

[Guide to Minutes](#)

[Agenda Index](#)

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

MINUTES OF THE COUNCIL OF THE CITY OF TORONTO

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

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

CALL TO ORDER - 9:40 a.m.

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

The meeting opened with *O Canada*.

9.2 CONFIRMATION OF MINUTES

Councillor Lindsay Luby, seconded by Councillor Mammoliti, moved that the Minutes of the Council meeting held on the 27th, 28th and 29th days of June, 2006, be confirmed in the form supplied to the Members, which carried.

9.3 PETITIONS

- (a) Councillor Fletcher submitted a petition containing the signatures of approximately 100 individuals, respecting the installation of a red light at the Wolfrey Cross Walk.

The above petition was received.

- (b) Councillor Rae submitted a petition containing the signatures of approximately 38 individuals, respecting the inclusion of bike lanes in the reconstruction of Wellesley Street, from Bay Street to Yonge Street, in the fall of 2006.

The above petition was received.

- (c) Councillor Thompson submitted a petition containing the signatures of approximately 138 individuals, respecting the installation of traffic lights at the intersection of Ranstone Gardens and Birchmount Road.

The above petition was received.

- (d) Deputy Mayor Bussin submitted a petition containing the signatures of approximately 25 individuals respecting Ice Cream Lane.

The above petition was received and considered with Toronto and East York Community Council Report 6, Clause 70, headed "Traffic Regulations and Parking Enforcement - Ice Cream Lane (Ward 32 - Beaches-East York)".

PRESENTATION OF REPORTS

- 9.4 The following Reports were presented to Council for consideration:

Deferred Clauses from April 25, 26 and 27, 2006:

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

Deferred Clauses from May 23, 24 and 25, 2006:

Policy and Finance Committee Report 4, Clauses 29c and 32c
Works Committee Report 3, Clause 21c (n)
Etobicoke York Community Council Report 4, Clauses 6c, 12c and 13c
Toronto and East York Community Council Report 4, Clause 35c

Deferred Clauses from June 27, 28 and 29, 2006:

Policy and Finance Committee Report 5, Clauses 17a, 25a and 27a
Administration Committee Report 4, Clauses 1a, 2a, 12a and 21a
Planning and Transportation Committee Report 4, Clauses 7a and 13a
Works Committee Report 4, Clause 8a
Etobicoke York Community Council Report 5, Clauses 3a, 7a and 8a
North York Community Council Report 5, Clause 7a
Scarborough Community Council Report 5, Clause 16a
Toronto and East York Community Council Report 5, Clauses 17a, 40a, 55a, 56a,

57a, 58a, 59a, 60a, 85a and 101a (d)

New Committee Reports:

Policy and Finance Committee Report 6
Administration Committee Report 5
Board of Health Report 5
Community Services Committee Report 5
Economic Development and Parks Committee Report 5
Planning and Transportation Committee Report 5
Striking Committee Report 3
Works Committee Report 5

New Community Council Reports:

Etobicoke York Community Council Report 6
North York Community Council Report 6
Scarborough Community Council Report 6
Toronto and East York Community Council Report 6

9.5 DECLARATIONS OF INTEREST

Councillor Augimeri declared her interest in Motion J(25), moved by Councillor Di Giorgio, seconded by Councillor Thompson, respecting 1465 Lawrence Avenue West – Application for an Official Plan Amendment, in that her mother owns a condominium in the immediate area.

Deputy Mayor Bussin declared her interest in Policy and Finance Committee Report 6, Clause 3, headed “Parking for Veterans”, in that her father is a veteran and her brother and sister-in-law are members of the Armed Forces.

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

- Policy and Finance Committee Report 6, Clause 2, headed “Power Generating Facility - Port Lands (Ward 30 - Toronto-Danforth)”; and
- Motion J(42), moved by Councillor Saundercook, seconded by Councillor Mihevc, respecting Toronto Hydro Purchases of Nuclear Power from the Ontario Power Generation Corporation.

Deputy Mayor Feldman declared his interest in Etobicoke York Community Council Report 6, Clause 32, headed “Part Lot Control Exemption Application, Applicant: Antonio Priori, Brookstone Developments Limited, 450 Horner Avenue (Ward 6 - Etobicoke-Lakeshore)”, in that his son-in-law is the builder.

