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These Minutes were confirmed by City Council on June 27, 2006.

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

**WEDNESDAY, JUNE 14, 2006**

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

**CALL TO ORDER - 9:36 a.m.**

S7.1 Mayor Miller took the Chair and called the Members to order.

The meeting opened with *O Canada*.

**S7.2 NOTICE OF SPECIAL MEETING**

Mayor Miller read the following Notice of Special Meeting:

“In accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, the Mayor has called a special meeting of Council on Wednesday, June 14, 2006, in the Council Chamber, Toronto City Hall, such meeting to start at 9:30 a.m., for the following purposes:

- (1) to complete consideration of unfinished business from the Council meeting on May 23, 24 and 25, 2006;
- (2) to introduce and enact General Bills; and
- (3) to introduce and enact a confirming by-law for this Special meeting.”

**PRESENTATION OF REPORTS**

S7.3 Deputy Mayor Pantalone presented the following Reports for consideration by Council:

Deferred Clauses from April 25, 26 and 27, 2006

Administration Committee Report 2, Clause 6b  
Audit Committee Report 1, Clause 4b  
Planning and Transportation Committee Report 2, Clause 10b  
Works Committee Report 2, Clauses 15b, 21b and 23b  
Etobicoke York Community Council Report 3, Clauses 2b, 3b, 8b and 10b

Deferred Clauses from May 23, 24 and 25, 2006

Policy and Finance Committee Report 4, Clauses 3a, 5a, 22a, 29a and 32a  
Community Services Committee Report 3, Clause 6a  
Economic Development and Parks Committee Report 3, Clauses 4a and 5a  
Planning and Transportation Committee Report 3, Clause 7a  
Works Committee Report 3, Clauses 1a, 10a, 12a, 16a, 17a and 21a (n)  
Etobicoke York Community Council Report 4, Clauses 6a, 12a and 13a  
North York Community Council Report 4, Clause 33a  
Toronto and East York Community Council Report 4, Clauses 4a and 35a

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

**S7.4 DECLARATIONS OF INTEREST**

Mayor Miller requested Members of Council to state any interest they have in the Items to be considered. No declarations of interest were made.

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

**S7.5 The following Clauses were held by Council for further consideration:**

Administration Committee Report 2, Clause 6b  
Audit Committee Report 1, Clause 4b  
Planning and Transportation Committee Report 2, Clause 10b  
Works Committee Report 2, Clauses 15b, 21b and 23b  
Etobicoke York Community Council Report 3, Clauses 2b, 3b, 8b and 10b  
Policy and Finance Committee Report 4, Clauses 3a, 5a, 22a, 29a and 32a  
Community Services Committee Report 3, Clause 6a

Economic Development and Parks Committee Report 3, Clauses 4a and 5a

Planning and Transportation Committee Report 3, Clause 7a

Works Committee Report 3, Clauses 1a, 10a, 12a, 16a, 17a and 21a

Etobicoke York Community Council Report 4, Clauses 6a, 12a and 13a

North York Community Council Report 4, Clause 33a

Toronto and East York Community Council Report 4, Clauses 4a and 35a

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

Policy and Finance Committee Report 4, Clause 5a

Planning and Transportation Committee, Report 3, Clause 7a

North York Community Council, Report 4, Clause 33a

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

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

S7.6 **Toronto and East York Community Council Report 4, Clause 4a, headed “Permanent Closing of part of the public lane known as Glenholme Place, at the rear of 185 Gerrard Street East and flanking 117 Pembroke Street (Ward 27 - Toronto Centre-Rosedale)”.**

*Motion:*

Councillor Rae moved that consideration of the Clause be postponed to the next regular meeting of City Council on June 27, 2006.

*Vote to Postpone:*

The motion by Councillor Rae carried.

Deputy Mayor Pantalone in the Chair.

**S7.7 Economic Development and Parks Committee Report 3, Clause 4a, headed “Long-Term Strategy for Retaining Employment Lands and Stimulating New Investment and Job Creation (All Wards)”.**

*Motions brought forward from the Council meeting on May 23, 24 and 25, 2006:*

(a) Councillor Holyday moved that the Clause be amended by deleting Recommendation (4) of the Economic Development and Parks Committee.

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

“That the General Manager of Economic Development, Culture and Tourism develop a further process, in consultation with Ward Councillors, which would allow local communities to identify industrial commercial lands that need to be revitalized, and report to the Planning and Transportation Committee and the Economic Development and Parks Committee with recommendations related to specific lands that have been identified.”

(c) Councillor Ashton moved that the Clause be amended by adding to Recommendation (2) of the Economic Development and Parks Committee, the words “and with a view to formulating a comprehensive industrial preservation and enhancement strategy for the Greater Toronto Area (GTA)”, so that Recommendation (2) now reads as follows:

“(2) a Working Group be established composed of the Chair and two members of the Economic Development and Parks Committee, working in consultation with staff of the Economic Development, Culture and Tourism Division and representatives of TEDCO, to meet with the Ministry of Economic Development and Trade to discuss Toronto’s Industrial Strategy, and with a view to formulating a comprehensive industrial preservation and enhancement strategy for the Greater Toronto Area (GTA);”.

*Motions moved on June 14, 2006:*

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

“That the Chief Planner consider only the prevailing provisions of the Official Plan and prevailing provincial policy when reviewing and reporting on all employment land conversion development applications submitted to the City as of June 14, 2006.”

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

“That:

(1) the Working Group also consider the report (April 12, 2006) from the Chief

Planner and Executive Director, City Planning, entitled 'Profile Toronto, 2005 Employment Survey'; and

- (2) an immediate moratorium be imposed on the conversion of the employment district lands in the City of Toronto.”

*Ruling by Deputy Mayor:*

Deputy Mayor Pantalone ruled Part (2) of motion (e) by Councillor Pitfield out of order as it would require public notice to be given in accordance with the *Planning Act*, prior to consideration by Council.

Mayor Miller in the Chair.

*Votes:*

Adoption of motion (a) by Councillor Holyday:

Yes - 9	
Councillors:	Cho, Feldman, Filion, Fletcher, Ford, Holyday, Jenkins, Pitfield, Walker
No - 31	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Giambrone, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz

Lost by a majority of 22.

Adoption of motion (c) by Councillor Ashton:

Yes - 40	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker
No - 1	
Councillor:	Kelly

Carried by a majority of 39.

Adoption of motion (b) by Councillor Mammoliti:

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

Carried by a majority of 15.

*Ruling by Mayor:*

Mayor Miller ruled motion (d) by Councillor Nunziata out of order as the Chief Planner is required to consider all applications in accordance with the policies in place at the time the application is received.

*Votes:*

Part (1) of motion (e) by Councillor Pitfield carried.

Adoption of the Clause, as amended:

Yes - 40	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker
No - 1	
Councillor:	Holyday

Carried by a majority of 39.

