council Report 3, Clause 1, headed “Requests for Endorsement of Events for Liquor Licensing Purposes (Wards 36 and 44)”.

Motion to Re-Open:

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

Motion:

Councillor Thompson moved that the Clause be amended by adding the following Part (4) to the Recommendation of the Scarborough Community Council:

“(4) “the 3rd annual Taste of Lawrence Festival taking place on July 7, 8 and 9, 2006 along Lawrence Avenue East between Crockford Boulevard and Elinor Avenue.”

Votes:

The motion by Councillor Thompson carried.

The Clause, as amended, carried.

5.29 Etobicoke York Community Council Report 2, Clause 5a, headed “Removal of One Privately Owned Tree - 64 Harding Avenue (Ward 12 - York South-Weston)”.

Motion:

Councillor Saundercook moved that the Clause be amended by deleting the Recommendation of the Etobicoke York Community Council, and that Council adopt instead the staff recommendations contained in the Recommendations Section of the report (December 9, 2005) from the General Manager, Parks, Forestry and Recreation [as contained in the Clause].

Votes:

Adoption of the motion by Councillor Saundercook:

Yes - 21 Councillors: Altobello, Ashton, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Saundercook, Silva, Thompson, Watson
No - 10 Councillors: Augimeri, Del Grande, Di Giorgio, Feldman, Ford, Holyday, Li Preti, Nunziata, Ootes, Soknacki

Carried by a majority of 11.

The Clause, as amended, carried.

5.30 Etobicoke York Community Council Report 2, Clause 8a, 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 the Clause be amended by amending the staff recommendations contained in the report (January 19, 2006) from the Director, Transportation Services, Etobicoke York District, by:

- (1) deleting Recommendation (1); and
- (2) adding to Recommendation (2), the words “buses excepted” after the words “Monday to Friday”, so that Recommendation (2) now reads as follows:
 - “(2) westbound left turns be prohibited between 8:00 a.m. and 9:00 a.m., 3:00 p.m.

and 4:00 p.m., Monday to Friday, buses excepted, at the intersection of Royal York Road and the driveway to 1435 Royal York Road, 107.0 metres south of Renault Crescent; and”.

Votes:

The motion by Councillor Ford carried.

The Clause, as amended, carried.

5.31 North York Community Council Report 2, Clause 21a, headed “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)”.

Motion:

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

“That the Chief Planner and Executive Director, City Planning, be requested to convene a meeting to include Councillors Jenkins, Silva and Moscoe, with the University of Toronto, to resolve the issue of the land for the Fire Station on Bayview Avenue and report to Council through the Planning and Transportation Committee.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

5.32 Toronto and East York Community Council Report 2, Clause 41a, headed “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)”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of the motion by Councillor Ford:

Yes - 7 Councillors: Del Grande, Ford, Holyday, Kelly, Pitfield, Soknacki, Thompson

No - 29

Councillors: Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Watson

Lost by a majority of 22.

The Clause was adopted, without amendment.

5.33 Policy and Finance Committee Report 3, Clause 18, headed “2005 Preliminary Year-End Capital Variance Report”.

Motion:

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

“That Deputy City Manager, Sue Corke, be directed to submit her report on Eva’s Youth Shelter project to the Administration Committee for its meeting on May 2, 2006, and further, that it be submitted to Council for consideration at its meeting on May 23, 2006.”

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

“That:

- (1) the five-year capital plan be revised to reflect realistic cash flow expenditures and affordability debt levels;
- (2) Deputy City Manager, Fareed Amin, be requested to report to the Policy and Finance Committee on:
 - (1) providing staff with the flexibility to revise project funding within the appropriate funding envelope in order to re-prioritize projects; and
 - (2) how, with third party assistance, the City could maximize delivery of capital expenditures within a 12-month period.”

Vote:

The Clause, as amended by motion (a) by Councillor Shiner and motion (b) by Councillor Pitfield, carried.

5.34 **Policy and Finance Committee Report 3, Clause 9, headed “Rear Surface Flooding 220 to 244 Waverley Avenue, 79 to 91 Norway Avenue, and 233 to 241 Kenilworth Avenue (Ward 32 - Beaches-East York)”.**

Motion:

Councillor Soknacki moved that:

- (A) (1) the Clause be amended by deleting the Recommendations of the Policy and Finance Committee; and
- (2) Council adopt the following recommendations contained in the Recommendations section of the report (December 19, 2005) from the General Manager, Toronto Water:

“That:

- (1) no further action be taken by the City with respect to the rear parking area flooding problem at 220 to 244 Waverley Avenue; and
 - (2) the Waverley-Norway Residents’ Group be advised that the repairs to the drainage systems on private property are the responsibility of the property owners having ownership and/or rights-of-way access over the common parking and access area.”; and
- (B) in the event that Part (A) does not carry, the Recommendations of the Policy and Finance Committee be amended by:
- (1) amending Recommendation (2) by adding the words “or other documentation considered necessary by the City Solicitor” after the words “Right of Entry and Release”, so that Recommendation (2) now reads as follows:
 - “(2) in the event that the City is unable to secure contribution commitments within six months from any of the benefiting property owners, or in the event that the City is unable to secure Right of Entry and Release or other documentation considered necessary by the City Solicitor, from any required property owner, the City’s offer be rescinded; and”;
 - and;
 - (2) adding the following new Recommendations (4) and (5):
 - “(4) the City’s share of the funding of related costs be financed from within the 2006 Toronto Water Operating Budget; and
 - (5) the General Manager, Toronto Water, report as soon as possible to the

Works Committee, with a policy on how to fairly respond to requests to fund drainage repairs on private property, given that Council has made some decisions in favour of financing drainage repairs on private property.”

Votes:

Adoption of Part (A) of the motion by Councillor Soknacki:

Yes - 15	Councillors: Ainslie, Cowbourne, Del Grande, Ford, Hall, Holyday, Kelly, Li Preti, Nunziata, Ootes, Palacio, Pitfield, Soknacki, Stintz, Watson
No - 22	Councillors: Altobello, Ashton, Augimeri, Bussin, Carroll, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Jenkins, McConnell, Mihevc, Moscoe, Pantalone, Rae, Shiner, Silva, Thompson

Lost by a majority of 7.

Part (B) of the motion by Councillor Soknacki carried.

Adoption of the Clause, as amended:

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

Carried by a majority of 19.

5.35 Administration Committee Report 2, Clause 19, headed “Land Exchange, Sale and Lease Amendment Respecting 548 Gerrard Street East and 14 St. Matthews Road (Ward 30 - Toronto-Danforth)”.

The Clause was submitted without recommendation.

Motion:

Deputy Mayor Pantalone, with the permission of Council, moved that Council adopt the following staff recommendations contained in the Recommendations Section of the report (April 24, 2006) from the City Manager:

“It is recommended that:

- (1) City Council approve the recommendations in the staff report (March 1, 2006) from the Chief Corporate Officer, subject to amending the term of the restrictive covenant on the Hospital Lands to be for a period of forty (40) years; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

5.36 Economic Development and Parks Committee Report 2, Clause 2, headed “Design Exchange (DX) - 2006 Grant Annual Review (Ward 28 Toronto Centre-Rosedale)”.

Vote:

Adoption of the Clause, without amendment:

Yes - 30	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Fillion, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Silva, Soknacki, Watson
No - 1	
Councillors:	Ford

Carried by a majority of 29.

5.37 Economic Development and Parks Committee Report 2, Clause 9, headed “Request for Proposal (RFP) 0613-05-0299 Development and Operation of Food and Beverage Facilities at Five Golf Courses and Three Locations in the Parklands (Various Wards)”.

Motion:

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

“That nut products be excluded from sale at the five golf courses and three locations in the parklands and the proponent be so advised, and if that is not acceptable to the proponent, that the General Manager of Parks, Forestry and Recreation be requested to report to the next meeting of the Economic Development and Parks Committee meeting.”

Votes:

Adoption of the motion by Councillor Shiner:

Yes - 6 Councillors: Ainslie, Carroll, Feldman, Li Preti, Rae, Shiner
No - 23 Councillors: Ashton, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Ford, Giambrone, Grimes, Hall, Holyday, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Silva, Soknacki, Watson

Lost by a majority of 17.

The Clause was adopted, without amendment.

5.38 Works Committee Report 2, Clause 16, headed “Work Plan for the Engineering Review Addressing Basement Flooding (City-wide)”.

Motion:

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

“That the General Manager, Toronto Water, be requested to report to the Works Committee on a further work plan that would meet a higher level of storm which would be equivalent to a one-hundred-year storm, such report to include comments on any additional costs that would be incurred.”

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

“That the General Manager, Toronto Water, be requested to report to the Works Committee on:

- (1) the basement flooding protection program, the number of applications made and the number fully completed; and

- (2) the number and cost to construct storage facilities to provide sufficient protection in areas that have experienced chronic flood occurrences.”

Permission to Withdraw Motion:

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

Votes:

Motion (b) by Councillor Li Preti carried.

The Clause, as amended, carried.

5.39 **Toronto and East York Community Council Report 3, Clause 27, headed “Request for Further Direction - Rezoning Application - 500 Lake Shore Boulevard West (Ward 20 - Trinity-Spadina)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Silva moved that Council adopt the following:

“That:

- (a) Council adopt the following staff recommendations contained in the Recommendations Section of the report (April 24, 2006) from the Chief Planner and Executive Director, City Planning:

‘It is recommended that City Council:

- (1) authorize and direct the City Solicitor and appropriate staff to attend at the Ontario Municipal Board hearing on May 9-11, 2006 in support of the consents substantially as set out in the Committee of Adjustment decisions for files B0060/04TEY and B0062/04TEY and the modified conditions substantially as set out in Attachment 1 to this report, provided that the City Solicitor and Chief Planner have received satisfactory assurances from, or on behalf of Loblaw Properties Limited that, in connection with its zoning and site plan applications/appeals before the OMB:
 - (i) Loblaw agrees to the use of Section 37 of the *Planning Act* to secure the infrastructure requirements substantially as set out in Condition 1 of Attachment 2 to this report and as may be otherwise required for the proposed development; and

- (ii) Loblaw agrees to the requirement for a Heritage Easement Agreement, in the context of its site plan approval pursuant to Section 41 of the *Planning Act*; and
- (2) if Loblaw Properties Limited is unable or unwilling to provide the assurances set out in Recommendation (1) above, the City Solicitor and relevant staff are directed to attend at the Ontario Municipal in support of the revised conditions of consent substantially in the form set out in Attachment 2 of this report.’; and
- (b) the Director, Community Planning, Toronto and East York District be authorized to report directly to Council if, as a result of the ongoing discussions, amendments to Council’s current directions are required in connection to site plan conditions, conditions of consent, or any of the matters before the OMB.”

Votes:

The motion by Councillor Silva carried.

The Clause, as amended, carried.

5.40 **Community Services Committee Report 2, Clause 7, headed “48 Havelock Street Tenants - Application for Grant”.**

Motion:

Councillor Mihevc moved that the Clause be received.

Vote:

The motion by Councillor Mihevc carried.

5.41 **Community Services Committee Report 2, Clause 11, headed “Hot Weather Response Plan - Update”.**

Motion:

Councillor Giambrone moved that the Clause be amended by amending Recommendation (10) contained in the report (February 13, 2006) from the Medical Officer of Health, to provide that the report requested from the Medical Officer of Health and the Executive Director, Municipal Licensing and Standards respecting a maximum indoor temperature standard in new licensing requirements for multi-occupancy residential buildings in Toronto, be submitted to the Board of Health in January 2007.

Votes:

The motion by Councillor Giambrone carried.

The Clause, as amended, carried.

5.42 **Policy and Finance Committee Report 3, Clause 4, headed “Overview of Past Polling Practices and Recommendations for Future Polling Procedures”.**

Motion:

Councillor Moscoe moved that the Clause be amended by deleting from Recommendation (ii)(B) of the Policy and Finance Committee, the words “those persons who requested on their ballots that they be notified of the results of the poll”, and inserting instead the words “all persons who responded to the poll”, so that Recommendation (ii)(B) now reads as follows:

“(ii) amending Sub section XXX-7 (B) to read as follows:

‘(B) At the end of the polling period, the City Clerk shall record all accepted ballots and shall certify, in writing, the results of the poll and provide local Councillors with a copy of the results as soon as they are available. The City Clerk will then write a letter to the requesting division indicating the results of the poll. The City Clerk shall post the results of the poll on the City of Toronto internet web site for Polling and shall notify by mail all persons who responded to the poll.’ ”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

5.43 **Administration Committee Report 2, Clause 2, headed “Canadian Content and Toronto Local Preference Policy”.**

Motion:

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

“That:

- (1) the City of Toronto develop a draft municipal taxpayer preference policy that recognizes the contribution made to the municipal economy by companies that pay property taxes and thereby contribute financially to the economy of the City of Toronto, the Greater Toronto Area (GTA), Ontario and Canada;
- (2) the draft policy be based entirely on objective measures, i.e., the quantum of property taxes paid to municipalities in each of four categories in descending order of impact on the local economy:
 - (a) to the City of Toronto (first category);
 - (b) to a municipality within the GTA (second category);
 - (c) to a municipality within Ontario (third category); and
 - (d) to a municipality in Canada; and
- (3) this draft policy be circulated to the Toronto Board of Trade, Manufacturers' Associations and Unions within the City of Toronto for their comments prior to consideration by Council."

Disposition:

As Council had not concluded its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the next regular meeting of City Council on May 23, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Soknacki:

"That:

- (1) all motions moved at the April 25, 26 and 27, 2006 meeting of City Council on any items remaining on the agenda be forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and these motions be deemed to be moved; and
- (2) any speaker's lists from the April 25, 26 and 27, 2006 meeting of City Council be carried forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and be adopted for continuing the debate on those matters at that meeting, and that a provision be allowed for any Members who were not on a speaker's list to add their names."

Mayor Miller in the Chair.

5.44 **Planning and Transportation Committee Report 2, Clause 3, headed “Parking Space Dimensions Zoning Review Supplementary Report 1”.**

Motion:

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

“That the Chief Planner and Executive Director, City Planning, report to the Planning and Transportation Committee for its meeting on May 1, 2006, on a possible reduction of the width of the proposed parking spaces where those spaces are not adjacent to walls and/or columns.”

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

5.45 **Etobicoke York Community Council Report 3, Clause 60, headed “Cumulative Environmental Assessment of Air Quality in Ward 6 (Ward 6 - Etobicoke-Lakeshore)”.**

Motion:

Councillor Grimes moved that the Clause be amended by amending the Motion by Councillor Grimes by:

(1) adding the following additional Part (4) to the Operative Paragraph:

“(4) write to the Minister of the Environment and request that the Ministry:

- (i) assist the City of Toronto in the assessment of air quality impacts in the Etobicoke-Lakeshore area;
- (ii) enhance the sharing of information with the City of Toronto on air quality conditions in the Etobicoke-Lakeshore area; and
- (iii) explore options with the City of Toronto for funding to address air quality issues in the Etobicoke-Lakeshore area;” and

(2) adding the following new Operative Paragraph:

“**AND BE IT FURTHER RESOLVED THAT** the Medical Officer of Health be asked to comment on the health implications of the assessment.”

Votes:

The motion by Councillor Grimes carried.

The Clause, as amended, carried.

5.46 **Toronto and East York Community Council Report 3, Clause 4, headed “King-Spadina Interim Control By-law Study (East of Spadina Avenue) (Ward 20 - Trinity-Spadina)”.**

Motion:

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

“That:

- (1) entertainment facilities in the King-Spadina area be required to have adequate lighting installed and maintained to service spaces immediately surrounding their building;
- (2) Toronto Hydro be requested to implement proactive monitoring of public light assets in the King-Spadina area; and
- (3) the Executive Director, Municipal Licensing and Standards be requested to investigate the conformity of entertainment facility structures in relation to the new licensing requirements recently adopted, and other legal requirements, in light of the realities of entertainment facilities (such as significant noise, large crowds, indoor lighting and other possible technical deficiencies), and report the findings of this investigation to the Planning and Transportation Committee.”

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

Deputy Mayor Feldman in the Chair.

5.47 **Policy and Finance Committee Report 3, Clause 29, headed “Planning Process Intervention for the Toronto Community Housing Corporation Transitional Housing Development at 1900 Sheppard Avenue West (Ward 9 - York Centre)”.**

Motions:

- (a) Councillor Augimeri moved that the Clause be amended:

- (1) by deleting staff Recommendation (2) contained in the report (April 10, 2006) from Deputy City Manager Sue Corke, as amended by the Policy and Finance Committee;
 - (2) by deleting staff Recommendation (3) contained in the report (April 10, 2006) from Deputy City Manager Sue Corke; and
 - (3) to provide that the North York Community Council be directed to consider the Preliminary Report for the Application to Amend the Official Plan and Zoning By-law, 1900 Sheppard Avenue West, Blandford Gates (Fleiss Gates McGowan Easton Architects Inc.), 05 198002 NNY 09 0Z at its May 2006 meeting.
- (b) Councillor Mammoliti moved that the Clause be amended by adding the following:
- “That, in the event that this project is delayed so that it loses the available funding for the components of this project, any funds that were allocated to this project from other projects be re-allocated back to the budgets they were drawn from.”

Deputy Mayor Bussin in the Chair.

- (c) Councillor Palacio moved that the Clause be amended by adding the following:
- “That the Toronto Community Housing Corporation be requested to consider the provision of 24-hour on-site security at this project.”

Ruling by Deputy Mayor:

Deputy Mayor Bussin ruled motion (c) by Councillor Palacio out of order as this recommendation would be premature at this point in the process.

Motions:

- (d) Councillor Filion moved that the Clause be amended by deleting Recommendation (D) of the Policy and Finance Committee and inserting instead the following:
- “(D) that the Chief Planner and Executive Director, City Planning, and City Planning staff treat this application as a priority and prepare a report for the North York Community Council in time to reach City Council by its meeting of July 25, 2006.”

Deputy Mayor Feldman in the Chair.

- (e) Councillor Giambrone moved that the Clause be amended by directing the City Clerk to:
- (i) place the Final Planning report on the agenda of the July 11, 2006 North York Community Council meeting, for subsequent submission to the July 25, 2006 meeting of City Council; and
 - (ii) place the Planning report dealing with the site plan application on the agenda of the July 11, 2006 North York Community Council meeting, for subsequent submission to the July 25, 2006 meeting of City Council, if the local Councillor has not signed off on the site plan approval.
- (f) Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion (f) by Councillor Ford:

Yes - 5	Councillors: Augimeri, Ford, Holyday, Minnan-Wong, Ootes
No - 36	Mayor: Miller Councillors: Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Pantalone, Rae, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 31.

Adoption of motion (a) by Councillor Augimeri:

Yes - 10	Councillors: Augimeri, Di Giorgio, Ford, Grimes, Holyday, Jenkins, Li Preti, Minnan-Wong, Soknacki, Watson
No - 31	Mayor: Miller Councillors: Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Giambrone, Hall, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shiner, Silva, Stintz, Thompson, Walker

Lost by a majority of 21.

Adoption of motion (d) by Councillor Filion:

Yes - 34	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shiner, Silva, Stintz, Thompson, Walker, Watson
No - 7	
Councillors:	Augimeri, Ford, Grimes, Holyday, Jenkins, Li Preti, Soknacki

Carried by a majority of 27.

Permission to Withdraw Motion:

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

Votes:

Adoption of motion (e) by Councillor Giambrone:

Yes - 29	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shiner, Silva, Stintz
No - 13	
Councillors:	Augimeri, Del Grande, Ford, Grimes, Holyday, Jenkins, Li Preti, Minnan-Wong, Pitfield, Soknacki, Thompson, Walker, Watson

Carried by a majority of 16.

Adoption of the Clause, as amended:

Yes - 33	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shiner, Silva, Stintz, Thompson, Walker, Watson
No - 8	
Councillors:	Augimeri, Ford, Holyday, Jenkins, Li Preti, Minnan-Wong, Pitfield, Soknacki

Carried by a majority of 25.

Summary:

Council amended this Clause by:

- (1) deleting Recommendation (D) of the Policy and Finance Committee and inserting instead the following:
 - “(D) that the Chief Planner and Executive Director, City Planning, and City Planning staff treat this application as a priority and prepare a report for the North York Community Council in time to reach City Council by its meeting of July 25, 2006.”; and
- (2) directing the City Clerk to:
 - (i) place the Final Planning report on the agenda of the July 11, 2006 North York Community Council meeting, for subsequent submission to the July 25, 2006 meeting of City Council; and
 - (ii) place the Planning report dealing with the site plan application on the agenda of the July 11, 2006 North York Community Council meeting, for subsequent submission to the July 25, 2006 meeting of City Council, if the local Councillor has not signed off on the site plan approval.

Mayor Miller in the Chair.

5.48 Policy and Finance Committee Report 3, Clause 26, headed “City of Toronto Affordable Housing Plan”.

Vote:

Adoption of the Clause, without amendment:

Yes - 31	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Feldman, Giambrone, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Walker, Watson
No - 5	
Councillors:	Del Grande, Ford, Holyday, Kelly, Thompson

Carried by a majority of 26.

5.49 **Scarborough Community Council Report 3, Clause 2, headed “Avenue Studies for 2006 (Various Wards)”.**

Motion:

Councillor Augimeri moved that the Recommendation of the Scarborough Community Council be amended to include endorsement of the Avenue Study for Avenue Road from Wilson Avenue to Lawrence Avenue West, which was endorsed by the North York Community Council.

Votes:

The motion by Councillor Augimeri carried.

The Clause, as amended, carried.

5.50 **Works Committee Report 2, Clause 17, headed “Draft Terms of Reference for the Peer Review of the Biosolids and Residuals Master Plan Decision Making Model (City-wide)”.**

Motion:

Councillor Carroll moved that the Clause be amended by:

- (1) inserting in Recommendation (5) of the Works Committee, the word “Draft” before the word “Biosolids”, so that Recommendation (5) now reads as follows:

- “(5) the final report of the Peer Review Panel be submitted to the Works Committee for consideration of how to incorporate the findings of the Expert Panel into the final preparation of the Draft Biosolids and Residuals Master Plan;”; and
- (2) inserting in Recommendation (7) of the Works Committee, the word “Draft” before the word “Biosolids”, and by adding the words “of not less than 30 days”, so that Recommendation (7) now reads as follows:
- “(7) subsequent to the consideration of the findings of the Expert Panel, the revised Draft Biosolids and Residuals Master Plan be released, and be subject to an additional comment period of not less than 30 days;”.

Votes:

The motion by Councillor Carroll carried.

The Clause, as amended, carried.

Deputy Mayor Feldman in the Chair.

5.51 Planning and Transportation Committee Report 2, Clause 11, headed “Ontario Building Code: Energy Efficiency Consultation”.

Motion:

Councillor Filion moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (April 19, 2006) from the Chief Building Official and Executive Director, Building:

“It is recommended that:

- (1) Council adopt Recommendations (1), (3), (4), (6) and (8) of the report (March 3, 2006) from the Chief Building Official and Executive Director, considered by the Planning and Transportation Committee at its meeting of March 6, 2006;
- (2) Council direct the Mayor to write the Minister of Municipal Affairs and Housing and the Minister of Energy in support of the Province’s initiative to increase energy efficiency and other environmental conservation objectives through proposed amendments to the Ontario Building Code, consistent with the City’s initiative to establish the City’s Roundtable on the Environment to advise the City on a broad range of current and emerging environmental sustainability issues affecting the City; and, in particular, emphasize that Council encourages the Province to pursue the most aggressive option for energy efficient amendments or develop a package of improvements that meet at least the 25 percent target;

- (3) Council support the recommendations identified by staff to adopt a labelling program with respect to energy efficiency, building on the success of existing third party verification programs such as EnerGuide, with building inspectors verifying that a label identifying the level of energy efficiency achieved has been affixed in the appropriate place;
- (4) Council encourage the Province to consider further amendments and removal of barriers to green technologies in the Ontario Building Code including: expanding the use of non-potable water systems, to allow for the use of surface water from Lake Ontario, for example, in these systems; investigation and removal of barriers in the Code to the use of geothermal heat pumps; requirements for light coloured roofing materials to reduce the heat island effect in urban areas, such as Toronto; and examining the recognition of additional standards to be referenced to allow for more efficient alternatives to six litre toilets, including more efficient and double flush models; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Votes:

The motion by Councillor Filion carried.

The Clause, as amended, carried.

5.52 Policy and Finance Committee Report 3, Clause 22, headed “Beach Postings in 2005 and Actions to Improve Water Quality at City Beaches (Wards 6, 13, 14, 20, 30, 32 and 44)”.

Motion:

Councillor Watson moved that the Clause be amended by deleting staff Recommendation (2) contained in the report (April 6, 2006) from the General Manager, Toronto Water, the General Manager, Parks, Forestry and Recreation, and the Medical Officer of Health, and inserting instead the following:

- “(2)(a) Deputy City Manager, Fareed Amin, through the Waterfront Project Director and in collaboration with the General Manager, Toronto Water, the Medical Officer of Health, the General Manager, Parks, Forestry and Recreation, the Chief Planner and the Executive Director, City Planning, the General Manager, Transportation, the General Manager, Economic Development, Culture and Tourism, and other public agencies, including TTC, TWRC, and TRCA, undertake the development of an Integrated Beach Management Strategy, in consultation with the Councillors for Wards 13 and 14, affected stakeholders, including sports clubs and residents from across Toronto, for a full range of issues affecting waterfront beaches, with an initial focus on Sunnyside Beach (more accurately defined as the area between Marilyn Bell Park and the Humber River) to:

- (i) identify parks infrastructure requirements to support present and future recreational uses;
 - (ii) identify other management objectives including improving aquatic habitat, repair and replacement of the breakwall, mitigation of beach erosion, protecting and enhancing pedestrian and trail development, considering compatible commercial uses, addressing transit, parking and transportation requirements and maintaining public realm requirements, improving access and connections between the waterfront and adjacent neighbourhoods, considering diverse marine uses in the protected waterway and providing land-side infrastructure to support marine uses and boat club requirements;
 - (iii) assess current approaches to and levels of beach maintenance;
 - (iv) review the appropriateness of existing beach designations;
 - (v) recommend, where appropriate, siting of new beaches; and
 - (vi) identify the necessary measures, their associated capital and operating cost implications and prepare a proposed implementation schedule, to support the implementation of the Integrated Beach Management Strategy; and
- (b) Deputy City Manager, Fareed Amin, in collaboration with the General Manager, Toronto Water, the Medical Officer of Health, the General Manager, Parks, Forestry and Recreation, the Chief Planner and Executive Director, City Planning, the General Manager, Transportation, and the General Manager, Economic Development, Culture and Tourism, report to the Policy and Finance Committee no later than September 2006, on the resources required to develop the Integrated Beach Management Strategy as it relates to Sunnyside Beach, the proposed source of these resources and a critical path for completing the work.”

Votes:

The motion by Councillor Watson carried.

The Clause, as amended, carried.

Deputy Mayor Bussin in the Chair.

5.53 Toronto and East York Community Council Report 3, Clause 2, headed “Final Report - Official Plan Amendment and Rezoning Application - 36, 38-48 Yorkville Avenue; 1263 Bay Street and 55 Scollard Street (Ward 27 - Toronto Centre-Rosedale)”.

Extensions to Question:

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

Yes - 25 Councillors: Altobello, Ashton, Augimeri, Bussin, Cho, Cowbourne, Del Grande, Ford, Hall, Holyday, Jenkins, Kelly, Li Preti, McConnell, Milczyn, Nunziata, Palacio, Pitfield, Rae, Shiner, Silva, Stintz, Thompson, Walker, Watson
No - 4 Councillors: Giambrone, Grimes, Pantalone, Saundercook

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

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

Yes - 18 Councillors: Altobello, Ashton, Del Grande, Ford, Hall, Holyday, Jenkins, Kelly, Li Preti, Mammoliti, Milczyn, Nunziata, Pitfield, Rae, Silva, Stintz, Walker, Watson
No - 6 Councillors: Bussin, Carroll, Cowbourne, Grimes, Moscoe, Saundercook

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

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

Yes - 17	
Mayor:	Miller
Councillors:	Altobello, Ashton, Cho, Fletcher, Ford, Giambrone, Holyday, Jenkins, Kelly, Milczyn, Nunziata, Pitfield, Silva, Stintz, Walker, Watson
No - 9	
Councillors:	Bussin, Carroll, Davis, Grimes, Hall, Li Preti, Mammoliti, Rae, Saundercook

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

Motions:

- (a) Councillor Walker moved that:
- (1) the Clause be referred back to the Toronto and East York Community Council for consideration at its meeting on June 13, 2006, and the Director, Community Planning, Toronto and East York District, be requested to consult with community residents and report to that meeting on the outcome; and
 - (2) in the event that Part (1) does not carry, the Clause be received and the application refused.
- (b) Councillor Milczyn moved that Part (1) of motion (a) by Councillor Walker be amended to provide that the Director, Community Planning, Toronto and East York District, also be requested to meet with the applicant with a view to negotiating a significant reduction in height of the taller tower so that it would be substantially in compliance with the Bloor Yorkville/North Midtown Urban Design Guidelines and the immediate site context, and report on the negotiations when this Clause is considered by the Community Council.

Votes on Referral:

Adoption of motion (b) by Councillor Milczyn:

Yes - 15	
Councillors:	Augimeri, Carroll, Del Grande, Fillion, Ford, Hall, Jenkins, Lindsay Luby, Milczyn, Nunziata, Palacio, Saundercook, Silva, Stintz, Thompson
No - 18	
Mayor:	Miller
Councillors:	Bussin, Cho, Davis, De Baeremaeker, Di Giorgio, Holyday, Kelly, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Ootes, Pantalone, Rae, Walker, Watson

Lost by a majority of 3.

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

Yes - 14 Councillors:	Augimeri, Del Grande, Filion, Ford, Holyday, Jenkins, Lindsay Luby, Milczyn, Nunziata, Palacio, Silva, Stintz, Thompson, Walker
No - 20 Mayor: Councillors:	Miller Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Hall, Kelly, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Ootes, Pantalone, Rae, Saundercook, Watson

Lost by a majority of 6.

Extension of Time to Speak:

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

Yes - 18 Mayor: Councillors:	Miller Altobello, Ashton, Cho, Del Grande, Di Giorgio, Feldman, Ford, Holyday, Jenkins, Li Preti, McConnell, Nunziata, Ootes, Palacio, Silva, Thompson, Walker
No - 11 Councillors:	Bussin, Carroll, Cowbourne, De Baeremaeker, Filion, Giambrone, Mammoliti, Mihevc, Pantalone, Rae, Saundercook

Carried by a majority of 11.

Votes:

Adoption of Part (2) of motion (a) by Councillor Walker

Yes - 11	
Councillors:	Ashton, Del Grande, Filion, Ford, Holyday, Jenkins, Nunziata, Pitfield, Shiner, Thompson, Walker
No - 28	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Watson

Lost by a majority of 17.

Adoption of the Clause, without amendment:

Yes - 27	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Soknacki, Watson
No - 13	
Councillors:	Ashton, Cowbourne, Del Grande, Filion, Ford, Holyday, Jenkins, Nunziata, Pitfield, Shiner, Silva, Thompson, Walker

Carried by a majority of 14.

5.54 Board of Health Report 2, Clause 1, headed “Legal Petition to Reduce U.S. Air Pollution”.

Vote:

Adoption of the Clause, without amendment:

Yes - 25	
Councillors:	Ainslie, Altobello, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Giambrone, Jenkins, Kelly, Li Preti, Mihevc, Moscoe, Palacio, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Thompson, Walker, Watson
No - 9	
Councillors:	Del Grande, Ford, Holyday, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Saundercook

Carried by a majority of 16.

5.55 Toronto and East York Community Council Report 3, Clause 30, headed “Official Plan Amendment and Rezoning Application and Site Plan Approval - 100, 112, 120 and 128 Howland Avenue – Royal St. George’s College (Ward 20 - Trinity-Spadina)”.

Motion:

Councillor Silva moved that the Clause be referred to the City Solicitor with a request that she meet with the local residents and the proponents, and report directly to the next regular meeting of City Council on May 23, 2006, on the outcome.

Vote on Referral:

The motion by Councillor Silva carried.

Motion to Re-Open:

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

Motion:

Councillor Silva moved that Council also adopt the following staff recommendations contained in the Recommendations Section of the report (April 13, 2006) from the Chief Planner and Executive Director, City Planning:

“It is recommended that:

- (1) Council refuse the application for ‘demolition’ at 100 and 112 Howland Avenue (Royal St. George’s College) under Section 34 of the *Ontario Heritage Act* on the grounds that it is, in fact, an alteration and not a demolition and has already been dealt with by Council as an alteration; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Vote:

The motion by Councillor Silva carried.

Summary:

Council referred this Clause to the City Solicitor with a request that she meet with the local residents and the proponents, and report directly to the next regular meeting of City Council on May 23, 2006, on the outcome.

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

“It is recommended that:

- (1) Council refuse the application for ‘demolition’ at 100 and 112 Howland Avenue (Royal St. George’s College) under Section 34 of the *Ontario Heritage Act* on the grounds that it is, in fact, an alteration and not a demolition and has already been dealt with by Council as an alteration; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

5.56 Etobicoke York Community Council Report 3, Clause 25, headed “Traffic Calming (Speed Humps) on Firgrove Crescent between Elana Drive and a point approximately 180.0 metres west of Jane Street (south intersection) (Ward 7 - York West)”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of the motion by Councillor Ford:

Yes - 4	
Councillors:	Del Grande, Ford, Kelly, Li Preti
No - 28	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Ootes, Palacio, Pitfield, Saundercook, Shiner, Silva, Soknacki, Stintz, Watson

Lost by a majority of 24.

Adoption of the Clause, without amendment:

Yes - 28 Councillors: Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Ootes, Palacio, Saundercook, Shiner, Silva, Soknacki, Stintz, Watson
No - 4 Councillors: Del Grande, Ford, Kelly, Pitfield

Carried by a majority of 24.

5.57 **Council considered the following Clauses concurrently:**

Etobicoke York Community Council Report 3:

- Clause 30 - "Installation of Speed Humps - North Park Drive between Keele Street and Treelawn Parkway (Ward 12 - York South-Weston)".**
- Clause 31 - "Installation of Speed Humps - Liscombe Road between Maple Leaf Drive and Rustic Road (Ward 12 - York South-Weston)".**
- Clause 33 - "Installation of Speed Humps - Falstaff Avenue between Jane Street and Keele Street (Ward 12 - York South-Weston)".**
- Clause 38 - "Installation of Speed Humps - Humbercrest Boulevard between St. Mark's Road and Baby Point (Ward 13 - Parkdale-High Park)".**

Vote:

Adoption of the Clauses, without amendment:

Yes - 31 Councillors: Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz
No - 3 Councillors: Ford, Kelly, Pitfield

Carried by a majority of 28.

5.58 Toronto and East York Community Council Report 3, Clause 41, headed “Request for Installation of Speed Humps - Winona Drive, between Hursting Avenue and Earlsdale Avenue (Ward 17 - Davenport and Ward 21 - St. Paul’s)”.

Motion:

Councillor Hall moved that the Clause be amended in accordance with the following Recommendation (2) contained in the communication (April 10, 2006) from the Etobicoke York Community Council:

“(2) approve the poll being conducted in the languages of Italian, Portuguese and English.”

Votes:

Adoption of the motion by Councillor Hall:

Yes - 28	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Filion, Giambrone, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Saundercook, Soknacki, Stintz
No - 1	
Councillor:	Ford

Carried by a majority of 27.

Adoption of the Clause, as amended:

Yes - 27	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Filion, Giambrone, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Saundercook, Soknacki, Stintz
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 25.

5.59 Toronto and East York Community Council Report 3, Clause 42, headed “Proposed Installation of Speed Bumps in Public Lane System Bounded by Dupont Street, Emerson Avenue, Lappin Avenue and Lansdowne Avenue (Ward 18 - Davenport)”.

Votes:

Adoption of the Clause, without amendment:

Yes - 26 Councillors: Ainslie, Altobello, Ashton, Bussin, Cho, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Saundercook, Soknacki, Stintz
No - 3 Councillors: Del Grande, Ford, Kelly

Carried by a majority of 23.

5.60 Toronto and East York Community Council Report 3, Clause 43, headed “Request for Installation of Speed Humps - Winnett Avenue between Hursting Avenue and Vaughan Road (Ward 21 - St. Paul’s)”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of the motion by Councillor Ford:

Yes - 4 Councillors: Ashton, Ford, Holyday, Moscoe
No - 28 Councillors: Ainslie, Altobello, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki

Lost by a majority of 24.

Adoption of the Clause, without amendment:

Yes - 27	Councillors: Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Grimes, Hall, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki
No - 4	Councillors: Del Grande, Ford, Holyday, Kelly

Carried by a majority of 23.

5.61 **Toronto and East York Community Council Report 3, Clause 44, headed “Speed Hump Poll Results - Lewis Avenue, between Eastern Avenue and Queen Street East (Ward 30 - Toronto-Danforth)”.**

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of the motion by Councillor Ford:

Yes - 4	Councillors: Ashton, Ford, Holyday, Stintz
No - 27	Councillors: Ainslie, Altobello, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Saundercook, Silva, Soknacki

Lost by a majority of 23.

Adoption of the Clause, without amendment:

Yes - 29 Councillors: Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Grimes, Hall, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Silva, Soknacki, Stintz
No - 3 Councillors: Ford, Holyday, Kelly

Carried by a majority of 26.

5.62 **Toronto and East York Community Council Report 3, Clause 89, headed “Speed Hump Poll Results - Bleecker Street, between Wellesley Street and Howard Street; and Howard Street, between Parliament Street and Sherbourne Street (Ward 28 - Toronto Centre-Rosedale)”.**

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of the motion by Councillor Ford:

Yes - 4 Councillors: Del Grande, Ford, Holyday, Milczyn
No - 24 Councillors: Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, Di Giorgio, Feldman, Grimes, Hall, Li Preti, Lindsay Luby, Mammoliti, McConnell, Nunziata, Ootes, Palacio, Pantalone, Saundercook, Shiner, Silva, Soknacki, Stintz

Lost by a majority of 20.

Adoption of the Clause, without amendment:

Yes - 26 Councillors: Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, Di Giorgio, Feldman, Fletcher, Grimes, Hall, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Saundercook, Shiner, Silva, Soknacki, Stintz
No - 4 Councillors: Del Grande, Ford, Holyday, Kelly

Carried by a majority of 22.

5.63 Council considered the following Clauses concurrently:**Toronto and East York Community Council, Report 3:**

- Clause 57 - “Introduction of Overnight On-street Permit Parking on Atlas Avenue, between Durham Avenue and Eglinton Avenue West (Ward 21 - St. Paul’s)”.**
- Clause 58 - “Introduction of Overnight On-street Permit Parking on Gloucester Grove, between Winona Drive and Winnett Avenue (Ward 21 - St. Paul’s)”.**
- Clause 59 - “Introduction of Overnight On-street Permit Parking on Durham Avenue, between Winnett Avenue and the Eastern End of Durham Avenue (Ward 21 - St. Paul’s)”.**
- Clause 60 - “Introduction of Overnight On-street Permit Parking on Warland Avenue, between O’Connor Drive and Donlands Avenue (Ward 29 - Toronto-Danforth)”.**
- Clause 61 - “Extension of Overnight On-Street Permit Parking on Milverton Boulevard, between Coxwell Avenue and Monarch Park Avenue (Ward 29 - Toronto-Danforth)”.**
- Clause 62 - “Extension of Overnight On-Street Permit Parking on Kintyre Avenue, between Grant Street and Broadview Avenue, and on Grant Street, between Queen Street East and the North End of Grant Street (Ward 30 - Toronto-Danforth)”.**
- Clause 63 - “Introduction of Overnight On-Street Permit Parking on the South Side of Kingston Road, between Lee Avenue and Glen Stewart Crescent (Ward 32 - Beaches-East York)”.**
- Clause 64 - “Introduction of Overnight On-Street Permit Parking on the South Side of Dundas Street East, between Coxwell Avenue and the Western Leg of Maughan Crescent (Ward 32 - Beaches-East York)”.**

Motion:

Councillor Del Grande moved that consideration of these Clauses be postponed until the harmonized on-street parking policy has been considered by the Planning and Transportation Committee and Council.

Votes:

Adoption of the motion by Councillor Del Grande:

Yes - 5 Councillors: Del Grande, Feldman, Ford, Kelly, Thompson
No - 31 Councillors: Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Stintz

Lost by a majority of 26.