Councillor Ford declared his interest in the following matters, in that his family owns a printing company:

- Administration Committee Report 5, Clause 7, headed “Procurement of an Order Picker (Fork Lift) and Budget Adjustments relating to the Printing Equipment Replacement Plan of the City Clerk's Office, Records and Information Management”; and
- Motion J(57), moved by Deputy Mayor Bussin, seconded by Councillor Li Preti, respecting a limit on Municipal Election campaign expenses.

Councillor Jenkins declared his interest in Administration Committee Report 5, Clause 12, headed “Annual Information Technology Systems Maintenance Contracts Renewal”, in that he is a retired employee, in receipt of a pension, from IBM Canada Ltd.

Councillor Li Preti declared his interest in Administration Committee Report 5, Clause 18, headed “Transfer of Parts of 1035 Sheppard Avenue West to the City of Toronto Economic Development Corporation (Ward 10 - York Centre)”, in that he owns property in the immediate area.

Councillor Mammoliti declared his interest in the following matters:

- Policy and Finance Committee Report 5, Deferred Clause 25a, headed “City of Toronto 2007-2010 Capital Plan and Debt Service Guideline”, in that his wife owns property on St. Clair Avenue;
- Etobicoke York Community Council Report 6, Clause 31, headed “Naming of Proposed Public Lane at 17 Frith Road (Ward 7 - York West)”, in that his parents live in the immediate area; and
- Item (a), entitled “Request for Approval of Variances from Chapter 215, Signs, of the former City of Toronto Municipal Code – 1169 St. Clair Avenue West (Ward 17 – Davenport)”, as contained in Etobicoke York Community Council Report 6, Clause 41, headed “Other Items Considered by the Community Council”, in that his wife owns property in the area.

Councillor Moscoe declared his interest in:

- the following matters, in that his daughter is employed as an early childhood educator, part-time, in the Children's Services Division:
 - Policy and Finance Committee Report 6, Clause 30, headed "Approval of the Toronto Child Care Service Plan Update";
 - Policy and Finance Committee Report 6, Clause 31, headed "After School Recreation and Care Program";
 - Administration Committee Report 5, Clause 19, headed "1126 Finch Avenue West, Units 14, 15, 16 and 17 - Lease for Children's Services (Ward 8 - York West)"; and
 - Community Services Committee Report 5, Clause 6, headed "Learning from Each Other: Early Learning and Child Care Experiences in Canadian Cities"; and
- Motion J(57), moved by Deputy Mayor Bussin, seconded by Councillor Li Preti, respecting a limit on Municipal Election campaign expenses, in that he is in the business of manufacturing election signs.

Councillor Shiner declared his interest in the following matters:

- Policy and Finance Committee Report 6, Clause 17, headed "Heritage Property Tax Rebate Program - 2006-2007 Program Implementation and Expansion (All Wards)", in that his family owns property which has a heritage designation;
- North York Community Council Report 6, Clause 12, headed "Inclusion on the City of Toronto Inventory of Heritage Properties and Intention to Designate under Part IV of the *Ontario Heritage Act* - 85 Laird Drive (E.S. & A. Robinson Warehouse) (Ward 26 - Don Valley West)", in that the Solicitor who represents the Applicant is doing work for his family;
- Toronto and East York Community Council Report 6, Clause 10, headed "Final Report - King Spadina Secondary Plan Review Study (Ward 20 - Trinity-Spadina)", in that his family owns property in the immediate area; and
- Toronto and East York Community Council Report 6, Clause 35, headed "Naming of Public Lane located north of King Street West, extending easterly from Portland Street (Ward 20 - Trinity-Spadina)", in that his family has an interest in property in the immediate area.

Councillor Walker declared his interest in Policy and Finance Committee Report 6, Clause 2, headed "Power Generating Facility - Port Lands (Ward 30 - Toronto-Danforth)", in that his daughter works for the Toronto Port Authority.

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

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

Administration Committee Report 2, Clause 6d.

Audit Committee Report 1, Clause 4d.

Planning and Transportation Committee Report 2, Clause 10d.

Works Committee Report 2, Clause 21d.

Etobicoke York Community Council Report 3, Clauses 8d and 10d.