*Summary:*

Council amended this Clause by:

- (1) adding to Recommendation (2) of the Economic Development and Parks Committee, the words “and with a view to formulating a comprehensive industrial preservation and enhancement strategy for the Greater Toronto Area (GTA)”, so that Recommendation (2) now reads as follows:

“(2) a Working Group be established composed of the Chair and two members of the Economic Development and Parks Committee, working in consultation with staff of the Economic Development, Culture and Tourism Division and representatives of TEDCO, to meet with the Ministry of Economic Development and Trade to discuss Toronto’s Industrial Strategy, and with a view to formulating a comprehensive industrial preservation and enhancement strategy for the Greater Toronto Area (GTA);”; and

- (2) adding the following:

“That:

- (1) the General Manager of Economic Development, Culture and Tourism develop a further process, in consultation with Ward Councillors, which would allow local communities to identify industrial commercial lands that need to be revitalized, and report to the Planning and Transportation Committee and the Economic Development and Parks Committee with recommendations related to specific lands that have been identified; and
- (2) the Working Group also consider the report (April 12, 2006) from the Chief Planner and Executive Director, City Planning, entitled ‘Profile Toronto, 2005 Employment Survey’.”

**S7.8 Etobicoke York Community Council Report 3, Clause 2b, 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)”.**

*Motions:*

- (a) 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 Official Plan Amendment and Rezoning application for 829, 833, 839 Oxford Street and 156, 160 Evans Avenue be refused.”

Deputy Mayor Bussin in the Chair.

- (b) Councillor Saundercook moved that the Clause be amended by amending Part (2) of the Operative Paragraph contained in the motion by Councillor Grimes, to provide that the statutory public meeting be held on July 11, 2006 or such other date for which proper notice can be provided in accordance with the provisions of the *Planning Act*.

*Votes:*

Adoption of motion (a) by Councillor Holyday:

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

Lost by a majority of 9.

Motion (b) by Councillor Saundercook carried.

Adoption of the Clause, as amended:

Yes - 24	
Councillors:	Ainslie, Ashton, Augimeri, Bussin, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Giambrone, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Rae, Saundercook, Silva, Soknacki, Thompson
No - 14	
Mayor:	Miller
Councillors:	Carroll, Davis, Del Grande, Feldman, Filion, Fletcher, Ford, Holyday, Jenkins, Moscoe, Pitfield, Shiner, Walker

Carried by a majority of 10.

- S7.9 **Etobicoke York Community Council Report 3, Clause 3b, 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)”.**

*Motion:*

- (a) Councillor Holyday moved that the Clause, together with the supplementary report (April 24, 2006) from the Chief Planner and Executive Director, City Planning, be referred back to the Etobicoke York Community Council, to allow representatives from the business community an opportunity to make submissions on this proposal.

*Vote on Referral:*

Adoption of motion (a) by Councillor Holyday:

Yes - 14 Councillors:	Carroll, Cho, Del Grande, Filion, Fletcher, Ford, Holyday, Jenkins, Minnan-Wong, Moscoe, Pitfield, Silva, Thompson, Walker
No - 21 Councillors:	Ainslie, Ashton, Bussin, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Grimes, Hall, Kelly, Li Preti, Mammoliti, Mihevc, Milczyn, Nunziata, Palacio, Rae, Saundercook, Shiner, Soknacki, Stintz

Lost by a majority of 7.

*Motion:*

- (b) Councillor Mammoliti moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (April 24, 2006) from the Chief Planner and Executive Director, City Planning:

“It is recommended that:

- (1) the revised draft Zoning By-law Amendment attached as Attachment 1 to this report replace the draft Zoning By-law Amendment attached as Attachment 10 to the Final Report from the Director, Community Planning, Etobicoke York District dated March 21, 2006;
- (2) the revised draft Official Plan Amendment (former City of North York) attached as Attachment 2 to this report replace the draft Official Plan Amendment attached as Attachment 8 to the Final Report from the Director, Community Planning, Etobicoke York District dated March 21, 2006;
- (3) no further notice of public meeting be given in respect of the proposed By-law as amended pursuant to Section 34(17) of the *Planning Act*; and

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

*Votes:*

Adoption of motion (b) by Councillor Mammoliti:

Yes - 22	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Bussin, Carroll, Davis, De Baeremaeker, Di Giorgio, Grimes, Hall, Kelly, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Saundercook, Silva, Soknacki, Stintz
No - 9	
Councillors:	Cho, Cowbourne, Filion, Fletcher, Ford, Holyday, Jenkins, Moscoe, Walker

Carried by a majority of 13.

Adoption of the Clause, as amended:

Yes - 23	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Grimes, Hall, Kelly, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Saundercook, Silva, Soknacki, Stintz
No - 8	
Councillors:	Cho, Filion, Fletcher, Ford, Holyday, Jenkins, Moscoe, Walker

Carried by a majority of 15.

Deputy Mayor Pantalone in the Chair.

**S7.10 Works Committee Report 2, Clause 15b, headed “Terms and Conditions for the 2005 Flood Damages Grant Program (City-wide)”.**

*Motions brought forward from Council meeting on May 23, 24 and 25, 2006:*

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

- (1) by amending Recommendation (1)(c) contained in the staff report (February 23, 2006) from the General Manager, Toronto Water, so that it now

reads 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;”;

- (2) to provide that 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.’

(b) Councillor Shiner moved that:

- (1) Part (2) of motion (a) by Councillor Watson be amended by deleting the words “if possible”, and increasing the grant amount from \$1,100.00 to \$2,000.00, so that it now reads as follows:

“(2) to provide that if claimants in Group B have eligible claims of \$2,000.00 or more, and they do not recover at least \$2,000.00 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 \$2,000.00 or more, a minimum recovery of \$2,000.00.”;

OR, in the event Part (1) fails,

- (2) Part (2) of motion (a) by Councillor Watson be amended by deleting the words “if possible”, so that it now reads as follows:

(2) “to provide that 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.”

*Motions moved on June 14, 2006:*

- (c) Deputy Mayor Bussin moved that the Clause be amended by adding the following:

“That:

- (1) Council expand the Basement and Flooding Home Isolation Program to include properties impacted by the May 17, 2006 storm;
  - (2) the Works Committee approve a No-Fault Grant Program, to be funded through the Wastewater Capital Reserve Fund, for other residences that experienced a similar occurrence due to the May 17, 2006 storm, and further, that an ongoing fund be established to deal with similar matters on an ongoing basis; and
  - (3) the General Manager, Toronto Water, report to the Works Committee on July 5, 2006, on the acceleration of the Downspout Disconnect Program, with particular priority given to those areas of the City that have experienced chronic basement flooding.”
- (d) Councillor Carroll moved that Part (2) of motion (a) by Councillor Watson, motion (b) by Councillor Shiner, and motion (c) by Deputy Mayor Bussin, be referred to the Works Committee for consideration at its meeting on July 5, 2006, and the General Manager, Toronto Water, be requested to report to the Committee at that time.

*Votes:*

Adoption of motion (d) by Councillor Carroll:

Yes - 24	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Grimes, Jenkins, Kelly, McConnell, Nunziata, Palacio, Pantalone, Saundercook, Silva, Soknacki, Walker
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 22.

Adoption of the Clause, as amended by Part (1) of motion (a) by Councillor Watson:

Yes - 24	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion,

Fletcher, Grimes, Jenkins, Kelly, McConnell, Nunziata, Palacio, Pantalone, Saundercook, Silva, Soknacki, Walker
No - 2 Councillors: Ford, Holyday

Carried by a majority of 22.

*Summary:*

Council amended this Clause by:

- (1) amending Recommendation (1)(c) contained in the staff report (February 23, 2006) from the General Manager, Toronto Water, so that it now reads 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) adding the following:

“That the following motions be referred to the Works Committee for consideration at its meeting on July 5, 2006, and the General Manager, Toronto Water, be requested to report to the Committee at that time:

Moved by Councillor Watson:

‘That 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.’