Adoption of the Clauses, without amendment:

Yes - 26 Councillors: Ainslie, Altobello, Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Saundercook, Stintz
No - 6 Councillors: Augimeri, Del Grande, Ford, Kelly, Minnan-Wong, Thompson

Carried by a majority of 20.

5.64 **North York Community Council Report 3, Clause 3, headed “Draft By-law - To Permanently Close a Portion of the Public Highway Keswick Road and a Portion of the Public Highway Plewes Road (Ward 9 - York Centre)”.**

Motion:

Deputy Mayor Feldman moved that the Clause be amended to provide that Part 2 of the draft by-law be amended to read as follows:

- “2. The portion of the public highway Plewes Road, described as follows, is hereby permanently closed as a public highway:

PIN 10233-0727 (LT)

Part of the public highway Plewes Road, Registered Plan 1764 designated as

Parts 1, 2 and 3 on Plan 66R-22183
City of Toronto
Land Titles Division of the Toronto Registry Office (No. 66).”

Votes:

The motion by Deputy Mayor Feldman carried.

The Clause, as amended, carried.

- 5.65 **Etobicoke York Community Council Report 3, Clause 57, headed “Final Report - Official Plan Amendment, Rezoning and Site Plan Approval Application; Applicant: Tom Giancos on behalf of 1322104 Ontario Inc., 252, 270, 272 and 276 Bering Avenue (Ward 5 - Etobicoke-Lakeshore)”.**

Motions:

- (a) Councillor Milczyn moved that the Clause be amended:
- (1) by adding to Recommendation (2) of the Etobicoke York Community Council the words “subject to the deletion of the second paragraph, entitled ‘Section 37 Agreement’ in the Description portion of Section 2.3 of Attachment 8”, so that Recommendation (2) now reads as follows:

“(2) that the Etobicoke Official Plan be amended substantially in accordance with the draft Official Plan Amendment appended to this report as Attachment No. 8, subject to the deletion of the second paragraph, entitled ‘Section 37 Agreement’ in the Description portion of Section 2.3;”;
 - (2) by adding to Recommendation (5) of the Etobicoke York Community Council the words “and subject to the deletion of Section 5 (Section 37 Agreement) as set out in Attachment 10”, so that Recommendation (5) now reads as follows:

“(5) that the Etobicoke Zoning By-Law be amended substantially in accordance with the draft Zoning By-Law Amendment appended to this report as Attachment No. 10, however, amending Schedule ‘B’ of the By-Law to indicate that the setback of Blocks A, and B shall be 7.5 metres from the northernmost rear lot line, and subject to the deletion of Section 5 (Section 37 Agreement) as set out in Attachment 10;”;
 - (3) by amending Section 3(i) of Attachment 10 so as to require that a minimum of 10 visitor parking spaces be provided on the subject lands; and

- (4) to provide that the cash-in-lieu of parkland payment to be required prior to issuance of the first building permit be set aside and used towards the purchase of lands to enlarge the park at 1100 Islington Avenue.
- (b) Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the Etobicoke York Community Council, and that Council adopt instead the following:
- “That Council refuse the application, as recommended in the report (March 21, 2006) from the Director, Community Planning, Etobicoke York District.”
- (c) Councillor Moscoe moved that that Clause be amended to provide that as a condition of approval, the application conform to the Development Infrastructure Policy and Standards (DIPS).

Vote Be Now Taken:

Councillor Shiner moved that, in accordance with §27-45C of Chapter 27 of the City of Toronto Municipal Code, the vote be now taken, the vote upon which was taken as follows:

Yes - 26	
Councillors:	Ainslie, Altobello, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moscoe, Nunziata, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson
No - 11	
Councillors:	Ashton, Cho, Filion, Fletcher, Ford, Grimes, Holyday, Jenkins, Ootes, Pitfield, Watson

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

Votes:

Adoption of motion (b) by Councillor Holyday:

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

Carried by a majority of 5.

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

The Clause, as amended, carried.

Summary:

Council amended this Clause by deleting the Recommendation of the Etobicoke York Community Council and adopting instead the following:

“That Council refuse the application, as recommended in the report (March 21, 2006) from the Director, Community Planning, Etobicoke York District.”

Mayor Miller in the Chair.

5.66 Toronto and East York Community Council Report 3, Clause 1, headed “Requests for Endorsement of Events for Liquor Licensing Purposes (Ward 14 – Parkdale-High Park; Ward 18 - Davenport; Wards 19 and 20 - Trinity-Spadina)”.

Motions:

- (a) Councillor McConnell moved that the Clause be amended by adding the following additional Part (m) to Recommendation (1) of the Toronto and East York Community Council:

“(m) the St. Lawrence Market Neighbourhood BIA’s Woofstock Event taking place in the St. Lawrence Market area on June 10 and 11, 2006, from 10:00 a.m. to 6:00 p.m., nor to the following establishments being granted Temporary Patio Extension Permits to their liquor licences for the duration of this event:

Sultans Tent, 49 Front Street East;

Nanoo, 57 Front Street East;
C'est What, 67 Front Street East;
Izakaya, 69 Front Street East;
The Jersey Giant, 71 Front Street East;
Springrolls, 85 Front Street East;
Hot House, 35 Church Street (Patio is on Front Street);
Paddingtons, 91 Front Street East;
Foundation Room, 19 Church Street;
Vagabondo, 32 Wellington Street East;
Pravda, 36 Wellington Street East;
Bravi, 40 Wellington Street East;
Bouchon Bistro and Wine Bar, 38 Wellington Street East;
Hernando's Hideaway, 52 Wellington Street East;
The Flatiron and Firkin, 49 Wellington Street East;
Biagio, 155 King Street East, patio in Market Lane Park; and
Ichiban, 58 Wellington Street East;”.

- (b) Deputy Mayor Pantalone moved that the Clause be amended by amending Recommendation (2) of the Toronto and East York Community Council so that it now reads as follows:

“(2) advise the Alcohol and Gaming Commission that it has no objection to participating establishments in the Taste of Italy, taking place on June 16 to 18, 2006, between Shaw Street and Euclid Street, now being granted an additional extension of their liquor licences in order sell and serve alcohol on their patios for the additional time from 12:00 noon on June 16 to 1:00 a.m. on June 17, and from 12:00 noon on Saturday, June 17 to 1:00 a.m. on Sunday, June 18, 2006, nor to the following additional establishments being permitted to sell and serve alcohol on their patios for the above noted times and dates:

Bo Diana's Burgers, 628 College Street;
Brasserie Aix, 584 College Street;
El Bodegon, 537 College Street;
Golden Wheat Bakery & Pastry, 652 College Street;
Motorette, 554 College Street;
Riviera Bakery, 576 College Street;
Sensual Café, 565 College Street;
Shallow Groove, 559 College Street;
Ted's Collision and Repair Dining Room, 573 College Street;
The Fish Store, 657 College Street;
Viseau Restaurant, 705 College Street; and
Zumo Juice Bar/The Pita Place, 619 College Street.”

Deputy Mayor Feldman in the Chair.

- (c) Councillor Davis moved that the Clause be amended by:
- (1) adding the following Parts (n) and (o) to Recommendation (1) of the Toronto and East York Community Council:
- “(n) North by Northeast (NXNE) Music Festival and Conference to be held from June 7 to June 11, 2006, at selected Festival venues, nor to the granting of an extension of the liquor licence for the following establishments to sell and serve alcohol until 4:00 a.m. for the duration of this event:
- Drake Hotel, 1150 Queen Street West;
Bovine Club, 542 Queen Street West;
Horseshoe Tavern, 370 Queen Street West; and
El Mocambo, 464 Spadina Avenue; and
- (o) the Liberty Village Business Improvement Area’s ‘Give Me Liberty’ event, taking place on Fraser Avenue on Thursday, June 15, 2006, from 4:00 p.m. to 9:30 p.m.”;
- (2) adding the following additional Recommendations (3) and (4):
- “(3) advise the Alcohol and Gaming Commission that it has no objection to two events, hosted by the Law Society of Upper Canada, and being held at Osgoode Hall, 130 Queen Street West on June 6 and September 12, 2006 from approximately 5:30 p.m. to 8:00 p.m., nor to the serving of alcohol on an outside courtyard for the duration of these events; and
- (4) advise the Alcohol and Gaming Commission that it is aware of the MuchMusic Video Awards After Gala being held on June 18, 2006 at The Courthouse, 10 Court Street/57 Adelaide Street and indicate that it has no objection to this event taking place, nor to the sale and service of alcohol until 4:00 a.m. at The Courthouse for the duration of this event.”

Vote:

The Clause, as amended by motion (a) by Councillor McConnell, motion (b) by Deputy Mayor Pantalone, and motion (c) by Councillor Davis, carried.

Motion to Re-Open:

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

- (d) Councillor Davis moved that the Clause be further amended by adding the following additional Recommendation (5):

“(5) advise the Alcohol and Gaming Commission that it has no objection to the East York Curling Club hosting their Annual Summer Bonspiel on June 9 and 10, 2006, at 901 Cosburn Avenue, nor to the granting of an extended licensed area for the duration of this event.”

Votes:

Motion (d) by Councillor Davis carried.

The Clause, as further amended, carried.

5.67 Policy and Finance Committee Report 3, Clause 24, headed “Creation of a Public Account for Donations for the Redevelopment of 1400 Avenue Road into a Community Park (Ward 16 - Eglinton-Lawrence)”.

Motion:

Councillor Stintz moved that the Clause be referred to the General Manager, Parks, Forestry and Recreation, for a report to the Economic Development and Parks Committee.

Vote on Referral:

The motion by Councillor Stintz carried.

5.68 Policy and Finance Committee Report 3, Clause 25, headed “Process for Receiving Financial Donations for Community Festival”.

The Clause was submitted without recommendation.

Motion:

Mayor Miller moved that Council adopt the following staff recommendations contained in the Recommendations Section of the report (April 24, 2006) from the General Manager, Parks, Forestry and Recreation:

“It is recommended that:

- (1) donations of up to \$15,000.00, including \$10,000.00 from Bombardier and \$5,000.00 from other sources, be accepted by the City to support the festival celebrating the Downsview Memorial Parkette re-opening;
- (2) receipts for income tax purposes be issued to donors contributing to the 2006 Downsview Memorial Parkette re-opening event in accordance with the *Income Tax Act*; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Votes:

The motion by Mayor Miller carried.

The Clause, as amended, carried.

5.69 Economic Development and Parks Committee Report 2, Clause 1, headed “Making the Link: Advancing Design as a Vehicle for Innovation and Economic Development (All Wards)”.

Motion:

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

“That a copy of this Clause be forwarded to the City Manager for a report to the Economic Development and Parks Committee on at least ten specific measures the City could take to enhance aspects of design at the City level.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

5.70 Works Committee Report 2, Clause 3, headed “Status of Intelligent Transportation Systems Technology in the City of Toronto (All Wards)”.

Motion:

- (a) Councillor Moscoe moved that the Clause be amended to provide that a higher priority be given to the following Intelligent Transportation Systems Strategies:

- (1) pedestrian count down signals (2.18);
 - (2) re-defining transit signal priority to further enhance transit vehicle priority on existing and future installations (3.1); and
 - (3) queue-end warnings on Allen Road and Black Creek Drive (2.2).”
- (b) Councillor Mihevc moved that the Clause be amended by adding the following:

“That the General Manager, Transportation Services, be requested to report to the Works Committee, within six months, on the audible signalization program, such report to include the new technology being developed whereby the audible signal can be manually activated.”

Vote:

The Clause, as amended by motion (a) by Councillor Moscoe and motion (b) by Councillor Mihevc, carried.

5.71 Administration Committee Report 2, Clause 6, headed “Remuneration and Expenses of Members of Council and of the Council Appointees to Local Boards and Other Special Purpose Bodies for the year ended December 31, 2005”.

Motion:

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

“That the Treasurer be requested to amend Table 1 and Appendix B to the report (April 18, 2006) from the Treasurer to include, for the permanent record, a footnote to Councillor Shiner’s account for photocopying charges.”

Disposition:

As Council had not concluded its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the next regular meeting of City Council on May 23, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Soknacki:

“That all motions moved at the April 25, 26 and 27, 2006 meeting of City Council on any items remaining on the agenda be forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and these motions be deemed to be moved.”

5.72 Policy and Finance Committee Report 3, Clause 2, headed “Toronto Youth Strategy 2006 Implementation Priorities and Terms of Reference for the Youth Strategy Panel”.

Motion:

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

“That:

- (1) wherever feasible, committees of City agencies, boards and commissions have youth representatives appointed to such committees in an internship or advisory capacity; and
- (2) the committees be resourced to support these youth according to the best practices of youth engagement.”

Disposition:

As Council had not concluded its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the next regular meeting of City Council on May 23, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Soknacki:

“That all motions moved at the April 25, 26 and 27, 2006 meeting of City Council on any items remaining on the agenda be forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and these motions be deemed to be moved.”

5.73 Planning and Transportation Committee Report 2, Clause 13, headed “Other Items Considered by the Committee”.

Motion:

Councillor Milczyn moved that Item (c), entitled “Council’s Request to Introduce Separation Distances Between Holistic Centres, Adult Entertainment Parlours, Body-rub Parlours and Residential Zones in the Zoning Bylaws”, contained in the Clause, be referred back to the Planning and Transportation Committee for further consideration.

Votes:

The motion by Councillor Milczyn carried.

The balance of this Clause was received for information.

5.74 Works Committee Report 2, Clause 15, headed “Terms and Conditions for the 2005 Flood Damages Grant Program (City-wide)”.

Motion:

Councillor Watson moved that the Clause be amended to provide that:

- (1) Recommendation (1)(c) contained in the staff report (February 23, 2006) from the General Manager, Toronto Water, be amended to read as follows:
 - “(1)(c) the applicant’s uninsured damages, for building, vehicles and contents, are to be assessed based on depreciated values and not on replacement costs and the maximum amount of the grant be established as follows:
 - (a) the only eligible applicants for the 2005 Flood Damages Grant Program will be those properties contained on Toronto Water’s list of affected properties, as of April 19, 2006;
 - (b) the City’s independent adjuster will adjudicate each application and determine the eligible loss (EL) for each complete application received;
 - (c) the maximum eligible loss for any applicant is established at \$3,000.00;
 - (d) all applicants with an eligible loss less than or equal to \$900.00 (Group A applicants), will receive a grant amount equal to their eligible loss as soon as their application has been processed;
 - (e) all applicants with an eligible loss greater than \$900.00 (Group B applicants), will receive an initial grant amount of \$900.00 as soon as their application has been processed;
 - (f) an additional grant will be paid to Group B applicants, if there are funds remaining from the initial \$4 million budget, after all applications have been adjudicated and all initial grants paid out and the administration fees paid to the independent adjuster;

- (g) the additional grant to Group B applicants will be equal to the prorated portion of the funds remaining based on their eligible losses minus the \$900.00 already paid to them, as a fraction of the total eligible claims remaining, and provided the amount so calculated is greater than \$5.00; and
- (h) the following formula will be used to calculate the additional grant to Group B applicants:

$$AG = [EL - 900] * [TFR] / [TELB - NB * 900]$$

Where: AG = Additional Grant for the applicant

EL = Eligible Loss for the applicant

TFR = Total Funds Remaining out of the \$4 million after all initial grants and administration fees have been paid out

TELB = Total Eligible Losses for all of Group B

NB = Number of Group B applicants; and

- (2) if claimants in Group B have eligible claims of \$1,100.00 or more, and they do not recover at least \$1,100.00 from the available funds, then additional funds from Operating Budget under-expenditures within 2006 be sought, so as to give Group B claimants with eligible claims of \$1,100.00 or more, a minimum recovery of \$1,100.00, if possible.”

Disposition:

As Council had not concluded its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the next regular meeting of City Council on May 23, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Soknacki:

“That all motions moved at the April 25, 26 and 27, 2006 meeting of City Council on any items remaining on the agenda be forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and these motions be deemed to be moved.”

Procedural Motion for Notice of Motion J(9) to be considered at the In-Camera Meeting Session:

Mayor Miller in the Chair.

Mayor Miller, with the permission of Council, moved that, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, leave be granted to introduce and debate Notice of Motion J(9), moved by Mayor Miller, seconded by Councillor Holyday, respecting the Review of Certain Applications Before the North York Committee of Adjustment, which carried.

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

April 26, 2006:

Deputy Mayor Feldman in the Chair.

Procedural Motion:

Deputy Mayor Feldman, at 5:25 p.m., with the permission of Council, moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matter on the Order Paper for this meeting of Council, in accordance with the provisions of the *Municipal Act, 2001*:

- Motion J(9), moved by Mayor Miller, seconded by Councillor Holyday, respecting the Review of Certain Applications Before the North York Committee of Adjustment, as it contains information that is subject to solicitor-client privilege.

Vote:

The motion by Deputy Mayor Feldman carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 5:31 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the *Municipal Act, 2001*.

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

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

5.76 J(9) Review of Certain Applications Before the North York Committee of Adjustment

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

Moved by: Mayor Miller

Seconded by: Councillor Holyday

“WHEREAS at its meeting held on October 26-31, 2005, City Council adopted a motion to provide for the Auditor General to conduct a review ‘respecting the processing and hearing of certain applications to the Committee of Adjustment’; and

WHEREAS the motion further requested that the Auditor General’s findings be provided to the City Solicitor, and that the City Solicitor report, in consultation with the Integrity Commissioner, directly to Council, on whether there may be reasons to consider this matter further and, if so, the appropriate procedures under which that further consideration should be carried out; and

WHEREAS the Auditor General has completed his review and the Auditor General’s findings have been provided to the City Solicitor who has consulted with the Integrity Commissioner;

NOW THEREFORE BE IT RESOLVED THAT City Council:

- (1) adopt the staff recommendations contained in the Recommendations Section of the public report (April 13, 2006) from the Auditor General, which recommends that Council adopt the recommendations in the confidential report (April 13, 2006) from the Auditor General; and
- (2) receive the confidential report (April 19, 2006) from the City Solicitor.”

City Council had before it, during consideration of Motion J(9), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer.

Council also had before it, during consideration of Motion J(9), the following:

- Public report (April 13, 2006) from the Auditor General (See Attachment 1, Page 196);
- Confidential report (April 13, 2006) from the Auditor General. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals;
- Confidential report (April 19, 2006) from the City Solicitor. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act*,

2001, as it contains information that is subject to solicitor-client privilege;

- Background materials regarding North York Community Council Report 8, Clause 29, headed “Committee of Adjustment Application A0693/05NY - Northeast corner of Sheppard Avenue East and Bayview Avenue (Ward 24 - Willowdale)” - considered by City Council on October 26, 27 and 28, 2005, and on file in the City Clerk’s Office:
 - (1) North York Community Council Report 8, Clause 29;
 - (2) Extract of Minutes from Toronto City Council held on October 26, 27 and 28, 2005;
 - (3) Confidential communication (October 19, 2005) from the North York Community Council. This communication remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals, including municipal or local board employees;
 - (4) Confidential communication (October 25, 2005) from R. Jon Williams, Chair, North Panel Committee of Adjustment. This communication remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals, including municipal or local board employees; and
 - (5) Communication (October 27, 2005) from R. Jon Williams, Chair, North Panel Committee of Adjustment.

Report of the Committee of the Whole:

Deputy Mayor Feldman, in accordance with the provisions of the *Municipal Act, 2001*, reported that Committee of the Whole had not concluded its consideration of Motion J(9).

Disposition:

As Council had not concluded its debate on Motion J(9) prior to the end of the meeting, consideration of this Motion was postponed to the next regular meeting of City Council on May 23, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Soknacki:

“That any speaker’s lists from the April 25, 26 and 27, 2006 meeting of City Council be carried forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and be adopted for continuing the debate on those matters at that meeting, and that a provision be allowed for any Members who were not on a speaker’s list to add their names.”

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

Mayor Miller in the Chair.

5.77 **F(1) Integrity Commissioner Report on Awarding of City Contract for Market Research Services to Northstar Research Partners**

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

Moved by: Deputy Mayor Feldman

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** City Council appointed David Mullan as the Integrity Commissioner for the City of Toronto to provide independent and consistent complaint prevention and resolution, advice, opinion and education respecting the application of the Code of Conduct for Members of Council, and other by-laws/policies governing the ethical behaviour of members, including general interpretation of the *Municipal Conflict of Interest Act*; and

WHEREAS the Integrity Commissioner has submitted a report (January 31, 2006) in response to a request for report on whether the award of a contract for research services breached any City policies or procedures;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report (January 31, 2006) from the Integrity Commissioner, and that the report be received for information.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion F(1), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Council also had before it, for consideration with Motion F(1), a report (January 31, 2006) from the Integrity Commissioner (See Attachment 2, Page 200).

Disposition:

As Council did not conclude the debate on this Motion prior to the end of this meeting, consideration of this Motion was postponed to the next regular meeting of City Council on May 23, 2006.

5.78 **I(1) Toronto District School Board - Catchment Boundaries for Local Public Schools in Scarborough Centre**

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

Moved by: Councillor De Baeremaeker

Seconded by: Councillor Altobello

“**WHEREAS** the Toronto District School Board set the catchment boundaries for local public schools in Scarborough Centre in 1990; and

WHEREAS the 1990 catchment area designated the entire Scarborough Centre Secondary Planning Area as one catchment area; and

WHEREAS in 2005, the City of Toronto approved an updated Scarborough Centre Secondary Plan that would see an additional 30,000 residents moving into this one catchment area; and

WHEREAS some local schools in Scarborough Centre, such as St. Andrews, North Bendale and Bendale, are below capacity and could, therefore, be in danger of being closed; and

WHEREAS updating the 16 year-old catchment boundary could help ensure an equitable distribution of new students moving into the area so that all schools have enough students to stay open; and

WHEREAS the closing of any school would have devastating consequences on local students, families and property values;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto request the Toronto District School Board to revisit the school catchment boundaries set in 1990, with a goal of ensuring an equitable distribution of students to local public schools, so that all schools remain open and no local schools are closed;

AND BE IT FURTHER RESOLVED THAT the City of Toronto encourage the Toronto District School Board to work with local parents to examine programs, such as Special Education classes and Extended French Immersion classes, with a goal of ensuring that local schools remain open.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion I(1) to the Policy and Finance Committee

would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion I(1), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Procedural Vote:

The vote to waive referral of Motion I(1) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion I(1) was adopted, without amendment.

5.79 **J(1) Heritage Recognition of Davenport Road – The Community History Project**

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

Moved by: Councillor Palacio

Seconded by: Councillor Mihevc

“WHEREAS Davenport Road was originally established as an aboriginal trail along the shoreline of Lake Iroquois (now Lake Ontario) over 10,000 years ago; and

WHEREAS the Community History Project, a non-profit organization dedicated to the preservation and enhancement of various historic sites around the City of Toronto has requested that the City consider recognizing this substantial history in more significant ways than it has been; and

WHEREAS local residents and residents groups, including the Regal Heights Residents’ Association, have expressed their support for this recognition;

NOW THEREFORE BE IT RESOLVED THAT Deputy City Manager Fareed Amin or his staff be requested to meet with the local Councillors, interested local residents and the Community History Project to identify ways that this history could be better recognized;

AND BE IT FURTHER RESOLVED THAT Council recommend recognition similar to that given to the ‘Garrison Creek’, a historically significant creek that once ran through the area, that is delineated with lettering and plaques inlaid in the street, which are being phased in as relevant roads and sidewalks along the route are being reconstructed.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(1) to the Planning and Transportation Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(1), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Procedural Vote:

The vote to waive referral of Motion J(1) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(1) was adopted, without amendment.

5.80 J(2) Appointment to the St. Lawrence Centre Board of Directors

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: Councillor Rae

“WHEREAS City Council appoints citizen members to the St. Lawrence Centre Board of Directors on nomination by CanStage; and

WHEREAS CanStage has nominated a citizen member to replace Mr. David Rosenbaum, who has resigned as a citizen member; and

WHEREAS while CanStage and the St. Lawrence Centre have been understanding that Council has not met to conduct regular business since January, filling the vacancy soon would be beneficial;

NOW THEREFORE BE IT RESOLVED THAT the citizen named in the letter dated February 10, 2006, from Martin Bragg, Artistic Producer, CanStage, be appointed to the St. Lawrence Centre for the Arts, to replace David Rosenbaum, for the remainder of the term of office ending November 30, 2006 and until a successor is appointed;

AND BE IT FURTHER RESOLVED THAT Council discuss this item in camera, with the appointee's name becoming public once appointed by Council, and that additional personal information in the attachment to the communication from CanStage remain confidential, since it includes personal information about an identifiable individual."

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(2) to the Nominating Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion 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 262)

Procedural Vote:

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

Council also had before it, during consideration of Motion J(2), a confidential communication (February 10, 2006) from Martin Bragg, Artistic Producer, CanStage, nominating a candidate for appointment to the St. Lawrence Centre Board of Directors. This communication is now public and on file in the City Clerk's Office. The contact information and CV of the nominee attached to the communication remain confidential in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they contain personal information about an identifiable individual.

Vote:

Motion J(2) was adopted, without amendment.

Summary:

In adopting Motion J(2), without amendment, Council appointed Mr. Howard Bateman to the St. Lawrence Centre for the Arts Board of Directors, to replace Mr. David Rosenbaum, for the remainder of the term of office ending November 30, 2006, and until a successor is appointed.

5.81 **J(3) Provincial Education Tax Collected With Toronto's Property Tax**

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

Moved by: Councillor Walker

Seconded by: Councillor Jenkins and Councillor Stintz

“WHEREAS the City of Toronto collects education taxes on behalf of the provincial government; and

WHEREAS Toronto residents are paying a disproportionate share of provincial education taxes, because the calculation is based on property assessment and Toronto has high average home prices; and

WHEREAS Toronto's businesses are paying a disproportionate share of provincial education taxes (relative to the 905 area) because provincially-set tax rates are higher in Toronto; and

WHEREAS Toronto's businesses would pay less in property tax if the provincial government eliminated the education tax-rate penalty relative to the 905 area, thereby eliminating a disincentive for businesses to locate in Toronto; and

WHEREAS a reduced education tax rate on businesses in Toronto would eliminate any need for shifts in the tax burden from the commercial onto residential properties, such as 2005's City Council adoption of 'Enhancing Toronto's Business Climate: It's Everybody's Business'; and

WHEREAS school trustees no longer have authority to set tax rates;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council petition the provincial government for changes to the new *City of Toronto Act*, so that the City is no longer required to act as education tax collector for the Province;

AND BE IT FURTHER RESOLVED THAT the provincial government be requested to alter the method of apportioning education taxes among municipalities, so as to eliminate excess tax burdens on Toronto residents and businesses.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(3) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion 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 262)

Procedural Vote:

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

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

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

Disposition:

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

5.82 J(4) Two-Year Moratorium on Property Assessment

Mayor Miller ruled the following Motion out of order, as Council on March 29 and 30, 2006, referred a Motion dealing with this issue to the Policy and Finance Committee and this Motion would circumvent that process:

Moved by: Councillor Walker

Seconded by: Councillor Thompson

“**WHEREAS** on March 28, 2006, Ontario’s Ombudsman, André Marin, released a damning report on the Municipal Property Assessment Corporation (MPAC) condemning the lack of transparency of its property assessment process, the lack of integrity and the inefficiency of decision-making at MPAC, as well as MPAC’s disregard for properly recording reductions in assessment after successful appeals; and

WHEREAS many Torontonians have complained about MPAC and the effects of current value assessment – most vocally since 2001; and

WHEREAS it is unfair to Toronto’s homeowners for the provincial government to continue with a broken system administered by a sick corporation of which Ombudsman Marin states, ‘...the credibility of MPAC’s evaluation process simply cannot be restored without altering how it operates on a day-to-day basis and changing key aspects of its corporate culture’; and

WHEREAS MPAC (and its predecessor OPAC) has been assessing property in this manner the last 8 years, thereby producing 8 years of questionable property assessments in the City of Toronto; and

WHEREAS on March 28, 2006, Ottawa Mayor Bob Chiarelli called on the provincial government to impose a two-year moratorium on property assessment while it completes a review of the assessment system; and

WHEREAS Toronto has experienced the same problems with MPAC as Ottawa, maybe worse;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council petition the provincial government to immediately impose a two-year moratorium on property assessment in Ontario, most particularly Toronto.”

5.83 **J(5) Establishing Parameters to Govern All-Ages Events**

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

Moved by: Councillor Nunziata

Seconded by: Councillor Mammoliti

“**WHEREAS** on March 25, 2006, a 12-year old girl was stabbed at an all-ages event in Downtown Toronto; and

WHEREAS there are no limitations on the age of those who may attend all-age band and dance parties; and

WHEREAS all-ages events are on the increase; and

WHEREAS some of these events are held at venues that serve alcohol; and

WHEREAS all-ages events raise the question of the safety and security of minors; and

WHEREAS these events often result in increased risk of a minor's exposure to alcohol, drugs, sexual assault, and violence; and

WHEREAS these events often result in younger teens and pre-teens, who lack critical decision-making skills and judgment, mixing with older and more experienced teens and adults; and

WHEREAS these events often result in increased noise; and

WHEREAS these events often involve late nights and result in minors going out in crowds on the streets; and

WHEREAS these events often result in a late night surge on public transit, which potentially puts the City and the Toronto Transit Commission, as its operator, at risk;

NOW THEREFORE BE IT RESOLVED THAT the Executive Director, Municipal Licensing and Standards Division be requested to investigate and report back to City Council, through the Planning and Transportation Committee, on establishing parameters to govern the conducting of all-ages events, including the potential for increased licensing provisions, requiring a special permit for such events, enforcing both business and liquor licensing provisions and prohibiting establishments that serve liquor from hosting all-ages events;

AND BE IT FURTHER RESOLVED THAT the Alcohol and Gaming Commission of Ontario be forwarded a copy of this Motion for information;

AND BE IT FURTHER RESOLVED THAT the Toronto Police Services Board be forwarded a copy of this Motion for information.”,

the vote upon which was taken as follows:

Yes - 36	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman,

Fletcher, Grimes, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson	
No - 6	Councillors: Del Grande, Giambrone, Holyday, Kelly, Mihevc, Silva

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(5) to the Planning and Transportation Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion 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 262)

Procedural Vote:

The vote to waive referral of Motion J(5) to the Planning and Transportation Committee was taken as follows:

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

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

Disposition:

Motion J(5) was referred to the Planning and Transportation Committee.

5.84 **J(6) Report of Integrity Commissioner on a Complaint that a Councillor Violated the Code of Conduct by Revealing Confidential Information to the Press**

Mayor Miller, with the permission of Council, moved that, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, leave be granted to introduce the following Notice of Motion, which carried:

Moved by: Mayor Miller

Seconded by: Deputy Mayor Feldman

“WHEREAS City Council appointed David Mullan as the Integrity Commissioner for the City of Toronto to provide independent and consistent complaint prevention and resolution, advice, opinion and education respecting the application of the Code of Conduct for Members of Council, and other by-laws/policies governing the ethical behaviour of members, including general interpretation of the *Municipal Conflict of Interest Act*; and

WHEREAS the Integrity Commissioner has submitted a report (April 12, 2006) forwarding a response to a complaint of Violation of the Councillor’s Code of Conduct;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report (April 12, 2006) from the Integrity Commissioner, and that the report be received for information.”

Council also had before it, during consideration of Motion J(6), a report (April 12, 2006) from the Integrity Commissioner. (See Attachment 3, Page 206)

Disposition:

As Council did not conclude the debate on this Motion prior to the end of this meeting, consideration of this Motion was postponed to the next regular meeting of City Council on May 23, 2006.

5.85 **J(7) Enbridge Gas Distribution Inc. Emergency Regulators**

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

Moved by: Councillor Rae

Seconded by: Councillor Fletcher

“WHEREAS Enbridge Gas Distribution Inc. is in the process of installing emergency regulators within commercial areas; and

WHEREAS many of these regulators have been located immediately adjacent to the front façades of commercial buildings; and

WHEREAS several of the City’s Business Improvement Areas (BIAs) have expressed their concern regarding the negative visual and economic impacts of the regulators due primarily to their size, appearance and positioning at the front of commercial buildings, often within patio and display spaces or immediately adjacent to building entrances; and

WHEREAS the negative visual and economic impact of the regulators contradicts on-going and successful efforts by the City and the BIAs to improve and enhance the appearance and economic vitality of the City’s commercial areas; and

WHEREAS the City is responsible for issuing permits allowing for the installation of the regulators;

NOW THEREFORE BE IT RESOLVED THAT Enbridge Gas Distribution Inc. be requested to develop, in consultation with the General Manager of Transportation Services, the General Manager of Economic Development, Culture and Tourism (BIA Office), the Chief Planner and Executive Director, City Planning, and the Fire Chief and General Manager, Fire Services, design criteria to enhance the appearance and address the visual impacts deriving from the placement of emergency regulators on the public street allowance;

AND BE IT FURTHER RESOLVED THAT Enbridge Gas Distribution Inc. be responsible for a design process to review options to create a new design for future emergency regulators and options to address existing emergency regulators in the street allowance;

AND BE IT FURTHER RESOLVED THAT the relevant staff be directed to prepare a joint report to the Works Committee on the outcome of the design process.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(7) to the Works Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion 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 262)

Procedural Vote:

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

Motion:

Councillor Carroll moved that Motion J(7) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT Deputy City Manager Fareed Amin be requested to report to the Works Committee on the feasibility of permitting Enbridge Gas to complete its own repairs to sidewalk cuts and roadways associated with the installation, repair and maintenance of Enbridge Gas Distribution infrastructure, and at its cost, utilizing contractors approved by the City and completed to City standards, such report to include:

- (a) an evaluation of the current system for making sidewalk repairs following utility cuts, including the average time from initial utility cut to completed repair;
- (b) a review of the City’s current legal obligations with respect to outstanding contracts and agreements; and
- (c) a summary of the management, monitoring and quality control requirements.”

Votes:

The motion by Councillor Carroll carried.

Motion J(7), as amended, carried.

5.86 J(8) Request for a City-wide Plebiscite on Extending the Term of Office for Municipal Officials

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

Moved by: Councillor Walker

Seconded by: Councillor Del Grande, Councillor Ford, Councillor Jenkins, Councillor Ootes, Councillor Palacio, Councillor Pitfield, Councillor Shiner, Councillor Stintz and Councillor Thompson

“WHEREAS Ontario Minister of Municipal Affairs and Housing, John Gerretsen, indicated in late 2005 that ... ‘we will not be proceeding with amendments to the *Municipal Elections Act* ...we do not intend to proceed at this time with proposed changes to the term of office for municipal officials’; and

WHEREAS in a contrary manner, Premier Dalton McGuinty announced on February 21, 2006, that his government intended to introduce amendments to the *Municipal Elections Act* replacing three-year terms with four-year terms for all municipal Mayors, Councillors and School Trustees; and

WHEREAS from 1837 to the late 1950’s, the City of Toronto had one-year municipal terms; and

WHEREAS from the late 1950’s to 1982, the City of Toronto had two-year municipal terms with a succession of five progressive Mayoral greats, namely Nathan Phillips, Philip Givens, David Crombie, John Sewell and Art Eggleton; and

WHEREAS from 1982 to present, the City of Toronto has had three-year municipal terms; and

WHEREAS the frequency of elections is one of the most valued means for ensuring the highest standard of public accountability and transparency in municipal government; and

WHEREAS this standard has suffered badly in recent years as a result of alleged wrongdoing associated with events such as the MFP scandal;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council commit to the holding of a City-wide plebiscite on extending the terms of office for Mayor, City Councillor and School Trustee from three years to four years;

AND BE IT FURTHER RESOLVED THAT a fair and unbiased plebiscite question seeking public input be included on the November 13, 2006 municipal election ballot;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be requested to take any necessary action to give effect to the foregoing, including the introduction in Council of any Bills that may be required.”,

the vote upon which was taken as follows:

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

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(8), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 1, Page 266)

Ruling by Mayor:

Mayor Miller ruled Motion J(8) out of order, as the Motion is beyond the jurisdiction of Council.

Councillor Walker challenged the ruling of the Mayor.

Vote to Uphold Ruling of Mayor:

Yes - 30	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Saundercook, Silva, Soknacki, Watson
No - 13	
Councillors:	Altobello, Del Grande, Ford, Jenkins, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Stintz, Thompson, Walker

Carried by a majority of 17.

Disposition:

Motion J(8) was ruled out of order.

5.87 **J(10) Removal of Condition which Requires a Heritage Easement Agreement with the City of Toronto to Award a 2005 Toronto Heritage Grant to the Properties at 95 Regal Road and 571 Jarvis Street**

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

Moved by: Councillor Palacio

Seconded by: Councillor Rae

“WHEREAS The Toronto Heritage Grant Program provides grant funding for eligible heritage conservation work to properties in the City of Toronto designated under Part IV or Part V of the *Ontario Heritage Act*; and

WHEREAS at its meeting on December 5, 6, and 7, 2005, City Council approved Toronto Heritage Grant awards to the properties at 95 Regal Road (Regal Road Public School), and 571 Jarvis Street (William R. Johnston House) in the amount of \$20,000.00 and \$23,000.00, respectively; and

WHEREAS the Terms and Conditions of the Toronto Heritage Grant Program require that, for grant awards of \$20,000.00 or more, the property owner is required, as a condition of the grant award, to enter into a Heritage Easement Agreement with the City of Toronto for the subject property, primarily to protect the City’s investment against demolition of the property in the future; and

WHEREAS the *Ontario Heritage Amendment Act, 2005* (Bill 60) now provides new municipal powers to protect against demolition of heritage properties; and

WHEREAS at its meeting on October 26, 27, 28 and 31 2005, City Council also approved the adoption of a Heritage Property Tax Rebate Program to provide tax relief in respect of eligible heritage properties, with the potential for expansion of the Program in 2007 and beyond; and

WHEREAS an eligibility requirement of the Heritage Property Tax Rebate Program is that the property is subject to a Heritage Easement Agreement under the provisions of the *Ontario Heritage Act*; and

WHEREAS in light of the associated cost to the City of tax rebates payable to eligible heritage properties under the Heritage Property Tax Rebate Program, staff is

mindful of the need to exercise greater scrutiny regarding those properties for which the City will enter into a Heritage Easement Agreement; and

WHEREAS for this reason, staff will also be recommending, in the context of a further report in 2006 to City Council on the Toronto Heritage Grant Program, that the requirement for a Heritage Easement Agreement be removed from the Terms and Conditions of the Grant Program;

NOW THEREFORE BE IT RESOLVED THAT City Council remove as a condition of the 2005 Toronto Heritage Grant award to the owners of property at 95 Regal Road and 571 Jarvis Street in the City of Toronto, the requirement for a Heritage Easement Agreement on the subject properties;

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(10) to the Toronto and East York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(10), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Procedural Vote:

The vote to waive referral of Motion J(10) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(10) was adopted, without amendment.

5.88 **J(11) Approval of Expressway Banner Installations for the International AIDS Conference 2006**

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

Moved by: Councillor Rae

Seconded by: Councillor McConnell

“WHEREAS the XVI International AIDS Conference (AIDS Conference) to be held in Toronto from August 13 to the 18, 2006, is the world’s largest, most comprehensive global health forum in the world, aimed at expanding public awareness of HIV/AIDS, sharing knowledge and learning from others in the field and charting a course for a stronger, more effective global response to this pandemic; and

WHEREAS the AIDS Conference will be among one the largest such international events the City has hosted, providing an optimum opportunity for the City to play a leadership role in HIV/AIDS issues at a local, national and international levels; and

WHEREAS the AIDS Conference is expected to attract over 20,000 delegates from around the world, 3,000 top-tier journalists and generate \$30 to \$40 million in direct spending, providing the City with an exceptional opportunity to capture substantial convention spending by attending delegates, as well as help support the positioning of Toronto as a world leader in the medical/pharmaceutical research industry, as identified in the City’s economic development strategy; and

WHEREAS the AIDS Conference local host organizing team is committed to delivering a successful conference experience for all the delegates and journalists to the AIDS Conference, recognizing the enormous tourism and economic benefits to be yielded from their attendance and the broad international exposure anticipated;

NOW THEREFORE BE IT RESOLVED THAT City Council approve the installation of a maximum of three welcome banners over the expressways including, at a minimum, the F.G. Gardiner Expressway and Dufferin Street eastbound, and the Don Valley Parkway and Dundas Street East southbound, from August 1 to August 18, 2006, inclusive, subject to the City:

- (a) supplying, installing, maintaining and removing banners, including any repair of the bridges or utility poles required as a result of the banner installation;
- (b) meeting Transportation Division’s banner manufacturing, installation and maintenance specifications and other required approvals; and

- (c) restricting corporate recognition to no more than twenty percent (20%) of the total area of the banner and incidental to the overall design;

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(11) to the Toronto and East York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(11), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

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.