Policy and Finance Committee Report 4, Clauses 29c and 32c.

Works Committee Report 3, Clause 21c (n).

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

Toronto and East York Community Council Report 4, Clause 35c.

Policy and Finance Committee Report 5, Clauses 17a, 25a and 27a.

Administration Committee Report 4, Clauses 1a, 2a, 12a and 21a.

Planning and Transportation Committee Report 4, Clauses 7a and 13a.

Works Committee Report 4, Clause 8a.

Etobicoke York Community Council Report 5, Clauses 3a, 7a and 8a.

North York Community Council Report 5, Clause 7a.

Scarborough Community Council Report 5, Clause 16a.

Toronto and East York Community Council Report 5, Clauses 17a, 40a, 55a, 56a, 57a, 58a, 59a, 60a and 85a.

Policy and Finance Committee Report 6, Clauses 1, 2, 3, 4, 6, 8, 11, 17, 23, 24, 26, 31, 32, 33, 34, 36, 39, 41, 42, 44, 52, 55, 57 and 60.

Administration Committee Report 5, Clauses 1, 2, 14, 15, 17, 18, 19, 25 and 26.

Board of Health Report 5, Clause 1.

Community Services Committee Report 5, Clauses 1, 2, 3, 7, 10, 11 and 12.

Economic Development and Parks Committee Report 5, Clauses 1, 2, 3, 7, 9, 10, 11, 12 and 13.

Planning and Transportation Committee Report 5, Clauses 1, 2, 5, 6, 8, 12 and 15.

Works Committee Report 5, Clauses 3, 4, 5, 6, 8, 11 and 13.

Etobicoke York Community Council Report 6, Clauses 1, 3, 4, 5, 6, 8, 9, 10, 21, 36, 39 and 40.

North York Community Council Report 6, Clauses 7, 11, 21, 25, 28, 29, 30, 31 and 32.

Toronto and East York Community Council Report 6, Clauses 1, 3, 5, 6, 7, 10, 21, 27, 40, 41, 42, 44, 45, 63, 69, 70, 71 and 72.

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

Works Committee Report 3, Clause 21c (n).

Policy and Finance Committee Report 5, Clause 27a.

Administration Committee Report 4, Clause 1a.

Planning and Transportation Committee Report 4, Clauses 7a and 13a.

Works Committee Report 4, Clause 8a.

Policy and Finance Committee Report 6, Clauses 2, 17, 31, 39, 41, 42, 44 and 52.

Administration Committee Report 5, Clauses 15, 17, 18 and 25.

Board of Health Report 5, Clause 1.

Community Services Committee Report 5, Clauses 10, 11 and 12.

Economic Development and Parks Committee Report 5, Clauses 7, 11 and 12.

Works Committee Report 5, Clauses 3, 6, 11 and 13.

Etobicoke York Community Council Report 6, Clauses 6 and 36.

North York Community Council Report 6, Clauses 7, 11, 21 and 31.

Toronto and East York Community Council Report 6, Clauses 10 and 69.

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

The following Clauses were re-opened for further consideration and subsequently amended:

Policy and Finance Committee Report 6, Clause 53. (See Minute 9.33, Page 48).

Administration Committee Report 5, Clause 27. (See Minute 9.50, Page 66).

Etobicoke York Community Council Report 6, Clause 19. (See Minute 9.22, Page 25).

North York Community Council Report 6, Clause 20. (See Minute 9.35, Page 51).

Toronto and East York Community Council Report 6, Clause 59. (See Minute 9.58, Page 77).

CONSIDERATION OF REPORTS CLAUSES WITH MOTIONS, VOTES, ETC.

- 9.7 **Etobicoke York Community Council Report 6, Clause 5, headed “Request for Traffic Calming (Speed Humps) on Pearldale Avenue (Ward 7 - York West)”.**

Vote:

The Clause was adopted, without amendment.

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

- 9.8 **Etobicoke York Community Council Report 6, Clause 21, headed “Request for Traffic Calming (Speed Humps) on John Street (Ward 11 - York South-Weston)”.**

Vote:

The Clause was adopted, without amendment.