Moved by Councillor Shiner:

‘That:

- (1) the motion by Councillor Watson be amended by deleting the words “if possible”, and increasing the grant amount from \$1,100.00 to \$2,000.00, so that it now reads as follows:

“That if claimants in Group B have eligible claims of \$2,000.00 or more, and they do not recover at least \$2,000.00 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 \$2,000.00 or more, a minimum recovery of \$2,000.00.”;

OR, in the event Part (1) fails,

- (2) the motion by Councillor Watson be amended by deleting the words “if possible”, so that it now reads as follows:

“That 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.” ‘

Moved by Deputy Mayor Bussin:

‘That:

- (1) Council expand the Basement and Flooding Home Isolation Program to include properties impacted by the May 17, 2006 storm;
- (2) the Works Committee approve a No-Fault Grant Program, to be funded through the Wastewater Capital Reserve Fund, for other residences that experienced a similar occurrence due to the May 17, 2006 storm, and further, that an ongoing fund be established to deal with similar matters on an ongoing basis; and
- (3) the General Manager, Toronto Water, report to the Works Committee on July 5, 2006, on the acceleration of the Downspout Disconnect Program, with particular priority given to those areas of the City that have experienced chronic basement flooding.’ ”

**S7.11 Administration Committee Report 2, Deferred Clause 6b, 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 brought forward from Council Meeting on May 23, 24 and 25, 2006:*

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 did not conclude its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the next regular meeting of City Council on June 27, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Silva:

“That all motions moved at the June 14, 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.”

**S7.12 Audit Committee Report 1, Deferred Clause 4b, headed “2006 Audit Work Plan”.**

*Motions brought forward from Council Meeting on May 23, 24 and 25, 2006:*

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

“That the Auditor General be requested to consider adding the following to his work plan:

‘Policies and practices related to outside work performed by City Arborists and related staff.’ ”

- (b) Councillor Davis moved that the Clause be amended by amending Appendix I to the report (January 18, 2006) from the Auditor General by adding the following to the 2006 Work Plan of the Auditor General:

‘An evaluation of the Corporation as a whole in achieving its access, equity and human rights goals.’ ”

*Disposition:*

As Council did not conclude its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the next regular meeting of City Council on June 27, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Silva:

“That:

- (1) all motions moved at the June 14, 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 June 14, 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."

**S7.13 Community Services Committee Report 3, Clause 6a, headed "Systems of Survival, Systems of Support: An Action Plan for Social Assistance in the City of Toronto".**

*Motions brought forward from Council Meeting on May 23, 24 and 25, 2006:*

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

"That the General Manager, Social Services, be requested to advise the Toronto Transit Commission (TTC) on what funding will be provided by Social Services to support the reduced fare media."

- (b) Councillor Mihevc moved that the Clause be amended in accordance with the staff recommendations contained in the Recommendations Section of the supplementary report (May 17, 2006) from the General Manager, Social Services, and the Executive Director, Social Development, Finance and Administration.

*Disposition:*

As Council did not conclude its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the next regular meeting of City Council on June 27, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Silva:

"That all motions moved at the June 14, 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."

**S7.14 Works Committee Report 3, Clause 1a, headed “Co-ordinated Street Furniture Program - Design and Policy Guidelines and Directions Report (All Wards) and Supplementary Information on the Eucan Recycling/Litter Bin Test”.**

*Motions brought forward from Council Meeting on May 23, 24 and 25, 2006:*

- (a) Councillor Carroll moved that the Clause be amended in accordance with the staff recommendations contained in the Recommendations Section of the confidential report (May 18, 2006) from the City Solicitor.
- (b) Councillor Shiner moved that the Clause be amended by adding to Recommendation (6) contained in the Recommendations Section of the report (April 18, 2006) from the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning, the following words:

“provided that staff shall include language in the RFP and agreement with a successful proponent which will permit the City to require a successful proponent to undertake programs allowing for the exploration of new street furniture opportunities at fair market value to the City and, where the proponent cannot so provide, the City shall be permitted to undertake such programs with a third party”.

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

“That:

- (1) the report requested of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning, by the Works Committee, in Part (III) of the Action Taken by the Works Committee, also include the following additional principle:
  - ‘(7) ensuring that the City has the right to determine the location and relocation of any street furniture at its discretion.’;
- (2) once the RFP has been issued, the project be placed under a blackout with a prohibition against discussing the RFP with individual Members of Council, and all communication with any bidder or potential bidder be through an official point of contact in accordance with the call document;
- (3) the RFP require the winning bidder to remove all posters and graffiti, and to repair any damage within a designated time frame to the satisfaction of the General Manager, Solid Waste Management, and consideration be given to extending this requirement to other street elements, including hydro poles, parking pay and display machines and traffic control boxes within the vicinity

of street furniture;

- (4) the General Manager, Solid Waste Management be requested to report to the Works Committee on how to deal with the existing bus shelters when their ownership reverts to the City;
  - (5) the City Manager be requested to review all City expenditures on street maintenance to determine how to co-ordinate those expenditures with the obligations for maintenance imposed through the street furniture RFP; and
  - (6) the Toronto Parking Authority be requested to establish a program for the ongoing removal of posters and graffiti from pay and display parking machines on other properties under their management.”
- (d) Councillor Stintz moved that the Clause be amended by:
- (1) amending the staff recommendations contained in the Recommendations Section of the report (April 18, 2006) from the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning, by:
    - (a) deleting the following staff Recommendations (6) and (9):
      - “(6) as a condition of the contract(s) for co-ordinated street furniture, no other advertising program be authorized on any other street element, and no future pilot program involving advertising within the public road allowance be approved by the City over the duration of the contract(s);
      - (9) the RFP be based on the premise that one contract for the range of street furniture specified be awarded for the entire City of Toronto to a single corporate vendor or a consortium of companies on acceptable terms, and the term of such contract be 20 years;”;
    - (b) deleting staff Recommendation (11) and inserting instead the following:
      - “(11) the RFP be formulated in such a way as to allow a matrix that evaluates equally:
        - (a) design;
        - (b) beautify;
        - (c) functionality;
        - (d) maintenance provisions for street furniture; and

- (e) provisions for flexibility on length of contract versus advertising;”; and
  - (2) adding the following:

“That a final report on the RFP go to a joint meeting of the Works Committee and the Planning and Transportation Committee.”
  - (e) Councillor Del Grande moved that the Clause be amended to provide that the RFP provide for two options: a 10 year and a 20 year contract.
  - (f) Councillor Cho moved that the Clause be amended by amending staff Recommendation (9) contained in the Recommendations Section of the report (April 18, 2006) from the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning, by:
    - (1) deleting the words “and the term of such contract be 20 years”; and
    - (2) inserting the following words:

“and the initial term of such contract be for 10 years, with an option for a further 10 years, provided that:

      - (a) the contractor is not in breach of the contract; and
      - (b) the City shall have the opportunity, as a condition of renewal, to require that the financial terms in the contract be renegotiated to increase the financial return to the City;”,
- so that staff Recommendation (9) now reads as follows:
- “(9) the RFP be based on the premise that one contract for the range of street furniture specified be awarded for the entire City of Toronto to a single corporate vendor or a consortium of companies on acceptable terms, and the initial term of such contract be for 10 years, with an option for a further 10 years, provided that:
    - (a) the contractor is not in breach of the contract; and
    - (b) the City shall have the opportunity, as a condition of renewal, to require that the financial terms in the contract be renegotiated to increase the financial return to the City;”.
  - (g) Councillor Davis moved that the Clause be amended:

(1) by amending Recommendation (B) of the Works Committee by amending the staff recommendations in the Recommendations Section of the report (April 19, 2006) from the General Manager, Solid Waste Management Services, headed 'Supplementary Information on the Eucan Recycling/Litter Bin Test', as follows:

(a) by inserting in Recommendation (3), after the words, "remain in place", the words, "unless requested by the local Councillor", so that Recommendation (3) now reads as follows:

"(3) the Eucan bins installed for the test remain in place, unless requested by the local Councillor, under the existing terms and conditions, until a final decision is reached by Council on the award of the Co-ordinated Street Furniture program, subject to concurrence by Eucan."; and

(b) by adding the following new Recommendation (4):

"(4) any pilot Eucan bin removed as per Recommendation (3) above from a pre-existing silver box location, be replaced by a silverbox, at the expense of Eucan.";

(2) to provide that the report requested by the Works Committee related to possible annual revenues from different sizes of advertising space also consider a reduction of 20 percent, so the request now reads:

"(III) requested the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning to report to the Works Committee on:

(1) possible annual revenues if advertising space was:

- (a) held constant at the current 198,200 square feet; or
- (b) increased by 10 percent; or
- (c) increased by 20 percent; or
- (d) reduced by 20 percent;"; and

(3) by adding the following:

"That:

(a) the General Manager, Solid Waste Management, and the General Manager, Transportation Services, be requested to report to the Works Committee, in July 2006, with a further review of existing contract(s) for benches, such report to summarize the terms and conditions of the

contracts related maintenance or type of bench used, the numbers of benches currently on the street; and

- (b) no additional benches with advertising be approved and installed under the existing contracts.”
- (h) Councillor De Baeremaeker moved that the Clause be amended by deleting Recommendation (A)(2)(i) and inserting instead the following:

“(A)(2)(i) bicycle stands;”.

*Disposition:*

As Council did not conclude its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the next regular meeting of City Council on June 27, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Silva:

“That:

- (1) all motions moved at the June 14, 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 June 14, 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.

**S7.15 F(1) Report of Integrity Commissioner on a Complaint that a Councillor Violated the Code of Conduct by Revealing Confidential Information to the Press**

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

**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.”

*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 63)

Council also had before it, for consideration with Motion F(1), a report (April 12, 2006) from the Integrity Commissioner (See Attachment 1, Page 53).

*Motions:*

- (a) Councillor Shiner moved that Motion F(1), respecting Councillor Moscoe’s conscious decision to break the Councillor’s Code of Conduct and the *Municipal Act, 2001*, be referred to the Mayor, to make recommendations to the next meeting of City Council on June 27, 2006, regarding appropriate discipline of Councillor Moscoe for his actions in breaking the *Municipal Act, 2001* and the Councillor’s Code of Conduct.
- (b) Councillor Filion moved that motion (a) by Councillor Shiner be amended by deleting the words “to the next meeting of City Council on June 27, 2006”.

*Votes on Referral:*

Adoption of motion (b) by Councillor Filion:

Yes - 14 Mayor: Miller Councillors: Carroll, Cowbourne, Davis, De Baeremaeker, Fillion, Fletcher, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Silva
No - 26 Councillors: Ainslie, Ashton, Bussin, Cho, Del Grande, Di Giorgio, Feldman, Ford, Grimes, Holyday, Kelly, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 12.

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

Yes - 17 Councillors: Del Grande, Di Giorgio, Feldman, Ford, Kelly, Li Preti, Mammoliti, Minnan-Wong, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker
No - 23 Mayor: Miller Councillors: Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Fillion, Fletcher, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Silva, Watson

Lost by a majority of 6.

Deputy Mayor Pantalone in the Chair.

*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, the vote on motion (a) by Councillor Shiner be re-opened so that he can change his vote to positive from negative, which carried, more than two-thirds of Members present having voted in the affirmative.

*Revised Vote:*

Yes - 16 Councillors: Del Grande, Di Giorgio, Feldman, Ford, Kelly, Li Preti, Mammoliti, Minnan-Wong, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker
No - 24 Miller

Mayor:  
Councillors: Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Silva, Soknacki, Watson

Lost by a majority of 8.

*Motions:*

- (c) Councillor Stintz moved that Motion F(1) be amended by adding the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** Councillor Moscoe issue a written apology by the end of the day on June 16, 2006, to all Members of Council and Members of the Committee of Adjustment, North York Panel, without reservation and include in his apology acknowledgement of the ramifications of disclosing confidential information.”

- (d) Councillor Watson moved that Motion F(1) be amended by adding the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT:**

- (1) City Council express its displeasure and disappointment with Councillor Moscoe’s breach of Council’s Code of Conduct and failure to acknowledge the inappropriateness of his conduct; and
- (2) if Councillor Moscoe fails to provide a full and unreserved written apology by the end of the day on June 16, 2006, including an acknowledgement that his conduct was inappropriate, City Council ask for Councillor Moscoe’s resignation as Chair of the TTC and as a Director of the Federation of Canadian Municipalities, and report back to Council.”

Mayor Miller in the Chair.

*Votes:*

Adoption of motion (c) by Councillor Stintz:

Yes - 25  
Councillors: Ainslie, Ashton, Augimeri, Di Giorgio, Feldman, Ford, Grimes, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker,

Watson	
No - 17	
Mayor:	Miller
Councillors:	Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Jenkins, Kelly, McConnell, Mihevc, Moscoe, Pantalone, Silva

Carried by a majority of 8.

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

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

Carried by a majority of 18.

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

Yes - 18	
Councillors:	Ainslie, Del Grande, Ford, Grimes, Holyday, Kelly, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson, Watson
No - 23	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Rae, Silva, Soknacki, Walker

Lost by a majority of 5.

Motion F(1), as amended, carried.

*Summary:*

Council amended this Motion by adding the following new Operative Paragraphs:

**“AND BE IT FURTHER RESOLVED THAT** City Council express its displeasure and disappointment with Councillor Moscoe’s breach of Council’s Code of Conduct and failure to acknowledge the inappropriateness of his conduct;

**AND BE IT FURTHER RESOLVED THAT** Councillor Moscoe issue a written apology by the end of the day on June 16, 2006, to all Members of Council and Members of the Committee of Adjustment, North York Panel, without reservation and include in his apology acknowledgement of the ramifications of disclosing confidential information.”

In adopting Motion F(1), as amended, Council received the report (April 12, 2006) from the Integrity Commissioner for information.

[Subsequent to Council’s decision with respect to Motion F(1), Councillor Moscoe submitted a Memorandum (undated). (See Attachment 2, Page 58)]

Deputy Mayor Bussin in the Chair.

**S7.16 F(2) Review of Certain Applications Before the North York Committee of Adjustment**

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

**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.”

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion F(2), a confidential Fiscal Impact Statement (May 24, 2006) from the Deputy City Manager and Chief Financial Officer.