Disposition:

As Council did not conclude the debate on this Motion prior to the end of this meeting, consideration of this Motion was postponed to the next regular meeting of City Council on May 23, 2006.

5.89 J(12) Modification of New Official Plan to Exempt Certain Lands from the Disposal Policies

Councillor Ashton 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 Ashton

Seconded by: Councillor Milczyn

“**WHEREAS** City Council, by its adoption, as amended, of Policy and Finance Committee Report 1, Clause 28, on January 31, February 1 and 2, 2006, headed ‘Declaration as Surplus of Various City-Owned Properties for Transfer to the City of Toronto Economic Development Corporation (Ward 10 - York Centre; Ward 11 -

York South-Weston; Ward 35 - Scarborough Southwest; and Ward 36 - Scarborough Southwest)', declared surplus to municipal requirements certain parcels of City-owned land located between Midland Avenue and Brimley Road, north of St. Clair Avenue East, designated as Parts 1, 2, 3, 4, 5, 7, 9, 10 and 11 on Sketch No. PS-2004-060d, and authorized the method of disposal to be by way of an 'as is' transfer to the City of Toronto Economic Development Corporation ('TEDCO'), for nominal consideration; and

WHEREAS Council further authorized that the lands be developed in accordance with the land use plan for the Phase 3 Scarborough Transportation Corridor Land Use Study approved by Council on September 28, 29 and 30, and October 1, 2004; and

WHEREAS TEDCO was requested to recognize that the development may require co-ordination and potential cost-sharing arrangements with adjoining owners for the construction of the shared roads, stormwater management, parks, etc., or other agreements necessary to complete the comprehensive development of the entire precinct; and

WHEREAS part of the lands to be transferred to TEDCO, shown as Part 2 on Sketch No. PS-2004-060d, being the future location of a stormwater management pond, is situated in the Parks and Open Space Areas – Other Open Space Areas designation of the new Official Plan and, when the new Plan comes into effect, the disposal policies related to City-owned lands in the Parks and Open Space Areas would prohibit this transfer; and

WHEREAS the City of Toronto has filed an appeal of the policies prohibiting the disposal of City-owned lands in Parks and Open Space Areas, in order to allow certain transactions authorized by City Council before the Plan comes into effect to be completed and, as such, there is the ability through this appeal to request the Ontario Municipal Board to approve a modification of the new Plan to exempt the subject lands from this disposal prohibition; and

WHEREAS the final order of the Ontario Municipal Board could be issued as early as June 2006, after which these disposal policies of the new Official Plan will be in effect and, as such, it is necessary that this matter be considered at the April 25, 26 and 27, 2006 Council meeting, to allow staff to take all necessary actions to seek approval by the Ontario Municipal Board of this modification, before the final order is issued to exempt the parcel from the disposal policies;

NOW THEREFORE BE IT RESOLVED THAT authority be granted to the City Solicitor and appropriate staff to take all necessary action to seek a modification of the new Official Plan to exempt lands associated with Part 2 on Sketch No. PS-2004-060d from the disposal policies.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto

Municipal Code requiring the referral of Motion J(12) to the Planning and Transportation Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(12), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Procedural Vote:

The vote to waive referral of Motion J(12) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(12), Sketch No. PS-2004-060d, entitled "City-owned Land, Former Scarborough Transportation Corridor Lands Between Midland Avenue and Brimley Road", which is on file in the City Clerk's Office.

Vote:

Motion J(12) was adopted, without amendment.

5.90 J(13) Agreement on the Transfer of Federal Public Transit Funds

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

Moved by: Mayor Miller

Seconded by: Councillor Soknacki

"WHEREAS on June 17, 2005, the Governments of Canada and Ontario, the Association of Municipalities of Ontario and the City of Toronto entered into an Agreement in Principle to transfer approximately \$98 million in Federal funding to the City of Toronto, in each of fiscal years 2005-2006 and 2006-2007; and

WHEREAS pursuant to the Agreement in Principle, the parties have entered into an Agreement, under the terms of which the Government of Canada will transfer \$98,425,690.00 directly to Toronto for the fiscal year 2005-2006; and

WHEREAS it is necessary for City Council to ratify this Agreement to give effect thereto;

NOW THEREFORE BE IT RESOLVED THAT City Council consider and adopt the staff recommendations contained in the Recommendations Section of the attached report (April 19, 2006) from the City Manager and the Deputy City Manager and Chief Financial Officer.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(13) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(13), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 2, Page 267)

Procedural Vote:

The vote to waive referral of Motion J(13) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(13), the following:

- (i) report (April 19, 2006) from the City Manager and Deputy City Manager and Chief Financial Officer (See Attachment 4, Page 211); and
- (ii) Canada-Ontario-Association of Municipalities of Ontario-City of Toronto Agreement on the Transfer of Federal Public Transit Funds, which is on file in the City Clerk’s Office.

Vote:

Motion J(13) was adopted, without amendment.

Summary:

In adopting Motion J(13), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (April 19, 2006) from the City Manager and Deputy City Manager and Chief Financial Officer:

“It is recommended that:

- (1) Council ratify the Agreement Between Her Majesty in Right of Canada ('Canada'), Her Majesty in Right of the Province of Ontario ('Ontario'), the Association of Municipalities of Ontario ('AMO') and the City of Toronto ('Toronto'), dated March 30, 2006, which provides the framework for the transfer of federal public transit funds for the fiscal year 2005-6; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

5.91 **J(14) Construction and Maintenance of Various Building Encroachments within Public Laneway (known as Sussex Mews) Abutting 82 Willcocks Street (Ward 20 - Trinity-Spadina)**

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 Transportation Services Division has received an application, on behalf of the property owner of 82 Willcocks Street, requesting permission to construct a third-storey addition of which the west wall of the building, together with the roof overhang at the third storey, will encroach onto the adjacent public laneway known as Sussex Mews; and

WHEREAS the proposed west wall of the building will encroach approximately 0.02 metres within the public laneway and the new roof overhang will encroach approximately anywhere from 0.12 metres to 0.24 metres;

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached report (April 18, 2006) from the General Manager, Transportation Services, and that the staff recommendations contained in the Recommendations Section of the report be adopted."

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(14) to the Toronto and East York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(14), a Fiscal Impact Statement

from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Procedural Vote:

The vote to waive referral of Motion J(14) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(14), a report (April 18, 2006) from the General Manager, Transportation Services. (See Attachment 5, Page 213)

Vote:

Motion J(14) was adopted, without amendment.

Summary:

In adopting Motion J(14), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (April 18, 2006) from the General Manager, Transportation Services:

“It is recommended that:

- (1) City Council approve the construction and maintenance of various building encroachments which encroach within the public laneway known as Sussex Mews abutting 82 Willcocks Street, subject to the property owner 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 Agreements in a form as approved by the Deputy City Manager and Chief Financial Officer and in an amount not less than \$2,000,000.00 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;
 - (b) maintain the building encroachments at his/her 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;
 - (c) obtain approval for associated work on private property from Urban Development Services and the Committee of Adjustment;

- (d) pay for the costs of preparing the Agreement and the registration of the Agreement on title;
 - (e) limit the life of the Agreement to the removal of the encroachments or the date of the demolition of the building at 82 Willcocks Street, whichever is less; and
 - (f) accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the Corporation; and
- (2) in the event of sale or transfer of the property abutting the encroachment, Legal Services and/or the 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 be requested to prepare and execute the Encroachment Agreement.”

5.92 **J(15) Request to Federal Government to make Funding Provided Under Bill C-66 for Public Transit Permanent**

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

Moved by: Councillor Mihevc

Seconded by: Councillor Moscoe

“WHEREAS public transit provides essential and universal mobility to residents within Canada’s urban areas; and

WHEREAS public transit increases roadway capacity by offering people a transportation choice other than the automobile; and

WHEREAS public transit reduces greenhouse gas emissions and air pollution; and

WHEREAS transit infrastructure investment needs for Canadian transit systems in the period 2006-2010 stand at \$20.7 billion, with over \$5 billion of this amount not fundable under current programs; and

WHEREAS municipalities have inadequate revenue tools to finance the full cost of transit infrastructure;

NOW THEREFORE BE IT RESOLVED THAT Council request the Federal government to:

- (1) make permanent the federal investment in public transit provided by Bill C-66 of the 38th Parliament;
- (2) ensure that this investment is distributed equitably to all transit systems across Canada; and
- (3) ensure that this investment is over and above any existing federal or provincial funding already in place.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(15) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(15), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Procedural Vote:

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

Motion:

Councillor Mihevc moved that Motion J(15) be amended by deleting Part (2) contained in the Operative Paragraph and inserting instead the following new Part (2):

- “(2) continue the existing formula for distributing this investment;”,

so the Operative Paragraph now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT Council request the Federal government to:

- (1) make permanent the federal investment in public transit provided by Bill C-66 of the 38th Parliament;

- (2) continue the existing formula for distributing this investment; and
- (3) ensure that this investment is over and above any existing federal or provincial funding already in place.”

Votes:

The motion by Councillor Mihevc carried.

Motion J(15), as amended, carried.

5.93 **J(16) Opposition to Application for Liquor Licence – CMD Restaurant and Bar - 2620 Danforth Avenue**

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: Deputy Mayor Bussin

“**WHEREAS** Minlyton Group Inc. is the corporate licence holder of a liquor sales licence, Alcohol and Gaming Commission of Ontario (AGCO) No. 280631, City business licence No. B71-3105953 and a City boulevard permit for an establishment located at 2620 Danforth Avenue, operating as CMD Restaurant and Bar (‘CMD’); and

WHEREAS CMD has submitted an application for additional facilities to the AGCO to expand its liquor licence to include an outdoor area located on a front boulevard patio; and

WHEREAS CMD has previously had its liquor licence suspended on at least two occasions for violations of the *Liquor Licence Act*; most recently serving a 10-day suspension in May 2005; and

WHEREAS since 2000, the Toronto Police Service has investigated numerous complaints against the operations of CMD which have resulted in at least 22 charges of violations of the *Liquor Licence Act* relating primarily to improper service of intoxicated patrons, permitting intoxication and disorderly conduct within the licensed premises and many of these charges are still before the Courts; and

WHEREAS through telephone calls, e-mails, letters and petitions, local residents have expressed concerns to the Ward Councillor about the ongoing operations of

CMD and, based upon management's current handling of the operations, residents fear that any expansion of the liquor licence will not be managed effectively, especially if the additional licensed facilities are located in an outdoor area, and, therefore, will result in an unacceptable increase in noise, crime, nuisance and further disruption to the residents of neighbouring properties on Danforth and Barrington Avenues; and

WHEREAS, based on the continued level of police involvement at this establishment, the Unit Commander of 54 Division of the Toronto Police Service has also expressed, to the Ward Councillor and to the AGCO, concerns about the inability of management to control the operation of the liquor licence, and has further indicated strong opposition to the issuance of any additional licensed facilities to CMD (a copy of the letter has been filed with the City Clerk); and

WHEREAS, given the past and ongoing conduct of CMD management and the concerns raised by the residents and the Toronto Police Service, the granting of any additional licensed capacity, especially to an outdoor area, would not be in the public interest; and

WHEREAS, given the past and ongoing conduct of CMD management, concerns raised by the residents and the Toronto Police Service affords reasonable grounds to believe that the ongoing operation of the liquor licence for CMD will not be in accordance with the law or with integrity and honesty and, combined with the other concerns noted above, demonstrates that the continuation of the business licence and liquor licence for CMD is not in the public interest, having regard to the needs and wishes of the municipality in which the premises are located;

NOW THEREFORE BE IT RESOLVED THAT City Council authorize the City Solicitor to advise the AGCO and CMD that it opposes the any new application or the expansion of the existing liquor licence or caterer's endorsement for these premises;

AND BE IT FURTHER RESOLVED THAT Council authorize the City Solicitor to advise the AGCO and CMD that it opposes the continuation of the liquor licence because the past and present conduct of management affords reasonable grounds for belief that CMD will not carry on business in accordance with the law and with integrity and honesty and, for this reason, in addition to those noted above, the liquor licence is not in the public interest, having regard to the needs and wishes of the residents;

AND BE IT FURTHER RESOLVED THAT the AGCO be requested to provide the City with an opportunity to participate in any proceedings with respect to CMD to oppose the continued operation of and/or to oppose any new application or expansion of the current liquor licence, and the City Solicitor and necessary staff be authorized to participate in any proceedings before the AGCO which relate to CMD;

AND BE IT FURTHER RESOLVED THAT City Council request the Executive Director, Municipal Licensing and Standards, to investigate the operations of the business and to take whatever enforcement or other action she may consider necessary and appropriate.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(16) to the Toronto and East York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(16), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Procedural Vote:

The vote to waive referral of Motion J(16) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Bussin in the Chair.

Vote:

Motion J(16) was adopted, without amendment.

Mayor Miller in the Chair.

5.94 J(17) Solid Waste Contracts in Former City of York and Former City of Etobicoke

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

Moved by: Councillor Ootes

Seconded by: Councillor Nunziata

“WHEREAS the City of Toronto’s contract for waste collection by a private contractor in the area of the former City of York expires on June 30, 2007; and

WHEREAS the City of Toronto's contract for waste collection by a private contractor in the area of the former City of Etobicoke expires on June 30, 2008; and

WHEREAS a recent report from City staff indicated that moving either or both of these contracts in-house would result in a prohibitively enormous cost for the residents of Toronto; and

WHEREAS Council must authorize an extension, if either or both of these contracts were to be renewed; and

WHEREAS the Works Committee requested an interim report to the January 11, 2006 Works Committee meeting, with a final report to the March 7, 2006 meeting; and

WHEREAS this final report has not yet been tabled at the Works Committee; and

WHEREAS this important issue should be dealt with in an expedient manner;

NOW THEREFORE BE IT RESOLVED THAT staff be directed to have a final report prepared for the May 3, 2006 agenda of the Works Committee;

AND BE IT FURTHER RESOLVED THAT the Chair of the Works Committee ensure that this item is considered at the May 3, 2006 meeting of the Works Committee, with the Committee's recommendations coming before Council for consideration at its meeting on May 23, 24 and 25, 2006."

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(17) to the Works Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(17), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Procedural Vote:

The vote to waive referral of Motion J(17) to the Works Committee was taken as follows:

Yes - 18
Councillors: Ainslie, Davis, Del Grande, Feldman, Holyday, Kelly, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Nunziata,

	Ootes, Palacio, Saundercook, Shiner, Stintz, Thompson, Watson
No - 26	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Grimes, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Silva, Soknacki, Walker

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

Disposition:

Motion J(17) was referred to the Works Committee.

5.95 **J(18) Designation of the City of Toronto as a World Health Organization (WHO) Safe Community**

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 Augimeri

“WHEREAS the City of Toronto funds a variety of agencies, boards, commissions and divisions to provide its citizens with a safe community in which to live, learn, work and play; and

WHEREAS the City of Toronto works with other levels of government to co-ordinate the delivery of public safety and security programs and services; and

WHEREAS the City of Toronto seeks new and innovative ways to more effectively address community safety issues; and

WHEREAS the Safe Communities Foundation is an internationally recognized not-for-profit organization with a successful track record in helping many communities across Canada successfully address community safety issues; and

WHEREAS the City of Toronto wishes to become the safest City in the world;

NOW THEREFORE BE IT RESOLVED THAT City Council request the City Manager and Deputy City Managers to meet with representatives of the

Safe Communities Foundation and report back to Council, through the Policy and Finance Committee, on the process required to be certified as a World Health Organization (WHO) Safe Community.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(18) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(18), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Deputy Mayor Feldman in the Chair.

Procedural Vote:

The vote to waive referral of Motion J(18) to the Policy and Finance Committee was taken as follows:

Yes - 36	
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 7	
Councillors:	Del Grande, Ford, Holyday, Kelly, Li Preti, Milczyn, Silva

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

Vote:

Motion J(18) was adopted, without amendment.

5.96 J(19) Ontario Municipal Board Hearing - Appeal of Committee of Adjustment Decision - 750 Balliol Street

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

Moved by: Councillor Walker

Seconded by: Councillor Jenkins

“WHEREAS the owner applied to the Committee of Adjustment for one variance relating to gross floor area, for the property known as 750 Balliol Street; and

WHEREAS the applicant is seeking relief from Zoning By-law 438-86, as amended, to make interior alterations to convert the existing attic space to habitable space on the third floor; and

WHEREAS the maximum permitted gross floor area is 186.29 square metres (0.60 times the area of the lot) and the gross floor area proposed is 252.11 square metres (0.81 times the area of the lot); and

WHEREAS on February 22, 2006, the Committee of Adjustment refused the application; and

WHEREAS the Ontario Municipal Board will be considering an appeal by the owner with respect to the decision by the Committee of Adjustment;

NOW THEREFORE BE IT RESOLVED THAT City Council authorize the City Solicitor and appropriate staff to appear at the Ontario Municipal Board to support the Committee of Adjustment’s decision to refuse the requested increase in gross floor area.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(19) to the Toronto and East York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(19), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Procedural Vote:

The vote to waive referral of Motion J(19) 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(19), a Notice of Decision (February 23, 2006) from the Acting Manager and Deputy Secretary Treasurer, Toronto and East York Panel, Committee of Adjustment, which is on file in the City Clerk's Office.

Vote:

Motion J(19) was adopted, without amendment.

5.97 **J(20) Bayview Avenue Class Environmental Assessment Study - Opposition to Widening of Bayview Avenue North of Steeles Avenue East to Highway 407**

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

Moved by: Councillor Shiner

Seconded by: Deputy Mayor Feldman

“WHEREAS the City of Toronto is currently conducting the Yonge Street Surface Transit Improvements Municipal Class Environmental Assessment Study; and

WHEREAS the Primary study area extends along Yonge Street, from Steeles Avenue East to Finch Avenue, and the Secondary Study Area extends westerly to Bathurst Street and easterly to Bayview Avenue, from Highway 401 to Steeles Avenue East; and

WHEREAS Yonge Street between Finch Avenue and Steeles Avenue East is the busiest bus corridor in Toronto used by the Toronto Transit Commission (TTC), GO Transit, York Region Transit and Brampton Transit; and

WHEREAS high levels of traffic congestion currently exist along Yonge Street; and

WHEREAS this study will address improvements on surface bus transit for both City of Toronto and York Region residents; and

WHEREAS Curb Reserved Bus Lanes, lanes exclusively for the use of buses, are being considered as a viable improvement for bus transit along Yonge Street and would remove two lanes previously used for vehicular traffic; and

WHEREAS the Regional Municipality of York is currently conducting a Bayview Avenue Class Environmental Assessment Study to determine existing and future road

needs and improvements on Bayview Avenue, from south of John Street (just north of Steeles Avenue East) to north of Major Mackenzie Drive within the Towns of Markham and Richmond Hill; and

WHEREAS the Regional Municipality of York study will address increasing the number of lanes on Bayview Avenue; and

WHEREAS areas of urban sprawl create the need for better transportation and public initiatives for public transportation and York Region has the VIVA system; and

WHEREAS Bayview Avenue is a gateway for transient traffic entering the City from the north; and

WHEREAS future road widening of Bayview Avenue, north of Steeles Avenue East, will create more pressure from transient vehicles on Yonge Street, Bathurst Street, Bayview Avenue, Leslie Street and Don Mills Road; and

WHEREAS more road surface creates a greater area for rain water runoff into the Don River sewer system, potential erosion of river banks and possible flooding;

NOW THEREFORE BE IT RESOLVED THAT City Council advise the Regional Municipality of York that it is opposed to any widening of Bayview Avenue north of Steeles Avenue East to Highway 407, and expresses grave concerns on the hardships that additional urban sprawl, transient traffic, as well as more hard surface, will have on neighbouring communities to the south;

AND BE IT FURTHER RESOLVED THAT North District Transportation Division staff be requested to review the York Region proposal and report to the Works Committee, through the North York Community Council.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(20) to the Works Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(20), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Procedural Vote:

The vote to waive referral of Motion J(20) to the Works Committee was taken as follows:

Yes - 34

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

Carried, more than two-thirds of Members present having voted in the affirmative. Council also had before it, during consideration of Motion J(20), a Notice of Public Consultation Centre #1 regarding the Bayview Avenue Class Environmental Assessment Study, issued by the Regional Municipality of York, which is on file in the City Clerk's Office.

Vote:

Motion J(20) was adopted, without amendment.

5.98 **J(21) Naming of Community Centre in Honour of Ken Cox**

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

Moved by: Councillor Grimes

Seconded by: Councillor Holyday

“WHEREAS, as part of a joint venture with the Toronto Catholic District School Board (TCDSB), the City is building a new community centre that will be attached to Father Redmond Catholic High School located at 28 Colonel Samuel Smith Park Drive; and

WHEREAS the local Councillor, Ward 6 - Etobicoke-Lakeshore, believes that naming this new community centre in honour of Ken Cox would be a wonderful tribute to his memory; and

WHEREAS Ken Cox, founder of the Faustina Sports Club, one of Toronto's oldest youth sports clubs, passed away in his 89th year; and

WHEREAS Ken Cox and childhood friends launched the social-sports club in the Lakeshore area, in 1935; and

WHEREAS Ken Cox was largely responsible for the seven-decade success of the Faustina Sports Club providing minor hockey for boys and girls in the Lakeshore area; and

WHEREAS Ken Cox coached, managed and refereed as many as 20,000 hockey players, aged five to 14, from 1951 when the club began its tenancy at Lakeshore Lions Memorial Arena to present; and

WHEREAS Ken Cox received the George Chamandy Memorial Trophy from the Greater Toronto Hockey League in 1995, that is presented to an individual who has contributed a supreme effort over the years to the fostering and promotion of Minor Hockey in the Greater Toronto area, and Faustina named him Sportsman of the Year that same year, which recognized his outstanding contribution to the community in the field of sports; and

WHEREAS the Etobicoke Sports Hall of Fame inducted Ken Cox into its Sports Hall of Fame, a prestigious roster of local athletes; and

WHEREAS Ken Cox devoted his entire life to minor sports and youth in the Lakeshore area that will leave a lasting legacy with the Faustina Sports Club, and he will be sorely missed by many Faustina members, friends and the many hockey players that went through the Faustina organization; and

WHEREAS Ken Cox's legacy leaves Faustina Sports Club a pillar of the Lakeshore community, with a solid foundation and a history of making hockey affordable for all kids;

NOW THEREFORE BE IT RESOLVED THAT the General Manager, Parks, Forestry and Recreation Division, be requested to review this request to name the new community centre in honour of Ken Cox, in accordance with the Naming and Renaming of Parks and Recreation Facilities Policy;

AND BE IT FURTHER RESOLVED THAT General Manager, Parks, Forestry and Recreation Division be requested to report back to Etobicoke York Community Council at its meeting on July 11, 2006.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(21) to the Etobicoke York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(21), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Procedural Vote:

The vote to waive referral of Motion J(21) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(21) was adopted, without amendment.

5.99 **J(22) New York City Fact Finding Trip**

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

Moved by: Councillor Thompson

Seconded by: Councillor Pitfield

“WHEREAS Councillors Thompson and Pitfield travelled to New York City on a fact-finding trip to see how that City was coping with urban problems similar to those facing the City of Toronto; and

WHEREAS during this trip, Councillors Thompson and Pitfield met with Police Commissioner Kelly, Deputy Mayor of Health and Social Services Linda Gibbs, Senior Advisor Kristen Misner and Assistant Commissioner of Community Relations and Intergovernmental Affairs Monica Parikh, among others; and

WHEREAS during our meetings with these officials, we discussed a number of innovative programs that the City of New York has in place to deal with homelessness, panhandling and street gangs; and

WHEREAS the City of Toronto, through the Mayor’s Community Safety Panel, is looking for solutions to deal with community safety issues, and we believe no stone should be left unturned in looking for solutions;

NOW THEREFORE BE IT RESOLVED THAT the report on the fact-finding visit submitted to Council, be circulated to the Toronto Police Services Board, the General Manager, Shelter, Support and Housing Administration, and Members of Council for their information;

AND BE IT FURTHER RESOLVED THAT the Toronto Police Services Board be requested to ask the Chief of Police, Toronto Police Service, to report to the Toronto Police Services Board on comparisons between New York’s Comstat system and how

we use our data base systems in crime prevention, and the Board submit a report to Council, through the Policy and Finance Committee;

AND FURTHER BE IT RESOLVED THAT Deputy City Manager Corke be requested to report to the Community Services Committee, through the Homeless and Socially-Isolated Persons Committee, comparing Toronto's homeless and shelter programs to New York's 'Beyond Homelessness' program and their shelter programs."

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(22) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(22), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Procedural Vote:

The vote to waive referral of Motion J(22) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(22), a Memorandum (April 25, 2006) from Councillor Michael Thompson, Ward 37, Scarborough Centre, and Councillor Jane Pitfield, Ward 26, Don Valley West, entitled "Report to Toronto City Council - Meetings with New York City Police and Social Services Officials". (See Attachment 6, Page 216)

Vote:

Motion J(22) was adopted, without amendment.

5.100 J(23) Request for Revocation of a Liquor Licence – Dynasty Bar and Grill - 2384-2386 Eglinton Avenue East

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

Moved by: Councillor Thompson

Seconded by: Councillor Altobello

“WHEREAS 1448421 Ontario Ltd. is the corporate licence holder of a liquor sales licence, Alcohol and Gaming Commission of Ontario (AGCO) No. 24895 for an establishment located at 2384-2386 Eglinton Avenue East which is currently operating as Dynasty Bar and Grill (‘Dynasty’); and

WHEREAS Dynasty operates in a strip mall that shares a parking lot with local businesses and a public library (Kennedy/Eglinton Branch) which is frequented by local school children and residents of the neighbourhood; and

WHEREAS the Toronto Police Service and residents and business owners in the area have expressed, to the Ward Councillor, significant concerns regarding immediate and escalating threat to the public safety and welfare of residents and patrons in the neighbourhood, because of the violent and ill conduct of the patrons and continued mismanagement of the Dynasty; and

WHEREAS the liquor licence of Dynasty has been suspended by the Alcohol and Gaming Commission of Ontario (‘AGCO’) on several occasions, as a result of violations of the *Liquor Licence Act* primarily pertaining to the over-service of alcohol to patrons, intoxicated patrons and disorderly conduct, which has resulted in a thirty (30)-day suspension, prior to 2003, and a fifty (50)-day suspension which was served between March 15, 2004, through May 4, 2004; and

WHEREAS the AGCO Board decision of March 3, 2004, indicated that one of the shareholders of the Dynasty advised that they have ‘...hired two new consultants to change the nature of the and style of the business and the consultants have hired new staff and security guards to manage the business (and) patrons who have been a problem in the past have been barred from the premises’; and

WHEREAS despite the representations of Dynasty, there continues to be problems with the operation of the establishment and repeated violations and disorderly patrons; and

WHEREAS the AGCO held a third disciplinary hearing for Dynasty and released a decision on March 15, 2006, making more findings of violations of the *Liquor Licence Act* primarily related to intoxicated patrons and disorderly conduct, no decision with respect to sanction has been issued yet (a copy of the AGCO decisions have been filed with the City Clerk); and

WHEREAS in the early morning hours of March 17, 2006, the Toronto Police Service advised that there was a shooting which involved physical injuries in the parking lot in front of Dynasty and witnesses indicated that people involved in the shooting had been patrons of Dynasty; and

WHEREAS since the issuance of the last AGCO decision on March 15, 2006, and despite warnings from the Toronto Police Service, there has been a shooting in the parking lot and the Toronto Police Service has issued several warnings about the inappropriate conduct of its patrons and management and have advised that the AGCO has scheduled another disciplinary hearing to address a Notice of Proposal to Revoke the liquor licence of Dynasty issued by the Registrar; and

WHEREAS Dynasty has previously held a business licence for food and billiards with the City of Toronto which expired on February 20, 2006, and there has been no application submitted to Municipal Licensing and Standards to renew this licence; and

WHEREAS, given the many proven violations of the *Liquor Licence Act* by the management of Dynasty and despite ongoing warnings by the Toronto Police Service and sanctions by the AGCO, and a demonstrated disregard for its law and regulations of its industry and inability to control its patrons, and fears to public safety expressed by the residents in the neighbourhood and patrons of the commercial strip mall and public library affords reasonable grounds to believe that the ongoing operation of the liquor licence for Dynasty will not be in accordance with the law or with integrity and honesty, and combined with the other concerns noted above demonstrates that the continuation of the liquor licence for Dynasty is not in the public interest having regard to the needs and wishes of the municipality in which the premises are located;

NOW THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor to advise the AGCO and Dynasty that it opposes the continuation of the liquor licence because the past and present conduct of management and the behaviour of its patrons affords reasonable grounds for belief that Dynasty will not carry on business in accordance with the law and with integrity and honesty and for this reason in addition to those noted above, the liquor licence is not in the public interest having regard to the needs and wishes of the residents;

AND BE IT FURTHER RESOLVED THAT the AGCO be requested to provide the City with an opportunity to participate in any proceedings with respect to Dynasty to oppose the continued operation of the current liquor licence and that the City Solicitor and necessary staff be authorized to participate in any proceedings before the AGCO which relate to Dynasty;

AND BE IT FURTHER RESOLVED THAT Council request the Executive Director, Municipal Licensing and Standards, to investigate the operation of the business and take whatever enforcement or other actions she may consider necessary and appropriate.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(23) to the Scarborough

Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(23), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Procedural Vote:

The vote to waive referral of Motion J(23) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Bussin in the Chair.

Vote:

Motion J(23) was adopted, without amendment.

Deputy Mayor Feldman in the Chair.

5.101 J(24) Community Safety on Toronto Community Housing Corporation Properties

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

Moved by: Councillor Thompson

Seconded by: Councillor Saundercook

“WHEREAS in 2005, a majority of Toronto’s gun violence occurred on or adjacent to Toronto Community Housing Corporation properties; and

WHEREAS residents living in Toronto Community Housing Corporation communities have identified community safety as a priority issue; and

WHEREAS there is widespread concern that violence on Toronto Community Housing Corporation properties is expected to increase this summer; and

WHEREAS the Toronto Community Housing Corporation has apparently not established a plan to deal with the increase of murders and criminal activities;

NOW THEREFORE BE IT RESOLVED THAT the Chief Executive Officer, Toronto Community Housing Corporation, be requested to report to the Community Services Committee:

- (1) on what steps have been taken to establish an ‘action plan’ to deal with the increase in murders and criminal activities;
- (2) as part of the ‘action plan’ report, that a review will be made for both the need to hire additional ‘Special Constables’, and what other training or tools the constables may require to do their jobs; and
- (3) on whether the installation of ‘gun-shot activated’ cameras, along with implementing a permanent guard program on problem Toronto Community Housing Corporation properties, would decrease the incidents of violence.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(24) to the Community Services Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(24), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Procedural Vote:

The vote to waive referral of Motion J(24) to the Community Services was taken as follows:

Yes - 30	
Councillors:	Ainslie, Altobello, Augimeri, Cowbourne, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Ford, Grimes, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Silva, Soknacki, Stintz, Thompson, Walker, Watson
No - 11	
Councillors:	Ashton, Bussin, Carroll, Davis, Di Giorgio, Giambrone, Holyday, Li Preti, Moscoe, Pantalone, Shiner

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

Motion:

Councillor Fletcher moved that Motion J(24) be amended by deleting the following fourth Recital:

“**WHEREAS** the Toronto Community Housing Corporation has apparently not established a plan to deal with the increase of murders and criminal activities.”

Votes:

The motion by Councillor Fletcher carried.

Motion J(24), as amended, carried.

5.102 **J(25) 2006 By-law to Limit Tax Decreases on Commercial, Industrial and Multi-Residential Properties**

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

Moved by: Councillor Soknacki

Seconded by: Councillor Watson

“**WHEREAS** City Council on March 29 and 30, 2006, adopted Policy and Finance Committee Report 2, Clause 2, headed ‘2006 Tax Levy By-laws and Related Matters’; and

WHEREAS the 2006 municipal tax rates and the 2006 education tax rates must first be established, in order to determine the commercial, industrial and multi-residential claw-back rates for 2006; and

WHEREAS the Minister of Finance filed Ontario Regulation 98/06 on March 30, 2006, establishing the education tax rates for the City of Toronto for 2006; and

WHEREAS the 2006 municipal tax rates, the 2006 education tax rates, and the 2006 clawback rates must be established, in order for the City to issue its 2006 final tax bills; and

WHEREAS the City is scheduled to commence mailing its tax bills in mid-May 2006, and as such, it is imperative that Council adopt the 2006 clawback rates and the necessary by-law at its meeting of April 25, 26 and 27, 2006;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the attached report (April 25, 2006) from the Deputy City Manager and Chief Financial Officer, entitled ‘2006 By-law to Limit Tax Decreases on Commercial, Industrial and Multi-Residential Properties’, and that the staff recommendations contained in the Recommendations Section of the report be adopted.”,

the vote upon which was taken as follows:

Yes - 29	Councillors: Ainslie, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Silva, Soknacki, Watson
No - 12	Councillors: Altobello, Del Grande, Ford, Kelly, Li Preti, Minnan-Wong, Ootes, Pitfield, Shiner, Stintz, Thompson, Walker

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

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(25) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(25), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Procedural Vote:

The vote to waive referral of Motion J(25) to the Policy and Finance Committee was taken as follows:

Yes - 28	
Councillors:	Ainslie, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Silva, Soknacki, Walker, Watson
No - 13	
Councillors:	Altobello, Del Grande, Feldman, Ford, Holyday, Kelly, Li Preti, Minnan-Wong, Ootes, Pitfield, Shiner, Stintz, Thompson

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

Council also had before it, during consideration of Motion J(25), a report (April 25, 2006) from the Deputy City Manager and Chief Financial Officer. (See Attachment 7, Page 219)

Mayor Miller in the Chair.

Vote:

Motion J(25) was adopted, without amendment.

Summary:

In adopting Motion J(25), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (April 25, 2006) from the Deputy City Manager and Chief Financial Officer:

“It is recommended that:

- (1) tax decreases for the 2006 taxation year on properties in the commercial, industrial and multi-residential property classes be reduced by the percentage of the tax decrease set out in Column II in order to recover the revenues foregone as a result of capping:

Column I (Property Class)	Column II (Clawback Percentage)	Column III (Allowable Decrease Percentage)
Commercial	96.598446%	3.401554%
Industrial	71.957873%	28.042127%
Multi-residential	44.707801%	55.292199%; and

- (2) authority be granted for the introduction of the necessary bill in Council and the appropriate City officials be authorized to take the necessary action to give effect thereto.”

Deputy Mayor Feldman in the Chair.

5.103 **J(26) City Citizen Appointments to the Boards of Directors of the Toronto Waterfront Revitalization Corporation (TWRC) and the Toronto Economic Development Corporation (TEDCO)**

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

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Saundercook

“**WHEREAS** the interim Toronto Waterfront Revitalization Corporation (TWRC) was incorporated under the *Business Corporations Act* in November 2001, and the permanent TWRC incorporated on April 1, 2003; and

WHEREAS the City of Toronto Economic Development Corporation (TEDCO) is a corporation under the *Business Corporations Act* and the *City of Toronto Act, 1985*, and the City of Toronto is the sole shareholder in TEDCO; and

WHEREAS the Corporations Nominating Panel has considered the applications received, interviewed candidates and prepared a report recommending candidates for appointment to the Boards of Directors of TWRC and TEDCO; and

WHEREAS the terms of the present citizen Boards of Directors of TWRC and TEDCO expired on December 4, 2004, and November 30, 2005, respectively;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached confidential report (April 21, 2006) from the Chair, Corporations Nominating panel, and that the recommendations of the Corporations Nominating Panel contained in the Recommendations Section of the confidential report be adopted.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(26) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(26), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer.

Procedural Vote:

The vote to waive referral of Motion J(26) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(26), a confidential report (April 21, 2006) from Deputy Mayor Sandra Bussin, Chair, Corporations Nominating Panel. (See Attachment 8, Page 222)

Motion:

Councillor Ashton moved by Motion J(26) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Mayor demonstrate on behalf of City Council our appreciation for the retiring members of the Board of Directors for both the Toronto Waterfront Revitalization Corporation (TWRC) and the Toronto Economic Development Corporation (TEDCO).”

Votes:

The motion by Councillor Ashton carried.

Motion J(26), as amended, carried.

Summary:

In adopting Motion J(26), as amended, Council adopted, without amendment, the recommendations contained in the Recommendations Section of the confidential report (April 21, 2006) from Deputy Mayor Sandra Bussin, Chair, Corporations Nominating Panel. This report is now public, with the exception of Attachments 1, 2 and 3 which remain confidential in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they contain personal information about identifiable individuals, and contains the following recommendations:

“It is recommended that:

- (1) the following three persons be appointed at the pleasure of Council to the Board of Directors of the Toronto Waterfront Revitalization Corporation (TWRC) for a term of office of up to three years starting June 15, 2006, and ending June 14, 2009, or until their successors are appointed:
 - (i) Ms. Janet Graham;
 - (ii) Mr. Renato Discenza; and
 - (iii) Mr. Mark Wilson (incumbent);

- (2) the following six persons, including the recommended Chair, be appointed at the pleasure of Council to the Board of Directors of the City of Toronto Economic Development Corporation (TEDCO) for a term of office starting June 1, 2006, and ending May 31, 2009, or until their successors are appointed;
 - (i) Mr. Rowland Fleming (Recommended Chair);
 - (ii) Ms. Helen Burstyn;
 - (iii) Ms. Alexandra Dagg (Designate of the Labour Council of Toronto and York Region);
 - (iv) Mr. Aladin Mawani;
 - (v) Mr. David J. McFadden (Incumbent); and
 - (vi) Mr. Norman Seagram;

- (3) Council name the persons identified in Attachment 1 as alternates so that if there is a vacancy on the board of TEDCO they may be approached to determine their continued interest and availability and be considered by Council for appointment at that time;

- (4) except for Attachments 1, 2 and 3, this report be made public following City Council’s approval;

- (5) the Mayor, on behalf of City Council, express the City’s appreciation and thanks to the outgoing members of the Boards of Directors of Toronto Waterfront Revitalization Corporation and the City of Toronto Economic Development Corporation for their past service; and

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

5.104 **J(27) Port Lands Film/Media Complex – Option Agreement**

Deputy Mayor Feldman, with the permission of Council, moved that, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, leave be granted to introduce the following Notice of Motion, which carried:

Moved by: Deputy Mayor Feldman

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** City Council on September 28, 29 and 30, 2005, adopted, as amended, Policy and Finance Committee and Economic Development and Parks Committee Joint Report 1, Clause 1, headed ‘Port Lands Film Industry/Media Complex, Status Report and Lease Approval’, and, in so doing, directed the Toronto Economic Development Corporation (TEDCO) to finalize the Option Agreement for the balance of the complex, Connected and Surrounding Lands, consistent with the terms defined in the Ground Lease and that these agreements be reported directly to Council; and

WHEREAS the President and Chief Executive Officer and the Vice President, Development, TEDCO, have submitted a confidential report (April 21, 2006) in response to Council’s direction;

NOW THEREFORE BE IT RESOLVED THAT City Council receive the attached confidential report (April 21, 2006) from the President and Chief Executive Officer and the Vice President, Development, TEDCO, for information.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(27) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(27), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer.

Procedural Vote:

The vote to waive referral of Motion J(27) to the Policy and Finance Committee was taken as follows:

Yes - 34	
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Holyday, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Watson
No - 7	
Councillors:	Del Grande, Ford, Jenkins, Kelly, Li Preti, Ootes, Walker

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

Council also had before it, during consideration of Motion J(27), a confidential report (April 21, 2006) from the President and CEO, Toronto Economic Development Corporation (TEDCO) and Vice President, Development, TEDCO (See Attachment 9, Page 228).

Vote:

Adoption of Motion J(27), without amendment:

Yes - 37	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Stintz, Thompson, Watson
No - 5	
Councillors:	Filion, Ford, Holyday, Ootes, Walker

Carried by a majority of 32.