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

9.9 **North York Community Council Report 6, Clause 29, headed “Status Report - Site Plan Approval Application - 05 123493 NNY 23 SA - Walker Nott Dragicevic Associates Limited - Richard Wengle Architect Inc. - 61, 65, 69 & 71 Churchill Avenue and 2, 4 & 6 Basswood Avenue and Report on Decision of Ontario Municipal Board (Ward 23 - Willowdale)”.**

Ruling by Mayor:

Mayor Miller ruled the following Parts (2) and (3) of the recommendations of the North York Community Council out of order, as they have City-wide implications for planning applications and are not specific only to this site plan application, and these are matters that are properly within the jurisdiction of the Planning and Transportation Committee, as they relate to the delivery of City planning services and have application across the City:

- “(2) direct the Chief Planner and Executive Director, City Planning Division, to report on:
 - (a) measures that could be taken to dissuade applicants from submitting misleading development approval applications in the future; and
 - (b) measures that could be taken to ensure that in the future, third parties potentially affected by development proposals are provided with copies of relevant materials, on request, for such review and expert consultation as may be warranted; and
- (3) adopt the following additional Recommendation:
 - ‘that in the future, applicants be required to certify that all required fees have been paid for any application to be considered by Council and that all required information has been correctly filed, and that staff include this certification in their report to Council along with the development application form.’ ”

Disposition:

The balance of this Clause [Recommendation (1) only] was adopted, without amendment.

9.10 **North York Community Council Report 6, Clause 32, headed “Request for Driveway Entrance Side Yard Variance - 58 Langholm Drive (Ward 9 - York Centre)”.**

Motion:

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

Vote:

The motion by Councillor Augimeri carried.

9.11 **Toronto and East York Community Council Report 6, Clause 7, headed “Final Report - Removal of Holding (H) Symbol and Deferral of Development Charges - 1001 Queen Street West (Ward 19 - Trinity-Spadina)”.**

Motion:

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

“That Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report (July 20, 2006) from the Executive Director, Technical Services:

‘It is recommended that:

- (1) the names “Workman Way”, “Gordon Bell Road”, “White Squirrel Way”, “Freedom Street” and “Adelaide Street West” be approved to identify the proposed private streets in the redevelopment at 1001 Queen Street West;
- (2) public notice be given of the proposed street names identified in Recommendation (1);
- (3) if the proposed street names are approved and these streets are subsequently dedicated and assumed for public highway purposes, the notice given under Recommendation (2) be deemed to be notice for the purposes of naming these streets as public highways;
- (4) if the proposed private street names are approved they will be deemed to be the names of the public highways, should these private streets be dedicated and assumed for public highway purposes in future; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

- 9.12 **Toronto and East York Community Council Report 6, Clause 40, headed “Proposed Installation of Speed Bumps in the Public Lane System, bounded by Dundas Street West, Heintzman Street, Indian Grove and C.P.R. Tracks (Ward 14 - Parkdale-High Park)”.**

Vote:

The Clause was adopted, without amendment.

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

Deputy Mayor Pantalone in the Chair.

- 9.13 **Administration Committee Report 5, Clause 2, headed “Practices in Providing Business Opportunities to Businesses”.**

Motion:

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

“That a copy of this Clause be forwarded to the Toronto Transit Commission for information.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

- 9.14 **Works Committee Report 5, Clause 4, headed “RESCU (Road and Emergency Services Communications Unit) System Expansion (All Wards)”.**

Motion:

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

“That the General Manager, Transportation Services, be requested to review the feasibility of reducing the cost of the proposed Queue End Warning System on Allen Road by utilizing the fibre optic cable networks already present in the adjacent subway line.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

9.15 **Policy and Finance Committee Report 6, Clause 11, headed “Union Station Revitalization - Termination of Master Agreement with the Union Pearson Group and Next Steps (Ward 28 - Toronto Centre-Rosedale)”.**

Motion:

Councillor Stintz moved that the Clause be amended by amending Recommendation (6) contained in the report (July 4, 2006) from the Deputy City Manager and Chief Financial Officer, to provide that the requested Strategy include project goals, deliverables, timelines and an estimated five-year budget for the 2007 Capital Budget, so that Recommendation (6) now reads as follows:

- “(6) the City Manager convene an interdivisional staff team, utilizing expert consultants as may be required to review models for the restoration and continued operation of Union Station, in consultation with the station’s stakeholders, based on the principles and objectives confirmed in Appendix A and assuming City control of the revitalization or a hybrid model involving both public and private investment and/or operation, discussed as Options 4, 5 and 6 in the body of this report, including a business case analysis, and provide City Council with a strategy, including project goals, deliverables, timelines and an estimated five-year budget for the 2007 Capital Budget, for the revitalization of Union Station for the new term of Council;”.