Council also had before it, for consideration with Motion F(2), the following:

- (i) public report (April 13, 2006) from the Auditor General (See Attachment 3, Page 59);
- (ii) 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;
- (iii) 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; and
- (iv) confidential communication (May 23, 2006) from Jon Williams. 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.

*Motions:*

- (a) Councillor Carroll moved that Motion F(2) be referred to the Auditor General with a request that he consult with affected Members of Council, the Committee of Adjustment, North York Panel, and City staff, in camera if necessary, and submit a supplementary report for consideration by City Council no later than its meeting of July 25, 2006.
- (b) Councillor Mammoliti moved that motion (a) by Councillor Carroll be amended by adding to the end, the words “such report to also advise as to the reasons that the initial decision of the Committee of Adjustment was changed”.
- (c) Mayor Miller moved that motion (a) by Councillor Carroll be amended by adding the following:

“and in addition, Council request that:

- (1) the Members of the Committee of Adjustment, North York Panel, be advised

that they can make submissions directly to City Council if they so desire; and

- (2) the City Solicitor report on the implications on the City of Toronto's defence of the libel suit and whether the affected Member of Council should participate in this debate."

*Ruling by Deputy Mayor:*

Councillor Shiner requested the Deputy Mayor to rule on the appropriateness of comments made by Mayor Miller respecting whether or not Councillor Shiner has an interest in matters related to Motion F(2). Deputy Mayor Bussin ruled that the Mayor's remarks were in order.

Councillor Shiner challenged the ruling of the Deputy Mayor.

*Vote to Uphold Ruling of the Deputy Mayor:*

Yes - 18	
Mayor:	Miller
Councillors:	Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Jenkins, Kelly, Mammoliti, McConnell, Nunziata, Palacio, Pantalone, Silva
No - 12	
Councillors:	Ashton, Feldman, Ford, Grimes, Holyday, Li Preti, Minnan-Wong, Pitfield, Saundercook, Shiner, Stintz, Walker

Carried by a majority of 6.

*Vote on Referral:*

Motion (a) by Councillor Carroll, as amended by motion (b) by Councillor Mammoliti and motion (c) by Mayor Miller, carried.

*Summary:*

Council referred this Motion to the Auditor General with a request that he consult with affected Members of Council, the Committee of Adjustment, North York Panel, and City staff, in camera if necessary, and submit a supplementary report for consideration by City Council no later than its meeting of July 25, 2006, such report to also advise as to the reasons that the initial decision of the Committee of Adjustment was changed.

In addition, Council requested:

- (1) that the Members of the Committee of Adjustment, North York Panel, be advised that

they can make submissions directly to City Council if they so desire; and

- (2) the City Solicitor to report on the implications on the City of Toronto's defence of the libel suit and whether the affected Member of Council should participate in this debate.

**S7.17 F(3) Protection of Individuals at Toronto City Hall and Nathan Phillips Square**

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

**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."

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion F(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 63)

*Procedural Motion:*

Councillor Pitfield moved that:

- (1) consideration of Motion F(3) be postponed until the next regular meeting of City Council on June 27, 2006; and
- (2) Motion F(3) be considered as a time sensitive item.

*Votes:*

Part (1) of the motion by Councillor Pitfield carried.

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

Yes - 14 Councillors: Ashton, Di Giorgio, Feldman, Ford, Grimes, Holyday, Jenkins, Li Preti, Palacio, Pitfield, Saundercook, Shiner, Stintz, Walker
No - 14 Mayor: Miller Councillors: Ainslie, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Fletcher, Kelly, McConnell, Nunziata, Pantalone, Silva

Lost, there being a tie vote.

*Disposition:*

Council postponed consideration of this Motion to its next regular meeting on June 27, 2006.

Mayor Miller in the Chair.

**S7.18 F(4) Potential Ontario Municipal Board Hearing – 2 Traymore Crescent**

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

**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.”

*Fiscal Impact Statement:*

City Council had before it, during consideration of Motion F(4), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 63)

Council also had before it, for consideration with Motion F(4), a Notice of Decision (April 7, 2006) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Etobicoke York Panel, which is on file in the City Clerk’s Office.

*Motion:*

Councillor Saundercook moved that Motion F(4) be received.

*Vote on Receipt:*

The motion by Councillor Saundercook carried.

Deputy Mayor Bussin in the Chair.

S7.19 **F(5) Official Plan Amendment and Rezoning Application for 252, 270, 272 and 276 Bering Avenue - Ward 5 – Etobicoke-Lakeshore**

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

**Moved by: Deputy Mayor Bussin**

**Seconded by: Councillor Carroll**

“**WHEREAS** the Official Plan Amendment and Rezoning Application for 252, 270, 272 and 276 Bering Avenue (Ward 5 - Etobicoke-Lakeshore) was before Council on April 25, 26 and 27, 2006; and

**WHEREAS** Dunpar Homes had consulted Etobicoke Planning staff and the local Councillor before acquiring the property; and

**WHEREAS** over \$1 million has been spent on site clean-up of the 1.7 acre contaminated industrial land; and

**WHEREAS** the property is surrounded on three sides by residential homes and has three homes currently on it; and

**WHEREAS** the community in the immediate neighbourhood are overwhelmingly in support of the application; and

**WHEREAS** the proposal meets the City of Toronto Official Plan guidelines with respect to housing intensification; and

**WHEREAS** the proposal is within walking distance to the Islington Subway station, a community centre, parks, schools and shopping; and

**WHEREAS** the Official Plan Amendment and Rezoning was approved by the Etobicoke York Community Council; and

**WHEREAS** at the Council meeting of April 25, 26 and 27, 2006, a motion was made that the application as recommended in the report (March 21, 2006) from the Director, Community Planning, Etobicoke York District be refused; and

**WHEREAS** there was some confusion about the impact of the motion and several Members of Council would have voted otherwise;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Etobicoke York Community Council Report 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)’, be re-opened for further consideration, in order to allow the vote to be taken again.”

[Council on May 23, 24 and 25, 2006, re-opened 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)”, and postponed consideration of the balance of the Motion to its special meeting on June 14, 2006.]

*Fiscal Impact Statement:*

City Council had before it, during consideration of the balance of Motion F(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 63)

Council also had before it, for consideration with Motion F(5), a communication (May 23, 2006) from Glen E. Grunwald, President and Chief Executive Officer, The Toronto Board of Trade, which is on file in the City Clerk’s Office.

*Motions:*

- (a) Councillor Milczyn moved that Motion F(5) be amended by adding the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** Council adopt the Recommendations of the Etobicoke York Community Council contained in Etobicoke York Community Council Report 3, Clause 57, subject to amending Recommendation (8) of the Etobicoke York Community Council by deleting the dates “June 27, 28, and 29, 2006”, and inserting instead the dates “July 25, 26 and 27, 2006”, so that Recommendation (8) now reads as follows:

‘(8) that the Director, Community Planning, Etobicoke York District, be requested to complete and report to the City Council meeting of July 25, 26 and 27, 2006, on a Site Plan Approval, based substantially on the plans submitted by the applicant to staff on January 30, 2006 and that Site Plan Control Provisions appended to this report as Attachment 11: Site Plan Control, be inserted into the Approval, however, deleting provision (y);’ ”

- (b) Councillor Holyday moved that Motion F(5) be amended by adding the following new

Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** Council confirm its decision of April 25, 26 and 27, 2006 to refuse the application, as recommended in the report (March 21, 2006) from the Director, Community Planning, Etobicoke York District.”