Summary:

In adopting Motion J(27), without amendment, Council received, for information, the confidential report (April 21, 2006) from the President and Chief Executive Officer, TEDCO, and Vice President, Development, TEDCO. This report is now public in its entirety and is submitted for the information of Council. The Option Agreement with Toronto Film Studios for the balance of the Complex, Connected and Surrounding Lands associated with the Port Lands Film/Media Complex, referred to in the report, remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to the security of the property of the municipality.

5.105 **J(28) Appointment to the Board of Directors of the Hummingbird Centre for the Performing Arts**

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

Moved by: Deputy Mayor Feldman

Seconded by: Councillor Lindsay Luby

“WHEREAS at its meeting held on April 18, 2006, the Board of Directors of the Hummingbird Centre for the Performing Arts received, with regret, resignations from Mr. Bill King and Mr. Tom Woods, community representatives on the Board; and

WHEREAS Council, in adopting Consolidated Clause 22a in Report 2 of the Policy and Finance Committee on April 15 and 16, 2004, among other things, approved a nomination process for appointments of citizens to the Board of Directors of the Hummingbird Centre for the Performing Arts; and

WHEREAS the citizen nomination process approved by Council is currently in progress; and

WHEREAS the resignations of Mr. King and Mr. Woods have been submitted before the nomination process has been completed and will result in problems for the Board in meeting its quorum requirements; and

WHEREAS the individuals identified in the attached confidential communication (April 21, 2006) from the Board of Directors meet the nominating criteria established by City Council; and

WHEREAS it is a matter of urgency that the vacancies be filled and it could take several months to fill these vacancies through the approved nomination process;

NOW THEREFORE BE IT RESOLVED THAT Council appoint the individuals identified in the attached confidential communication (April 21, 2006) from the Board of Directors, Hummingbird Centre for the Performing Arts, as community representatives on the Board of Directors of the Hummingbird Centre for the Performing Arts to replace Mr. Bill King and Mr. Tom Woods for the remainder of the term of office expiring November 30, 2006, or until their successors are appointed, or until the new Board can stand in place of the old Board on the date a lease of the Centre between the City and the Hummingbird Performing Arts Centre Corporation comes into force, as provided for in the *Hummingbird Performing Arts Centre Corporation Act, 1998*;

AND BE IT FURTHER RESOLVED THAT Council discuss this item in camera, with the appointees' names becoming public once appointed by Council, and that additional personal information in the attachments remain confidential, since it includes personal information about identifiable individuals.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(28) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(28), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer.

Procedural Vote:

The vote to waive referral of Motion J(28) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(28), a confidential communication (April 21, 2006) from the Board of Directors, Hummingbird Centre for the Performing Arts (See Attachment 10, Page 230). This communication is now public, with the exception of the biography and resumé attached to the communication which remain confidential in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they contain personal information about identifiable individuals, and contains the following action of the Board:

“The Board of Directors, at its meeting on April 18, 2006, received, with regret, resignations from Mr. Bill King and Mr. Tom Woods, and endorsed the nomination of Mr. Walter Oster and Mr. Andrew J. Laffey.”

Vote:

Motion J(28) was adopted, without amendment.

Summary:

In adopting Motion J(28), without amendment, Council appointed Mr. Walter Oster and Mr. Andrew J. Laffey to the Board of Directors of the Hummingbird Centre for the Performing Arts, to replace Mr. Bill King and Mr. Tom Woods, for the remainder of the term of office ending November 30, 2006, and until their successors are appointed, or until the new Board can stand in place of the old Board on the date a lease of the Centre between the City and the Hummingbird Performing Arts Centre Corporation comes into force, as provided for in the *Hummingbird Performing Arts Centre Corporation Act, 1998*.

5.106 J(29) Ontario Energy Board Decision – Impact of Reduction in Deemed Interest Rate in Relation to Toronto Hydro-Electric System Limited

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

Moved by: Councillor Soknacki

Seconded by: Mayor Miller

“WHEREAS the Ontario Energy Board issued its Decision with Reasons on April 12, 2006, relating to the electricity distribution rate filing of Toronto Hydro-Electric System Limited; and

WHEREAS the Ontario Energy Board Decision with Reasons impacts the deemed interest rate payable on the promissory note of Toronto Hydro-Electric System Limited to its parent Toronto Hydro Corporation; and

WHEREAS the Ontario Energy Board Decision with Reasons also comments on limiting the ability of Toronto Hydro-Electric System Limited to pay dividends to its parent Toronto Hydro Corporation which could potentially affect the City’s investment in Toronto Hydro Corporation; and

WHEREAS the Ontario Energy Board Decision with Reasons made certain assertions regarding the actions and intentions of the City as shareholder in Toronto Hydro Corporation; and

WHEREAS the impact of the Ontario Energy Board Decision is set out in the report (April 25, 2006) from the City Manager and the Deputy City Manager and Chief Financial Officer, and the companion confidential report (April 25, 2006) from the City Solicitor, attached to this Notice of Motion;

NOW THEREFORE BE IT RESOLVED THAT Council consider the report (April 25, 2006) from the City Manager and the Deputy City Manager and Chief Financial Officer, and the confidential report (April 25, 2006) from the City Solicitor, attached to this Notice of Motion;

AND BE IT FURTHER RESOLVED THAT Council:

- (1) adopt the staff recommendations contained in the Recommendations Section of the report (April 25, 2006) from the City Manager and the Deputy City Manager and Chief Financial Officer; and
- (2) consider the report from the City Solicitor and determine, what action, if any, should be taken on the staff recommendations contained in the Recommendations Section of that confidential report;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be requested to take any necessary action to give effect to the foregoing, including the introduction in Council of any Bills that may be required.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(29) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(29) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(29), the following:

- (i) report (April 25, 2006) from the City Manager and the Deputy City Manager and Chief Financial Officer (See Attachment 11, Page 231); and
- (ii) confidential report (April 25, 2006) from the City Solicitor.

Deputy Mayor Bussin in the Chair.

Motion:

Councillor Soknacki moved that Motion J(29) be amended by deleting the second Operative Paragraph and inserting instead the following:

“AND BE IT FURTHER RESOLVED THAT Council:

- (1) adopt the staff recommendations contained in the Recommendations Section of the report (April 25, 2006) from the City Manager and the Deputy City Manager and Chief Financial Officer, subject to:
 - (a) deleting Recommendation (2) and replacing it with the following new Recommendation (2):

‘(2) Toronto Hydro Corporation be advised that the terms of the City-held Promissory Note will remain effective for fiscal 2006;’; and
 - (b) adding the following new Recommendations (3) and (4):
 - ‘(3) Council request the Deputy City Manager and Chief Financial Officer, in consultation with the Toronto Hydro Corporation to report to the June 20, 2006 meeting of the Policy and Finance Committee with respect to a payment policy from Toronto Hydro Corporation for 2007 and subsequent years; and
 - (4) the Deputy City Manager and Chief Financial Officer report to the June 20, 2006 Policy and Finance Committee meeting related to the monetization of the City-held Promissory Note and related issues.’,

so that the staff recommendations contained in the Recommendations Section of the report (April 25, 2006) from the City Manager and the Deputy City Manager and Chief Financial Officer, as amended by Council, now read as follows:

‘It is recommended that:

- (1) City Council authorize staff to write to the Ontario Energy Board to correct the factual determinations of the Board as set out in its decision of April 12, 2006, as they relate to the actions of the City in relation to the City-held Promissory Note from Toronto Hydro Corporation and the receipt of dividend payments from Toronto Hydro Corporation;
- (2) Toronto Hydro Corporation be advised that the terms of the City-held Promissory Note will remain effective for fiscal 2006;
- (3) Council request the Deputy City Manager and Chief Financial Officer, in consultation with the Toronto Hydro Corporation to

- report to the June 20, 2006 meeting of the Policy and Finance Committee with respect to a payment policy from Toronto Hydro Corporation for 2007 and subsequent years; and
- (4) the Deputy City Manager and Chief Financial Officer report to the June 20, 2006 Policy and Finance Committee meeting related to the monetization of the City-held Promissory Note and related issues.’ ”; and
- (2) adopt the following Resolution contained in staff Recommendation (1) of the Recommendations Section of the confidential report (April 25, 2006) from the City Solicitor. This Resolution is now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information that is subject to solicitor-client privilege:
- ‘City staff be authorized to waive solicitor-client privilege, in order to provide Toronto Hydro Corporation and Toronto-Hydro Electric System Limited with that portion of the legal opinion received from Cassels, Brock & Blackwell, LLP, the City’s external counsel, relating to the rights of Toronto-Hydro Electric System Limited for appeal or review in respect of the Ontario Energy Board’s decision of April 12, 2006, pertaining to the rates of Toronto-Hydro Electric System Limited.’ ”

Votes:

Adoption of the motion by Councillor Soknacki:

Yes - 25	
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fillion, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, Milczyn, Moscoe, Soknacki, Thompson, Walker, Watson
No - 12	
Councillors:	Feldman, Fletcher, Ford, Li Preti, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Silva, Stintz

Carried by a majority of 13.

Adoption of Motion J(29), as amended:

Yes - 24	
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Grimes, Jenkins, Kelly, Lindsay Luby, Mammoliti, Milczyn, Moscoe, Soknacki,

Thompson, Walker, Watson	
No - 11	
Councillors:	Feldman, Ford, Holyday, Li Preti, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Stintz

Carried by a majority of 13.

Deputy Mayor Feldman in the Chair.

5.107 J(30) Power Generating Facility - Port Lands

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

Moved by: Councillor Shiner

Seconded by: Mayor Miller

“WHEREAS the Provincial Minister of Energy on February 10, 2006, directed the Ontario Power Authority to negotiate an agreement to purchase power from the Portlands Energy Centre (PEC); and

WHEREAS the City acknowledges and supports the need for new generation to Ensure Reliability of Electricity Supply to Central Toronto as outlined by the IESO, Hydro One, Toronto Hydro Corporation and the Ontario Power Authority on January 11, 2006; and

WHEREAS PEC, which is owned by TransCanada Energy Ltd. and Ontario Power Generation Inc., wishes to construct a new 550 megawatt, gas-powered electricity generating plant next to the existing R.L. Hearn Generating Station; and

WHEREAS Toronto City Council has expressed its opposition to the Portlands Energy Centre going forward without co-generation; and

WHEREAS the Toronto Waterfront Revitalization Corporation (TWRC), a partnership corporation among the Federal, Provincial and City of Toronto governments, has stated that new power generation on the Port Lands should:

- (1) be located in the Hearn Plant;
- (2) include co-generation; and
- (3) incorporate demand management into Toronto’s energy planning;

and that these elements which are not part of the current PEC proposal should be integrated into the provincial plans; and

WHEREAS the TWRC's position is consistent with the City of Toronto's position; and

WHEREAS the Ministry of the Environment Certificate of Approval requires the PEC to have a Combined Cycle Component efficiency of 53 percent annually; and

WHEREAS the Ministry of the Environment Certificate of Approval may have to be amended, as the PEC may not be able to meet this requirement and open as required in 2008; and

WHEREAS the PEC may need access to or through property under the authority of the City of Toronto, Toronto Economic Development Corporation (TEDCO) or TWRC; and

WHEREAS the City of Toronto has stated that any new power must be a co-generation ready facility, with capacity to provide District Heating for the revitalized waterfront, preferably from the existing Hearn facility; and

WHEREAS Toronto Hydro Energy Services, in partnership with Constellation Energy (also known as the Clean Energy Plan) has submitted a proposal to the Ontario Power Authority to utilize the existing Hearn facility in which it would build a smaller - 291 megawatt, high-efficiency generation plant, less expensive, co-generation ready facility; and

WHEREAS the Clean Energy Plan uses the most modern equipment, which will fit inside the existing Hearn facility and eliminate the need for a new industrial plant to be built in the Port Lands, is more environmentally-friendly, uses the best available pollution controls, provides space in the existing Hearn plant for both future District Heating and Cooling Plants and will contribute \$30 million in funding to a not-for-profit community trust; and

WHEREAS the Clean Energy Plan commits to implementing 200 megawatts of power, without building additional generation through Conservation Demand Management (CDM); and

WHEREAS the Clean Energy Plan is a cleaner, greener, smaller plant that will keep the lights on in Toronto; and

WHEREAS the Ontario Minister of Energy has refused to allow the Ontario Power Authority to review and compare both proposals and make recommendations to the Minister; and

WHEREAS the Portlands Energy Centre has just announced its intention to start preliminary site work in preparation for constructing their new Power Generating Facility right next to the existing R. L. Hearn Facility;

NOW THEREFORE BE IT RESOLVED THAT the City Manager and the City Solicitor consult with TEDCO, the Chief Planner, the TWRC and any other division or agency that may be able to provide assistance and report for no later than June 2006, through the Policy and Finance Committee, on all steps that the City can take to ensure that any power generation facility in the Port Lands takes a ‘conservation first’ approach, is co-generation ready, is located in the Hearn, minimizes impact on local air quality, and contributes to the revitalization of the Toronto waterfront.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(30) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(30), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Procedural Vote:

The vote to waive referral of Motion J(30) to the Policy and Finance Committee was taken as follows:

Yes - 29	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Shiner, Silva, Stintz, Thompson, Walker, Watson
No - 10	
Councillors:	Augimeri, Del Grande, Ford, Holyday, Jenkins, Kelly, Minnan-Wong, Ootes, Pitfield, Soknacki

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

Vote:

Adoption of Motion J(30), without amendment:

Yes - 32 Councillors: Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Grimes, Jenkins, Lindsay Luby, Li Preti, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Rae, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson
No - 5 Councillors: Del Grande, Ford, Holyday, Kelly, Pitfield

Carried by a majority of 27.

5.108 J(31) Funding Renewal Request for Supporting Communities Partnership Initiative (SCPI)

Councillor Mihevc, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Mihevc

Seconded by: Councillor Mammoliti

“WHEREAS the federally-funded Supporting Communities Partnership Initiative (SCPI) is the centerpiece of the National Homelessness Initiative, a national program implemented by the previous government to reduce and alleviate homelessness; and

WHEREAS SCPI funding has been available to 64 communities across Canada, since 2000, and has improved community capacity to respond to local needs and develop new responses to homelessness; and

WHEREAS SCPI funding has enabled the City of Toronto to invest in the creation of needed transitional housing units, undertake Capital improvements to shelters and other community facilities and implement innovative programs and services to help people who are homeless, or at risk of being so, to move forward in their lives; and

WHEREAS the SCPI program is scheduled to end on March 31, 2007; and

WHEREAS the issue of homelessness continues to exist in Toronto and other communities across Canada and requires dedicated, long-term, flexible resources;

NOW THEREFORE BE IT RESOLVED THAT City Council urge the Government of Canada to renew the Supporting Communities Partnership Initiative at current funding levels for a further five years.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(31) to the Community Services Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(31), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Procedural Vote:

The vote to waive referral of Motion J(31) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(31) was adopted, without amendment.

**5.109 J(32) Report Request on Options to Close Down a Problem Property -
348 Atlas Avenue**

Councillor Mihevc, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Mihevc

Seconded by: Councillor Grimes

“WHEREAS the building at 348 Atlas Avenue has been an on-going ‘problem property’ for its neighbours, as a result of non-compliance with the City’s noise by-laws, parking by-laws and the possible involvement of its owner and visitors to the building of drug dealing, illegal gambling, prostitution and most recently the near fatal shooting of three visitors to the building; and

WHEREAS despite efforts in 2005 and 2006 by the Toronto Police Service, the problems with the security of the building and related public safety concerns have continued; and

WHEREAS this safety concern should be addressed as soon as possible; 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’.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(32) to the Planning and Transportation Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(32), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Procedural Vote:

The vote to waive referral of Motion J(32) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(32) was adopted, without amendment.

5.110 J(33) Surface Transit Priority Study – Improving Transit Connections between Northwest Toronto and the Bloor-Danforth Subway

Councillor Hall, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Hall

Seconded by: Mayor Miller

“WHEREAS the City of Toronto’s Official Plan - Map 5 - Surface Transit Priority Network, includes a Transit Priority Segment on Highway 27 - Highway 427 - Dundas Street, linking the northwest portion of the City to the Bloor-Danforth Subway at Kipling Station; and

WHEREAS the northwest section of the City is undergoing land use change that has increased the demand for improved transit service during all hours of the day;

NOW THEREFORE BE IT RESOLVED THAT Council direct the Chief Planner and Executive Director, City Planning, in consultation with staff of the Toronto Transit Commission, to report to Planning and Transportation Committee on options available to improve transit service between the Bloor-Danforth subway and the northwest area of the City of Toronto.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(33) to the Planning and Transportation Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(33), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 262)

Procedural Vote:

The vote to waive referral of Motion J(33) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(33) was adopted, without amendment.

5.111 **J(34) Naming of Parkette after Danilo Celestino**

Councillor Augimeri, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Augimeri

Seconded by: Councillor Stintz

“**WHEREAS** 17-year-old Danilo Celestino, a resident of Winston Park Boulevard, a student of Downsview Secondary School, a dear son, brother, nephew and friend, was brutally slain at the Downsview Plaza on Thursday, April 20, 2006; and

WHEREAS the untimely death of this good and respectful student, the brazenness and viciousness of the attack, the depth of sorrow experienced by family, friends and the community; and the number of young people who have come forward to offer information to Police, school staff and other community representatives, in an effort to help solve the crime, has been unprecedented; and

WHEREAS the local community has expressed its wish to commemorate the courage of our youth and the determination to turn around the violence in our neighbourhoods; and

WHEREAS it is a fitting tribute that the life of young Danilo be honoured with an appropriate memorial in the immediate community in which he resided, such as the naming of a parkette;

NOW THEREFORE BE IT RESOLVED THAT the General Manager, Parks, Forestry and Recreation report to the North York Community Council on naming the parkette at the corner of Wilson Avenue and Winston Park Boulevard in honour of Danilo Celestino, in accordance with the Naming and Renaming for Parks and Recreation Facilities and Parks Policy, and including all financial implications.”,

the vote upon which was taken as follows:

Yes - 32 Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Ford, Grimes, Holyday, Jenkins, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Silva, Soknacki, Stintz, Walker, Watson
No - 8 Councillors:	Carroll, Del Grande, Giambrone, Kelly, Lindsay Luby, Mammoliti, Ootes, Thompson

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

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(34) to the North York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(34) to the North York Community Council was taken as follows:

Yes - 35 Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Fletcher, Ford, Giambrone, Grimes, Holyday, Jenkins, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson
No - 6 Councillors:	Carroll, Del Grande, Kelly, Lindsay Luby, Ootes, Pitfield

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

Permission to Withdraw Motion:

Councillor Augimeri, with the permission of Council, withdrew Motion J(34).

Disposition:

Motion J(34) was withdrawn.

5.112 **J(35) 108 Stayner Avenue - Site Plan Control Application - 05 166083 NNY 15 SA - 749839 Ontario Limited (Ward 15 - Eglinton-Lawrence)**

Councillor Moscoe, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Moscoe

Seconded by: Councillor Filion

“WHEREAS the owner of 108 Stayner Avenue (the ‘Property’) has appealed the refusal of the City to deal with the Site Plan Application to the Ontario Municipal Board (the ‘Board’); and

WHEREAS at its meeting of February 14, 2006, City Council adopted, as amended, North York Community Council Report 2, Clause 16, with respect to Notice of Approval Conditions for Site Plan Approval for the Property; and

WHEREAS a Board hearing is scheduled for May 17, 2006; and

WHEREAS there is a reasonable prospect of settlement of all issues in this matter; and

WHEREAS there will not be another Council meeting before the Board hearing in this matter;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the staff recommendations contained in the Recommendations Section of the attached confidential report (April 26, 2006) from the City Solicitor.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(35) to the North York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(35), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer.

Procedural Vote:

The vote to waive referral of Motion J(35) 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(35), a confidential report (April 26, 2006) from the City Solicitor.

Vote:

Motion J(35) was adopted, without amendment.

Summary:

In adopting Motion J(35), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report (April 26, 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:

“It is recommended that:

- (1) City Council confirm the previous recommendations of Site Plan Approval for 108 Stayner Avenue subject to the following modification:
 - (a) Condition No. 8 of the additional Notice of Approval Conditions be deleted and replaced with the following:
 - “(8) the applicant shall be required to pay up to an additional \$15,000.00 for enhancements to and additional tree plantings for the proposed landscaping on the Property and on the road allowances to the satisfaction of Urban Forestry Services.”;
- (2) the City Solicitor be authorized to advise the Ontario Municipal Board that the City agrees to changes to the Provisional Consents and Zoning By-law Amendment, which have been approved by the Board, to extend the easterly lot line of the Heritage Lot, being Lot 2, to the northerly lot line of Lot 7 and to take all necessary actions to that effect; and
- (3) the City Solicitor be authorized to seek approval at the Ontario Municipal

Board to any additional conditions of Site Plan Approval, which are agreed upon between the owner and the neighbours, provided that any additional conditions must be agreed to between the owner and the neighbours on or before May 5, 2006, failing which this recommendation has no force or effect.”

Mayor Miller in the Chair.

5.113 **J(36) Grow Houses**

Councillor Kelly, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Kelly 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 Kelly**

Seconded by: **Councillor Del Grande**

“**WHEREAS** grow houses introduce a criminal element that makes communities feel unsafe; and

WHEREAS grow houses create derelict properties that are dangerous to the community; and

WHEREAS grow houses promote gang behaviour that brings violence into the community; and

WHEREAS grow houses create unsafe living conditions by causing environmental hazards such as mould; and

WHEREAS grow houses can remain vacant for several months which can lead to watermains bursting and causing extensive damage to properties; and

WHEREAS grow houses are often equipped with ‘booby’ traps to prevent entry, causing safety concerns for the Toronto Police Service and the general public; and

WHEREAS grow houses are a fire hazard, due to the number of chemicals stored in the house; and

WHEREAS grow houses create health hazards by causing infestation of rodents, birds and other types of small animals; and

WHEREAS grow houses create an atmosphere of fear, especially at night when most of the transporting of the illegal substances takes place; and

WHEREAS grow houses lower neighbourhood real estate values; and

WHEREAS unsuspecting buyers may be burdened with the costs of bringing the property up to City standards;

NOW THEREFORE BE IT RESOLVED THAT the City request the Ministry of Government Services of the Province of Ontario to meet with the Real Estate Corporation of Ontario (RECO) with the intent of introducing a clause on the base Offer of Purchase and Sale that would warrant that the house had not been used as a grow house;

AND BE IT FURTHER RESOLVED THAT the City request the Toronto Real Estate Board to use its Ethics Committee to investigate the brokers whose salespersons have participated in the sale of properties that have been identified as grow houses; and that those who participated in a sale without disclosure on either the MLS listing or the Offer of Purchase and Sale be disciplined according to the rules and regulations of the Toronto Real Estate Board.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(36) to the Administration Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(36) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(36) was adopted, without amendment.

5.114 J(37) 9 Hanna Avenue - Exchange of Property Interests with the Owner of 5 and 11 Hanna Avenue and Amendment to Section 30 Agreement Between the City of Toronto and 863880 Ontario Ltd. in Respect of Lands on the West Side of Strachan Avenue

Deputy Mayor Pantalone, having regard that the deadline for submission of Notices of

Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Watson

“WHEREAS at its meeting held on July 22, 23 and 24, 2003, Council adopted, as amended, Policy and Finance Committee Report 8, Clause 20, respecting the purchase of 9 Hanna Avenue for the Toronto Police Service Central Traffic and Garage and Court Services facility, and directed the Commissioner of Corporate Services to report back on the results of negotiations with the adjacent property owner related to the minimization of the effect of existing easements on 9 Hanna Avenue; and

WHEREAS a number of reports have been submitted on the progress of the negotiations, the most recent being Administration Committee Report 7, Clause 10, adopted, without amendment, by Council at its meeting on September 28, 29 and 30, 2005; and

WHEREAS staff has come to an agreement, conditional on Council approval, with the owner of 5 and 11 Hanna Avenue which will eliminate, relocate or recognize specific easements, allowing for greater independent use of 5, 9 and 11 Hanna Avenue and which will remove a title encumbrance from 9 Hanna Avenue which has delayed the closing of the 9 Hanna Avenue purchase; and

WHEREAS the report (April 24, 2006) from the Chief Corporate Officer, entitled ‘9 Hanna Avenue - Exchange of Property Interests with the Owner of 5 and 11 Hanna Avenue’, is submitted as a further response to Council’s direction to report back on the results of the negotiations with the adjacent property owner related to the minimization of the effect of existing easements on the property; and

WHEREAS this report must be considered by Council at this meeting due to legal deadline, as the closing date of the 9 Hanna Avenue transaction is currently only extended to April 28, 2006, and following Council’s consideration of the report, agreement must be reached with the vendor of 9 Hanna Avenue to extend the closing date to a date which will enable the title encumbrance to be resolved and the closing to proceed; and

WHEREAS this report must be considered in conjunction with the report (April 24, 2006) from the Chief Corporate Officer, entitled ‘Amendment to

Section 30 Agreement Between the City of Toronto and 863880 Ontario Ltd. in Respect of Lands on the West Side of Strachan Avenue', for the reasons set out in each report;

NOW THEREFORE BE IT RESOLVED THAT City Council:

- (1) adopt the staff recommendations contained in the Recommendations Section of the report (April 24, 2006) from the Chief Corporate Officer, entitled '9 Hanna Avenue - Exchange of Property Interests with the Owner of 5 and 11 Hanna Avenue'; and
- (2) adopt the staff recommendations contained in the Recommendations Section of the report (April 24, 2006) from the Chief Corporate Officer, entitled 'Amendment to Section 30 Agreement Between the City of Toronto and 863880 Ontario Ltd. in Respect of Lands on the West Side of Strachan Avenue'."

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(37) to the Administration Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(37) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(37), the following reports:

- (i) (April 24, 2006) from the Chief Corporate Officer, entitled "9 Hanna Avenue - Exchange of Property Interests with the Owner of 5 and 11 Hanna Avenue" (See Attachment 12, Page 240); and
- (ii) (April 24, 2006) from the Chief Corporate Officer, entitled "Amendment to Section 30 Agreement Between the City of Toronto and 863880 Ontario Ltd. in Respect of Lands on the West Side of Strachan Avenue" (See Attachment 13, Page 244).

Vote:

Motion J(37) was adopted, without amendment.

Summary:

In adopting Motion J(37), without amendment, Council:

- (1) adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (April 24, 2006) from the Chief Corporate Officer, entitled “9 Hanna Avenue - Exchange of Property Interests with the Owner of 5 and 11 Hanna Avenue”:

“It is recommended that:

- (1) authority be granted for the City to enter into an agreement with Toronto Hanna Properties Limited (‘Toronto Hanna’) and GT Fiber Services Inc. (‘GT’) for the exchange of property interests and additional terms outlined in Appendix ‘A’, and on such other terms and conditions as the Chief Corporate Officer may deem advisable or appropriate to effect the exchange, with the agreement to be in a form satisfactory to the City Solicitor;
 - (2) the City Solicitor be authorized to complete the transactions on behalf of the City, including payment of any necessary expenses;
 - (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto; and
 - (4) this report be considered in conjunction with the report submitted by the Chief Corporate Officer dated April 24, 2006, entitled ‘Amendment to Section 30 Agreement between the City and 863880 Ontario Ltd. in respect of the lands on the west side of Strachan Avenue’.”; and
- (2) adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (April 24, 2006) from the Chief Corporate Officer, entitled “Amendment to Section 30 Agreement Between the City of Toronto and 863880 Ontario Ltd. in Respect of Lands on the West Side of Strachan Avenue”:

“It is recommended that:

- (1) the existing Agreement under Section 30 of the *Expropriations Act* (the ‘Section 30 Agreement’) between the City and 863880 Ontario Limited (‘863880’) in respect of the acquisition of certain lands on the west side of Strachan Avenue, be amended on the following terms, with the amending agreement to be in a form satisfactory to the City Solicitor:
 - (a) the closing date be extended to February 28, 2007;
 - (b) the City be given the option to extend the closing date beyond

February 28, 2007, for an additional period of up to five (5) years, on prior written notice;

- (c) following closing, the City be given the option, for a term of twenty (20) years, to require 863880 to repurchase the property, at the same purchase price paid by the City, plus simple interest at a rate of six percent (6%) per annum; and
 - (d) following closing, 863880 be given the option, for a term of twenty (20) years, to repurchase the property if the City determines that the property is not required for the Front Street Extension and City Council declares the property to be surplus. The repurchase price will be the same amount paid by the City for the property, plus simple interest at the rate of six percent (6%) per annum;
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto; and
 - (3) this report be considered in conjunction with the report submitted by the Chief Corporate Officer dated April 24, 2006, entitled '9 Hanna Avenue – Exchange of Property Interests with the Owner of 5 and 11 Hanna Avenue'."

Deputy Mayor Bussin in the Chair.

5.115 J(38) Supplementary Report – 651 Warden Avenue (Goldman Centennial Developments Ltd.) and Supplementary Report – 300 Danforth Road (1007328 Ontario Limited)

Councillor Altobello, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Altobello moved that, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion, which carried:

Moved by: Councillor Altobello

Seconded by: Councillor De Baeremaeker

“WHEREAS City Council on January 31, February 1 and 2, 2006, adopted Final Reports and development applications for 300 Danforth Road and

651 Warden Avenue in Scarborough Community Council Report 1, Clauses 15 and 16; and

WHEREAS the enactment of the Zoning Bills were withheld at City Council on January 31, February 1 and 2, 2006; and

WHEREAS City Council directed the Chief Planner and Executive Director, City Planning, to report to Council at such time as satisfactory arrangements and measures have been identified to address the interface with adjacent industrial uses and to address truck access implications for one of the abutting industrial land owners; and

WHEREAS the Chief Planner and Executive Director, City Planning, has prepared two reports (April 27, 2006) identifying appropriate mitigation and/or buffering measures with respect to the interface between adjacent industrial landowners, and addressing concerns regarding truck access implications for one of the abutting industrial landowners;

NOW THEREFORE BE IT RESOLVED THAT City Council:

- (1) consider the attached report (April 27, 2006) from the Chief Planner and Executive Director, City Planning, entitled ‘Supplementary Report - Rezoning Application 04 204283 ESC 35 OZ, Draft Plan of Subdivision Application 04 204285 ESC 35 SB, Proponent: Goldman Centennial Developments Limited, Architect: John Blums, John Blums Architect Inc., 651 Warden Avenue (Ward 35 - Scarborough Southwest)’, and that the staff recommendations contained in the Recommendations Section of the report be adopted [Attachment (1)]; and
- (2) consider the attached report (April 27, 2006) from the Chief Planner and Executive Director, City Planning, entitled ‘Supplementary Report - Rezoning Application 05 110455 ESC 35 OZ, Draft Plan of Subdivision Application 05 188717 ESC 35 SB, Proponent: 1007328 Ontario Limited, Architect: Burka Varacalli Architects, 300 Danforth Road (Ward 25 - Scarborough Southwest)’, and that the staff recommendations contained in the Recommendations Section of the report be adopted [Attachment (2)].”

Council also had before it, during consideration of Motion J(38), the following reports:

- (i) (April 27, 2006) from the Chief Planner and Executive Director, City Planning entitled “Supplementary Report - Rezoning Application 04 204283 ESC 35 OZ, Draft Plan of Subdivision Application 04 204285 ESC 35 SB, Proponent: Goldman Centennial Developments Limited, Architect: John Blums, John Blums Architect Inc., 651 Warden Avenue (Ward 35 - Scarborough Southwest)” (See Attachment 14,

Page 247); and

- (ii) (April 27, 2006) from the Chief Planner and Executive Director, City Planning, entitled “Supplementary Report - Rezoning Application 05 110455 ESC 35 OZ, Draft Plan of Subdivision Application 05 188717 ESC 35 SB, Proponent: 1007328 Ontario Limited, Architect: Burka Varacalli Architects, 300 Danforth Road (Ward 25 - Scarborough Southwest)” (See Attachment 15, Page 254).

Vote:

Motion J(38) was adopted, without amendment.

Summary:

In adopting Motion J(38), without amendment, Council:

- (1) adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (April 27, 2006) from the Chief Planner and Executive Director, City Planning, entitled “Supplementary Report - Rezoning Application 04 204283 ESC 35 OZ, Draft Plan of Subdivision Application 04 204285 ESC 35 SB, Proponent: Goldman Centennial Developments Limited, Architect: John Blums, John Blums Architect Inc., 651 Warden Avenue (Ward 35 - Scarborough Southwest)”:

“It is recommended that City Council:

- (1) recommend to the Chief Planner that appropriate air quality and noise mitigation measures, generally as set out in Attachment 1, be included in the Draft Plan of Subdivision approval conditions for this development, and such Draft Plan of Subdivision approval conditions may be added to or modified as the Chief Planner may deem appropriate to address matters arising from the on-going technical review of this development; and
 - (2) proceed with enactment of the zoning amendment for this 253-dwelling unit residential development, pursuant to the development approval set out in Clause 16 of Report 1 of the Scarborough Community Council.”; and
- (2) adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (April 27, 2006) from the Chief Planner and Executive Director, City Planning, entitled “Supplementary Report - Rezoning Application 05 110455 ESC 35 OZ, Draft Plan of Subdivision Application 05 188717 ESC 35 SB, Proponent: 1007328 Ontario Limited, Architect: Burka Varacalli Architects, 300 Danforth Road (Ward 25 - Scarborough

Southwest)”:

“It is recommended that City Council:

- (1) recommend to the Chief Planner that appropriate air quality and noise mitigation measures, generally as set out in Attachment 1, be included in the Draft Plan of Subdivision approval conditions for this development, and such Draft Plan of Subdivision approval conditions may be added to or modified as the Chief Planner may deem appropriate to address matters arising from the on-going technical review of this development;
- (2) recommend that the Chief Planner and Executive Director make such red line revisions to the draft plan of subdivision and modifications to the conditions of Draft Plan of Subdivision Approval as may be appropriate to implement such truck access arrangements as may be agreed to between 1007328 Ontario Limited and Patterson Industries (Canada) Limited; and
- (3) proceed with enactment of the zoning amendment for this 348-dwelling unit residential development, pursuant to the development approval set out in Clause 15 of Report 1 of the Scarborough Community Council.”

Deputy Mayor Bussin in the Chair.

5.116 **J(39) Potential Ontario Municipal Board Hearing – 2 Traymore Crescent**

Councillor Saundercook, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Saundercook gave Notice of the following Motion to permit consideration at the next regular meeting of City Council on May 23, 2006:

Moved by: **Councillor Saundercook**

Seconded by: **Councillor Grimes**

“**WHEREAS** the Committee of Adjustment held a public meeting on April 6, 2006, to consider a request for the granting of a minor variance at 2 Traymore Crescent; and

WHEREAS the Committee heard from area residents opposed to the granting of this variance; and

WHEREAS the Committee of Adjustment refused to grant the requested variance, on the basis that the general intent and purpose of the Official Plan and Zoning By-law is not maintained and the variances were neither minor in nature nor were they considered desirable for the appropriate development of the land; and

WHEREAS the proposal would legalize three additional dwelling units currently existing in the dwelling at 2 Traymore Crescent, by reducing the required number of parking spaces; and

WHEREAS the three additional dwelling units were built in the absence of a building permit and may be in violation of the Building Code; and

WHEREAS the applicant is expected to appeal this decision to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT in the event of an appeal of the Committee of Adjustment decision, the City Solicitor be directed to attend at the Ontario Municipal Board in defence of the City's Committee of Adjustment decision."

Council also had before it, for consideration with Motion J(39), a Notice of Decision (April 7, 2006) from the Manager and Deputy Secretary Treasurer, Etobicoke York Panel, Committee of Adjustment, which is on file in the City Clerk's Office.

5.117 **J(40) Protection of Individuals at Toronto City Hall and Nathan Phillips Square**

Councillor Pitfield, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: **Councillor Pitfield**

Seconded by: **Councillor Stintz**

“WHEREAS Councillor Michael Thompson and his assistant were aggressively approached by a panhandler at Nathan Phillips Square on April 26, 2006, at approximately 6:10 p.m.; and

WHEREAS Councillor Thompson was assaulted; and

WHEREAS panhandling is increasingly becoming a problem throughout the City;

NOW THEREFORE BE IT RESOLVED THAT City Council:

- (1) request the Chief Corporate Officer to report to the next meeting of City Council, through the Administration Committee, on measures that can be implemented to discourage panhandling at Toronto City Hall, Nathan Phillips Square and other Civic Centres;
- (2) request that the City Manager, in consultation with the Toronto Police Service, determine ways to ensure the safety and security of Toronto residents, businesses and tourists across the City and to discourage panhandling and report the findings, through the Policy and Finance Committee, to the next meeting of City Council; and
- (3) request the City Solicitor, in consultation with the appropriate staff, to report to next meeting of City Council, through the Policy and Finance Committee, on the possibility of a 'quality-of-life' by-law that would include a provision that 'no person can impede any other person's reasonable enjoyment of day-to-day activities through panhandling,' such report to also include a communications strategy to notify residents, businesses, tourists and panhandlers of such a by-law, as well as an enforcement strategy."

Advice by Deputy Mayor:

Deputy Mayor Bussin advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(40) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(40) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Disposition:

As Council did not conclude the debate on this Motion prior to the end of this meeting, consideration of this Motion was postponed to the next regular meeting of City Council on May 23, 2006.

5.118 **J(41) Request for Investigation – Release of Confidential Information**

Mayor Miller in the Chair.

Councillor Nunziata, having regard that the deadline for submission of Notices of Motions

had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, the vote upon which was taken as follows:

Yes - 38
Mayor: Miller
Councillors: Altobello, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Stintz, Thompson, Walker, Watson
No - 0

Carried, without dissent.

Deputy Mayor Bussin in the Chair.

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

Moved by: Councillor Nunziata

Seconded by: Councillor Palacio

“**WHEREAS** on Thursday, April 27, 2006, Council was advised that confidential information respecting a report from the Auditor General on a review of certain applications before the North York Committee of Adjustment was reported in the media; and

WHEREAS a breach of confidentiality compromises Council’s privilege and can also cause harm to individuals and breaches are consistently happening; and

WHEREAS Bill 53, if adopted, provides for the suspension of a Member’s pay for up to 90 days, in the event of a breach of the Members’ Code of Conduct; and

WHEREAS the Bellamy Recommendations Steering Committee is currently reviewing the Members’ Code of Conduct with a view to recommending improvements before the next term of Council; and

WHEREAS Council must ensure that breaches of confidentiality are thoroughly investigated;

NOW THEREFORE BE IT RESOLVED THAT Council request the Integrity Commissioner to investigate the release of confidential information from the Auditor General's report on a review of certain applications before the North York Committee of Adjustment and report his findings to Council;

AND BE IT FURTHER RESOLVED THAT the matter of breaches of confidentiality by Members and their staff be referred to the Bellamy Recommendations Steering Committee, with the request that it ensure that any amendments to the Code will permit Council to take the fullest advantage of the penalty provisions of Bill 53."

Advice by Deputy Mayor:

Deputy Mayor Bussin advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(41) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(41) to the Policy and Finance Committee was taken as follows:

Yes - 27	
Councillors:	Ainslie, Altobello, Ashton, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Grimes, Li Preti, Mammoliti, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Shiner, Silva, Stintz, Thompson, Walker, Watson
No - 10	
Councillors:	Augimeri, Bussin, Filion, Holyday, Jenkins, Kelly, Lindsay Luby, Minnan-Wong, Moscoe, Soknacki

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

Vote:

Adoption of Motion J(41), without amendment.

Yes - 36	
Councillors:	Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson

No - 2 Councillors: Augimeri, Minnan-Wong
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Carried by a majority of 34.

- 5.119 Consideration of the following matters was postponed to the next regular meeting of City Council on May 23, 2006, as they remained on the Order Paper at the conclusion of this meeting of Council:

Policy and Finance Committee Report 3

- Clause 2 - "Toronto Youth Strategy 2006 Implementation Priorities and Terms of Reference for the Youth Strategy Panel".
- Clause 12 - "How Quickly the Toronto Police Service Can Recruit and Train the 250 New Police Officers Hired Under the 'Safer Communities - 1,000 Officers Partnership Program', Locations to Which They Will Be Deployed, Associated Costs and Multicultural Diversity of the New Police Officers".
- Clause 28 - "Response to the Reports on 'Improving the Planning Process'".

Administration Committee Report 2

- Clause 2 - "Canadian Content and Toronto Local Preference Policy".
- Clause 6 - "Remuneration and Expenses of Members of Council and of the Council Appointees to Local Boards and Other Special Purpose Bodies for the year ended December 31, 2005".
- Clause 12 - "Use of Corporate and Communication Resources During an Election Year".