Votes:

The motion by Councillor Stintz carried.

The Clause, as amended, carried.

9.16 **Etobicoke York Community Council Report 6, Clause 4, headed “Request for Approval of Variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code - 452 Rathburn Road (Ward 3 - Etobicoke Centre)”.**

Motion:

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

Vote:

The motion by Councillor Holyday carried.

- 9.17 **Toronto and East York Community Council Report 5, Deferred Clause 55a, headed “Evaluation for the Installation of Speed Humps - First Avenue, between Broadview Avenue and Logan Avenue (Ward 30 - Toronto-Danforth)”.**

Motion:

Councillor Fletcher moved that consideration of this Clause be deferred to the next regular meeting of City Council on September 25, 2006.

Vote:

The motion by Councillor Fletcher carried.

- 9.18 **Administration Committee Report 5, Clause 19, headed “1126 Finch Avenue West, Units 14, 15, 16 and 17 - Lease for Children’s Services (Ward 8 - York West)”.**

Motion:

Councillor Li Preti moved that the Clause be received, as staff have been able to find other acceptable locations in Ward 8.

Vote:

The motion by Councillor Li Preti carried.

- 9.19 **Toronto and East York Community Council Report 6, Clause 27, headed “Chapter 297, Sign By-law of the former City of Toronto Municipal Code and the Removal of Illegal Signs in the Toronto and East York Community Council Area”.**

Motion:

Councillor Silva moved that the Clause be amended by adding the following new Part (f) to the Recommendation of the Toronto and East York Community Council:

- “(f) a legal process needed to allow the City to impose heavy fines on the companies whose products or services are advertised on illegal signs.”

Votes:

The motion by Councillor Silva carried.

The Clause, as amended, carried.

9.20 **Audit Committee Report 1, Deferred Clause 4d, headed “2006 Audit Work Plan”.**

Motions brought forward from Council Meeting on June 27, 28 and 29, 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 adding the following:

“That the Auditor General be requested to consider including an Access, Equity and Human Rights audit in his 2007 work plan.”

Motion moved on July 25, 2006:

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

“That the Auditor General be requested to review the issuance of sole source contracts and the checks and balances that are in place.”

Votes:

Adoption of motion (a) by Councillor Moscoe:

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| Yes - 33 | |
| Councillors: | Ainslie, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Filion, Ford, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson, Walker |
| No - 3 | |
| Councillors: | Ashton, Fletcher, Stintz |

Carried by a majority of 30.

Adoption of motion (b) by Councillor Davis:

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| Yes - 30 |
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| Councillors: | Ainslie, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson, Walker |
| No - 6 | |
| Councillors: | Ashton, Ford, Kelly, Minnan-Wong, Ootes, Stintz |

Carried by a majority of 24.

Adoption of motion (c) by Councillor Shiner:

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| Yes - 30 | |
| Councillors: | Ainslie, Ashton, Augimeri, Bussin, Cho, Cowbourne, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker |
| No - 7 | |
| Councillors: | Carroll, Davis, Filion, Giambrone, Mihevc, Moscoe, Silva |

Carried by a majority of 23.

Adoption of Clause, as amended:

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| Yes - 37 | |
| Councillors: | Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker |
| No - 0 | |

Carried, without dissent.

Summary:

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

“That the Auditor General be requested to:

- (1) consider adding the following to his work plan:
‘Policies and practices related to outside work performed by City Arborists and related staff.’;
- (2) consider including an Access, Equity and Human Rights audit in his 2007 work plan; and
- (3) review the issuance of sole source contracts and the checks and balances that are in place.”