- (c) Councillor Grimes moved that Motion F(5) be amended by adding the following new Operative Paragraphs:

**“AND BE IT FURTHER RESOLVED THAT** Council adopt the Recommendations of the Etobicoke York Community Council contained in Etobicoke York Community Council Report 3, Clause 57, subject to amending the Section 37 Agreement so that the developer is required to provide free monthly Metropasses to each household in the project for one year;

**AND BE IT FURTHER RESOLVED THAT** the Chief Planner and Executive Director, City Planning, advise any persons making enquiries and applicants that any applications for redesignation of employment lands to residential, as shown on Map 2 of the Toronto Official Plan (generally within the boundaries of the south side of Fieldway Road on the north, Kipling Avenue on the west, south side of Jutland Road on the south and Islington Avenue and the existing boundary of residential zones along the east), will not be recommended for approval until the five-year review of the City of Toronto Official Plan takes place.”

*Ruling by Deputy Mayor:*

Deputy Mayor Bussin ruled the second Operative Paragraph in motion (c) by Councillor Grimes out of order as all applications have a right, under the *Planning Act*, to be considered.

*Votes:*

Adoption of motion (a) by Councillor Milczyn:

Yes - 21	
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cowbourne, De Baeremaeker, Di Giorgio, Grimes, Hall, Kelly, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Saundercook, Silva
No - 11	
Mayor:	Miller
Councillors:	Cho, Davis, Del Grande, Feldman, Ford, Holyday, Jenkins, Pitfield, Shiner, Walker

Carried by a majority of 10.

Due to the above decision of Council, motion (b) by Councillor Holyday was ruled redundant.

Adoption of the first Operative Paragraph in motion (c) by Councillor Grimes:

Yes - 23	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Grimes, Hall, Jenkins, Kelly, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Palacio, Pantalone, Saundercook, Silva
No - 9	
Councillors:	Cho, Del Grande, Feldman, Ford, Holyday, Minnan-Wong, Pitfield, Shiner, Walker

Carried by a majority of 14.

Adoption of Motion F(5), as amended:

Yes - 21	
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cowbourne, De Baeremaeker, Di Giorgio, Grimes, Hall, Kelly, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Saundercook, Silva
No - 11	
Mayor:	Miller
Councillors:	Cho, Davis, Del Grande, Feldman, Ford, Holyday, Jenkins, Pitfield, Shiner, Walker

Carried by a majority of 10.

*Summary:*

Council on May 23, 24 and 25, 2006, re-opened 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)”, and postponed consideration of the balance of the Motion to its special meeting on June 14, 2006.

Council on June 14, 2006, amended the balance of this Motion by adding the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** Council adopt the Recommendations of the Etobicoke York Community Council contained in Etobicoke York Community Council Report 3, Clause 57, subject to:

- (1) amending Recommendation (8) of the Etobicoke York Community Council by deleting the dates “June 27, 28, and 29, 2006”, and inserting instead the dates “July 25, 26 and 27, 2006”, so that Recommendation (8) now reads as follows:
  - ‘(8) that the Director, Community Planning, Etobicoke York District, be requested to complete and report to the City Council meeting of July 25, 26 and 27, 2006, on a Site Plan Approval, based substantially on the plans submitted by the applicant to staff on January 30, 2006 and that Site Plan Control Provisions appended to this report as Attachment 11: Site Plan Control, be inserted into the Approval, however, deleting provision (y);’ and
- (2) amending the Section 37 Agreement so that the developer is required to provide free monthly Metropasses to each household in the project for one year.”

**S7.20 F(6) 3030 Bloor Street West (Kingsway Theatre) – Intention to Designate under Part IV of the *Ontario Heritage Act* – Ward 5 (Etobicoke - Lakeshore)**

As Council did not conclude its debate on the following Motion prior to the end of the meeting, consideration of this Motion was postponed to the next regular meeting of Council on June 27, 2006:

**Moved by:** Councillor Milczyn

**Seconded by:** Councillor Lindsay Luby

“**WHEREAS** the property located at 3030 Bloor Street West contains the Kingsway Theatre, which has design or physical value as a representative example of a movie theatre built between World Wars I and II with features of Art Deco styling, and has contextual value as a local landmark on Bloor Street West in the Kingsway neighbourhood; and

**WHEREAS** the Toronto Official Plan states that significant heritage resources will be conserved; and

**WHEREAS** this is an urgent motion as the property is for sale and, given that it is a commercial property, it has no protection from demolition;

**NOW THEREFORE BE IT RESOLVED THAT** following consultation with the Toronto Preservation Board at its meeting scheduled for June 22, 2006, Council of the City of Toronto give notice of its intention to designate the property at 3030 Bloor Street West (Kingsway Theatre) under Part IV of the *Ontario Heritage Act* for its cultural heritage value or interest;

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

*Fiscal Impact Statement:*

City Council had before it, for consideration with Motion F(6), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 63)

Council also had before it, for consideration with Motion F(6), a communication (June 12, 2006) from Janice Etter, Chair, Etobicoke York Community Preservation Panel, which is on file in the City Clerk’s Office.

S7.21 Consideration of the following matters was postponed to the next regular meeting of City Council on June 27, 2006, as they remained on the Order Paper at the conclusion of this meeting of Council:

Administration Committee Report 2

Clause 6b - “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”.

Audit Committee Report 1

Clause 4b - “2006 Audit Work Plan”.

Planning and Transportation Committee Report 2

Clause 10b - “Harmonization of the Sign By-law Concerning Posters on Public Property”.

Works Committee Report 2

Clause 21b - “Solid Waste Requirements for Lands at Ingram Transfer Station”.

Clause 23b - “Planning Study for an Expanded Public Source Separated Organic Processing System - Recommendations Regarding Sites and Technologies”.

Etobicoke York Community Council Report 3

- Clause 8b - "Sign Variance Application Report - Applicant: Gabe Faraone 2160 Weston Road (Ward 11 - York South-Weston)".
- Clause 10b - "Application for an Exemption to Toronto Municipal Code Chapter 447, Fences - 59 Westhampton Drive (Ward 2 - Etobicoke North)".

#### Policy and Finance Committee Report 4

- Clause 3a - "City of Toronto Program Review Framework".
- Clause 22a - "2005 Final Year-end Operating Variance Report".
- Clause 29a - "Harmonization of Sick Leave Plans for Management and Non-Union Employees".
- Clause 32a - "Surplus School Board Sites and Review of the Inventory of City-Owned Properties (All Wards)".

#### Community Services Committee Report 3

- Clause 6a - "Systems of Survival, Systems of Support: An Action Plan for Social Assistance in the City of Toronto".

#### Economic Development and Parks Committee Report 3

- Clause 5a - "Consideration of Requests for Additional City-to-City Relationships Under the International Alliance Program (All Wards)".

#### Works Committee Report 3

- Clause 1a - "Co-ordinated Street Furniture Program - Design and Policy Guidelines and Directions Report (All Wards) and Supplementary Information on the Eucan Recycling/Litter Bin Test".
- Clause 10a - "Water and Sewer Services Connection and Disconnection Rates to December 31, 2006 (All Wards)".
- Clause 12a - "Community Program for Stormwater Management - Recommendations for Selection of Applications".
- Clause 16a - "Apartment and Multi-Residential Bulk Lift Collection of Garbage, Recyclables and Bulky Garbage in the Former Toronto, York, Etobicoke and East York".