Audit Committee Report 1

- Clause 4 - "2006 Audit Work Plan".
- Clause 9 - "Let's Build Program - 3810 Bathurst Street and 1555 Jane Street".

Planning and Transportation Committee Report 2

- Clause 1 - "Bill 51 - Planning and Conservation Land Statute Law Amendment Act, 2005 and the Land Use Provisions of Bill 53 Stronger City of Toronto for a Stronger Ontario Act, 2005".

- Clause 2 - "Improving the Planning Process".
- Clause 10 - "Harmonization of the Sign By-law Concerning Posters on Public Property".

Striking Committee Report 2

- Clause 1 - "Appointments of Members of Council to the Federation of Canadian Municipalities (FCM) National Board of Directors".

Works Committee Report 2

- Clause 1 - "Municipal Road Damage Deposits (All Wards)".
- Clause 15 - "Terms and Conditions for the 2005 Flood Damages Grant Program (City-wide)".
- Clause 21 - "Solid Waste Requirements for Lands at Ingram Transfer Station".
- Clause 23 - "Planning Study for an Expanded Public Source Separated Organic Processing System - Recommendations Regarding Sites and Technologies".

Etobicoke York Community Council Report 3

- Clause 2 - "Refusal Report - 829, 833, 839 Oxford Street and 156, 160 Evans Avenue; OPA and Rezoning Application Applicant: CIC Millwork Ltd. (Ward 6 - Etobicoke-Lakeshore)".
- Clause 3 - "Final Report - Local Area Review for the lands located Between Sheppard Avenue West, CPR Rail Line, Starview Lane and rear property lines of the Residential Properties along Weston Road and Official Plan and Rezoning Application, Subdivision Application; Applicant: Robert Truman 2277-2295 Sheppard Avenue West and 100 Mainshep Road (Ward 7 - York West)".
- Clause 8 - "Sign Variance Application Report - Applicant: Gabe Faraone 2160 Weston Road (Ward 11 - York South-Weston)".
- Clause 10 - "Application for an Exemption to Toronto Municipal Code Chapter 447, Fences - 59 Westhampton Drive (Ward 2 - Etobicoke North)".

- Clause 56 - “Final Report - Official Plan Amendment and Rezoning Application; Owner: Wynn Bitton Inc., Architect: Hariri Pontarini; 2442 Bloor Street West (Ward 13 - Parkdale-High Park)”.

Scarborough Community Council Report 3

- Clause 5 - “Request for Fence Exemption 460 Huntingwood Drive (Ward 40 - Scarborough Agincourt)”.

Toronto and East York Community Council Report 3

- Clause 85 - “Citizen Appointments to the Todmorden Mills Museum and Arts Centre Community Museum Board (Ward 29 - Toronto-Danforth)”.

NOTICES OF MOTION

- F(1) Moved by Deputy Mayor Feldman, seconded by Deputy Mayor Pantalone , regarding the Integrity Commissioner Report on Awarding of City Contract for Market Research Services to Northstar Research Partners.
- J(6) Moved by Mayor Miller, seconded by Deputy Mayor Feldman, regarding the Report of Integrity Commissioner on a Complaint that a Councillor Violated the Code of Conduct by Revealing Confidential Information to the Press.
- J(9) Moved by Mayor Miller, seconded by Councillor Holyday, regarding the Review of Certain Applications Before the North York Committee of Adjustment.
- J(11) Moved by Councillor Rae, seconded by Councillor McConnell, regarding the Approval of Expressway Banner Installations for the International AIDS Conference 2006.
- J(40) Moved by Councillor Pitfield, seconded by Councillor Stintz, regarding the Protection of Individuals at Toronto City Hall and Nathan Phillips Square.

BILLS AND BY-LAWS

Deputy Mayor Pantalone in the Chair.

- 5.120 On April 25, 2006, at 7:28 p.m., Councillor Jenkins, seconded by Councillor Milczyn, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 342	By-law No. 227-2006	To confirm the proceedings of the Council at its meeting held on the 25th
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day of April, 2006,

the vote upon which was taken as follows:

Yes - 23	
Councillors:	Ainslie, Altobello, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Holyday, Jenkins, Kelly, Lindsay Luby, Milczyn, Moscoe, Nunziata, Pantalone, Shiner, Silva, Soknacki
No - 2	
Councillors:	Ford, Minnan-Wong

Carried by a majority of 21.
Mayor Miller in the Chair.

- 5.121 On April 26, 2006, at 7:29 p.m., Councillor Davis, seconded by Councillor Carroll, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 343	By-law No. 228-2006	To confirm the proceedings of the Council at its meeting held on the 25th and 26th days of April, 2006,
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the vote upon which was taken as follows:

Yes - 25	
Mayor:	Miller
Councillors:	Ainslie, Cho, Cowbourne, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Hall, Holyday, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Watson
No - 2	
Councillors:	Ford, Minnan-Wong

Carried by a majority of 23.

Deputy Mayor Bussin in the Chair.

- 5.122 On April 27, 2006, at 6:57 p.m., Councillor Rae, seconded by Councillor Pitfield, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws:

Bill No. 219	By-law No. 229-2006	To amend By-law No. 31878, as
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		amended, of the former City of North York, regarding Melrose Avenue.
Bill No. 220	By-law No. 230-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Lorraine Drive and Tolman Street.
Bill No. 221	By-law No. 231-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Beecroft Road.
Bill No. 222	By-law No. 232-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Beecroft Road.
Bill No. 223	By-law No. 233-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Beecroft Road and Kempford Boulevard.
Bill No. 224	By-law No. 234-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Beecroft Road, Lorraine Drive and Tolman Street.
Bill No. 225	By-law No. 235-2006	To amend further By-law No. 23505 of the former City of Scarborough, respecting the speed limits on Toronto Roads.
Bill No. 226	By-law No. 236-2006	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 227	By-law No. 237-2006	To amend former City of Scarborough By-law No. 21319, as amended, to designate a Site Plan Control Area (Oakridge Community), with respect to lands municipally known as 777 Victoria Park Avenue.
Bill No. 228	By-law No. 238-2006	To amend By-law No. 196-84 of the former City of York, being a By-law

		“To regulate traffic on City of York Roads”, regarding Rosemount Avenue at William Street and Springmount Avenue at MacDonald Avenue.
Bill No. 229	By-law No. 239-2006	To amend By-law No. 2958-94 of the former City of York, being a By-law “To regulate traffic on City of York Roads”, regarding Rosemount Avenue at William Street and Springmount Avenue at MacDonald Avenue.
Bill No. 230	By-law No. 240-2006	To amend By-law No. 196-84 of the former City of York, being a By-law “To regulate traffic on City of York Roads”, regarding Carrington Avenue, Ennerdale Road and Winfield Avenue.
Bill No. 231	By-law No. 241-2006	To amend By-law No. 2958-94 of the former City of York, being a By-law “To regulate traffic on City of York Roads”, regarding Carrington Avenue, Ennerdale Road and Winfield Avenue.
Bill No. 232	By-law No. 242-2006	To amend City of York Municipal Code Ch. 997, School Bus Loading Zone, respecting Carrington Avenue.
Bill No. 233	By-law No. 243-2006	To designate the properties at 6 and 8 St. Thomas Street (University Apartments) as being of cultural heritage value or interest.
Bill No. 234	By-law No. 244-2006	To designate the property at 110 Charles Street West (McKinsey and Company Building) as being of cultural heritage value or interest.
Bill No. 235	By-law No. 245-2006	To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to reflect the name change of Weston Business Improvement Area to Weston Village Business Improvement Area.
Bill No. 236	By-law No. 246-2006	To amend City of Toronto Municipal

		Code Chapter 19, Business Improvement Areas, to make changes to the size of various Business Improvement Area Boards of Management.
Bill No. 237	By-law No. 247-2006	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Humberline Drive.
Bill No. 238	By-law No. 248-2006	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Alicewood Court.
Bill No. 239	By-law No. 249-2006	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Monogram Place.
Bill No. 240	By-law No. 250-2006	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding West Wareside Road.
Bill No. 241	By-law No. 251-2006	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Trehorne Drive.
Bill No. 242	By-law No. 252-2006	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Earlington Avenue.
Bill No. 243	By-law No. 253-2006	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Lothian Avenue.
Bill No. 244	By-law No. 254-2006	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding 6th Street.

Bill No. 245	By-law No. 255-2006	To amend By-law No. 31878, as amended, of the former City of North York, regarding Blue Haven Crescent.
Bill No. 246	By-law No. 256-2006	To amend By-law No. 443-2000 as amended by By-law No. 127-2004 being a by-law “To authorize the opening of a public lane between premises Nos. 34 and 36 Spring Grove Avenue and at the rear of premises Nos. 1697 to 1703 St. Clair Avenue West as a local improvement and to provide for special assessment of the immediately benefiting lands.”, in order to correct technical errors.
Bill No. 247	By-law No. 257-2006	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the front yard fence on the property municipally known as 31 Alderbrook Drive from the maximum height requirements.
Bill No. 248	By-law No. 258-2006	To amend City of Toronto Municipal Code Chapter 71, Financial Control.
Bill No. 249	By-law No. 259-2006	To amend City of Toronto Municipal Code Chapter 441, Fees.
Bill No. 250	By-law No. 260-2006	To amend City of Toronto Municipal Code Chapter 219, Records, Corporate (Local Boards), by establishing retention periods for records of the Toronto Public Library Board.
Bill No. 251	By-law No. 261-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 252	By-law No. 262-2006	To amend City of Toronto Municipal Code Chapter 217, Records, Corporate (City), to amend certain record series and to adopt new record retention schedules.

Bill No. 253	By-law No. 263-2006	To repeal provisions in the former municipalities' records retention by-laws to reflect the addition of new records series to the records retention schedule in City of Toronto Municipal Code Chapter 217, Records, Corporate (City).
Bill No. 254	By-law No. 264-2006	To adopt Amendment No. 365 to the Official Plan of the former City of Toronto with respect to lands municipally known as 108 Sorauren Avenue.
Bill No. 255	By-law No. 265-2006	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 108 Sorauren Avenue.
Bill No. 256	By-law No. 266-2006	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 15 Wilson Park Road.
Bill No. 257	By-law No. 267-2006	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the front and flankage yard fences on the property municipally known as 805 Birchmount Road from the maximum height requirements.
Bill No. 259	By-law No. 268-2006	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the front yard fence on the property municipally known as 15 High Point Road from the maximum height requirements.
Bill No. 260	By-law No. 269-2006	To exempt certain lands in the Woodbine Park Development located on the east side of Boardwalk Drive, south of Queen Street East from Part

Bill No. 261	By-law No. 270-2006	Lot Control. To amend Municipal Code Chapter 950, Traffic and Parking, to add certain carparks to Schedule III to the Code Chapter.
Bill No. 262	By-law No. 271-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting, Bartlett Avenue, Fern Avenue, Glebemount Avenue, Hazelwood Avenue, Kimberley Avenue, Perth Avenue, Rolyat Street, Strickland Avenue and Wolfrey Avenue.
Bill No. 263	By-law No. 272-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Ingram Drive.
Bill No. 264	By-law No. 273-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Duckworth Street.
Bill No. 265	By-law No. 274-2006	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Cumberland Street.
Bill No. 266	By-law No. 275-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Clair Road and Stanley Road.
Bill No. 267	By-law No. 276-2006	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, to replace parking meters with parking machines on certain streets within the City of Toronto.

Bill No. 268	By-law No. 277-2006	To amend By-law No. 212-2006, being a by-law "To provide for the levy and collection of special charges for the year 2006 in respect of certain business improvement areas.", so as to levy and collect special charges for the year 2006 for the Eglinton Hill Business Improvement Area.
Bill No. 269	By-law No. 278-2006	To authorize the entering into of an agreement for the provision of a municipal capital facility by the owner of 1229 Ellesmere Road.
Bill No. 270	By-law No. 279-2006	To close the Animal Control (York) Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to delete this reserve fund.
Bill No. 271	By-law No. 280-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bartlett Avenue, Gladstone Avenue and Hallam Street.
Bill No. 272	By-law No. 281-2006	To amend City of Toronto Municipal Code Chapter 441, Fees, respecting the fee schedule for Fire Services/Inspections.
Bill No. 273	By-law No. 282-2006	To establish a percentage by which tax decreases are limited in 2006 to properties in the Commercial, Industrial and Multi-Residential Property Classes.
Bill No. 274	By-law No. 283-2006	To permanently close a portion of the public highway Keswick Road and a portion of the public highway Plewes Road.
Bill No. 277	By-law No. 284-2006	To rename part of the public highway Sheppard Square as Rean Drive and to lay out and dedicate land to form part of Rean Drive.

Bill No. 278	By-law No. 285-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Avenue Road, Bedford Road, Cumberland Street, Glen Manor Drive, Logan Avenue, Montrose Avenue, Moutray Street and Wilton Street.
Bill No. 279	By-law No. 286-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Victoria Street.
Bill No. 280	By-law No. 287-2006	To amend the former City of Toronto Municipal Code Chapter 194, Footpaths, Bicycle Lanes and Pedestrian Ways, respecting bicycles lanes on Logan Avenue.
Bill No. 281	By-law No. 288-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Logan Avenue.
Bill No. 282	By-law No. 289-2006	To dedicate certain land on the east side of Kennedy Road, south of Lawrence Avenue East, for public highway purposes to form part of the public highway Kennedy Road.
Bill No. 283	By-law No. 290-2006	To amend the former City of Toronto Municipal Code Chapter 194, Footpaths, Bicycle Lanes and Pedestrian Ways, respecting bicycles lanes on Harbord Street.
Bill No. 284	By-law No. 291-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Harbord Street, Montrose Avenue and Shaw Street.
Bill No. 285	By-law No. 292-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Harbord Street.

Bill No. 286	By-law No. 293-2006	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Mill Street.
Bill No. 287	By-law No. 294-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Mill Street.
Bill No. 288	By-law No. 295-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Joe Shuster Way, Laidlaw Street and Machells Avenue.
Bill No. 289	By-law No. 296-2006	To adopt Amendment No. 135-2005 of the former City of Etobicoke with respect to lands located within the Humber Bay Shores Development Area (formerly the Motel Strip) known municipally as 2115-2139 Lake Shore Boulevard West (Etobicoke).
Bill No. 290	By-law No. 297-2006	To amend the former City of Etobicoke Zoning Code Chapter 324 with respect to lands located within the Humber Bay Shores Development Area (formerly the Motel Strip) known municipally as 2115-2139 Lake Shore Boulevard West (Etobicoke).
Bill No. 291	By-law No. 298-2006	To adopt Amendment No. 363 to the Official Plan for the former City of Toronto with respect to lands municipally known as 751, 761 and 771 King Street West.
Bill No. 292	By-law No. 299-2006	To amend the General Zoning By-law No. 438-86 of the former City of Toronto, with respect to lands municipally known as 751, 761 and 771 King Street West.

Bill No. 293	By-law No. 300-2006	To amend By-law No. 336-2005 to extend the period of interim control on those lands generally bounded by Queen Street West, Spadina Avenue, Front Street West, John Street and Simcoe Street.
Bill No. 294	By-law No. 301-2006	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to those lands generally bounded by Queen Street West, Spadina Avenue, Front Street West, John Street and Simcoe Street.
Bill No. 295	By-law No. 302-2006	To amend the former City of North York Zoning By-law No. 7625 with respect to lands municipally known as 2075 Bayview Avenue.
Bill No. 296	By-law No. 303-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Galley Avenue.
Bill No. 297	By-law No. 304-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Glen Manor Drive.
Bill No. 298	By-law No. 305-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Kingston Road.
Bill No. 299	By-law No. 306-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Dundas Street East.
Bill No. 300	By-law No. 307-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Kintyre Avenue and Grant Street.
Bill No. 301	By-law No. 308-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Mill Street.
Bill No. 302	By-law No. 309-2006	To amend the former City of Toronto

		Municipal Code Ch. 400, Traffic and Parking, respecting Milverton Boulevard.
Bill No. 303	By-law No. 310-2006	To dedicate certain land on the west side of Yonge Street, south of Bogert Avenue to form part of the public highway Yonge Street.
Bill No. 304	By-law No. 311-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Grant Street and Kintyre Avenue.
Bill No. 305	By-law No. 312-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bay Street, Bremner Boulevard, Front Street East, Lower Simcoe Street, Mill Street, Nelson Street, Overend Street and Queen Street West.
Bill No. 306	By-law No. 313-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Logan Avenue.
Bill No. 307	By-law No. 314-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Melrose Avenue.
Bill No. 308	By-law No. 315-2006	To amend City of Toronto Municipal Code Chapter 880, Fire Routes, to designate fire routes.
Bill No. 309	By-law No. 316-2006	To authorize an agreement for the provision of a municipal capital facility at 30 College Street.
Bill No. 310	By-law No. 317-2006	To authorize an agreement for the provision of a municipal capital facility at 970 Lawrence Avenue West.

Bill No. 311	By-law No. 318-2006	To dedicate certain land at premises 90 Cordova Avenue for public highway purposes to form part of the portion of public highway commonly known as Cordova Avenue.
Bill No. 312	By-law No. 319-2006	To authorize an agreement for the provision of a municipal capital facility at 2986 Lake Shore Boulevard West.
Bill No. 313	By-law No. 320-2006	To dedicate certain land on the north side of Spring Garden Avenue, east of Yonge Street, for public highway purposes to form part of the public highway Spring Garden Avenue.
Bill No. 314	By-law No. 321-2006	To dedicate certain land on the south side of Hollywood Avenue, east of Yonge Street, for public highway purposes to form part of the public highway Hollywood Avenue.
Bill No. 315	By-law No. 322-2006	To dedicate certain land on the south side of Horsham Avenue for public highway purposes to form part of the public highway Basswood Road.
Bill No. 316	By-law No. 323-2006	To dedicate certain land on the north side of Danforth Road for public highway purposes to form part of the public highway Falmouth Avenue.
Bill No. 317	By-law No. 324-2006	To dedicate for public lane purposes certain land extending easterly from Dovercourt Road, to form part of the public lane north of Geary Avenue.
Bill No. 318	By-law No. 325-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Exeter Street and Maria Street.

Bill No. 319	By-law No. 326-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Ascot Avenue, Innes Avenue, Innisfree Court and Worthington Crescent.
Bill No. 320	By-law No. 327-2006	To dedicate certain land north of Glendora Avenue for public highway purposes to form part of the public highway Bales Avenue.
Bill No. 321	By-law No. 328-2006	To dedicate certain land west of Tradewind Avenue for public highway purposes to form part of the public highway Anndale Drive.
Bill No. 322	By-law No. 329-2006	To amend the former City of Toronto Municipal Code Ch. 400 Traffic and Parking, respecting Marmot Street.
Bill No. 324	By-law No. 330-2006	To adopt Amendment No. 361 to the Official Plan for the former City of Toronto with respect to lands municipally known as 36, 38-48 Yorkville Avenue, 1263 Bay Street and 55 Scollard Street.
Bill No. 325	By-law No. 331-2006	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 36, 38-48 Yorkville Avenue, 1263 Bay Street and 55 Scollard Street.
Bill No. 326	By-law No. 332-2006	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands generally bounded by King Street West, Bathurst Street, CN Rail Line and Stanley Terrace.

Bill No. 327	By-law No. 333-2006	To dedicate certain land on the north side of New Toronto Street, east of Kipling Avenue, for public highway purposes to form part of the public highway New Toronto Street.
Bill No. 328	By-law No. 334-2006	To dedicate certain land on the east side of Kipling Avenue, north of New Toronto Street, for public highway purposes to form part of the public highway Kipling Avenue.
Bill No. 329	By-law No. 335-2006	To authorize the alteration of Firgrove Crescent, between Elana Drive and a point approximately 180.0 metres west of Jane Street (south intersection), by the installation of twelve speed humps.
Bill No. 330	By-law No. 336-2006	To dedicate certain land for public highway purposes to form part of the public highway Kenaston Gardens.
Bill No. 331	By-law No. 337-2006	To appoint Dr. Irene Armstrong and Dr. Howard Shapiro as Associate Medical Officers of Health for the City of Toronto Health Unit and to repeal the appointments of Dr. Anna Banerji, Dr. Bonnie Henry, Dr. Karl Kabasele and Dr. Lori Kiefer as Associate Medical Officers of Health.
Bill No. 332	By-law No. 338-2006	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect the lands municipally known as 449 Logan Avenue.
Bill No. 333	By-law No. 339-2006	To amend Zoning By-law No. 950-2005, the Warden Woods Community Zoning By-law, as amended, and the Scarborough Employment Districts Zoning By-law No. 24982 (Oakridge Employment District), as amended, with respect to 300 Danforth Road.

Bill No. 334	By-law No. 340-2006	To amend By-law No. 92-93, a by-law “To regulate traffic on roads in the Borough of East York”, being a by-law of the former Borough of East York, regarding Holland Avenue.
Bill No. 335	By-law No. 341-2006	To amend further By-law No. 196, entitled “To restrict the speed of motor vehicles”, being a by-law of the former Borough of East York, regarding Galbraith Avenue and Holland Avenue.
Bill No. 336	By-law No. 342-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Jameson Avenue, Lansdowne Avenue and Queen Street West.
Bill No. 337	By-law No. 343-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Dufferin Street.
Bill No. 338	By-law No. 344-2006	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 Pape Avenue.
Bill No. 339	By-law No. 345-2006	To amend further By-law No. 92-93, a by-law “To regulate traffic on roads in the Borough of East York”, being a by-law of the former Borough of East York, regarding Carlaw Avenue.
Bill No. 340	By-law No. 346-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Avenue Road.

Bill No. 341	By-law No. 347-2006	To amend Zoning By-law No. 950-2005, the Warden Woods Community Zoning By-law, as amended, and the Scarborough Employment Districts Zoning By-law No. 24982 (Oakridge Employment District), as amended, with respect to 651 Warden Avenue,
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the vote upon which was taken as follows:

Yes - 30 Councillors: Ainslie, Altobello, Ashton, Augimeri, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Shiner, Stintz, Thompson
No - 3 Councillors: Ford, Minnan-Wong, Walker

Carried by a majority of 27.

- 5.123 On April 27, 2006, at 6:58 p.m., Councillor Nunziata, seconded by Councillor Palacio, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 344	By-law No. 348-2006	To confirm the proceedings of the Council at its meeting held on the 25th, 26th and 27th days of April, 2006,
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the vote upon which was taken as follows:

Yes - 33 Councillors: Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Holyday, Kelly, Li Preti, Lindsay Luby, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson
No - 2 Councillors: Ford, Minnan-Wong

Carried by a majority of 31.

The following Bill(s) were withdrawn.

- Bill No. 258 To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the rear yard fence on the property municipally known as 460 Huntingwood Drive from the maximum height requirements.
- Bill No. 275 To adopt Amendment No. 573 to the Official Plan for the former City of North York with respect to lands municipally known as 2277-2295 Sheppard Avenue West, 100 Mainshep Road, 2973 Weston Road and 3035 Weston Road.
- Bill No. 276 To amend former City of North York Zoning By-law No. 7625 with respect to lands municipally known as 2277-2295 Sheppard Avenue West and 100 Mainshep Road.
- Bill No. 323 To establish the Otter Loop Park Improvements Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.

OFFICIAL RECOGNITIONS:

5.124 **Condolence Motions**

April 25, 2006:

Mayor Miller in the Chair.

Councillor Cowbourne, seconded by Councillor Soknacki, moved that:

“WHEREAS the Mayor and Members of Toronto City Council are deeply saddened to learn of the sudden passing of Mr. David Francis Horrox on Saturday, April 1, 2006; and

WHEREAS David Horrox served the residents of Scarborough, from 1982 to 1994, first as School Trustee, and as Chairman of the Scarborough Board of Education during his last term in public office; and

WHEREAS Mr. Horrox worked for over 24 years with the federal government, administering social and labour legislation and appeared as a departmental representative before the Canada Labour Relations Board, the Ontario Labour Relations Board and the Public Service Staff Relations Board; and

WHEREAS David Horrox served as a member of the Toronto Licensing Tribunal and the Ontario Rental Housing Tribunal; and

WHEREAS Mr. Horrox was for many years a volunteer with Fernie House, a facility which assists young men who are in trouble with the law to turn their lives around, and was also an eager volunteer with Habitat for Humanity; and

WHEREAS David Horrox demonstrated his strong religious faith, both as a church elder at Grace Presbyterian Church and more recently with Melville Presbyterian Church; and

WHEREAS Mr. Horrox coached both house and all-star leagues with the West Rouge Centennial Softball Association and also served as a member of the Board; and

WHEREAS David Horrox will always be remembered for his commitment to his community;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of Toronto City Council, our sincere sympathy to his wife Nella and their children Naomi and John.”

Councillor Thompson, seconded by Councillor De Baeremaeker, moved that:

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Bob MacDonald on Sunday, February 26, 2006, in his 76th year; and

WHEREAS Bob who was born and grew up with his older brother Russell and sister Betty in Plymouth Park, Nova Scotia; and

WHEREAS as a youngster, Bob began showing his passion for hockey, by using each spare moment to play shinny hockey with neighbourhood kids; and

WHEREAS while attending Acadia University in Wolfville, Nova Scotia, Bob not only worked hard at his studies, he also played on Acadia’s Axemen football and hockey teams; and

WHEREAS Bob was an extraordinary hockey player who was recognized for his talent by being added to the Hockey Honour Roll at Acadia University; and

WHEREAS Bob completed his undergraduate studies by receiving a Bachelor of Arts degree in 1950, which was followed by a Masters of Arts degree in English in 1951; and

WHEREAS in 1950, Acadia University presented Bob with a trophy recognizing his excellence as a student, as well as an athlete; and

WHEREAS having completed his post graduate studies at Acadia University, Bob traveled to New York to attend the Columbia School of Journalism; and

WHEREAS Bob was hired by the Toronto Star in the summer of 1953, before moving to the Toronto Telegram a few years later; and

WHEREAS from 1955 to 1962, during Nathan Phillips' Mayorship, Bob not only covered the City Hall beat, but also played hockey for the media team; and

WHEREAS when the Toronto Telegram closed its doors on October 30 1971, Bob and a number of colleagues from the Tely decided to launch a new newspaper; and

WHEREAS on November 1, 1971, the day Toronto's new paper the Sun was born, Bob's bombshell front page story titled '\$10 Million Goof' revealed how the federal government wasted taxpayers' money by mistakenly selling 'surplus' jet fighters to Argentina, only to realize later that they were needed, and new ones had to be ordered; and

WHEREAS during his 55-year career in the news business, Bob wrote lucidly and influentially about many defining moments in Canada and around the world; and

WHEREAS Bob was a journalist in the finest sense of the word – using his considerable talents to expose failure and champion the public good; and

WHEREAS Bob set high standards as a journalist and as a human being, his skills, integrity and dedication to his craft earned the respect of colleagues and readers alike; and

WHEREAS Bob MacDonald led a life truly worth emulating, touching lives in the process and he will be truly missed;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be requested to convey, on behalf of the Mayor and Members of Toronto City Council our admiration of his life and our sincere sympathy to his loving wife Nellie-Joe, daughter Moira, grandson Holm Gill, sister Betty Heighton and brother Russell MacDonald.”

Leave to introduce the Motions was granted and the Motions carried unanimously.

Council rose and observed a moment of silence in memory of the late David Francis Horrox and Bob MacDonald.

April 26, 2006:

Councillor Grimes, seconded by Mayor Miller, moved that:

“WHEREAS the Members of Toronto City Council are deeply saddened to learn of the passing of Steve Stavro on April 23, 2006, in his 78th year; and

WHEREAS Steve Stavro was born in Gavro, in the Macedonian Highlands of Greece, on September 27, 1927 and came to Canada at the age of seven and as a child worked in his father’s grocery store; and

WHEREAS Steve Stavro, a Maple Leaf fan since his youth, became a director of Maple Leaf Gardens in 1981 and later was best known for his decade-long part ownership of the Maple Leafs where he became Chairman of the Board of Maple Leaf Sports and Entertainment Ltd. in 1991 and was also a Governor of the National Hockey League and Chairman of the Board of the Air Canada Centre; and

WHEREAS Steve Stavro was the founder and president of one of Canada’s largest independent food retailers, Knob Hill Farms, for 47 years; and

WHEREAS Steve Stavro was also a driving force behind repeated attempts to develop professional soccer in Toronto with his work to organize the North American Soccer League and his ownership in the Toronto City Soccer Club; and

WHEREAS Steve Stavro’s Knob Hill Stable won more than 50 stakes races and in 1993 he was honoured as North America’s Outstanding Breeder and Owner of the Year and strange as it may sound, he loved horses so much he could never bet on them; and

WHEREAS in 1992, Steve Stavro was made a member of the Order of Canada and was inducted into the Canada Sports Hall of Fame of which he is a founding sponsor; and

WHEREAS in the community, Steve Stavro has been a director of the Liquor Control Board of Ontario, a member of the Executive Committee of the Economic Council of Canada and a trustee of the Ontario Jockey Club;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of Toronto City Council, our sincere sympathy to his wife Sally Stavro, his four children Constance, Elaine, Deborah and Stephanie, his nine grandchildren and two great granddaughters.”

Mayor Miller, seconded by Deputy Mayor Pantalone, moved that:

“WHEREAS the Mayor and Members of Council are shocked and saddened to learn of the passing of Jane Jacobs this morning, 9 days shy of her 90th birthday; and

WHEREAS Jane Jacobs will forever be known as one of the great urban thinkers and activists of this or any other time; and

WHEREAS Jane Jacobs' legacy is imbedded in the fabric and function of our City; and

WHEREAS Jane Jacobs' passion for cities gave us an understanding and appreciation for community, natural space and diversity in our City that results in healthy, mixed-used neighbourhoods and liveable downtowns and suburban centres; and

WHEREAS Jane Jacobs, became a Torontonionian by choice in 1969 and had an immediate impact on her Annex neighbourhood and the city at large; and

WHEREAS Jane Jacobs was integral in stopping an expressway through Washington Square in New York City as well as the Spadina Expressway which would have destroyed many lively and healthy neighbourhoods; and

WHEREAS Jane Jacobs was involved with innumerable city building initiatives including the celebrated and diverse St. Lawrence Neighbourhood; and

WHEREAS she will certainly be claimed as a citizen of many cities, but today we mourn this true citizen of Toronto;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of Toronto City Council, our sincere sympathy to her family."

Leave to introduce the Motions was granted and the Motions carried unanimously.

Council rose and observed a moment of silence in memory of the late Steve Stavro and Jane Jacobs.

5.125 **Presentations/Introductions/Announcements:**

April 25, 2006:

Councillor Silva, with the permission of Council, during the morning session of the meeting, introduced the following members of a delegation visiting Toronto from the City of Lagoa, San Miguel:

- Engenheiro João da Ponte, Mayor of Lagoa;
- Gilberto Branquinto, President of Operario Soccer Club of Lagoa; and
- Fernando Jorge, Councillor, City of Lagoa.

Councillor Pitfield, with the permission of Council, during the morning session of the meeting, announced that on December 2, 2005, Councillor Palacio had received a Premio

Somos Latin American Lifetime Achievement Award for his outstanding contributions to his community. City Council congratulated Councillor Palacio on this honour.

Mayor Miller, during the morning session of the meeting, introduced the students from Nelson Mandela Park Public School, present at the meeting.

Deputy Mayor Pantalone, during the morning session of the meeting, introduced the students from St. Michael's School, present at the meeting.

Mayor Miller, during the morning session of the meeting, introduced Alexandra Orlando, who won six rhythmic gymnastics gold medals at the Commonwealth Games in Melbourne, Australia. Mayor Miller, on behalf of City Council, congratulated her on this accomplishment and presented her with a plaque and gift in honour of her performance.

Mayor Miller, during the afternoon session of the meeting, introduced Mayor Tim Rigby, City of St. Catharines, present at the meeting.

April 26, 2006:

Deputy Mayor Feldman, during the morning session of the meeting, introduced the students from Neil McNeil High School, present at the meeting.

Mayor Miller, during the afternoon session of the meeting, introduced a delegation representing member countries of the Organization for Economic Co-operation and Development, present at the meeting.

Councillor Cho, with the permission of Council, during the afternoon session of the meeting, announced the delivery of the first Q400 Bombardier aircraft to Jeju Air in Korea. He noted that this important milestone had been celebrated with a ceremony to mark the occasion earlier that morning.

April 27, 2006:

Mayor Miller, during the morning session of the meeting, introduced the Toronto winners of the High Five Poster Challenge, which was organized by Parks and Recreation Ontario (PRO). Lucy Rong Chen and Ben Liu were presented with commemorative copies of the poster. Frank Prospero from Parks and Recreation Ontario also congratulated the winners and highlighted the principles and services of High Five and of PRO.

Deputy Mayor Bussin, during the morning session of the meeting, introduced the students from St. Raphael School, present at the meeting.

5.126 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE

Vary the order of proceedings of Council:

April 25, 2006:

Councillor Mammoliti, at 10:32 a.m., moved that Council vary the order of its proceedings to consider all local traffic matters on April 27, 2006 at 9:30 a.m., the vote upon which was taken as follows:

Yes - 37	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson
No - 4	
Councillors:	Augimeri, Ford, Holyday, Minnan-Wong

Carried by a majority of 33.

Councillor Mammoliti, at 5:02 p.m., moved that Council vary the order of its proceedings to consider Policy and Finance Committee Report 3, Clause 29, headed “Planning Process Intervention for the Toronto Community Housing Corporation Transitional Housing Development at 1900 Sheppard Avenue West (Ward 9 - York Centre)”, on April 26, 2006, at 9:30 a.m., which carried.

Councillor Rae, at 5:22 p.m., moved that Council vary the order of its proceedings to consider Toronto and East York Community Council Report 3, Clause 2, headed “Final Report - Official Plan Amendment and Rezoning Application - 36, 38-48 Yorkville Avenue; 1263 Bay Street and 55 Scollard Street (Ward 27 - Toronto Centre-Rosedale)”, on April 26, 2006, immediately following Council’s consideration of Policy and Finance Committee Report 3, Clause 29, headed “Planning Process Intervention for the Toronto Community Housing Corporation Transitional Housing Development at 1900 Sheppard Avenue West (Ward 9 - York Centre)”, which carried.

Councillor Silva, at 7:16 p.m., moved that Council vary the order of its proceedings to consider Toronto and East York Community Council Report 3, Clause 30, headed “Official Plan Amendment and Rezoning Application and Site Plan Approval - 100, 112, 120 and 128 Howland Avenue – Royal St. George’s College (Ward 20 - Trinity-Spadina)”, on April 26, 2006, immediately following Council’s consideration of the Notices of Motions, which carried.

April 27, 2006:

- (a) Mayor Miller, at 9:57 a.m., with the permission of Council, moved that Council vary the order of its proceedings to consider the following revised order of business:
- (1) local traffic matters;
 - (2) Etobicoke York Community Council Report 3:
 - Clause 2, headed “Refusal Report - 829, 833, 839 Oxford Street and 156, 160 Evans Avenue; OPA and Rezoning Application; Applicant: CIC Millwork Ltd. (Ward 6 - Etobicoke-Lakeshore)”;
 - Clause 3, headed “Final Report - Local Area Review for the lands located Between Sheppard Avenue West, CPR Rail Line, Starview Lane and rear property lines of the Residential Properties along Weston Road and Official Plan and Rezoning Application, Subdivision Application; Applicant: Robert Truman 2277-2295 Sheppard Avenue West and 100 Mainshep Road (Ward 7 - York West)”;
 - Clause 57, headed “Final Report - Official Plan Amendment, Rezoning and Site Plan Approval Application; Applicant: Tom Giancos on behalf of 1322104 Ontario Inc., 252, 270, 272 and 276 Bering Avenue (Ward 5 - Etobicoke-Lakeshore)”;
 - (3) Toronto and East York Community Council Report 3, Clause 30, headed “Official Plan Amendment and Rezoning Application and Site Plan Approval - 100, 112, 120 and 128 Howland Avenue – Royal St. George’s College (Ward 20 - Trinity-Spadina)”;
 - (4) Motion J(6), respecting the Report of Integrity Commissioner on a Complaint that a Councillor Violated the Code of Conduct by Revealing Confidential Information to the Press, and Motion J(9), respecting a Review of Certain Applications Before the North York Committee of Adjustment; and
 - (5) Toronto and East York Community Council Report 3, Clause 2, headed “Final Report - Official Plan Amendment and Rezoning Application - 36, 38-48 Yorkville Avenue; 1263 Bay Street and 55 Scollard Street (Ward 27 - Toronto Centre-Rosedale)”.
- (b) Councillor Pitfield moved that motion (a) by Mayor Miller be amended to provide that Toronto and East York Community Council Report 3, Clause 2, headed “Final Report - Official Plan Amendment and Rezoning Application - 36, 38-48 Yorkville Avenue; 1263 Bay Street and 55 Scollard Street (Ward 27 - Toronto Centre-Rosedale)”, be considered as the first item of business.

- (c) Councillor Silva moved that motion (a) by Mayor Miller be amended to provide that Toronto and East York Community Council Report 3, Clause 30, headed “Official Plan Amendment and Rezoning Application and Site Plan Approval - 100, 112, 120 and 128 Howland Avenue – Royal St. George’s College (Ward 20 - Trinity-Spadina)”, be considered as the second item of business.

Votes:

Adoption of motion (b) by Councillor Pitfield:

Yes - 20 Councillors:	Augimeri, Bussin, Carroll, Cho, Del Grande, Di Giorgio, Ford, Holyday, Jenkins, Milczyn, Minnan-Wong, Ootes, Palacio, Pitfield, Rae, Shiner, Stintz, Thompson, Walker, Watson
No - 15 Mayor: Councillors:	Miller Altobello, Cowbourne, De Baeremaeker, Giambrone, Grimes, Hall, Li Preti, Lindsay Luby, Mammoliti, McConnell, Moscoe, Nunziata, Saundercook, Silva

Carried by a majority of 5.

Motion (c) by Councillor Silva carried.

Motion (a) by Mayor Miller, as amended, carried.

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

April 27, 2006:

Councillor Holyday at 12:27 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 12:30 p.m. recess, in order to allow Councillor Di Giorgio to conclude his remarks respecting Toronto and East York Community Council Report 3, Clause 2, headed “Final Report - Official Plan Amendment and Rezoning Application - 36, 38-48 Yorkville Avenue; 1263 Bay Street and 55 Scollard Street (Ward 27 - Toronto Centre-Rosedale)”, which carried, more than two-thirds of Members present having voted in the affirmative.