- Clause 17a - “Progress Report on the Options for Addressing Currently Contracted Curbside Waste and Recycling Collection Operations in the Former Etobicoke and York”.
- Clause 21a - “Other Items Considered by the Committee”  
Item (n) - The Wet Weather Flow Master Plan Implementation 2004-2005 (City-wide).

Etobicoke York Community Council Report 4

- Clause 6a - “Front Yard Parking - Request for an Exemption to the former City of Toronto Municipal Code – 94 Morningside Avenue (Ward 13 - Parkdale-High Park)”.
- Clause 12a - “Request for Approval of Variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code 3379 Bloor Street West (Ward 5 - Etobicoke-Lakeshore)”.
- Clause 13a - “Status Report - Rezoning Application - Applicant: Grace Restoration (International) Ministries - 1736 Weston Road (Ward 11 - York South-Weston)”.

Toronto and East York Community Council Report 4

- Clause 35a - “Request for the Installation of Speed Humps - Fairleigh Crescent, between Eglinton Avenue West and the W. R. Allen Bridge (Ward 21 - St. Paul’s)”.

NOTICE OF MOTION

- F(6) Moved by Councillor Milczyn, seconded by Councillor Lindsay Luby, regarding 3030 Bloor Street West (Kingsway Theatre) – Intention to Designate under Part IV of the *Ontario Heritage Act* – Ward 5 (Etobicoke - Lakeshore).

**BILLS AND BY-LAWS**

Deputy Mayor Bussin in the Chair.

S7.22 On June 14, 2006, at 7:21 p.m., Councillor Cowbourne, seconded by Councillor De Baeremaeker, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws:

Bill No. 476	By-law No. 478-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and
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		Parking, respecting Carlaw Avenue.
Bill No. 477	By-law No. 479-2006	To amend City of Toronto Municipal Code Chapter 519, Noise, respecting construction noise in residential low-rise areas.
Bill No. 478	By-law No. 480-2006	To exempt certain lands found on Staines Road and Seasons Drive from Part Lot Control.
Bill No. 479	By-law No. 481-2006	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. 480	By-law No. 482-2006	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. 482	By-law No. 483-2006	To amend Chapters 320 and 324 of the former City of Etobicoke Zoning Code with respect to lands located on the north side of Rexdale Boulevard, east of Kipling Avenue, municipally known as 110 Rexdale Boulevard.
Bill No. 483	By-law No. 484-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Glenroy Avenue.
Bill No. 484	By-law No. 485-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Fernalroy Boulevard.
Bill No. 485	By-law No. 486-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Meadowvale Drive.

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Bill No. 486	By-law No. 487-2006	To adopt Amendment No. 359 to the Official Plan for the former City of Toronto with respect to lands municipally known as 147 Brandon Avenue.
Bill No. 487	By-law No. 488-2006	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 147 Brandon Avenue.
Bill No. 488	By-law No. 489-2006	To repeal By-law No. 61-2006 being a by-law “To authorize the exemption from taxation for municipal and school purposes for the municipal capital facility for affordable housing located on land municipally known as 131 Coxwell Avenue.”
Bill No. 489	By-law No. 490-2006	To repeal By-law No. 62-2006 being a by-law “To authorize the entering into of an agreement for the provision of a municipal capital facility by 873715 Ontario Ltd.”
Bill No. 490	By-law No. 491-2006	To repeal a portion of By-law No. 396-2006, being a by-law “To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Argyle Street, Carlaw Avenue, Hanna Avenue, King Street West, Musgrave Street, Snooker Street and Wellington Street West.” with respect to Hanna Avenue and Snooker Street.
Bill No. 491	By-law No. 492-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Runnymede Road,

the vote upon which was taken as follows:

Yes - 22 Councillors: Ainslie, Ashton, Bussin, Cho, Cowbourne,
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De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Grimes, Holyday, Jenkins, Kelly, McConnell, Nunziata, Palacio, Pantalone, Saundercook, Soknacki, Walker
No - 1 Councillor: Ford

Carried by a majority of 21.

S7.23 On June 14, 2006, at 7:23 p.m., Deputy Mayor Feldman, seconded by Councillor Ainslie, 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, which carried:

Bill No. 492	By-law No. 493-2006	To confirm the proceedings of the Council at its Special meeting held on the 14th day of June, 2006.
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The following Bill was withdrawn.

Bill No. 481	To permanently close part of the public lane known as Glenholme Place, at the rear of Premises No. 185 Gerrard Street East and flanking Premises No. 117 Pembroke Street.
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#### **OFFICIAL RECOGNITIONS:**

Mayor Miller in the Chair.

#### **S7.24 Condolence Motions**

Councillor Rae, seconded by Mayor Miller, moved that:

**“WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Kenneth Thomson, 2nd Baron Thomson of Fleet, on June 12, 2006; and

**WHEREAS** Ken Thomson was one of Canada’s greatest art collectors and the greatest benefactor of the Art Gallery of Ontario, including the donation of over 2000 art works to the AGO in 2002 – the finest private art collection in Canada; and

**WHEREAS** Ken Thomson gifted \$50 million to kick start the transformation of the AGO and an additional \$20 million to endow future Art Gallery operations; and

**WHEREAS** Ken Thomson was a world renowned collector and promoter of Canadian art and a patron of the arts; and

**WHEREAS** Ken Thomson donated \$4.5 million in 1982 for the construction of Roy Thomson Hall, home of the Toronto Symphony Orchestra;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to his wife, Marilyn, his three children, David, Taylor and Peter, and his sister, Audrey Campbell.”

Councillor Rae, seconded by Mayor Miller, moved that:

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Bernard Ostry on May 24, 2006; and

**WHEREAS** Bernard Ostry was a well known Canadian author, philanthropist, journalist and civil servant at all levels of government; and

**WHEREAS** Bernard Ostry was the past Chair and Chief Executive Officer of TV Ontario; and

**WHEREAS** Bernard Ostry was a famed patron of the arts and a staunch supporter of the Stratford Festival, the Toronto International Film Festival, the Shaw Festival and the National Ballet School; and

**WHEREAS** Bernard Ostry was named an Officer of the Order of Canada for being an outspoken advocate of cultural sovereignty, ethics in the public service and the preservation of public broadcasting;

**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 sincere sympathy to his wife Sylvia and his children, Adam and Jonathan.”

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 Kenneth Thomson and Bernard Ostry.

#### **S7.25 Presentations/Introductions/Announcements:**

Mayor Miller, during the morning session of the meeting, introduced members of a delegation visiting Toronto from Nairobi, Kenya. Their city is participating in the Safer Cities Program, a UN-HABITAT sponsored program which addresses urban insecurity and violence in African cities.

Mayor Miller, during the morning session of the meeting, announced that Councillor Gerry Altobello, Ward 35, Scarborough-Southwest, had been appointed as a Justice of the Peace, and, accordingly, had resigned from City Council. The Mayor congratulated him on his appointment and thanked him for his hard work and dedication during his terms as a City Councillor.

Councillor Cho, with the permission of Council, during the morning session of the meeting, advised Council of two events held recently, and presented the Mayor with commemorative t-shirts:

- May 28, 2006 - the Sathya Sai School's Walk for Values; and
- June 8, 2006 - the official celebration marking Aphasia Awareness Week.

Mayor Miller, during the morning session of the meeting, introduced Councillor John Wells from the Borough of Tamworth, Staffordshire, England, present at the meeting.

Councillor Cowbourne, with the permission of Council, during the afternoon session of the meeting, announced, as Chair of the Mayor's Roundtable on Seniors, that the City of Toronto had joined more than 60 municipalities in Ontario to officially proclaim June as Seniors Month, in celebration and recognition of the significant contributions made by seniors to their communities.

#### **S7.26 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE**

*Vary the order of proceedings of Council:*

Councillor Shiner, at 2:20 p.m., moved that Council now consider Motion F(2), respecting the Review of Certain Applications before the North York Committee of Adjustment, based on Council's decision at its meeting of May 23, 24 and 25, 2006, that this matter would be the second item of business at the June 14, 2006 meeting.

*Ruling by Mayor:*

Mayor Miller ruled that, based on another Council decision from its meeting of May 23, 24 and 25, 2006, Council would now consider the following items related to Employment Lands, which had been set for consideration at 2:00 p.m. on June 14, 2006:

- Economic Development and Parks Committee Report 3, Clause 4a, headed "Long-Term Strategy for Retaining Employment Lands and Stimulating New Investment and Job Creation (All Wards)";
- Etobicoke and York Community Council Report 3, Clause 2b, 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)";

- Etobicoke and York Community Council Report 3, Clause 3b, 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)”; and
- Notice of Motion F(5), moved by Deputy Mayor Bussin, seconded by Councillor Carroll, respecting an Official Plan Amendment and Rezoning Application for 252, 270, 272 and 276 Bering Avenue - Ward 5 – Etobicoke Lakeshore.

Councillor Walker challenged the ruling of the Mayor.

*Vote to Uphold the Ruling of the Mayor:*

Yes - 22	
Mayor:	Miller
Councillors:	Ainslie, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Filion, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Pantalone, Silva, Soknacki
No - 14	
Councillors:	Augimeri, Del Grande, Ford, Holyday, Li Preti, Minnan-Wong, Palacio, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker

Carried by a majority of 8.

Councillor Stintz, at 3:45 p.m., requested that, in accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, a Notice of Motion respecting a Request to the Integrity Commissioner to investigate various matters related to the Toronto Transit Commission, be added to the agenda for this special meeting, the vote upon which was taken as follows:

Yes - 16	
Councillors:	Ashton, Del Grande, Ford, Grimes, Holyday, Kelly, Milczyn, Minnan-Wong, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker
No - 24	
Mayor:	Miller
Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Pantalone, Rae, Silva, Soknacki

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

*Procedural Motions:*

Councillor Silva moved the following procedural motion, which carried:

“That:

- (1) all motions moved at the June 14, 2006 special 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 June 14, 2006 special 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.”

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

Councillor Mihevc, at 12:25 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 conclude consideration of Motion F(1), respecting the Report of the Integrity Commissioner on a Complaint that a Councillor Violated the Code of Conduct by Revealing Confidential Information to the Press, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Del Grande, at 2:15 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. adjournment, and that Council remain in session to complete all remaining Items of business, the vote upon which was taken as follows:

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

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

Deputy Mayor Pantalone, at 6:57 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. adjournment, and that Council adjourn following its completion of Works Committee Report 2, Clause 15b, headed “Terms and Conditions for the 2005 Flood Damages Grant Program (City-wide)”, and the General Bills, the vote upon which was taken as follows:

Yes - 18	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Cho, Cowbourne, Del Grande, Di Giorgio, Fletcher, Grimes, Jenkins, Kelly, McConnell, Nunziata, Palacio, Pantalone, Saundercook, Silva
No - 8	
Councillors:	Ainslie, De Baeremaeker, Feldman, Ford, Holyday, Li Preti, Pitfield, Walker

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

**S7.27 ATTENDANCE**

Councillor Walker, seconded by Councillor Kelly, moved that the absence of Councillor Ootes from the special meeting of Council on June 14, 2006, be excused, which carried.

June 14, 2006	9:37 a.m. to 12:35 p.m.*	2:10 p.m. to 7:25 p.m.*
Miller	x	x
Ainslie	x	x
Ashton	x	x
Augimeri	x	x
Bussin	x	x
Carroll	x	x
Cho	x	x
Cowbourne	x	x
Davis	x	x
De Baeremaeker	x	x
Del Grande	x	x

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

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June 14, 2006	9:37 a.m. to 12:35 p.m.*	2:10 p.m. to 7:25 p.m.*
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	-	-
Palacio	x	x
Pantalone	x	x
Pitfield	x	x
Rae	x	x
Saundercook	x	x
Shiner	x	x
Silva	x	x
Soknacki	x	x
Stintz	x	x
Thompson	x	x

June 14, 2006	9:37 a.m. to 12:35 p.m.*	2:10 p.m. to 7:25 p.m.*
Walker	x	x
Watson	x	-
Total	43	42

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

**Council adjourned on June 14, 2006, at 7:25 p.m.**

**DAVID R. MILLER,  
Mayor**

**ULLI S. WATKISS,  
City Clerk**

**ATTACHMENT 1 [Notice of Motion F(1)]**

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 S7.15, Page 24)

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 2 [Notice of Motion F(1)]**

Memorandum (undated) from Councillor Howard Moscoe, Ward 15, Eglinton-Lawrence, addressed to Mayor Miller, Members of Council, and Members of the Committee of Adjustment [North York Panel]. (See Minute S7.15, Page 24)

As requested by Council at its meeting of June 14, 2006, I make the following apology without reservation.

I apologize to Members of Council and Members of the North York Committee of Adjustment for conveying confidential information to the media. I did so in order to prevent a motion to fire the Committee of Adjustment, from being dealt with behind closed doors.

I am aware of the importance of the rules that govern confidentiality. Those rules are designed to protect the identity of the individuals and the integrity of Council, matters that I take very seriously.

**ATTACHMENT 3 [Notice of Motion F(2)]**

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 S7.16, Page 29):

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.

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**FISCAL IMPACT STATEMENT SUMMARY**  
**Notices of Motions**  
**Submitted by the Deputy City Manager and Chief Financial Officer**  
Council Meeting – June 14, 2006

<b>Motion</b>		<b>Operating</b>	<b>Capital</b>	
<b>#</b>	<b>Title</b>	<b>\$ (net)</b>	<b>\$ (net)</b>	<b>Comments</b>
F(1)	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.
F(2)	Review of Certain Applications Before the North York Committee of Adjustment			<i>Confidential. See confidential report attached to Motion.</i>
F(3)	Protection of Individuals at Toronto City Hall and Nathan Phillips Square	\$0	\$0	Consider.
F(4)	Potential Ontario Municipal Board Hearing – 2 Traymore Crescent	\$0	\$0	Consider. See report attached to Motion.
F(5)	Official Plan Amendment and Rezoning Application for 252, 270, 272 and 276 Bering Avenue - Ward 5 - Etobicoke-Lakeshore	\$0	\$0	Consider. See report attached to Motion.
F(6)	3030 Bloor Street West (Kingsway Theatre) – Intention to Designate under Part IV of the <i>Ontario Heritage Act</i> – Ward 5 (Etobicoke - Lakeshore)	\$0	\$0	Consider.