Mayor Miller, at 5:23 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 6:00 p.m. adjournment, and that Council remain in session until 7:30 p.m., the vote upon which was taken as follows:

Yes - 25	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Ford, Grimes, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Silva, Soknacki, Thompson
No - 13	
Councillors:	Cho, Di Giorgio, Feldman, Hall, Holyday, Jenkins, Kelly, Minnan-Wong, Ootes, Saundercook, Shiner, Stintz, Walker

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

Councillor Fletcher, at 5:29 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. adjournment, and that Council remain in session until 7:00 p.m., the vote upon which was taken as follows:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Feldman, Filion, Fletcher, Grimes, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Moscoe, Nunziata, Pantalone, Pitfield, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Watson
No - 8	
Councillors:	Di Giorgio, Ford, Hall, Holyday, Jenkins, Kelly, Ootes, Walker

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

5.127 ATTENDANCE

April 25, 2006	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 7:30 p.m.*
Miller	x	x
Ainslie	x	x
Altobello	x	x
Ashton	x	x
Augimeri	x	x

Minutes of the Council of the City of Toronto
 April 25, 26 and 27, 2006

April 25, 2006	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 7:30 p.m.*
Bussin	x	x
Carroll	x	x
Cho	x	x
Cowbourne	x	x
Davis	x	x
De Baeremaeker	x	x
Del Grande	x	x
Di Giorgio	x	x
Feldman	x	x
Filion	x	x
Fletcher	x	x
Ford	x	x
Giambrone	x	x
Grimes	x	x
Hall	x	x
Holyday	x	x
Jenkins	x	x
Kelly	x	x
Li Preti	x	x
Lindsay Luby	x	x
Mammoliti	x	x
McConnell	x	x
Mihevc	x	x
Milczyn	x	x
Minnan-Wong	x	x
Moscoe	x	x
Nunziata	x	x
Ootes	x	x
Palacio	x	x
Pantalone	x	x
Pitfield	x	x

Minutes of the Council of the City of Toronto
April 25, 26 and 27, 2006

April 25, 2006	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 7:30 p.m.*
Rae	x	x
Saundercook	x	x
Shiner	x	x
Silva	x	x
Soknacki	x	x
Stintz	x	x
Thompson	x	x
Walker	-	-
Watson	x	x
Total	44	44

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

April 26, 2006	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 5:25 p.m.*	Roll Call 3:25 p.m.	Roll Call 3:39 p.m.	Ctte. of the Whole in-camera 5:31 p.m.	7:28 p.m. to 7:30 p.m.*
Miller	x	x	-	-	x	x
Ainslie	x	x	x	x	x	x
Altobello	x	x	-	-	-	-
Ashton	x	x	-	x	x	-
Augimeri	x	x	-	-	-	-
Bussin	x	x	-	-	x	-
Carroll	x	x	x	x	x	
Cho	-	x	x	x	x	x
Cowbourne	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	x	x	x
Feldman	x	x	x	x	x	x
Filion	x	x	-	x	x	x
Fletcher	x	x	x	x	x	x
Ford	x	x	x	-	x	x
Giambrone	x	x	-	-	x	-

Minutes of the Council of the City of Toronto
April 25, 26 and 27, 2006

April 26, 2006	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 5:25 p.m.*	Roll Call 3:25 p.m.	Roll Call 3:39 p.m.	Ctte. of the Whole in-camera 5:31 p.m.	7:28 p.m. to 7:30 p.m.*
Grimes	x	x	x	x	x	-
Hall	x	x	-	x	x	x
Holiday	x	x	x	x	x	x
Jenkins	x	x	x	x	x	-
Kelly	x	x	x	x	-	-
Li Preti	x	x	-	x	x	-
Lindsay Luby	x	x	x	-	x	x
Mammoliti	x	x	x	x	-	-
McConnell	x	x	x	x	x	x
Mihevc	x	x	x	-	x	x
Milczyn	x	x	x	-	x	x
Minnan-Wong	x	x	-	-	x	x
Moscoe	x	x	x	-	x	x
Nunziata	x	x	-	x	x	x
Ootes	x	x	x	x	x	x
Palacio	x	x	-	x	-	-
Pantalone	x	x	x	-	x	x
Pitfield	x	x	x	-	x	x
Rae	x	x	-	-	x	x
Saundercook	x	x	x	x	-	-
Shiner	x	x	-	x	x	x
Silva	x	x	x	x	x	x
Soknacki	x	x	-	-	-	x
Stintz	-	x	-	-	x	-
Thompson	x	x	x	x	-	-
Walker	x	x	-	-	x	-
Watson	x	x	-	-	x	x
Total	43	45	27	26	36	27

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

April 27, 2006	9:40 a.m. to 12:35 p.m.*	Roll Call 10:28 a.m.	Roll Call 12:25 p.m.	2:10 p.m. to 7:00 p.m.*
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Minutes of the Council of the City of Toronto
April 25, 26 and 27, 2006

April 27, 2006	9:40 a.m. to 12:35 p.m.*	Roll Call 10:28 a.m.	Roll Call 12:25 p.m.	2:10 p.m. to 7:00 p.m.*
Miller	x	-	-	x
Ainslie	x	-	x	x
Altobello	x	x	-	x
Ashton	-	x	-	x
Augimeri	x	x	x	x
Bussin	x	x	x	x
Carroll	x	-	x	x
Cho	x	x	x	x
Cowbourne	x	x	x	x
Davis	x	x	-	x
De Baeremaeker	x	-	-	x
Del Grande	x	x	x	x
Di Giorgio	x	-	x	x
Feldman	x	-	-	x
Filion	x	-	-	x
Fletcher	x	-	-	x
Ford	x	x	x	x
Giambrone	x	x	x	x
Grimes	x	x	-	x
Hall	x	x	-	x
Holyday	x	x	x	x
Jenkins	x	x	x	x
Kelly	x	x	x	x
Li Preti	x	x	x	x
Lindsay Luby	x	-	x	x
Mammoliti	x	-	-	x
McConnell	x	x	x	x
Mihevc	x	-	x	x
Milczyn	x	x	x	x
Minnan-Wong	x	-	-	x
Moscoe	x	-	x	x

April 27, 2006	9:40 a.m. to 12:35 p.m.*	Roll Call 10:28 a.m.	Roll Call 12:25 p.m.	2:10 p.m. to 7:00 p.m.*
Nunziata	x	x	x	x
Ootes	x	-	-	x
Palacio	x	x	x	x
Pantalone	x	x	x	x
Pitfield	x	x	-	x
Rae	x	x	x	x
Saundercook	x	x	x	x
Shiner	x	x	-	x
Silva	x	-	x	x
Soknacki	x	-	x	x
Stintz	x	x	-	x
Thompson	x	x	x	x
Walker	x	x	x	x
Watson	x	x	x	x
Total	44	29	29	45

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

Council adjourned on April 27, 2006, at 7:00 p.m.

**DAVID R. MILLER,
 Mayor**

**ULLI S. WATKISS,
 City Clerk**

ATTACHMENT 1 [Notice of Motion J(9)]

Public report (April 13, 2006) from the Auditor General, entitled “Auditor General’s Review of Certain Applications Before the North York Committee of Adjustment on September 22, 2005” (See Minute 5.76, Page 73):

Purpose:

At the meeting of October 28, 2005 City Council adopted a motion to provide for the Auditor General to conduct a review “respecting the processing and hearing of certain applications to the Committee of Adjustment”.

The motion adopted by Council also stated, “the Auditor General provide findings to Council for consideration with the report from the City Solicitor”. The Auditor General was requested to investigate the manner in which this matter was brought before the North York Community Council.

This report responds to City Council's request, summarizes issues identified in our audit and provides recommendations for improvements to Committee of Adjustment processes, procedures and deliberations.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) the following recommendations in the Auditor General’s confidential report, entitled “Review of Certain Applications Before the North York Committee of Adjustment on September 22, 2005 – In Camera” be adopted:
 - “1. The Deputy Secretary-Treasurer of the Committee of Adjustment and other Committee of Adjustment staff refrain from offering advice or guidance in a manner that could be construed as an attempt to influence decisions of the Committee of Adjustment.
 2. The Deputy Secretary-Treasurer of the Committee of Adjustment ensure that Committee of Adjustment Pre-Briefing meetings in North York are open to the public. In addition, advance notification to the public of such meetings be communicated in an appropriate manner.

3. The Chair of the Committee of Adjustment ensure that the actions of any individual including Council members and staff attending Committee meetings are consistent with the arm's-length, quasi-judicial nature of the Committee. Any actions compromising this position should be immediately dealt with by the Committee Chair.
4. The Chair of the Committee of Adjustment should clearly indicate during the meeting when a decision on an application is reserved. In addition, information relating to when reserved decisions will be addressed should be communicated to the public.
5. The Chair of the Committee of Adjustment should follow generally accepted rules of procedure and in all cases, clearly and officially signify to all of those in attendance at the meeting when the meeting is adjourned.
6. The Committee of Adjustment, in clarifying its roles and responsibilities, should seek advice from legal staff. The Committee of Adjustment, as a quasi-judicial tribunal operating at arm's-length from City Council, should refrain from seeking advice on its roles and responsibilities from City Council members. In this context and in order to ensure that the Committee of Adjustment clearly understand their roles and responsibilities, the development of a mandatory training program be considered.
7. Committee of Adjustment staff should establish a protocol whereby all appropriate parties, including the public, are notified of Committee decisions in writing at the same time.
8. Committee of Adjustment staff should ensure that the communication of Committee of Adjustment decisions to interested parties and the public is consistent and timely.
9. All Committee of Adjustment meetings should be held in public with proper advance notification. In the event a special meeting to deliberate on a reserved application is required, minutes should be taken, and at least one Committee of Adjustment staff member should be present.
10. The Committee of Adjustment should ensure that once applications are approved and decisions communicated to third parties, revisions should only be considered for typographical errors, errors of calculations or similar errors made in its decision or order.
11. The Chair of the Committee of Adjustment should ensure all applications before the Committee are appropriately tabled, considered and voted on in a manner consistent with the Rules of Procedure established for the Committee.

12. The Committee of Adjustment, as a quasi-judicial tribunal that is required by law to operate at arm's-length from and independently of City Council should not request Community Councils or other legislative bodies to intervene on applications considered by the Committee.
13. The Chief Planner and Executive Director (in consultation with the City Solicitor and the Integrity Commissioner) should develop proposals for Council on a protocol for the handling of complaints against Committees of Adjustment and their members (including identification of the appropriate legislative body or official for the receipt and investigation of complaints).
14. The Chair of the Committee of Adjustment, Committee of Adjustment members and appropriate support staff should ensure that only issues discussed at regular Committee meetings be included in the minutes prior to their adoption. Once prepared, with the exception of minor revisions allowed under the Rules of Procedure, minutes should not be amended.
15. The Chief Planner and Executive Director be requested to report back to City Council on a policy related to financial conditions attached to applications considered by the Committee of Adjustment. Such a policy to address:
 - the appropriateness of current practice;
 - the adoption of a consistent process across the City;
 - the adequacy of controls relating to accounting for financial contributions; and
 - the criteria, including the approval process, relating to the use of such funds.”

Background:

At its meeting held on October 26, 27, 28 and 31, 2005, City Council adopted Clause 29 of North York Community Council Report 8 requesting the Auditor General to conduct a review “respecting the conduct of the processing and hearing of certain applications to the Committee of Adjustment.” The motion further requested that the Auditor General provide his findings to the City Solicitor and that the City Solicitor report, in consultation with the Integrity Commissioner, directly to City Council as to whether there may be reasons to consider this matter further and, if so, the appropriate procedures under which that further consideration should be carried out.

The motion adopted by Council also stated, “the Auditor General provide findings to Council for consideration with the report from the City Solicitor.” The Auditor General was requested to investigate the manner in which this matter was brought before the North York Community Council.

Comments:

This confidential report outlines the results of our review of the processing and hearing of certain applications presented to the Committee of Adjustment. In accordance with Council direction, we have consulted with both the City Solicitor and the Integrity Commissioner in relation to information provided in our report. The City Solicitor and Integrity Commissioner intend to submit reports under separate cover to City Council in relation to their respective findings.

Conclusions:

The objective of this review was to determine whether the Committee of Adjustment and related City staff complied with relevant legislation and City policies, and whether or not opportunities exist to strengthen how the Committee of Adjustment conducts its work.

Our review focused on the North York Committee of Adjustment process related to the three applications in question and did not include a review of the content, reasonableness or technical aspects of the three applications in question.

The confidential report identified certain procedural irregularities relating to the way the Committee of Adjustment dealt with three specific applications. We have discussed these procedural irregularities with the City Solicitor who is reporting separately on the significance of these issues.

Our confidential report also contains specific recommendations in relation to Committee of Adjustment processes, procedures and deliberations.

Our review identified a number of areas requiring improvement. Addressing the recommendations in this report will provide for more effective processing of applications brought before the Toronto Committees of Adjustment.

Contact:

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ATTACHMENT 2 [Notice of Motion F(1)]

Report (January 31, 2006) from the Integrity Commissioner, entitled “Report on Awarding of City contract for Market Research Services to Northstar Research Partners”. (See Minute 5.77, Page 75)

Purpose:

To report to Council at the request of the Mayor on whether the award of a contract for market research services to Northstar Research Partners breached any City Policies and Procedures.

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendation:

I recommend that Council receive this report.

Background:

The Basics of the RFP

On September 7, 2005, the Purchasing and Materials Management Division issued a Request for Proposal (“RFP”) for the provision of research services for the operating divisions in Cluster B and potentially other divisions throughout the City of Toronto. The contract was an open one in the sense that it was intended to cover all such services required of the successful bidder during 2006 and potentially for two more years, on the basis of two one year options to renew subject to mutual agreement. This contrasted with the situation that had prevailed to that point. Previously, the City of Toronto had issued RFPs for its research projects on an individual basis. This new initiative was seen as a cost-saving measure.

In submitting bids, those responding to the RFP were not asked to provide a price for providing services under such an open contract. That would make no sense. Rather, they were asked to provide costing information for two hypothetical but typical research projects of the kind contemplated by the RFP. This information would be used in the assessment of the bids on the basis of price.

Eight companies responded to the RFP. They included Northstar Research Partners (“Northstar”). Northstar had provided similar services to the City of Toronto in the past. Brian Potts, the Senior Research Director signed the bid on behalf of Northstar. The bid also identified eight persons within the company as members of the team that would be providing the contracted services if the company’s bid prevailed. Those included Brian Potts, Stephen Tile, the President of Northstar, and Sherri Hamilton, a Research Director.

The evaluation team consisted of three Staff members. They evaluated the eight bids on the basis of a standardized scoring process and the three most highly ranked bidders advanced to the second phase of the bid process – a presentation to the three members of the evaluation panel in response to a hypothetical research project. At the conclusion of that process and the aggregation of all the various scoring components, Northstar emerged with the highest evaluation points and was recommended for the award of the contract. This was on November 8, 2005.

Subsequently, there was consultation among various Department Communications Leads that might be consumers of the services Northstar would be contracted to provide. That produced a number of indications of interest from various divisions. As a consequence, the budgeted research needs of those divisions were aggregated and this produced a contract “price” of \$400,000 for 2006. This represents an upset limit and it may not all be spent. In any event, because the price was under \$500,000, the contract did not have to go before the Bid Committee. Of course, any exercise of the option under the contract has the potential to take the overall value of the contract above \$500,000. In the event that a significant percentage of the \$400,000 is spent in 2006, the City would not exercise the option for 2007 but would issue a new RFP for 2007.

The Mayor’s Campaign Manager

John Laschinger is a Senior Associate at Northstar. He does not have an ownership interest in the company. He is paid a monthly retainer and beyond that receives additional payment on the basis of work that he brings into the company. In addition to working as an employee of Northstar, Mr. Laschinger regularly enters into contracts to manage election and political leadership campaigns. He does this through his own personal corporation and, beyond paying Northstar overhead on a cost basis as part of his work on those contracts, he is not accountable to Northstar for that work. He does, however, consult with Stephen Tile, the President of Northstar before entering into any such contract and there is an understanding that, if polling services are required as part of any campaign that Mr. Laschinger is managing, he will endeavour to secure the contract for those services for Northstar.

In January 2003, Mr. Laschinger became a co-chair of David Miller’s campaign committee. He was part of a “rainbow coalition” of persons from the spectrum of political parties, a state of affairs that was thought essential if David Miller’s mayoral candidacy was to be successful. In June of that year, Mr. Laschinger became David Miller’s campaign manager on a fee for service basis and he served in that capacity until the successful conclusion of the campaign. David Miller and Mr. Laschinger did not have a written contract. It was entered into on a handshake. Mr. Laschinger billed for his services through his personal corporation, Laschinger Management Inc. In addition, during the campaign, a limited amount of polling was needed and the contract for that work went directly to Northstar.

Since the successful conclusion of the 2003 campaign, Mr. Laschinger has continued to be one of a number of informal advisors to the Mayor. In that capacity, Mr. Laschinger does not

charge for his services and he estimates that he has seen the Mayor on no more than two or three occasions in the past twelve months. However, though a formal arrangement has yet to be made, it is now accepted on both sides that Mr. Laschinger will play a key role in the Mayor's 2006 campaign for re-election, once again on a fee-paying basis.

Mr. Laschinger tells me that he has not worked on any of Northstar's contracts with the City of Toronto. His name does not appear on the list of the eight persons who are identified in the bid as Northstar's team for the contract. However, his name does appear in the RFP as someone who was the member of the Northstar team on three of thirty-two listed relevant public opinion work projects for the public sector.

The Raising of Concerns

In early January, Works Committee had before it a contract with Northstar for the provision of polling work for the City entered into in the latter part of 2005 for some \$4000. This contract was awarded to Northstar after it had been successful in the RFP process detailed above. This was done on the basis that, as Northstar was about to become the City's agency of record for the provision of research services in 2006 under a blanket or open contract, it was appropriate to give it this small contract right at the end of 2005. At that meeting, Councillor Minnan-Wong, who is not a member of the Works Committee, while not alleging any wrongdoing, raised questions about the propriety of the City doing business with a company, one of whose principals¹ was John Laschinger. Since then and particularly after he learned of the amount potentially available under the blanket or open contract, Councillor Minnan-Wong has continued to express these concerns.

My involvement began when the Mayor wrote to me on January 17, 2006. He asked me to review the matter to determine whether there has been "any breach of any city policies or procedures" in the letting of the contract to Northstar and to report on the matter to Council as soon as possible. This was in the context of an assertion that, as far as the Mayor was able to ascertain, the awarding of the contract "was handled in the normal course of business without any impropriety whatsoever".

I indicated to the Mayor that I was willing to undertake this project and to in effect treat his letter as a complaint against himself, a process that I have used on one previous occasion. I did, however, inform the Mayor that I might not be able to complete an investigation to my satisfaction in time to submit a report to Council for its January meeting. In fact, subject to the reservations that I have not done anything like a forensic audit of the relevant RFP process (something I am not personally qualified to do in any event) and my acceptance of most of what I was told at face value, I am satisfied that I am in a position to report to Council on this matter.

My Investigations

1 I am not sure whether this term was correctly attributed to the Councillor. In any event, Mr. Laschinger, while an important and well-known member of Northstar is not a "principal" in the technical sense of that term but rather a Senior Associate.

The Mayor informed me that he played no role in this RFP. Neither Mr. Laschinger nor anyone else from Northstar contacted him about the RFP and Northstar's bid. Indeed, the first he knew of the contract was when Councillor Minnan-Wong raised concerns in early January.

Mr. Laschinger also said that at no point during the RFP process did he raise this matter with the Mayor. He also stated that the first he knew about Northstar obtaining this contract was the day he came to City Hall to meet the Mayor and discuss with him the formal announcement of the Mayor's intention to seek reelection. Someone at Northstar had told him that morning.

Mr. Potts, the Senior Research Director at Northstar and the signatory on the bid stated neither he nor any member of his team lobbied anyone at City Hall, be they Members of Council or Staff on this matter. Stephen Tile also stated that he and his company do not engage in lobbying at City Hall and that he did not do so on this occasion. Mr. Potts also told me that, aside from the fact that the awarding of the contract took longer than he had anticipated, the RFP process in this case had no unusual features as far as he was concerned. He also learned for the first time that the upset limit on the contract was \$400,000 from the recent media coverage of this matter. Both he and Mr. Tile were skeptical as to whether, given historic patterns, the City's needs under the contract would come to anything like \$400,000 in fees during 2006.

All three members of the evaluation team stated that they had not been lobbied in connection with this RFP. Aside from the fact that it marked a departure from the way in which the City had contracted previously for research services, they also were of the view that this was a standard RFP process with no unusual features. Albeit that Mr. Laschinger's name appeared three times in Northstar's response to the RFP, none of the three claimed to have noticed it. (It was in smaller typeface though bold as part of a list of some thirty-two projects.) They also stated that they were unaware of who Mr. Laschinger was and, in particular, that he had been the Mayor's campaign manager in 2003. The first they knew of this was when Councillor Minnan-Wong raised his concerns.

While it is not my mandate to comment on the way in which the price was set for this contract, I did consider the possibility that the fixing of the price at \$400,000 might have been part of a deliberate attempt to avoid Bid Committee scrutiny and, in particular, to evade any hard questions about Northstar and the connections between one of the senior associates of that company and the Mayor. This always seemed a stretch to me and, in the face of a very plausible explanation of how that sum was arrived at (as detailed above), I no longer have any cause for suspicion on this front.

More generally, I would reiterate that, while many of the statements from relevant personnel do not have independent corroboration, I have no reason to doubt the word of anyone with whom I spoke. I received total cooperation from the Mayor, the Staff members whom I interviewed, and also personnel at Northstar. On all fronts, there appeared to be a very strong desire to clear the air on this issue.

Conclusions:

On the basis of my investigation, I have not found any breach of City policies or procedures in the conduct of the RFP process that resulted in the award of an open contract to Northstar Research Partners for the provision of market research services for 2006 (and potentially two more years). More particularly, as Integrity Commissioner, I focused my inquiries on whether there was any impropriety on the part of the Mayor (or Staff for that matter) given the political relationship that existed and continues to exist between the Mayor and John Laschinger, a senior associate at Northstar. I did not detect any such impropriety. In my judgment, there was no violation of the Code of Conduct on the Mayor's part.

There is, however, a broader dimension to this matter that merits examination. In the Bellamy Commission Report, there are strong recommendations for revising the Code of Conduct for Members of Council "to include broader ethical considerations" and to take an expansive view of the meaning of the term "conflict of interest" including greater recognition of the need to avoid apparent or perceived conflicts of interest. Those recommendations not surprisingly beg the question whether the Mayor should be using as his paid campaign manager someone who plays a prominent role in a company that is doing significant business with the City.

The Bellamy Report of course makes many specific and detailed recommendations for creating regimes within the City that will prevent any real, potential or apparent conflicts from occurring. In particular, the recommendations with respect to regulation of lobbying and the creation of barriers between Members of Council and the procurement process have this as their objective. Given that, in this instance, there was no lobbying of Members of Council or Staff and given that there was no political or other illegitimate interference in the RFP process, is that enough to address any concerns? Does it provide a sufficient assurance that there was no conflict of interest here in even an extended sense and that anyone cognizant of the relevant facts would not see an appearance of possible conflict? I do believe that the way this process was conducted meets those concerns as well.

However, these considerations do suggest the need for vigilance and caution. While I would not go as far as recommending that the Mayor not use as a paid campaign manager someone whose company does significant work with the City, I do accept that there is a need to take care in the way in which that relationship is established or exists. In particular, I would recommend that the Mayor enter into a formal contract with Mr. Laschinger for any services that he will be providing as part of the Mayor's 2006 reelection campaign. To ensure transparency and allay concerns, the terms of that contract should ideally be made available as a public document (save as to the fees charged and provisions, if any, on campaign strategies). The contract should also contain a clause to the effect that Mr. Laschinger not participate in any Northstar contract with the City or RFP process for City work during the campaign and six months thereafter, as well as appropriate assurances for a process within Northstar of creating a wall between Mr. Laschinger and any contractual work with the City being undertaken at Northstar and during the campaign and six months thereafter.

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ATTACHMENT 3 [Notice of Motion J(6)]

Report (April 12, 2006) from the Integrity Commissioner, entitled “Report on a Complaint that a Councillor Violated the Code of Conduct by Revealing Confidential Information to the Press”. (See Minute 5.84, Page 85)

Purpose:

To report on a complaint by Councillor David Shiner that Councillor Howard Moscoe violated Clause III of the Code of Conduct for Members of Council (“Code of Conduct”) by providing to a newspaper reporter confidential material from and information about a closed meeting of the North York Community Council.

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendation:

It is recommended that Council receive this report.

Background:

On October 19, 2005, Councillor David Shiner submitted a motion to the North York Community Council. He was of the view that the subject matter of this motion involved “personal matters about an identifiable individual”. Before distributing the motion, Councillor Shiner alerted the members of North York Community Council to his belief and asked that the matter be dealt with *in-camera*. The lawyer servicing the Committee, who had seen the motion, confirmed Councillor Shiner’s position that the matter should be dealt with *in-camera* and the Chair of the Committee indicated that that was her view as well. At that juncture, North York Community Council went *in-camera* for the purpose of dealing with Councillor Shiner’s motion. He then distributed the motion. It did not have the words “*in-camera*” on it nor was it on purple paper.

The item in question was controversial and Councillor Moscoe questioned vigorously the propriety of it. Eventually, he left the meeting and, in the course of doing so, warned the Councillors as to the consequences of passing the Shiner motion.

By his own admission, Councillor Moscoe then phoned Paul Maloney, a reporter with the “Toronto Star”, provided information as to what was going on at the meeting, and sent him a copy of Councillor Shiner’s motion. Paul Maloney then contacted Councillor Shiner while the *in-camera* meeting was still in progress and basically sought Councillor Shiner’s version of events. Councillor Shiner declined to be interviewed. However, he then informed the members of the Community Council that Councillor Moscoe had provided the Press with a copy of the notice of motion. Subsequently, at the end of the day, Councillor Shiner himself

was interviewed by Alicia Kay Markson, a reporter from CFTO, who had also learned of the matter. This interview, in which he provided his version of events, was aired that evening. Councillor John Filion was also part of that interview. The next day, October 20, there was an article under Paul Maloney's byline in the Toronto Star with the headline "Councillors spar over adjustment committee", in which he outlines the nature of the Shiner motion and Councillor Moscoe's reaction to it as well as the information that Councillor Shiner would not speak to him the previous afternoon as it was a "personnel" matter that was being dealt with in secret.

On November 8, 2005, Councillor Shiner lodged a formal complaint with my office alleging that Councillor Moscoe had violated Clause III ("Confidential Information") of the Code of Conduct. I commenced an investigation into his complaint.

In responding to Councillor Shiner's complaint, Councillor Moscoe advanced a number of justifications for his actions in going to the Press:

- (1) that the matter should never have been dealt with *in-camera* in the first place as it concerned not a specific individual but a group of individuals with collective responsibilities;
- (2) that the motion was not marked *in-camera* nor was it on purple paper;
- (3) that Councillor Shiner had in effect manipulated Community Council into going *in-camera* to consider a motion that was totally out of order, a position that was confirmed when the Mayor ruled the motion (which had ultimately passed at Community Council) out of order at the November meeting of Council; and
- (4) that the real culprit was Councillor Shiner since the public first became aware of the matter through the Alicia Kay Markson interview, an interview that aired on CFTO on the evening of October 19, before the Maloney article appeared in the "Toronto Star" the next morning.

(These were also arguments that he put forward at City Council in the context of a motion to censure him and to refer the matter to my office, a motion that currently stands adjourned until the Auditor General completes an investigation and reports to Council on related aspects of this whole matter.)

Relevant Provisions:

Section 239 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that meetings of Council (including Community Council)

...may be closed to the public if the subject matter being considered is,....

- (b) personal matters about an identifiable individual, including municipal or local board employees.

This is reiterated in the City's Procedural By-law, §27-10.

Clause III of the Code of Conduct provides:

No member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form except when required by law or authorized by Council to do so.

It further states:

Under the Procedural By-law (authorized by s. 55 of the *Municipal Act*), where a matter that has been discussed at an in-camera (closed) meeting remains confidential, no member shall disclose the content of the matter, or the substance of deliberations, of the in-camera meeting.

Analysis:

When Councillor Shiner formally distributed and introduced the controversial motion, North York Community Council was *in-camera*. As a result of Councillor Shiner's warning, the lawyer's advice, and the Chair's expressed opinion, the Community Council had resolved to close this part of the meeting. No one called for a reconsideration of this decision once the Councillor distributed the motion. Moreover, Community Council was still *in-camera* on this item when Councillor Moscoe left the meeting and contacted Paul Maloney. This was a clear breach of Clause III of the Code of Conduct.

Councillor Moscoe argues that the matter was *in-camera* improperly. However, I doubt that since the motion arose out of concerns about the conduct of a group of individuals. The fact that it involved the collective conduct of five individuals rather than just one cannot change the fact that the matters in issue involved personal matters (in the sense of possible wrongdoing or incompetence) on the part of individuals. (By virtue of the *Interpretation Act*, R.S.O. 1990, c. I-11, section 28(j), the singular ("individual") in a statute also includes the plural.)

Ultimately, Councillor Moscoe placed little reliance on the strained argument that the document was a public one because it was not on purple paper or marked *in-camera*. These are administrative safeguards, not mandatory requirements. They cannot be urged in defence of the release of a document that was formally introduced as an integral part of a meeting that the Councillor was fully aware was *in-camera*. Indeed, it is clear from the relevant newspaper report that Councillor Moscoe also revealed to Paul Maloney at least some of the substance of what had occurred at the *in-camera* meeting prior to his departure.

In any event, all of that is beside the point. Councillors cannot find justification for releasing confidential information to the Press in their own conviction that their colleagues have erred

in going *in-camera*. This is particularly so when Council or one of its committees, acting on legal advice, has determined by resolution that a matter can justifiably be dealt with *in-camera* by reason of one of the exceptions to open meetings created by the relevant legislation.

The same is true of the claim (said to be justified by the Mayor's subsequent ruling in Council itself) that the motion in question was beyond the authority of the North York Community Council. Just because a motion may formally be out of order does not permit the disclosure of its contents and details of any discussion of it *in-camera*. The harm that the legislation seeks to avoid can be just as likely to occur in the case of an out of order motion, as for example in this very case – public revelation of questions about the conduct of identifiable individuals in both a motion and the debate at a Community Council's *in-camera* meeting.

Councillor Moscoe justified his actions in part on his wish to save the individuals concerned from exposure to an out-of-order motion. However, what his actions did ensure was that the concerns about the conduct of those individuals in fact became known publicly. Without the breach of the confidentiality provisions, that might never have happened.

I have also rejected the contention that Councillor Moscoe's actions were excused by the fact that Councillor Shiner appeared on television discussing aspects of the matter before Paul Maloney's article appeared next morning in the "Toronto Star". It was Councillor Moscoe's release of information and the motion to Paul Maloney that set this whole course of events in motion. Moreover, the offence lies in the release of information to any unauthorized person. It is not excused by virtue of the fact that the recipient of that information may not have disseminated the news more broadly until after aspects of it were otherwise in the public domain.

I also want to record that I found no evidence to support any possible claim that Councillor Shiner was acting in bad faith in raising this matter. Indeed, there is no doubt that he was genuine in his sense that the legislation justified an *in-camera* meeting in order to protect at that stage the reputational interests of the individuals who were the subject of the motion. That is in no way undercut by the fact that the motion itself was not within the capacity of the North York Community Council. Indeed, it is clear that, on the facts available to him at the time, Councillor Shiner was not acting unreasonably in having concerns about the events that had given rise to the motion that he introduced.

Conclusions:

Councillor Moscoe violated the Code of Conduct by contacting a newspaper reporter about an *in-camera* meeting of North York Community Council and in supplying that same reporter with a copy of the motion that was before that closed meeting. Just because (with justification) he felt that the motion was out of order was not a basis for taking the law into his own hands. As subsequent events proved, there was ample opportunity for making that very point in a proper forum (City Council itself). It did not call for a breach of confidentiality and the public revelation that Community Council was dealing with a motion that raised concerns about the conduct and competence of five individuals.

Subsequently, Councillor Moscoe was quite unrepentant about what he had done and perhaps this might indicate a recommendation for formal censure by Council. However, I suspect that Councillor Shiner, the other aggrieved members of North York Community Council, and the five individuals would be content with a formal apology from the Councillor and I would hope that he would offer that.

Whether to observe the obligations of confidentiality should not generally be a matter of choice. While the law and conscience might on rare occasions dictate otherwise, this was not such a situation.

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ATTACHMENT 4 [Notice of Motion J(13)]

Report (April 19, 2006) from the City Manager and Deputy City Manager and Chief Financial Officer, entitled "Agreement on the Transfer of Federal Public Transit Funds". (See Minute 5.90, Page 96)

Purpose:

This report recommends Council ratification of the Canada-Ontario-Association of Municipalities of Ontario-City of Toronto Agreement on the Transfer of Federal Public Transit Funds.

Financial Implications and Impact Statement:

The Canada-Ontario-Association of Municipalities of Ontario-City of Toronto Agreement on the Transfer of Federal Public Transit Funds provides for the transfer of \$98,425,690.00 by the Federal Government to the City of Toronto in fiscal year 2005-6 for investment in eligible public transit capital projects. For 2005-6, the City of Toronto will receive one payment of \$98,425,690.00, once the Agreement has been ratified.

The above payments are consistent with the Council approved Capital Budgets for Transit Funding.

Recommendations:

It is recommended that:

- (1) Council ratify the Agreement Between Her Majesty in Right of Canada ("Canada"), Her Majesty in Right of the Province of Ontario ("Ontario"), the Association of Municipalities of Ontario ("AMO") and the City of Toronto ("Toronto"), dated March 30, 2006, which provides the framework for the transfer of federal public transit funds for the fiscal year 2005-6; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

On June 17, 2005, the Governments of Canada and Ontario, the Association of Municipalities of Ontario and the City of Toronto entered into an Agreement in Principle to transfer approximately \$98 million in Federal funding to the City of Toronto in each of fiscal years 2005-6 and 2006-7.

Pursuant to the Agreement in Principle, Mayor David Miller, the Hon. Lawrence Cannon, Minister for Transport, Infrastructure and Communities, the Hon. John Gerretsen, Minister of

Municipal Affairs and Housing, and Mr. Roger Anderson, President of the Association of Municipalities of Ontario, signed the Canada-Ontario, Association of Municipalities of Ontario-Toronto Agreement on the Transfer of Federal Public Transit Funds, dated March 30, 2006. A copy of the Agreement is attached to this Report.

Under the terms of the attached Agreement, the Government of Canada will transfer \$98,425,690.00 directly to Toronto for the fiscal year 2005-6. Under the terms of the Agreement, Toronto will invest the full amount in public transit capital projects. The funding is in addition to funding received under other federal or provincial infrastructure and gas tax agreements.

Comments:

The Canada-Ontario-Association of Municipalities of Ontario-City of Toronto Agreement on the Transfer of Federal Public Transit Funds is consistent with the Agreement in Principle to enter into such an Agreement that the Parties signed on June 17, 2005. The Federal Government has obtained the necessary legislation and Treasury Board authorization to flow the funds under the Agreement.

This Agreement contains the 2005-6 portion of funding included in the June 17, 2005 Agreement in Principle. The Governments of Canada and Ontario, the Association of Municipalities of Ontario, and the City of Toronto are currently discussing the process for future funding and it is expected that details will be available later this spring.

Conclusion:

The Mayor has signed a multi-party Agreement on behalf of the City of Toronto that provides for the transfer of federal funding for public transit, subject to ratification of the Agreement by City Council.

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List of Attachments:

1. Canada-Ontario-Association of Municipalities of Ontario-City of Toronto Agreement on the Transfer of Federal Public Transit Funds

(A copy of the Canada-Ontario-Association of Municipalities of Ontario-City of Toronto Agreement on the Transfer of Federal Public Transit Funds is on file in the City Clerk's Office)

ATTACHMENT 5 [Notice of Motion J(14)]

Report (April 18, 2006) from the General Manager, Transportation Services, entitled “Construction and Maintenance of Various Building Encroachments - Public Laneway (known as Sussex Mews) Abutting 82 Willcocks Street (Trinty-Spadina - Ward 20)”. (See Minute 5.91, Page 98)

Purpose:

To report on a request for permission to maintain and construct various building encroachments within the public laneway known as Sussex Mews abutting 82 Willcocks Street. As the former City of Toronto Municipal Code does not make provisions for this type of encroachment, we are required to report on this matter.

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 and maintenance of various building encroachments which encroach within the public laneway known as Sussex Mews abutting 82 Willcocks Street, subject to the property owner 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 Agreements in a form as approved by the Deputy City Manager and Chief Financial Officer and in an amount not less than \$2,000,000.00 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;
 - (b) maintain the building encroachments at his/her 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;
 - (c) obtain approval for associated work on private property from Urban Development Services and the Committee of Adjustment;

- (d) pay for the costs of preparing the Agreement and the registration of the Agreement on title;
 - (e) limit the life of the Agreement to the removal of the encroachments or the date of the demolition of the building at 82 Willcocks Street, whichever is less; and
 - (f) 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 and/or the 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 be requested to prepare and execute the Encroachment Agreement.

Comments:

An application has been submitted, on behalf of the property owner of 82 Willcocks Street, requesting permission to construct a 3rd storey addition to the property of which the new west wall of the building, together with the new roof overhang at the 3rd storey level, will encroach into the adjacent public laneway known as Sussex Mews. The new 3rd storey wall will encroach approximately 0.02 metres onto the public laneway and the roof overhang will encroach approximately anywhere from 0.12 metres to 0.24 metres. Of note, an application has been received by the Committee of Adjustment for a minor variance on behalf of the owner of 82 Willcocks Street seeking relief from the provisions of Zoning By-law No. 438-86, as amended, in order to replace a portion of the attic of the existing semi-detached house with a 3rd floor addition and to construct a deck at the rear of the addition, which would follow the footprint of the existing 2nd floor of the building. This matter is to be heard by the Toronto and East York Committee of Adjustment at its meeting of April 26, 2006.

During the course of our review of the application, it has become apparent that the foundation wall of the building, together with the west walls of the building at the 1st and 2nd storey, also encroach onto the public laneway. In addition, the existing roof overhang at the 2nd storey encroaches onto the public laneway. The extent of the proposed encroachments is consistent with the existing encroachments as described above. It would appear that the existing building has been encroaching on the public laneway ever since it was built more than 100 years ago.

The maintenance of various building encroachments within the public right-of-way is governed under the criteria set out in Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code, which provides for the ongoing maintenance of encroachments that have been erected within portions of the public right-of-way by inadvertence, provided an

application is made to maintain the encroachments, the existing encroachments do not have an adverse impact on the right-of-way and the owner enters into an agreement for the ongoing maintenance.

Having regard that the foundation wall of the building, together with the west walls of the building at the 1st and 2nd storey, have been in existence for quite some time and do not impact negatively upon the public right-of-way, we can deal administratively with these encroachments.

Similarly, staff have determined that the proposed encroachments will not have a negative impact on the right-of-way and are consistent with the existing encroachments, they should be permitted. However, as there are no provisions within the Municipal Code to allow the west wall of the 3rd storey addition, together with the new roof overhang at the 3rd storey, to encroach within the public laneway, we are required to report on the matter.

A copy of the property data map is shown on Appendix 'A'. A photo of the property is shown on Appendix 'B'.

Details of the existing and proposed encroachments are on file with this Division.

Conclusions:

As the proposed and existing building encroachments do not impact negatively on the public laneway and the existing encroachments have existed for quite some time without incidence together with the fact that the proposed encroachment will not extend beyond what the limits of the existing encroachment, the proposed and existing encroachments should be permitted, subject to the property owner entering into an encroachment agreement to be registered on title.

Contact:

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List of Attachments:

Attachment 1 - Appendix 'A' - property data map
Attachment 2 - Appendix 'B' - photo

(Copies of Appendices 'A' and 'B' are on file in the City Clerk's Office.)

ATTACHMENT 6 [Notice of Motion J(22)]

Memorandum (April 25, 2006) from Councillor Michael Thompson, Ward 37, Scarborough Centre, and Councillor Jane Pitfield, Ward 26, Don Valley West, entitled "Report to Toronto City Council - Meetings with New York City Police and Social Services Officials". (See Minute 5.99, Page 114)

On April 5, 2006, Councillors Jane Pitfield and Michael Thompson traveled to New York City on a three-day fact-finding trip, to see how that City was coping with urban problems similar to those facing the City of Toronto. Following is their report.

While in New York, we met with Police Commissioner, Raymond Kelly, Deputy Mayor of Health and Social Services, Linda Gibbs and her Senior Advisor, Kristen Misner, and Assistant Commissioner of Community Relations and Intergovernmental Affairs, Monica Parikh, among others.

Homelessness:

We discussed New York's innovative homelessness program with these officials, as well as a number of other successful urban renewal programs currently underway. They briefed us on "Uniting for Solutions Beyond Shelter", their five-year plan to stay a rising tide of homelessness and reduce the number of people living on the streets and in shelters by two-thirds by 2009. New York has 31,400 people in the homeless shelter system.

Beyond Shelter uses a compassionate, community-based approach combined with a comprehensive data-based measurement system to make and track improvements. The initiative is the City's first-ever attempt to bring together the public, private, non-profit and business sectors in a co-ordinated effort to reduce homelessness. It provides a nine-point action plan to reshape the City's approach to assisting homeless and at-risk New Yorkers over a ten-year time frame.

Under the program, significant funds have been allocated for new "supportive" housing units, along with subsidies for disabled and challenged individuals. Transitional residences have been created for homeless youth which offer a place to stay, life skills training and employment opportunities.

Since 2003 under this plan, the number of homeless children has declined by 30 percent, and the number of homeless families by 15 percent. Single adults in shelters declined by 9 percent over the past two years, the largest two-year decrease in a decade.

Urban Renewal:

Similarly, in tours of Harlem, the South Bronx and other troubled neighbourhoods, we were briefed on a number of other initiatives. For example, New York has made significant inroads in dealing with panhandling by acting on the philosophy that no one has the right to impede anyone else's enjoyment of streets and parks. The welfare rolls have been reduced by providing work programs and other opportunities for able-bodied recipients. Streets are cleaner, run-down neighbourhoods are being revitalized, and businesses are returning to the communities they abandoned in previous years.

Policing:

Police Commissioner Kelly briefed us on the broad issues facing the Police Department. He cited Comstat, a sophisticated data-based crime centre, as a key building block for effective policing. Comstat is a data warehouse that provides investigators with specific real-time crime-solving information and provides predictive information to enable police to deploy resources where it is needed most. We discussed the City's efforts to reduce violent crime and implement a successful community policing program.

We also discussed street gangs, illegal drugs, gun smuggling and violence. (Since 1990, the City's murder rate has been reduced by 80 percent). The Commissioner briefed us on New York's use of surveillance cameras as a crime prevention tool and provided a broad overview of the City's aggressive anti-terrorism initiatives.

Recommendations:

We recommend that the City of Toronto assign appropriate senior staff to open a dialogue with New York City political and staff leaders to explore that City's successful efforts to improve the City's social fabric, enhance the environment and engage communities. Specifically, we recommend that investigations begin on the following New York City initiatives:

- Homelessness - the Beyond Homelessness program and the City's shelter system; and
- Panhandling - the City's rights-based philosophy and enforcement approach.

Similarly, we recommend that Toronto Police Service and the Toronto Police Services Board open lines of communication with Commissioner Kelly and his staff to explore New York's approach to community policing, crime prevention and data-based investigation approaches. Specifically, areas of dialogue should include:

- Police data bases - Toronto's police database systems compared to New York's Comstat;
- Street gangs – approaches to gangs, guns, drugs and violence;

- Surveillance cameras – how these tools can be used to control criminal activity in crime hotspots; and
- Terrorism – the role that police can play in the prevention of terrorist attacks.

New York has successfully employed innovative, assertive and well-managed approaches to many of the problems facing Toronto today. We believe that there is much for Toronto to learn from a City with a long history of acute social and policing problems – a City that has made effective progress on issues for which we have yet to find effective solutions.

ATTACHMENT 7 [Notice of Motion J(25)]

Report (April 25, 2006) from the Deputy City Manager and Chief Financial Officer, entitled “2006 By-law to Limit Tax Decreases on Commercial, Industrial and Multi-Residential Properties”. (See Minute 5.102, Page 120)

Purpose:

To recommend the enactment of a by-law to establish the allowable tax decreases (clawback rates) for the capped property classes (commercial, industrial and multi-residential classes) for the 2006 taxation year.

Financial Implications:

There are no direct financial implications to the City of Toronto arising from adoption of this report. The foregone revenue resulting from the legislated limit on Current Value Assessment (CVA) related tax increases (5% cap) for the commercial, industrial and multi-residential property classes is funded by withholding (clawing-back) a portion of the decreases that would otherwise be payable within each class, with no budgetary funding implication for the City.

Recommendations:

It is recommended that:

- (1) tax decreases for the 2006 taxation year on properties in the commercial, industrial and multi-residential property classes be reduced by the percentage of the tax decrease set out in Column II in order to recover the revenues foregone as a result of capping:

Column I (Property Class)	Column II (Clawback Percentage)	Column III (Allowable Decrease Percentage)
Commercial	96.598446%	3.401554%
Industrial	71.957873%	28.042127%
Multi-residential	44.707801%	55.292199%; and

- (2) authority be granted for the introduction of the necessary bill in Council and the appropriate City officials be authorized to take the necessary action to give effect thereto.

Background:

Council, at its meeting of March 29 and 30, 2006, upon adoption of Toronto's 2006 Capital and Operating Budgets, enacted By-law No 224-2006, establishing Toronto's tax ratios and tax rates for municipal and education purposes for the 2006 taxation year. On March 30, 2006, the Minister of Finance filed Ontario Regulation No. 98/06 (O.Reg. 98/06) prescribing the 2006 education tax rates for the City of Toronto. The education tax rates levied by By-law No. 224-2006 comply with those prescribed by O.Reg. 98/06.

Both the municipal and education levies are required to calculate claw-back rates on the capped (commercial, industrial, and multi-residential) property classes.

Comments:

Funding Caps on Non-Residential Property Classes (2006 Clawback Rate):

Subsection 330(1) of the *Municipal Act, 2001* provides that the council of a municipality may pass a by-law to establish a percentage by which tax decreases are limited in respect of properties in any capped property class in order to recover all or part of the revenues foregone as a result of capping. In adopting Policy and Finance Committee Report 2, Clause 2, headed "2006 Tax Levy By-laws and Related Matters", Council at its meeting of October 26-31, 2005, adopted the alternate option allowed under Section 329.1 (1), Subsection 2, to limit reassessment-related tax increases for the commercial, industrial, and multi-residential property classes to 5% of the preceding year's *current value taxes* (as compared to 5% of the preceding year's *capped taxes*) commencing for the 2006 taxation year.

Chart 1 below sets out the percentage reductions in the tax decreases for 2006 (the "clawback rate") necessary to fund the foregone revenue resulting from the 5% cap on tax increases for 2006. It is recommended that Council approve these clawback rates for 2006.

Chart 1
2006 Clawback Rates for Capped Property Classes

Column I (Property Class)	Column II (Clawback Percentage)	Column III (Allowable Decrease Percentage)
Commercial	96.598446%	3.401554%
Industrial	71.957873%	28.042127%
Multi-residential	44.707801%	55.292199%

Conclusions:

The purpose of this report is to recommend the enactment of a by-law to establish the percentage reductions in tax decreases for the capped classes (commercial, industrial, multi-residential) necessary to fund the foregone revenue arising from the 5% limit on CVA-related tax increases for these classes.

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ATTACHMENT 8 [Notice of Motion J(26)]

Report (April 21, 2006) from Deputy Mayor Bussin, Chair, Corporations Nominating Panel, entitled "Citizen Nominations to the Boards of Directors of Toronto Waterfront Revitalization Corporation (TWRC) and the City of Toronto Economic Development Corporation (TEDCO)". (See Minute 5.103, Page 123)

Purpose:

To recommend three citizens for appointment to the Board of Directors of the Toronto Waterfront Revitalization Corporation, and to recommend six citizens, including the Chair, for appointment to the Board of Directors of Toronto Economic Development Corporation (TEDCO), as selected by the Corporations Nominating Panel.

Financial Implications and Impact Statement:

There are no financial implications arising from adoption of the recommendations in this report.

Recommendations:

It is recommended that:

- (1) the following three persons be appointed at the pleasure of Council to the Board of Directors of the Toronto Waterfront Revitalization Corporation (TWRC) for a term of office of up to three years starting June 15, 2006, and ending June 14, 2009, or until their successors are appointed:
 - (i) Ms. Janet Graham;
 - (ii) Mr. Renato Discenza; and
 - (iii) Mr. Mark Wilson (incumbent);

- (2) the following six persons, including the recommended Chair, be appointed at the pleasure of Council to the Board of Directors of the City of Toronto Economic Development Corporation (TEDCO) for a term of office starting June 1, 2006, and ending May 31, 2009, or until their successors are appointed:
 - (i) Mr. Rowland Fleming (Recommended Chair);
 - (ii) Ms. Helen Burstyn;
 - (iii) Ms. Alexandra Dagg (Designate of the Labour Council of Toronto and York Region);
 - (iv) Mr. Aladin Mawani;
 - (v) Mr. David J. McFadden (Incumbent); and
 - (vi) Mr. Norman Seagram;

- (3) Council name the persons identified in Attachment 1 as alternates so that if there is a vacancy on the board of TEDCO they may be approached to determine their continued interest and availability and be considered by Council for appointment at that time;
- (4) except for Attachments 1, 2 and 3, this report be made public following City Council's approval;
- (5) the Mayor, on behalf of City Council, express the City's appreciation and thanks to the outgoing members of the Boards of Directors of Toronto Waterfront Revitalization Corporation and the City of Toronto Economic Development Corporation for their past service; and
- (6) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

Citizen Nominations Policy

The Citizen Nominations Policy approved by Council on April 15 and 16, 2004, provides that City of Toronto appointees to the boards of directors of corporations be recruited with the assistance of an external search consultant and appointed by Council on the recommendation of the Corporations Nominating Panel, which is composed of Deputy Mayor Sandra Bussin (Mayor's designate as Chair); Councillor Cliff Jenkins and Councillor Bill Saundercook.

The Citizens Nominations Policy was amended by Council's adoption of Clause 9, Policy and Finance Committee Report 7, at its meeting held on July 19, 20, 21 and 26, 2005, to provide that incumbent members of corporate boards undergo the same interview and evaluation process as new applicants, eliminating the previous requirement for a 360° evaluation.

These Council-approved processes were used to recruit, select and recommend the new citizen appointees to the Boards of Directors of the Toronto Waterfront Revitalization Corporation (TWRC) and the City of Toronto Economic Development Corporation (TEDCO).

Toronto Waterfront Revitalization Corporation

The Toronto waterfront revitalization initiative is the \$17-billion, long-term plan for environmental improvement, rejuvenation of economic activity and overall improvement of quality of life through development of Toronto's waterfront. In 2001, the City of Toronto, the Province of Ontario and the Government of Canada created the Toronto Waterfront Revitalization Corporation (TWRC).

The TWRC is an independent, not-for-profit, non-share capital corporation, whose membership is comprised of the City of Toronto, Province of Ontario and Government of Canada. Provincial legislation creating the permanent TWRC, *Toronto Waterfront Revitalization Corporation Act, 2002* was amended in December 2005. Under the amended *TWRC Act, 2005*, the TWRC Board of Directors is comprised of a maximum of 13 members:

- one citizen Chair, jointly appointed by the three orders of government;
- a maximum of four citizen members appointed by the federal government; and
- a maximum of four members, including up to one elected official, appointed by each of the City and the provincial government.

The term of appointment for the City of Toronto's three citizen members expired on December 4, 2004. In light of governance changes, the term was extended to May 2006. The term of office is for three years following appointment by City Council. Members are eligible for reappointment. The Board and its committees are subject to section 239 of the *Municipal Act, 2001*, which calls for meetings to be open to the public.

Mayor David Miller officially became the City of Toronto's elected official on the TWRC Board in December 2005 when the *TWRC Act* was amended by the Province of Ontario.

City of Toronto Economic Development Corporation

As approved by Council on November 26, 27, 28 and 29, 2002, the current composition of the TEDCO board is:

- (i) the Mayor or his designate who is a Member of Council;
- (ii) the Chair and one other member of the Economic Development and Parks Committee nominated by the Striking Committee;
- (iii) 1 nominee of the Labour Council of Toronto and York Region; and
- (iv) 5 citizens nominated by the Corporations Nominating Panel.

The term of appointment for all six citizen members expired on November 30, 2005. Council is required to fill all six citizen positions and to name the Chair of the Board. The incumbent Chair is not eligible for re-appointment under Council's Citizen Nominations Policy approved April 15 and 16, 2004.

Comments:

1. Recruitment for Toronto Waterfront Revitalization Corporation

An open and public process was used to recruit the City's appointees to the TWRC Board of Directors. Following the issuance of a Request for Proposals to 13 pre-qualified recruiting firms, Organization Consulting Limited was retained to assist with this process and to ensure a strong slate of candidates was developed.

Organization Consulting advertised the opportunity in the March 25, 2006 issues of *The Toronto Star* and *Globe & Mail*, on the City's Internet website, via a news release to the Canada News Wire and City Hall press gallery, and via distribution to 25 organizations on Organization Consulting's database. With staff's assistance, the recruiting firm also developed a comprehensive information kit for potential Board appointees and up-to-date information on potential candidates, consulted with key stakeholders to define the best qualities for a TWRC Board director including members of City Council and the Chair of the TWRC Board, and undertook explanatory discussions with candidates.

As a result of these initiatives, 108 individuals contacted Organization Consulting, all of whose applications were screened and evaluated for eligibility prior to 14 undergoing in-depth telephone discussions. Based on these discussions, six individuals were recommended for and interviewed by the Corporations Nominating Panel on April 10, 2006.

Candidates were asked to outline their vision for the waterfront, the skills and qualifications that they would bring to the Board and the manner in which they would remain apprised of the interests and priorities of communities in Toronto relative to waterfront revitalization. Their responses were checked against the City's Board member profile. Candidates were screened for potential conflicts of interest prior to their recommendation.

The Corporations Nominating Panel interviewed six candidates using a standard set of questions and evaluation criteria that included demonstrated understanding of public accountability, comprehensive city building initiatives, human resources and economic development. Individuals were also evaluated for their civic-mindedness and commitment to enhancing broader public access to the waterfront. Based on these interviews, the Corporations Nominating Panel recommends that Council appoint the following three individuals as the City's citizen appointees to the TWRC Board for a three-year term:

- Ms Janet Graham;
- Mr. Renato Discenza; and
- Mr. Mark Wilson (incumbent).

Confidential background information on each TWRC candidate is noted in Attachment 2.

2. Recruitment for the City of Toronto Economic Development Corporation

An open and public process was used to recruit the City's appointees to the TEDCO Board of Directors. Following the issuance of a Request for Proposals to twelve executive search firms, The Caldwell Partners were retained to assist with this process and to ensure a strong slate of candidates was developed. Staff of the City Manager's Office provided assistance and support to the search consultant and the Panel.

The Caldwell Partners identified and recruited applicants for the TEDCO board and, in addition, advertised the appointment opportunity in the November 9, November 11 and November 23, 2005 issues of the *Globe and Mail Report on Business Careers* Section to

ensure that the widest possible range of candidates were considered for these positions. Caldwell Partners received, screened, and evaluated all of the approximately 200 applications received for these positions and undertook exploratory discussions with prospective candidates using an information package prepared with the assistance of City staff. The consultants provided a list of all applicants for these positions and a recommended list of candidates to be considered for interviews for review by the Corporations Nominating Panel, as well as an evaluation matrix indicating the qualifications possessed by the recommended candidates.

In addition to the general eligibility requirements of the *Ontario Business Corporations Act*, the City's shareholder direction to TEDCO approved by City Council in June, 2002 requires that TEDCO's directors must, collectively, have knowledge of commercial real estate and land development and experience in legal, business, environmental and financial management matters. In addition, directors should exhibit general business acumen, personal integrity and independence of judgement. Finally, one of the six citizen members of TEDCO's board is to be the designate of the Labour Council of Toronto and York Region.

The Corporations Nominating Panel selected candidates for interviews, interviewed thirteen candidates using a standard set of questions and recommends that Council appoint the following six individuals, including the Chair and the designate of the Labour Council of Toronto and York Region, as the City's citizen appointees to the TEDCO Board for a three-year term:

- (i) Mr. Rowland Fleming (Recommended Chair);
- (ii) Ms. Helen Burstyn;
- (iii) Ms. Alexandra Dagg (Designate of the Labour Council of Toronto and York Region);
- (iv) Mr. Aladin Mawani;
- (v) Mr. David J. McFadden (Incumbent); and
- (vi) Mr. Norman Seagram.

Confidential background information concerning each nominee to the TEDCO Board of Directors is set out in Attachment 3.

The Corporations Nominating Panel recommends three alternate board members as set out in Attachment 1 for future consideration for appointment to the TEDCO board. In the event a vacancy on the TEDCO board arises, it is intended that, rather than initiating a wide-ranging search for a replacement director, the City would approach the alternates and, if they are still eligible, interested and available, that they be recommended for appointment.

Conclusion:

The Corporations Nominating Panel recommends three individuals as the City's appointees to the Board of Directors of the TWRC. These individuals have the skills and expertise necessary to ensure that the City's priorities and objectives for waterfront renewal are undertaken by the TWRC.

The Panel also recommends six citizens, including the Chair and the designate of the Labour Council of Toronto and York Region, who collectively cover the required skills and experience requirements for appointment to the TEDCO Board of Directors. Finally, the Panel also recommends three alternate board members for the TEDCO Board to be considered for appointment in the event that a position becomes vacant.

The retiring TWRC and TEDCO Board Members should be congratulated for their contributions to the City. The City will look to the new board to build on this work and to their contributions to the success of TWRC, TEDCO and the City.

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List of Attachments:

Attachment 1: Alternate Citizens for Appointment to the Board of Directors of Toronto Economic Development Corporation

Attachment 2: Background Information on Recommended Appointees to the Board of Directors of Toronto Waterfront Revitalization Corporation (TWRC)

Attachment 3: Background Information on Recommended Appointees to the Board of Directors of Toronto Waterfront Revitalization Corporation (TEDCO)

(Attachments 1, 2 and 3 remain confidential in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they contain personal information about identifiable individuals.)

ATTACHMENT 9 [Notice of Motion J(27)]

Report (April 21, 2006) from the President and CEO, TEDCO, and the Vice-President, Development, TEDCO, entitled "Port Lands Film/Media Complex". (See Minute 5.104, Page 125)

Purpose:

Pursuant to Council direction at its September 22, 2005 meeting, TEDCO has now finalized the Option Agreement with Toronto Film Studios (TFS) for the balance of the Complex, Connected and Surrounding Lands associated with the Port Lands Film/Media Complex.

This report confirms the Option Agreement has been finalized and is consistent with the Ground Lease, as directed by Council in September 2005. The TEDCO Board authorized execution of the Option Agreement at its April 18, 2006 meeting. A copy of the final agreement has been filed with the City Clerk and is available for review.

Financial Implications:

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

Recommendation:

It is recommended that City Council receive this report for information.

Background:

On September 22, 2005, City Council approved granting of the Ground Lease to Toronto Film Studios. City Council further directed: *"that TEDCO be directed to finalize the Option Agreement for the balance of the Complex, Connected and Surrounding Lands, consistent with the terms in the Ground Lease, and that these agreements be reported directly to Council"*.

The Option Agreement has been prepared to document the terms for the subsequent leasing in the phases of the balance of the Complex (14 acres), Connected (6 acres) and Surrounding (15 acres) lands. The business terms, permitted uses, and legal provisions governing the option lands have been carried forward from the approved Ground Lease. The options on the lands expire within specific time periods, if not exercised and subject to certain conditions. A copy of the executed Option Agreement has been filed and is available with the City Clerk.

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(The Option Agreement with Toronto Film Studios for the balance of the Complex, Connected and Surrounding Lands associated with the Port Lands Film/Media Complex, referred to in the report, remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to the security of the property of the municipality.)

ATTACHMENT 10 [Notice of Motion J(28)]

Communication (April 21, 2006) from the Board of Directors, Hummingbird Centre for the Performing Arts. (See Minute 5.105, Page 128)

Please find enclosed copies of résumés of Walter Oster and Andrew J. Laffey, nominees for appointment to the Board of Directors of the Hummingbird Centre for the Performing Arts.

The Board of Directors, at its meeting on April 18, 2006, received, with regret, resignations from Mr. Bill King and Mr. Tom Woods, and endorsed the nomination of Mr. Walter Oster and Mr. Andrew J. Laffey.

(The biography and résumé attached to the communication remain confidential in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they contain personal information about identifiable individuals.)

ATTACHMENT 11 [Notice of Motion J(29)]

Report (April 25, 2006) from the City Manager and Deputy City Manager and Chief Financial Officer, entitled “Ontario Energy Board Decision – Impact of Reduction in Deemed Interest Rate in Relation to Toronto Hydro-Electric System Limited”. (See Minute 5.106, Page 130)

Purpose:

To report on an Ontario Energy Board Decision with Reasons (April 12, 2006) which reduced the electricity distribution rates for Toronto Hydro Electric-System Limited, based in part on the disallowance of the amount of interest expense on the company’s \$980 million promissory note that may be recovered from electricity distribution rates.

Financial Implications and Impact Statement:

The Ontario Energy Board Decision, which takes effect as of May 1, 2006, reduces the electricity distribution rates of Toronto Hydro-Electric System Limited, enabling this action, in part, by lowering the deemed (i.e. recoverable from electricity distribution rates) interest rate on the company’s \$980 million promissory note (held by Toronto Hydro Corporation) from 6.8% to 5.0%. This is equivalent to a reduction of \$17.6 million in annual interest expense.

The City holds an equivalent Promissory Note of Toronto Hydro Corporation (the holding “Corporation”), carrying an interest rate of 6.8% (\$67 million per annum). This obligation remains legally binding on the Corporation, and therefore, the OEB decision has no immediate impact on interest payments to be received by the City. However, given the reduced electricity distribution revenues, the continued obligation of the Corporation to meet these interest payment obligations could have the net effect of reducing annual dividend payments to the City by up to \$5 million, beginning in 2007.

Recommendations:

It is recommended that:

- (1) City Council authorize staff to write to the Ontario Energy Board to correct the factual determinations of the Board as set out in its decision of April 12, 2006, as they relate to the actions of the City in relation to the City-held Promissory Note from Toronto Hydro Corporation and the receipt of dividend payments from Toronto Hydro Corporation; and
- (2) Toronto Hydro Corporation be advised that the terms of the City-held Promissory Note have not been changed by the Ontario Energy Board decision.

Background:

I. Promissory Note

At its meeting of June 9, 10 and 11, 1999, City Council adopted the recommendations of Strategic Policy and Priorities Committee, Report 10, Clause 1, as amended, authorizing the incorporation of Toronto Hydro Corporation (“the Corporation”) and its subsidiary companies. Toronto Hydro-Electric System Limited (the “Distribution Subsidiary”) was capitalized to include 35% equity, and 65% debt. The debt was in the form of a \$980,230,955.00 Promissory Note (“the Original Promissory Note”) held by the City, with an attached interest rate of 6.8% per annum. This capital structure and interest rate was set to be consistent with the then proposed Ontario Energy Board (“OEB”) Performance Based Regulation Handbook.

II. Replacement Promissory Note

At its meetings of July 30, 31, and August 1, 2002 (Policy and Finance Committee Report 12, Clause 29), and October 1, 2 and 3, 2002 (Policy and Finance Committee Report 13, Clause 14), Council adopted recommendations authorizing the initial commercial (i.e. public) debenture issuance of the Corporation, as well as amendments to the Original Promissory Note to comprise commercial terms.

During this exercise, the Original Promissory Note (from the Distribution Subsidiary) was replaced with a similar Promissory Note of the Toronto Hydro Corporation (the “Promissory Note”). Since the commercial debenture issuance was to occur at the level of the Corporation, this amendment was intended to promote administrative efficiency and effectiveness, and to ensure that the commercial debentures would not rank as subordinate to the Promissory Note. Therefore, the Original Promissory Note was made payable to the Corporation, and the Corporation, in turn, issued a separate Promissory Note payable to the City.

The terms of the Promissory Note included the following:

- (i) the principal was to remain at \$980,230,955.00;
- (ii) the interest rate was to remain at 6.8% per annum, in order to be consistent with both the Original Promissory and the applicable OEB deemed interest rate. However, the City’s ability to continue to earn interest on all or a portion of the note at the interest rate of 6.8% was subject to any adjustment to the deemed debt cost rate, as prescribed in the OEB Electricity Distribution Rate Handbook, for utilities in the same base class; and
- (iii) a five-year term (which commenced on May 7, 2003), extendible upon maturity for up to an additional five-year term at the option of the City.

On May 6, 2003, the Corporation issued \$225 million in publicly-available commercial debentures, with a 10 year term to maturity, at an interest rate of 6.11% per annum.

Subsequently, at its meeting of January 31, February 1 and 2, 2006, Council adopted the recommendations of Policy and Finance Report 1, Clause 39, thereby extending the term of the Promissory Note to May 6, 2013, in accordance with its terms and conditions.

Comments:

On April 12, 2006, the OEB issued its Decision with Reasons relating to the electricity distribution rate application of the Distribution Subsidiary, to take effect on May 1, 2006. In its decision:

- (1) The OEB ordered a decrease in the electricity distribution rates of the Distribution Subsidiary of approximately 10%. Given that the electricity bill received by consumers is comprised of several charges, including an electricity distribution charge, the net effect on the consumer bill will be a decrease of approximately 2.3%.

The OEB-ordered decrease is funded, in part, by a reduced deemed interest rate on a \$980 million Original Promissory Note of the Distribution Subsidiary, from 6.8% to 5.0%. This means that despite the terms of this promissory note, the Distribution subsidiary may only recover an interest expense of up to 5.0% from electricity distribution rates (i.e. \$17.6 million less on an annualized basis, or \$11.8 million during 2006).

As indicated above, the City holds an equivalent Promissory Note of the Corporation, carrying an interest rate of 6.8%, paying \$67 million per annum. This obligation (namely to pay interest in accordance with the Promissory Note) remains legally binding on the Corporation.

- (2) The OEB directed that “any dividend payout by the utility to an affiliate be approved by a majority of independent directors” (independent directors are defined as those directors that are not also directors, shareholders, officers, or employees of an affiliate company). Furthermore, the OEB indicated its intentions to engage in a further review of the payment of dividends from the Distribution Subsidiary to the Corporation.

It should be noted that the OEB does not have jurisdiction over other companies that are affiliates of the Distribution Subsidiary, such as the Corporation, or other Toronto Hydro subsidiaries.

A. A Historical Perspective on Interest Rates

(i) OEB Electricity Distribution Rate Handbook 2000

The OEB issued its first Electricity Distribution Rate Handbook (“the First Rate Handbook”) on November 3, 2000 which was intended to set rules and guidelines for the first generation of “performance based regulation” for the Provincial electricity distribution sector.

Table 3.1 of the First Rate Handbook provided a “deemed” capital structure which electricity distribution utilities were required to use in their rate filing applications. For utilities with assets greater than \$1 billion, such as the Distribution Subsidiary, the deemed capital structure was set at 35% equity, and 65% debt, with a deemed interest rate on the debt (the “debt cost rate”) of 6.8%. The First Rate Handbook noted that market data from December 1999 was used in determining the relevant rates.

The First Rate Handbook set the maximum allowable rate of return on common equity (ROE) for electricity distribution utilities at 9.88% per annum, and stated in Section 3.4.14:

“Upon corporatization, with the municipality installed as shareholder, a municipally-owned electricity distribution utility may wish to propose rates that target returns up to the allowable ROE ceiling.”

(ii) City-held Promissory Note of Toronto Hydro Corporation- Definition of Debt Cost Rate

The rate of interest (i.e. 6.8%) of the Original Promissory Note was set at incorporation by matching the rates set out by the OEB in the First Rate Handbook. The replacement Promissory Note defined the attached Debt Cost Rate as a rate of interest per annum that at all times is equal to the debt cost rate prescribed from time to time by OEB in its electricity distribution rate handbook for utilities in the same rate base class as the Distribution Subsidiary. As at the date of issuance of the (replacement) Promissory Note, the Debt Cost Rate prescribed in the OEB Handbook was 6.8% per annum.

(iii) OEB 2006 Electricity Rate Handbook

On May 11, 2005, the OEB issued its “2006 Electricity Rate Handbook” (“the 2006 Rate Handbook”), which superseded the First Rate Handbook. Under Section 5.2, the deemed debt rate for larger utilities, such as the Distribution Subsidiary, was lowered to 5.8%. However, Section 5.2 also indicates that:

“For debt held by a third party, the actual debt rate for that debt is used. For debt held by an affiliate (e.g. municipal shareholder, holding company), the debt rate used is the lower of the actual debt rate and the deemed debt rate at the time of issuance. (*emphasis theirs*) The debt rate should include all costs of issuance.”

Therefore, according to the 2006 Rate Handbook, the interest rate on the City-held promissory note was to remain at 6.8%, with the Distribution Subsidiary continuing to recover these costs from electricity rates. Furthermore, it should be noted the 6.11% interest rate on the publicly-available commercial debentures of the Corporation, along with its ability to recover these costs, was to remain unaffected.

(iv) OEB Decision with Reasons, April 12, 2006

In its decision of April 12, 2006, the OEB ordered a reduction of electricity distribution rates, along with a corresponding reduction in the deemed interest rate on the Original Promissory note of the Distribution Subsidiary from 6.8%, to 5.0%. This reduced the amount that the Distribution Subsidiary may recover from electricity distribution ratepayers by \$17.6 million per annum (or \$11.8 million during 2006), despite the terms of the Original Promissory Note.

B. OEB Rationale

As previously indicated, Toronto Hydro Corporation, the parent of the Distribution Subsidiary, holds a promissory note of the Distribution Subsidiary (the Original Promissory Note). The City holds an equivalent Promissory Note of the Corporation, carrying an interest rate of 6.8% (paying \$67 million per annum). This obligation continues to be legally binding on the Corporation. Despite that, the OEB approached the treatment of the Original Promissory Note for purposes of rate setting as if it was held directly by the City.

The OEB decision document contains certain assertions on City action and interest rates that warrant comment, and are discussed in detail below.

1. Debt Cost Rate

- (i) The OEB asserted that the debt cost rate (i.e. interest rate) attached to the Original Promissory Note (of the Distribution Subsidiary) and to the Promissory Note (of the Corporation), of 6.8%, is above the current market rate, indicating that by “general consensus”, the current market rate is 5.0%. However, no supporting evidence was provided for this assertion.

It should be noted that regardless of the current market rate, the City-held Promissory Note is a long-term debt obligation of the Corporation. At the time of issuance, the rate was set at 6.8%, in accordance with First Rate Handbook guidelines.

- (ii) The OEB did not suggest a similar alteration of the 6.11% interest rate on publicly-available debentures. By suggesting that the interest rate on the Promissory Note be altered, the OEB was creating a two-tiered approach to debt obligations.

- (iii) The OEB has asserted, in paragraph 5.3.4 of its decision:

“The fact that the Board and most of the parties in this proceeding were concerned about the above-market interest rates during the course of this hearing would have been apparent to both the utility and its shareholder the City of Toronto. The response by the City was interesting, to say the least. Once the hearing was over, they chose to extend the note to 2013.”

Contrary to this statement, the City had no involvement in these proceedings, and its actions were completely unrelated. The City was merely seeking to satisfy its obligations under the terms of the Promissory Note, under which the City had until February 6, 2006, at the latest, to extend the term of the note.

It should be noted that while the OEB hearing dates were January 17, 18, 20, 24, 26, 27, 30 and 31, the City staff report was dated January 20, 2006, the Policy and Finance Committee considered this matter at its meeting of January 23, 2006, and Council directed extension of the note at its meeting of January 31, 2006.

- (iv) In relation to both debt cost and term extension issues, the OEB asserted, in paragraph 5.3.8 of the decision that:

“It is also apparent that financing decisions are being made unilaterally by the city, which is the sole shareholder of the utility”.

First, a correction should be made to reflect the fact that the City is the sole shareholder of the Corporation, which in turn is sole shareholder of the “utility”, or Distribution Subsidiary. Secondly, that the City’s capacity as debt obligor is separate and apart from its status as shareholder.

In both extending the term of the Promissory Note until May 6, 2013, and in maintaining the debt cost, the City was acting within its rights and obligations under the terms of the note.

- (v) While the OEB has stated a reasonable principle that:

“Ratepayers are entitled to just and reasonable rates”;

it indicated:

“That is the over-riding principle, not that the City of Toronto as sole shareholder should be able to extract from ratepayers above-market returns”;
and

furthermore, that:

“In the end, the Board’s responsibility is to ensure that rates are just and reasonable. That does not include ratepayers paying an additional \$16 million here in order that the City of Toronto can receive interest income from the utility at above-market rates”.

However, as previously discussed, the City was neither seeking to extract above-market returns from ratepayers, nor acting (unreasonably) in its capacity as sole shareholder of the Corporation in dealing with issues relating to the Promissory Note. To reiterate, the interest rate on the Promissory Note was set by matching the rates set out by the OEB in the First Rate Handbook.

- (vi) It is worth noting that the OEB issued its First Rate Handbook on March 9, 2000, subsequently amending it on November 3, 2000, to reflect a decision to effect a 3-year phase-in of electricity distribution rates (2000 – 2002). At that time, the Corporation and its subsidiaries had already been structured and incorporated.

The City had already required no interest payments during 1999 (the year of incorporation). Due to the OEB rate phase-in decision, there was a resultant shortfall in earnings over original expectations, leaving the Corporation unable to meet its full annual interest payment obligation to the City (\$67 million) until 2002. Therefore, at its meeting of March 6, 7, 8, 2001 (Policy and Finance Committee, Report No 2, Clause 8), Council actually forgave interest payments of \$33 million relating to fiscal 2000, and \$25 million relating to fiscal 2001.

2. Dividends

- (i) The OEB has expressed its concern at the level of dividend payout to the City. Although the decision document correctly notes that City dividend policy requires payment of 50% of Corporation (i.e. consolidated) net income, the OEB mistakenly states that:

“the extremely high dividend payout made to the City... appears to be greater than the net income of the utility over at least a two-year period” (and has referenced fiscal 2004 and 2005).

Furthermore, the OEB asserted that:

“the City has extracted extensive dividends from this utility in recent years. It is likely one of the rare occurrences in Canadian financial markets where the level of dividends exceeds the net income.”

Firstly, as the OEB has noted, the City’s dividend policy applies to the earnings of the Corporation, which would include the earnings of the other Toronto Hydro subsidiary

companies (including Toronto Hydro Energy Services Inc. and Toronto Hydro Telecom Inc.). Dividends have been paid to the City pursuant to dividend policy, with the exception of one additional special dividend of \$19 million paid in 2005. It should be further noted that the City received no dividends between fiscal 2000 and 2002, and received total dividends of \$5 million during 2003.

Secondly, the assertion that the City has received dividends in excess of the Distribution Subsidiary net income for 2004 and 2005 is incorrect. The confusion may relate to a Distribution Subsidiary dividend, paid to the Corporation in an attempt to rebalance its capital structure to be in line with OEB Rate Handbook guidelines. This dividend was not forwarded to the City.

- (ii) The OEB decision states that given the high level of dividends and the related concern expressed by several parties, it was “appropriate” to require any further dividend paid to the City to be approved by a majority of the independent directors of the Distribution Subsidiary, and indicated its intention to review this at the time of the next rate case. However, this would be unnecessary, since all dividend payments made to the City are subject to the Corporation’s Board of Directors, who are mindful of their fiduciary duties to the Corporation under the *Business Corporations Act, Ontario*.

Future Direction

This report recommends that City staff write to the OEB to clarify the record as it relates to the actions of the City in relation to the Promissory Note and the receipt of dividend payments. Secondly, the City should advise the Corporation that the terms of the Promissory Note have not been changed by the OEB decision.

It should be noted that at the time that the OEB decision was made public, the Deputy City Manager and Chief Financial Officer was already in the process of devising a plan relating to the most prudent utilization of proceeds from the Promissory Note. The intention remains to report to Council, through the Policy and Finance Committee, in July 2006. At that time, the Deputy City Manager and Chief Financial Officer will also report on related matters as may be deemed necessary, such as terms of the Promissory Note, dividend policy, and potential future participation as an intervenor in rate hearings before the Ontario Energy Board in order to protect the City’s interests.

There is a confidential companion report from the City Solicitor relating to future directions.

Conclusions:

This report reviews an Ontario Energy Board Decision with Reasons (April 12, 2006) which reduced the electricity distribution rates for Toronto Hydro Electric-System Limited, enabling this action, in part, by lowering the deemed (i.e. recoverable from electricity distribution rates) interest rate on the company's \$980 million promissory note payable to Toronto Hydro Corporation from 6.8% to 5.0%, equivalent to \$17.6 million in annual interest expense.

The City holds an equivalent Promissory Note of Toronto Hydro Corporation, carrying an interest rate of 6.8% (\$67 million per annum). Despite the decision of the OEB, this obligation remains legally binding on the Corporation. Therefore, the decision has no immediate impact on the interest payments to be received by the City. However, given the reduced electricity distribution revenues, the continued obligation of the Corporation to meet these interest payment obligations may have the net effect of reducing dividend payments to the City by up to \$5 million, beginning in 2007.

Accordingly, staff are recommending the actions set out in the section of this report that is entitled "Future Direction".

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ATTACHMENT 12 [Notice of Motion J(37)]

Report (April 24, 2006) from the Chief Corporate Officer, entitled “9 Hanna Avenue - Exchange of Property Interests with the Owner of 5 and 11 Hanna Avenue (Ward 19 - Trinity-Spadina)”. (See Minute 5.114, Page 148)

Purpose:

To authorize an exchange of property interests for the purpose of minimizing the effect of existing easements on the future City-owned property municipally known as 9 Hanna Avenue.

Financial Implications and Impact Statement:

This transaction is an exchange of land/easements of approximately equal value. There are only minor financial implications relating to land transfer tax in the amount of approximately \$6,000.00 for the City. Funds are available in the TPS Capital Account PL-100029-01 Traffic Services/Central Garage.

The Deputy City Manager and Chief Financial Officer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) authority be granted for the City to enter into an agreement with Toronto Hanna Properties Limited (“Toronto Hanna”) and GT Fiber Services Inc. (“GT”) for the exchange of property interests and additional terms outlined in Appendix “A”, and on such other terms and conditions as the Chief Corporate Officer may deem advisable or appropriate to effect the exchange, with the agreement to be in a form satisfactory to the City Solicitor;
- (2) the City Solicitor be authorized to complete the transactions on behalf of the City, including payment of any necessary expenses;
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto; and
- (4) this report be considered in conjunction with the report submitted by the Chief Corporate Officer dated April 24, 2006 entitled “Amendment to Section 30 Agreement between the City and 863880 Ontario Ltd. in respect of the lands on the west side of Strachan Avenue”.

Background:

At its meeting held on July 22, 23 and 24, 2003, Council adopted Clause 20 of Policy and Finance Committee Report 8 respecting the purchase of 9 Hanna Avenue for the Toronto Police Service Central Traffic and Garage and Court Services facility. Pursuant to Clause 20, Council directed the Commissioner of Corporate Services to report back on the results of negotiations with the adjacent property owner related to the minimization of the effect of existing easements on 9 Hanna Avenue. A number of reports have been submitted on the progress of the negotiations, the most recent being Clause 10 of Administration Committee Report 7, as adopted by Council at its meeting held on September 28, 29 and 30, 2005. This report is submitted as a further response to Council's earlier direction.

Comments:

In 2003, the City entered into an agreement of purchase and sale to purchase 9 Hanna Avenue, following completion of certain renovations to make the property suitable for use by Toronto Police Services. Although the renovations have been completed, the purchase transaction has not yet closed due to certain title problems that the vendor has been unable to resolve. As part of the proposed transaction with Toronto Hanna and GT, the title problems will be resolved, thereby enabling the City to proceed with its purchase of 9 Hanna Avenue.

9 Hanna Avenue is presently encumbered with numerous easements that service properties both west and east of the property. Staff was directed by City Council to negotiate with the adjacent property owner with a view to minimizing the effect of the existing easements. Staff has been negotiating with Toronto Hanna, who owns both the property to the west (5 Hanna Avenue) and the property to the east (11 Hanna Avenue). In addition, staff has been negotiating with GT, as at the time the City's purchase of 9 Hanna closes, the vendor will be conveying a 10 foot x 10 foot parcel of land at the southeast corner of 9 Hanna to GT, together with the necessary easements, to enable GT to continue to operate the existing fiber optic network which crosses under the 9 Hanna property.

Staff has come to an agreement, conditional on Council approval, which will eliminate, relocate or recognize specific easements, allowing for greater independent use of 5, 9 and 11 Hanna Avenue. An independent appraisal has been undertaken and staff concur with the appraiser that the size, utility and value due to the exchange of the easements will benefit each party and is considered to be approximately equivalent. The interests to be exchanged are outlined in detail in Appendix "A". A brief summary of the key interests to be exchanged follows.

Presently, 11 Hanna enjoys an access easement, which extends south-easterly from Hanna Avenue across 5 Hanna and then easterly across the southern portion of 9 Hanna to 11 Hanna. 5 and 11 Hanna also have an easement across the southern portion of 9 Hanna for the maintenance, repair, leasing and replacement of two third party advertising signs located in front of the 9 Hanna building.

Toronto Hanna has agreed to release its interest in a portion of the access easement on the south side of 9 Hanna, subject to it retaining sufficient easement rights to access and service the west advertising sign from 5 Hanna (the west) and the east advertising sign from 11 Hanna (the east). This will mean, however, that 11 Hanna will no longer have the right to drive all the way across the south side of 9 Hanna to access 11 Hanna, giving the City exclusive control over the existing driveway area between the two signs.

Toronto Hanna has also agreed to convey a 6 meter wide parcel of land, with a direct connection to East Liberty Street, on the east side of 9 Hanna, to the City to allow for appropriate operations by Toronto Police Services. The use of the parcel by the City will be restricted to access, infrastructure, servicing and maintenance of the building. Also, Toronto Hanna will retain an easement over the parcel for access, infrastructure, servicing and drainage.

In exchange for the above interests, the City will:

- (a) release the existing access, infrastructure and servicing easements over 11 Hanna, as they are no longer required;
- (b) enter into limiting distance agreements with Toronto Hanna whereby the City agrees that no additional windows or doors, beyond what presently exist, will be installed in the east or west walls of the 9 Hanna building and whereby the City agrees that it will not build on the 6 metre wide parcel on the east side of 9 Hanna; and
- (c) release the existing fiber optic easement over part of 5 Hanna, as it is not required by the City.

In addition to the exchange of property interests, staff has secured Toronto Hanna's agreement to release the surplus density agreement that is presently registered on title to 9 Hanna, which requires the owner of 9 Hanna to co-operate and work together with Toronto Hanna if Toronto Hanna submits a rezoning application to the City to allocate any surplus density from 9 Hanna to 11 Hanna Avenue. This agreement is not a permitted encumbrance under the City's agreement of purchase and sale for 9 Hanna and, if accepted by the City, would put the City in conflict of interest in the exercise of its statutory planning powers. Accordingly, the City has insisted that the vendor obtain a release of this agreement, which the vendor has been unable to obtain to date, resulting in a delay in closing the 9 Hanna transaction. Toronto Hanna has agreed, however, as part of the exchange of property interests transaction, to release the surplus density agreement from title. Once the agreement with Toronto Hanna and GT is signed, therefore, the City will be able to proceed with the 9 Hanna transaction, as it will have a binding contractual covenant from Toronto Hanna to release the surplus density agreement from title when the exchange of property interests transaction closes. Toronto Hanna has also agreed to grant Toronto Hydro an easement over part of 11 Hanna to regularize the easement arrangements for the existing hydro supply to 9 Hanna. This report must be considered in conjunction with the report (April 24, 2006) from Chief Corporate Officer entitled "Amendment to Section 30 Agreement between the City and

863880 Ontario Ltd. in respect of lands on the west side of Strachan Avenue”. One of the principals of Toronto Hanna is also a principal of 863880 Ontario Limited (“863880”), with whom the City has an existing Section 30 Agreement (under the Expropriations Act) to acquire certain land located on the west side of Strachan Avenue. Certain amendments to the Section 30 Agreement have been negotiated with 863880 for the benefit of both parties. A separate report has been submitted outlining the recommended amendments. Toronto Hanna, however, has made it a condition of the exchange of property interests transaction that the Section 30 amending agreement must be executed at the same time as the exchange of property interests agreement. In order to proceed with either transaction, therefore, both transactions must be approved by Council.

Conclusions:

In recognition of the benefits to the City under the proposed transactions, it is recommended that the City enter into an agreement with Toronto Hanna and GT, incorporating the terms set out in the Recommendations of this report.

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List of Attachments:

Appendix A – Property Interests to be Exchanged
Appendix B – Site Map

(Copies of the Appendices are on file in the City Clerk’s Office.)

ATTACHMENT 13 [Notice of Motion J(37)]

Report (April 24, 2006) from the Chief Corporate Officer, entitled “Amendment to Section 30 Agreement between the City and 863880 Ontario Ltd. in respect of Lands on the west side of Strachan Avenue (Ward 19 - Trinity-Spadina)”. (See Minute 5.114, Page 148)

Purpose:

To amend the existing Section 30 agreement between the City and 863880 Ontario Ltd.

Financial Implications and Impact Statement:

There is a financial benefit to the City which provides greater flexibility to the City in acquiring this property, including postponing the closing date until 2012 if the City exercises its option.

The Deputy City Manager and Chief Financial Officer have reviewed this report and concur with the financial impact statement.

Recommendations:

It is recommended that:

- (1) the existing Agreement under Section 30 of the Expropriations Act (the “Section 30 Agreement”) between the City and 863880 Ontario Limited (“863880”) in respect of the acquisition of certain lands on the west side of Strachan Avenue, be amended on the following terms, with the amending agreement to be in a form satisfactory to the City Solicitor:
 - (a) the closing date be extended to February 28, 2007;
 - (b) the City be given the option to extend the closing date beyond February 28, 2007 for an additional period of up to five (5) years, on prior written notice;
 - (c) following closing, the City be given the option, for a term of twenty (20) years, to require 863880 to repurchase the property, at the same purchase price paid by the City, plus simple interest at a rate of six percent (6%) per annum; and
 - (d) following closing, 863880 be given the option, for a term of twenty (20) years, to repurchase the property if the City determines that the property is not required for the Front Street Extension and City Council declares the property to be surplus. The repurchase price will be the same amount paid by the City for the property, plus simple interest at the rate of six percent (6%) per annum.

- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto; and
- (3) this report be considered in conjunction with the report submitted by the Chief Corporate Officer dated April 24, 2006, entitled "9 Hanna Avenue – Exchange of Property Interests with the Owner of 5 and 11 Hanna Avenue".

Background:

At its meeting held on December 4, 5 and 6, 2001, City Council adopted Clause 23 of Administration Committee Report 18, and thereby authorized the City to enter into an agreement with 863880 under Section 30 of the *Expropriations Act* for the acquisition of certain land on the west side of Strachan Avenue. With City Council's approval, the closing date of the transaction has been extended a number of times. Most recently, the closing date was extended to July 15, 2006 pursuant to Clause 10 of Administration Committee Report 7, as adopted by City Council at its meeting held on September 28, 29 and 30, 2005.

Comments:

In 2001, the City entered into the Section 30 Agreement with 863880 for the acquisition of certain land on the west side of Strachan Avenue for the Front Street Extension.

As noted above, the closing date has been extended a number of times, most recently until July 15, 2006. The extensions have been for the benefit of both parties, as they have allowed 863880 to minimize its costs of remediating its adjoining development site by making use of the Strachan Avenue lands for such purposes and they have allowed the City to postpone delivery of the \$1 million payment that is due on closing. (The balance of the purchase price to be paid by the City will be determined after closing in accordance with the provisions of the *Expropriations Act*).

As the City does not yet require use of the subject lands, staff has reached agreement with 863880, conditional on Council's approval, to amend the Section 30 Agreement on the following terms:

- (a) the closing date is to be extended to February 28, 2007;
- (b) the City is to be given the option to extend the closing date beyond February 28, 2007, for an additional period of up to five (5) years, on prior written notice;
- (c) following closing, the City is to have the option, for a term of twenty (20) years, to require 863880 to repurchase the property, at the same purchase price paid by the City, plus simple interest at a rate of six percent (6%) per annum; and
- (d) following closing, 863880 is to have the option, for a term of twenty (20) years, to repurchase the property if the City determines that the property is not required for the

Front Street Extension and City Council declares the property to be surplus. The repurchase price will be the same amount paid by the City for the property, plus simple interest at the rate of six percent (6%) per annum.

The foregoing amendments will give the City greater flexibility to deal with the property, including postponing the closing date until 2012 if it wishes, and requiring 863880 to repurchase the property if the City wishes to dispose of the property.

This report must be considered in conjunction with the report (April 24, 2006) from Chief Corporate Officer entitled "9 Hanna Avenue – Exchange of Property Interests with the Owner of 5 and 11 Hanna Avenue". One of the principals of 863880 is also a principal of Toronto Hanna Properties Limited, the owner of 5 and 11 Hanna Avenue, with whom staff has been negotiating for the exchange of various property interests for the purpose of minimizing the effect of existing easements on the future City-owned property municipally known as 9 Hanna Avenue. A separate report has been submitted outlining the proposed transaction for the exchange of property interests. 863880, however, has made it a condition of amending the Section 30 Agreement that the agreement with Toronto Hanna for the exchange of property interests must be executed at the same time as the agreement amending the Section 30 Agreement. In order to proceed with either transaction, therefore, both transactions must be approved by Council.

Conclusions:

As the proposed amendments to the Section 30 Agreement are of benefit to the City, it is recommended that the City amend the Section 30 Agreement, on the terms set out in this report.

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Chief Corporate Officer

ATTACHMENT 14 [Notice of Motion J(38)]

Report (April 27, 2006) from the Chief Planner and Executive Director, City Planning, entitled “Supplementary Report, Rezoning Application 04 204283 ESC 35 OZ, Draft Plan of Subdivision Application 04 204285 ESC 35 SB, Proponent: Goldman Centennial Developments Limited, Architect: John Blums, John Blums Architect Inc., 651 Warden Avenue, Ward 35 - Scarborough Southwest” (See Minute 5.115, Page 152)

Purpose:

This report reviews air quality and noise studies identifying appropriate mitigation and/or buffering measures in accordance with the directions of City Council pursuant to Report 1, Clause 16, of the Scarborough Community Council, for the proposed 253 dwelling unit subdivision at 651 Warden Avenue that is adjacent to the industrial land uses of Tradition Fine Foods (663 Warden Avenue) to the north and Patterson Industries (250 Danforth Road) to the east.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) recommend to the Chief Planner that appropriate air quality and noise mitigation measures, generally as set out in Attachment 1 be included in the Draft Plan of Subdivision approval conditions for this development, and such Draft Plan of Subdivision approval conditions may be added to or modified as the Chief Planner may deem appropriate to address matters arising from the on-going technical review of this development; and



- (2) proceed with enactment of the zoning amendment for this 253 dwelling unit residential development pursuant to the development approval set out in Clause 16 of Report 1 of the Scarborough Community Council.

Background:

Warden Corridor Land Use Planning Study

At its meeting on October 28, 2005, City Council enacted Official Plan Amendment (OPA) No. 1145 to the Scarborough Official Plan which sets out a planning framework for the new Warden Woods Community Secondary Plan area. OPA No. 1145 is currently partially under appeal (by Goldman Centennial Developments Limited and others), and, therefore is not fully in effect. At the same meeting Council enacted Zoning By-law 949-2005, the Warden Woods Community Zoning By-law to provide a zoning framework for residential and mixed use development in the Warden Woods Community.

Proposal

On January 31, February 1 and 2, 2006, City Council adopted the recommendations of a Final Report for Rezoning Application 04 204283 ESC 35 OZ and Draft Plan of Subdivision Application 04 204285 ESC 35 SB to permit a total of 253 dwelling units comprised of semi-detached units, street and stacked townhouses at 651 Warden Avenue, formerly Centennial College. The enactment of the Zoning Bill was withheld and City Council directed the Chief Planner and Executive Director, City Planning, to report to Council at such time as satisfactory arrangements and measures have been identified to address the interface with adjacent industrial uses.

Comments:

Air Quality Reports

Pinchin Environmental, an environmental, health and safety consulting firm, was retained by the applicant to undertake a preliminary assessment to determine the potential impact of atmospheric contaminant discharges from the adjacent industry to the north, Tradition Fine Foods at 663 Warden Avenue, and Patterson Industries to the east at 250 Danforth Road on the proposed residential development of 253 dwelling units at 651 Warden Avenue. Atmospheric discharges are defined as point source and fugitive source emissions of contaminants that are discharged to the ambient air from the subject facility. Atmospheric discharges can be in the form of chemical agents, dust, odour and noise.

Tradition Fine Foods Air Quality Report Conclusions and Recommendations

Tradition Fine Foods is a bakery. The current facility has approximately 9,300 square metres (100,000 square feet) of manufacturing that includes blending, mixing, extruding, baking and refrigeration processes. The facility can operate 24 hours per day, seven days a week.

Based on Pinchin's findings, it appears that the atmospheric discharges for Tradition Fine Foods are essentially limited to chemical by-products of natural gas combustion, suspended particulate matter and odour emissions, which may be the only contaminant of concern discharged from this facility to the atmosphere.

Pinchin Environmental concluded that the impact of natural gas combustion and suspended particulate matter will not have an adverse effect on the proposed subdivision. However, Pinchin could not determine whether odour emissions from the facility will have or will not have an adverse effect on the proposed subdivision at 651 Warden Avenue. Discussions with the owner of Tradition Fine Foods indicated that there has never been a complaint from the existing nearby residential community (as close as 30 metres) regarding odour. It is recommended that the conditions of draft plan of subdivision approval require that warning clauses with respect to odour be included in the purchase and sale agreements and registered on title.

Patterson Industries (Canada) Limited Air Quality Report Conclusions and Recommendations

Patterson Industries manufactures process equipment for a wide range of industrial sectors. The current facility has approximately 3,000 square metres (32,000 square feet) of manufacturing processes. The facility can operate 24 hours per day, seven days per week, although the owner has indicated that the plant has not operated at that level of production for some time.

Pinchin's environmental report concluded that Patterson Industries atmospheric air discharges include chemical contaminants and possibly odour from a paint spray booth, particulate matter (metals and dust) from electric arc welding and outdoor sandblasting, and chemical by-products from natural gas combustion and oxygen/acetylene combustion. Due to the limited activity with respect to these processes at Patterson Industries at the present time, Pinchin Environmental could not reach a conclusion on whether these processes would or would not have an adverse effect on the proposed subdivision at 651 Warden Avenue. Pinchin recommended that an Emission Summary and Dispersion Modelling report be prepared to document all atmospheric air discharges from the facility and to determine the off-property Point of Impingement concentration of contaminants. This will be secured in the draft plan of subdivision approval conditions outlined in Attachment 1 to this report.

Noise Reports

Valcoustics Canada Limited, an acoustics consulting firm, was retained by the applicant to prepare an Environmental Noise Analysis report for the proposed residential development at 651 Warden Avenue.

The applicable noise guidelines for new residential developments are those in the Ministry of Environment (MOE) Publication LU-131, "Noise Assessment Criteria in Land Use Planning". LU-131 addresses transportation sources of sound as well as stationary sources. Industrial and commercial operations are referred to as "stationary sources" in MOE terminology.

Tradition Fine Foods Noise Report Conclusion and Recommendations

It has been concluded by Valcoustics that with the implementation of noise mitigation, in the form of property line sound barriers plus mitigation at source, for industrial noise, the proposed residential development at 651 Warden Avenue is feasible. Valcoustics recommends that conditions of draft plan of subdivision approval and site plan control approval be utilized to ensure that the necessary mitigation measures are implemented.

Patterson Industries (Canada) Limited Noise Report Conclusion and Recommendations

Patterson Industries manufactures process equipment for a wide range of industrial sectors. Various stationary noise sources were identified. The plant includes various metal machining machines and fabricating processes, as well as a spray paint booth. The paint booth has a short exhaust stack penetrating the roof. Large metal pieces are also occasionally cleaned outside by sandblasting (no sandblasting equipment is permanently located on site). This is potentially a very noisy operation. However, Patterson Industries is in a period of limited plant activity.

It has been determined by Valcoustics that the sandblasting operation does not currently comply with noise regulations at the closest proposed residential properties. The preferred mitigation measure for the sandblasting operation would be to have it enclosed, either within the plant or within a separate enclosure to meet current noise standards. If the paint booth exhaust is mitigated and the sandblasting operation properly contained, no further noise mitigation measures appear to be warranted. Warning clauses registered on title to alert future occupants to the noise environment are also recommended.

Conclusions:

The existing industries of Tradition Fine Foods and Patterson Industries are located within the new Warden Woods Secondary Plan. The area is primarily designated as Neighbourhoods and a Mixed Use Area and is in a period of transition from industrial to residential. As a result of the City's requirement to identify appropriate mitigation and/or buffering measures between sensitive land uses, Goldman Centennial Developments hired qualified air quality

and acoustical consultants to review the subject industries and develop appropriate recommendations to mitigate possible future impacts for the future residential occupants of the area. These mitigation measures should form conditions in the draft plan of subdivision approval and, as appropriate, in relevant site plan control approvals.

Letters from Tradition Fine Foods and Patterson Industries have been received, which formally withdraw any objections previously made to Scarborough Community Council with respect to the proposed residential development. It is the City's understanding that Goldman Centennial Developments and the adjacent industries have signed agreements addressing the conclusion and recommendations of these air quality and noise reports and implementation of the necessary mitigation measures. Therefore, it is Planning Staff's recommendation that City Council enact the zoning by-law and recommend that the Chief Planner and Executive Director approve the plan of subdivision for the proposed 253 dwelling unit residential development at 651 Warden Avenue subject to appropriate conditions, including those set out in this report and summarized in Attachment 1.

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List of Attachments:

Attachment 1: Air Quality / Noise Mitigation Measures

Attachment 1 – Air Quality / Noise Mitigation Measures

1. Warning Clause – Industrial Bakery Operations

The Owner agrees to include the following warning clause in all agreements of purchase and sale and registered on title to the satisfaction of the City Solicitor:

“The Purchaser acknowledges that this residential development is located adjacent to an on-going multi-shift industrial bakery to the north that may continue to operate indefinitely and create odour emissions.”

2. Warning Clause – Solicitor Confirmation – Industrial Bakery Operations

The Owner agrees to provide its Solicitor’s confirmation to the City advising that the clauses set out above have been included in applicable Offers of Purchase and Sale and/or Rental Agreements to ensure that future occupants are aware of on-going industrial bakery operations on adjacent lands.

3. Warning Clauses – Industrial Operations

The Owner agrees to include the following relevant warning clauses (as per accepted noise reports by Valcoustics) in all agreements of purchase and sale and registered on title to the satisfaction of the City Solicitor:

“Purchasers are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound level may exceed the noise guidelines of the Ministry of Environment.”

“Purchasers are advised that the dwelling unit can be fitted with a central air conditioning system at the owner’s option which will enable occupants to keep windows closed if road traffic noise interferes with the indoor activities. If central air conditioning is installed, the air cooled condenser unit shall have a sound rating not exceeding 7.6 bels and shall be located so as to have the least possible noise impact on outdoor activities of the occupants and their neighbours.”

“This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Ministry of the Environment’s noise criteria.”

“Purchasers/tenants are advised that due to the proximity to the existing industrial developments, sound from these facilities may, at times, be audible.”

4. Warning Clause – Solicitor Confirmation – Industrial Operations

The Owner agrees to provide its Solicitor's confirmation to the City advising that the clauses set out above have been included in applicable Offers of Purchase and Sale and/or Rental Agreements to ensure that future occupants are aware of on-going industrial operations on adjacent lands.

5. Prior to the registration of the plan of subdivision, the Owner shall provide the City with an Emission Summary and Dispersion Modelling Report to document all atmospheric air discharges from existing and normal operations based on current infrastructure as documented in the "Preliminary Assessment of the Impact of Air Discharges from the Existing Facilities of Patterson Industries and Tradition Fine Foods on the Proposed Residential Development of Goldman Centennial Developments, prepared by Michael Shaw and Paul Geisberger of Pinchin Environmental, dated April 5, 2006" and to determine the off-property Point of Impingent concentration of contaminants and ensure that all necessary mitigation measures are implemented to the satisfaction of the Chief Planner and Executive Director.
6. Prior to the registration of the plan of subdivision, the Owner agrees to hire a qualified acoustical engineer to confirm that the plan of subdivision and working drawings properly include the appropriate mitigation measures necessary to meet relevant guidelines to the satisfaction of the Chief Planner and Executive Director.
7. Prior to the registration of the plan of subdivision, the Owner shall post a Letter of Credit as securities for the installation of any required mitigation measures pursuant to Items 5 and 6, above, including, but not limited to the construction and installation of acoustic fences, for 120% of the value of such items, to the satisfaction of the Chief Planner and Executive Director.

ATTACHMENT 15 [Notice of Motion J(38)]

Report (April 27, 2006) from the Chief Planner and Executive Director, City Planning, entitled "Supplementary Report, Rezoning Application 05 110455 ESC 35 OZ, Draft Plan of Subdivision Application 05 188717 ESC 35 SB, Proponent: 1007328 Ontario Limited, Architect: Burka Varacalli Architects, 300 Danforth Road, Ward 35 - Scarborough Southwest". (See Minute 5.115, Page 152)

Purpose:

This report reviews air quality and noise studies identifying appropriate mitigation and/or buffering measures in accordance with the directions of City Council pursuant to Report 1, Clause 15, of the Scarborough Community Council, for the proposed 348 dwelling unit subdivision at 300 Danforth Road that is adjacent to the industrial land uses of Tradition Fine Foods at 663 Warden Avenue and Patterson Industries at 250 Danforth Road. This report also addresses truck access implications for Patterson Industries.

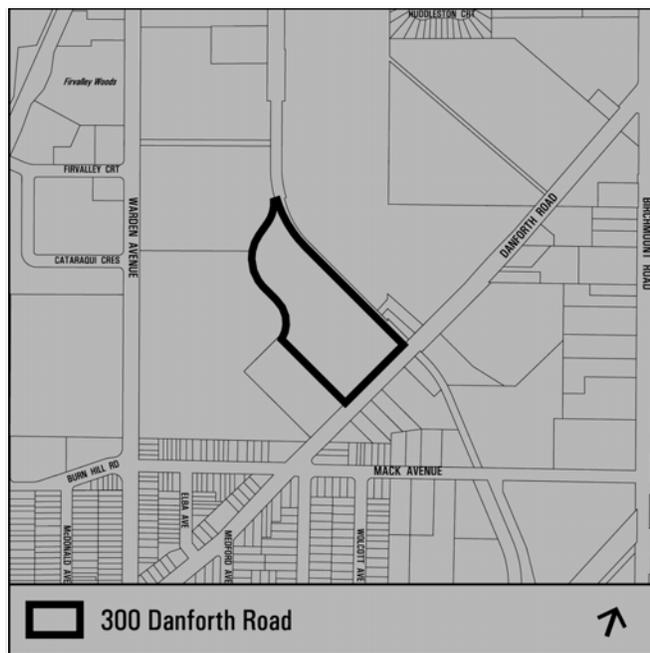
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) recommend to the Chief Planner that appropriate air quality and noise mitigation measures, generally as set out in Attachment 1 be included in the Draft Plan of Subdivision approval conditions for this development, and such Draft Plan of Subdivision approval conditions may be added to or modified as the Chief Planner may deem appropriate to address matters arising from the on-going technical review of this development;



- (2) recommend that the Chief Planner and Executive Director make such red line revisions to the draft plan of subdivision and modifications to the conditions of Draft Plan of Subdivision Approval as may be appropriate to implement such truck access arrangements as may be agreed to between 1007328 Ontario Limited and Patterson Industries (Canada) Limited; and
- (3) proceed with enactment of the zoning amendment for this 348 dwelling unit residential development pursuant to the development approval set out in Clause 15 of Report 1 of the Scarborough Community Council.

Background:

Warden Corridor Land Use Planning Study

At its meeting on October 28, 2005, City Council enacted Official Plan Amendment (OPA) No. 1145 to the Scarborough Official Plan which sets out a planning framework for the new Warden Woods Community Secondary Plan area. OPA No. 1145 is currently partially under appeal (by 1007328 Ontario Limited and others), and, therefore is not fully in effect. At the same meeting Council enacted Zoning By-law 949-2005, the Warden Woods Community Zoning By-law to provide a zoning framework for residential and mixed use development in the Warden Woods Community.

Proposal

On January 31, February 1 and 2, 2006, City Council adopted the recommendations of a Final Report for Rezoning Application 05 110455 ESC 35 OZ and Draft Plan of Subdivision Application 04 204285 ESC 35 SB to permit a total of 348 dwelling units in a variety of housing forms, including semi-detached units, street and stacked townhouses, and an 8 storey senior's apartment building and a public park. The enactment of the Zoning Bill was withheld and City Council directed the Chief Planner and Executive Director, City Planning, to report to Council at such time as satisfactory arrangements and measures have been identified to address the interface with adjacent industrial uses and truck access implications for Patterson Industries at 250 Danforth Road.

Comments:

Air Quality Reports

Pinchin Environmental, a environmental, health and safety consulting firm, was retained by the applicant to undertake a preliminary assessment to determine the potential impact of atmospheric contaminant discharges from the adjacent industry to the north-west, Tradition Fine Foods at 663 Warden Avenue, and Patterson Industries to the south-west at 250 Danforth Road for the proposed residential development of 348 dwelling units at 300 Danforth Road. Atmospheric discharges are defined as point source and fugitive source emissions of contaminants that are discharged to the ambient air from the subject facility. Atmospheric discharges can be in the form of chemical agents, dust, odour and noise.

Tradition Fine Foods Air Quality Report Conclusions and Recommendations

Tradition Fine Foods is a bakery. The current facility has approximately 9,300 square metres (100,000 square feet) of manufacturing that includes blending, mixing, extruding, baking and refrigeration processes. The facility can operate 24 hours per day, seven days a week.

Based on Pinchin's findings, it appears that the atmospheric discharges for Tradition Fine Foods is essentially limited to chemical by-products of natural gas combustion, suspended particulate matter and odour emissions, which may be the only contaminant of concern discharged from this facility to the atmosphere.

Pinchin Environmental concluded that the impact of natural gas combustion and suspended particulate matter will not have an adverse effect on the proposed subdivision. However, Pinchin could not determine whether odour emissions from the facility will have or will not have an adverse effect on the proposed subdivision at 300 Danforth Road. Discussions with the owner of Tradition Fine Foods indicated that there has never been a complaint from the existing nearby residential community (as close as 30 metres) regarding odour. It is recommended that the conditions of draft plan of subdivision approval require that warning clauses with respect to odour be included in the purchase and sale agreements.

Patterson Industries (Canada) Limited Air Quality Report Conclusions and Recommendations

Patterson Industries manufactures process equipment for a wide range of industrial sectors. The current facility has approximately 3,000 square metres (32,000 square feet) of manufacturing processes. The facility can operate 24 hours per day, seven days per week, although the owner has indicated that the plant has not operated at this level of production for some time.

Pinchin's environmental report concluded that Patterson Industries atmospheric air discharges include chemical contaminants and possibly odour from a paint spray booth, particulate matter (metals and dust) from electric arc welding and outdoor sandblasting, and chemical by-products from natural gas combustion and oxygen/acetylene combustion. Due to the limited activity with respect to these processes at Patterson Industries at the present time, Pinchin Environmental could not reach a conclusion on whether these processes would or would not have an adverse effect on the proposed subdivision at 300 Danforth Road. Pinchin recommended that an Emission Summary and Dispersion Modelling report be prepared to document all atmospheric air discharges from the facility and to determine the off-property Point of Impingement concentration of contaminants. This will be secured in the draft plan of subdivision approval conditions outlined in Attachment 1 to this report.

Noise Reports

Valcoustics Canada Limited, an acoustics consulting firm, was retained by the applicant to prepare an Environmental Noise Analysis report for the proposed residential development at 300 Danforth Road.

The applicable noise guidelines for new residential developments are those in the Ministry of Environment (MOE) Publication LU-131, "Noise Assessment Criteria in Land Use Planning". LU-131 addresses transportation sources of sound as well as stationary sources. Industrial and commercial operations are referred to as "stationary sources" in MOE terminology.

Tradition Fine Foods Noise Report Conclusion and Recommendations

It has been concluded by Valcoustics that with the implementation of noise mitigation, in the form of property line sound barriers plus mitigation at source, for industrial noise, the proposed residential development at 300 Danforth Road is feasible. Valcoustics recommends that conditions of draft plan of subdivision approval and site plan control approval be utilized to ensure that the necessary mitigation measures are implemented.

Patterson Industries (Canada) Limited Noise Report Conclusion and Recommendations

Patterson Industries manufactures process equipment for a wide range of industrial sectors. Various stationary noise sources were identified. The plant includes various metal machining machines and fabricating processes, as well as a spray paint booth. The paint booth has a short exhaust stack penetrating the roof. Large metal pieces are also occasionally cleaned outside by sandblasting (no sandblasting equipment is permanently located on site). This is a very noisy operation. However, Patterson Industries is in a period of limited plant activity.

It has been determined by Valcoustics that the sandblasting operation does not currently comply with noise regulations at the closest proposed residential properties. The preferred mitigation measure for the sandblasting operation would be to have it enclosed, either within the plant or within a separate enclosure to meet current noise standards. If the paint booth exhaust is mitigated and the sandblasting operation properly contained, no further noise mitigation measures appear to be warranted. Warning clauses registered on title to alert future occupants to the noise environment are also recommended.

Patterson Industries and 1007328 Ontario Limited Truck Access Arrangements

Community Council also requested that this report address truck access arrangements between Patterson Industries and 1007328 Ontario Limited. Although this is largely a civil matter between the two property owners, it has implications for the subdivision approval of the 300 Danforth Road development and may have implications for associated noise mitigation measures. Patterson Industries has a rear loading facility, historically accessed by railway via a Canadian National (CN) rail spur right-of-way traversing 1007328 Ontario Limited's property. The CN rail spur serving and accessing this loading facility, no longer exists. 1007328 Ontario Limited's solicitor has provided documentation that CN has released its interest in this rail easement. In any event, in recent years and on an informal basis, 1007328 Ontario Limited has continued to allow Patterson Industries to manoeuvre larger tractor trailer vehicles across a portion of the 1007328 Ontario Limited property in order to continue to be able to utilize this rear loading facility (reciprocal informal arrangements with

respect to truck access to loading facilities on the 1007328 Ontario Limited property have also been in place). Negotiations between the neighbouring property owners are expected to provide for a continuation of this arrangement. This is expected to necessitate adjustment to the noise mitigation measures (sound barrier fencing) between the two properties and placing two or three of the most westerly townhouse units on Block 8 of Draft Plan of Subdivision 0542, prepared by William J. Plaxton Limited, dated December 12, 2005, on reserve. This can be achieved through such red line revisions to the draft plan of subdivision and modifications to the conditions of draft plan of subdivision approval as may be appropriate to implement the truck access arrangements agreed to between 1007328 Ontario Limited and Patterson Industries (Canada) Limited.

Conclusions:

The existing industries of Tradition Fine Foods and Patterson Industries are located within the new Warden Woods Secondary Plan. The area is primarily designated as Neighbourhoods and a Mixed Use Area and is in a period of transition from industrial to residential/mixed use. As a result of the City's requirement to identify appropriate mitigation and/or buffering measures between sensitive land uses, 1007328 Ontario Limited hired qualified air quality and acoustical consultants to review the subject industries and develop appropriate recommendations to mitigate possible future impacts for the future residential occupants of the area. These mitigation measures should form conditions in the draft plan of subdivision approval and, as appropriate, in relevant site plan control approvals. With respect to the truck access implications for Patterson Industries, the City can provide for this access through appropriate red line revisions to the draft plan of subdivision and modified draft plan conditions, once agreement has been reached between the neighbouring property owners.

A letter from Tradition Fine Foods has been received formally withdrawing any objections previously made to Scarborough Community Council with respect to the proposed residential development at 300 Danforth Road. It is the City's understanding that 1007328 Ontario Limited has a signed agreement with the adjacent industrial property owner at 663 Warden Avenue indicating that they agree to the conclusion and recommendations of these reports and that the developer has agreed to implement or fund/cost share the necessary mitigation measures. We have not received similar confirmation from Patterson Industries, but we are advised that the only remaining matter to be resolved pertains to the truck access encroachment described above. Patterson has withdrawn its objections to the adjacent residential development at 651 Warden Avenue and the environmental interface issues are essentially the same and can be addressed and resolved in the same fashion. Therefore, it is Planning Staff's recommendation that City Council enact the zoning by-law and recommend that the Chief Planner and Executive Director approve the plan of subdivision proposal for 300 Danforth Road subject to appropriate red-line revisions and conditions, including those set out in this report and summarized in Attachment 1.

Contact:

Perry Korouyenis, Planner

Ph: (416) 396-4927
Fax: (416) 396-4265
Email: pkorouy@toronto.ca

List of Attachments:

Attachment 1: Air Quality / Noise Mitigation Measures

Attachment 1 - Air Quality / Noise Mitigation Measures

1. Warning Clause – Industrial Bakery Operations

The Owner agrees to include the following warning clause in all agreements of purchase and sale and registered on title to the satisfaction of the City Solicitor:

“The Purchaser acknowledges that this residential development is located adjacent to an on-going multi-shift industrial bakery to the north that may continue to operate indefinitely and create odour emissions.”

2. Warning Clause – Solicitor Confirmation – Industrial Bakery Operations

The Owner agrees to provide its Solicitor’s confirmation to the City advising that the clauses set out above have been included in applicable Offers of Purchase and Sale and/or Rental Agreements to ensure that future occupants are aware of on-going industrial bakery operations on adjacent lands.

3. Warning Clauses – Industrial Operations

The Owner agrees to include the following relevant warning clauses (as per accepted noise reports by Valcoustics) in all agreements of purchase and sale and registered on title to the satisfaction of the City Solicitor:

“Purchasers are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound level may exceed the noise guidelines of the Ministry of Environment.”

“Purchasers are advised that the dwelling unit can be fitted with a central air conditioning system at the owner’s option which will enable occupants to keep windows closed if road traffic noise interferes with the indoor activities. If central air conditioning is installed, the air cooled condenser unit shall have a sound rating not exceeding 7.6 bels and shall be located so as to have the least possible noise impact on outdoor activities of the occupants and their neighbours.”

“This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Ministry of the Environment’s noise criteria.”

“Purchasers/tenants are advised that due to the proximity to the existing industrial developments, sound from these facilities may, at times, be audible.”

4. Warning Clause – Solicitor Confirmation – Industrial Operations

The Owner agrees to provide its Solicitor's confirmation to the City advising that the clauses set out above have been included in applicable Offers of Purchase and Sale and/or Rental Agreements to ensure that future occupants are aware of on-going industrial operations on adjacent lands.

5. Prior to the registration of the plan of subdivision, the Owner shall provide the City with an Emission Summary and Dispersion Modelling Report to document all atmospheric air discharges from existing and normal operations based on current infrastructure as documented in the "Preliminary Assessment of the Impact of Air Discharges from the Existing Facilities of Patterson Industries and Tradition Fine Foods on the Proposed Residential Development of 1007328 Ontario Limited, prepared by Michael Shaw and Paul Geisberger of Pinchin Environmental, dated April 5, 2006" and to determine the off-property Point of Impingent concentration of contaminants and ensure that all necessary mitigation measures are implemented to the satisfaction of the Chief Planner and Executive Director.
6. Prior to the registration of the plan of subdivision, the Owner agrees to hire a qualified acoustical engineer to confirm that the plan of subdivision and working drawings properly include the appropriate mitigation measures necessary to meet relevant guidelines to the satisfaction of the Chief Planner and Executive Director.
7. Prior to the registration of the plan of subdivision, the Owner shall post a Letter of Credit as securities for the installation of any required mitigation measures pursuant to Items 5 and 6, above, including, but not limited to the construction and installation of acoustic fences, for 120% of the value of such items, to the satisfaction of the Chief Planner and Executive Director.

FISCAL IMPACT STATEMENT SUMMARY
Notices of Motions
Submitted by the Deputy City Manager and Chief Financial Officer
Council Meeting - April 25, 26 and 27, 2006

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
F(1)	Integrity Commissioner Report on Awarding of City Contract for Market Research Services to Northstar Research Partners	\$0	\$0	For Information Only. See Report Attached to Motion.
I(1)	Toronto District School Board – Catchment Boundaries for Local Public Schools in Scarborough Centre	\$0	\$0	Consider.
J(1)	Heritage Recognition of Davenport Road – The Community History Project	\$0	\$0	Consider.
J(2)	Appointment to the St. Lawrence Centre Board of Directors	\$0	\$0	Consider.
J(3)	Provincial Education Tax Collected With Toronto's Property Tax	\$0	\$0	Consider.
J(4)	Two-Year Moratorium on Property Assessment	\$0	\$0	Consider.
J(5)	Establishing Parameters to Govern All-Ages Events	\$0	\$0	Consider.
J(6)	Report of Integrity Commissioner on a Complaint that a Councillor Violated the Code of Conduct by Revealing Confidential Information to the Press	\$0	\$0	Consider. See Report Attached to Motion.
J(7)	Suspension of Permit Issuance for the Installation of Enbridge Gas Distribution Inc. Emergency Shut-off Valves	\$0	\$0	Consider.
J(8)	Request for a City-wide Plebiscite on Extending the Term of Office for Municipal Officials	\$95,000	\$0	Consider. No funding is available in the City Clerk's Office 2006 Operating Budget. Funding would need to be drawn from the Election Reserve. See FIS.

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
J(9)	Review of Certain Applications Before the North York Committee of Adjustment			Confidential. See Confidential Report Attached to Motion.
J(10)	Removal of Condition which Requires a Heritage Easement Agreement with the City of Toronto to Award a 2005 Toronto Heritage Grant to the Properties at 95 Regal Road and 571 Jarvis Street	\$0	\$0	Consider
J(11)	Approval of Expressway Banner Installations for the International AIDS Conference 2006	\$0	\$0	Consider
J(12)	Modification of New Official Plan to Exempt Certain Lands from the Disposal Policies	\$0	\$0	Consider
J(13)	Agreement on the Transfer of Federal Public Transit Funds	\$0	\$0	Federal funding of \$98,425,690 has been included in the TTC 2006 Council Approved Capital Budget to fund transit capital projects. See Report Attached to Motion.
J(14)	Construction and Maintenance of Various Building Encroachments within Public Laneway (known as Sussex Mews) Abutting 82 Willcocks Street (Ward 20 - Trinity-Spadina)	\$0	\$0	Consider. See Report Attached to Motion.
J(15)	Request to Federal Government to make Funding Provided Under Bill C-66 for Public Transit Permanent	\$0	\$0	Consider
J(16)	Opposition to Application for Liquor Licence – CMD Restaurant and Bar – 2620 Danforth Avenue	\$0	\$0	Consider
J(17)	Solid Waste Contracts in Former City of York and Former City of Etobicoke	\$0	\$0	Consider

Minutes of the Council of the City of Toronto
April 25, 26 and 27, 2006

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
J(18)	Designation of the City of Toronto as a World Health Organization (WHO) Safe Community	\$0	\$0	Consider
J(19)	Ontario Municipal Board Hearing - Appeal of Committee of Adjustment Decision - 750 Balliol Street	\$0	\$0	Consider
J(20)	Bayview Avenue Class Environmental Assessment Study - Opposition to Widening of Bayview Avenue North of Steeles Avenue East to Highway 407	\$0	\$0	Consider. See Notice Attached to Motion.
J(21)	Naming of Community Centre in Honour of Ken Cox	\$0	\$0	Consider
J(22)	New York City Fact Finding Trip	\$0	\$0	Consider. See Memo Attached to Motion.
J(23)	Attendance at the Alcohol and Gaming Commission of Ontario Regarding Dynasty Tavern – 2382 2384 Eglinton Avenue East	\$0	\$0	Consider
J(24)	Community Safety on Toronto Community Housing Corporation Properties	\$0	\$0	Consider
J(25)	2006 By-law to Limit Tax Decreases on Commercial, Industrial and Multi-Residential Properties	\$0	\$0	Consider. See Report Attached to Motion.
J(26)	City Citizen Appointments to the Boards of Directors of the Toronto Waterfront Revitalization Corporation (TWRC) and the Toronto Economic Development Corporation (TEDCO)			Confidential. See Confidential Report Attached to Motion.
J(27)	Port Lands Film/Media Complex – Option Agreement			Confidential. See Confidential Report Attached to Motion.
J(28)	Appointment to the Board of Directors of the Hummingbird Centre for the Performing Arts			Confidential. See Confidential Report Attached to Motion.

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
J(29)	Ontario Energy Board Decision – Impact of Reduction in Deemed Interest Rate in Relation to Toronto Hydro-Electric System Limited			Confidential. See Confidential Report Attached to Motion.
J(30)	Power Generating Facility - Port Lands	\$0	\$0	Consider.
J(31)	Funding Renewal Request for Supporting Communities Partnership Initiative (SCPI)	\$0	\$0	Consider.
J(32)	Report Request on Options to Close Down a Problem Property - 348 Atlas Avenue	\$0	\$0	Consider.
J(33)	Surface Transit Priority Study – Improving Transit Connections between Northwest Toronto and the Bloor-Danforth Subway	\$0	\$0	Consider.

**FISCAL IMPACT STATEMENT 1 [Notice of Motion J(8)]
 (See Minute 5.86, Page 88)**

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>95,000.00</u> (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input checked="" type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input checked="" type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: <u>None</u> (positions)	

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

Impacts/Other Comments:

- Service Level Impact:(Specify) *incremental workload to prepare, integrating into the Election ballot program and test, and implement.*
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(8) – No funding is available in the City Clerk’s Office 2006 Operating Budget. Funding would need to be drawn from the Election Reserve.

- Consider
- Refer to Standing Committee

Submitted by: _____
 Deputy City Manager & Chief Financial Officer

Date: April 26, 2006