9.21 **Policy and Finance Committee Report 5, Deferred Clause 25a, headed “City of Toronto 2007-2010 Capital Plan and Debt Service Guideline”.**

Motions brought forward from Council Meeting on June 27, 28 and 29, 2006:

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

- (1) by adding the following:

“That the City Manager and the Deputy City Manager and Chief Financial Officer be requested to re-consider the five-year targets for Parks and Recreation, and the City Manager, the Deputy City Manager and Chief Financial Officer and the General Manager, Parks, Forestry and Recreation be requested to report on ways to increase the capital target in light of the state-of-good repair backlog and the current unmet goals related to ‘Priority Neighbourhoods’ and ‘Our Common Grounds’.”; and

- (2) in accordance with the following motion:

“BE IT RESOLVED THAT the capital project related to the reconstruction of TTC track allowance, pavement, sidewalk and curb on St. Clair Avenue East and West be considered at a total maximum estimated cost of \$18.5 million, in conjunction with the transit improvements on St. Clair Avenue (from Yonge Street to Gunns Road);

AND BE IT FURTHER RESOLVED THAT staff be directed to continue discussions with hydro and gas utilities (Toronto Hydro and Enbridge) to reduce the City’s share of any utility related costs;

AND BE IT FURTHER RESOLVED THAT Deputy City Manager Fareed Amin and the General Manager, Transportation Services, be directed to include this project in the 2007-2011 capital plan for Transportation Services within the Council approved five-year plan debt guidelines;

AND BE IT FURTHER RESOLVED THAT any 2006 capital costs for this

project be financed through a reallocation of project funding from other Transportation projects as determined by staff and reported to the Works Committee in September 2006;

AND BE IT FURTHER RESOLVED THAT the General Manager, Transportation Services, be requested to reprioritize Transportation projects in the vicinity of St. Clair Avenue to facilitate the financing of the hydro undergrounding.”

(b) Councillor Nunziata moved that:

(1) Part (2) of motion (a) by Councillor Mihevc be amended by adding the following words to the end of the first Operative Paragraph:

“subject to the necessary funding for this project being reallocated from proposed Capital projects in the 2007-2011 Capital Plan for Transportation Services in Wards 15, 17 and 21”; and

(2) the Clause be amended by adding the following:

“That the General Manager, Transportation Services, be requested to provide a report to all Members of Council on what Capital projects will be eliminated from the Capital Plan, as a result of the funding being provided for the St. Clair Avenue project.”

(c) Councillor Palacio moved that the last Operative Paragraph in Part (2) of motion (a) by Councillor Mihevc be amended by inserting after the word “projects”, the words “between 2007-2011”, so that it now reads as follows:

“AND BE IT FURTHER RESOLVED THAT the General Manager, Transportation Services, be requested to re-prioritize transportation projects between 2007-2011 in the vicinity of St. Clair Avenue to facilitate the financing of the hydro undergrounding.”

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

“That Toronto Hydro Electric System Limited be requested to include, in its rate filing for 2007, the cost to underground the electrical system on St. Clair Avenue to Gunns Road; and further, that any additional funding for the undergrounding of this electrical system be subject to Toronto Hydro Electric System Limited obtaining approval of the Ontario Energy Board.”

(e) Councillor Hall moved that Part (1) of motion (b) by Councillor Nunziata be amended by deleting the words “Wards 15, 17 and 21”, and inserting instead the words “the affected Wards”.

Motions moved on July 25, 2006:

- (f) Councillor Watson moved that the Clause be amended by amending Part (1) of Recommendation (5) of the Policy and Finance Committee by adding the words “as amended by the confidential instructions issued to staff, such instructions to remain confidential, in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they relate to the potential acquisition of property for municipal purposes”, so that Part (1) now reads as follows:

“(1) that City Council adopt the staff recommendations in the Recommendations Section of the confidential report (May 26, 2006) from the City Clerk and the Chief Corporate Officer regarding the potential acquisition of 53-61 Ontario Street and 101-104 Berkeley Street for the relocation of the City’s Offset Printing Facility and for other purposes, as amended by the confidential instructions issued to staff, such instructions to remain confidential, in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they relate to the potential acquisition of property for municipal purposes;”.

- (g) Councillor Soknacki moved that:

- (1) Part (2) of motion (a) by Councillor Mihevc be amended by adding the following new Operative Paragraph:

“**AND BE IT FURTHER RESOLVED THAT** General Manager, Transportation Services, be requested to report to the Works Committee in September 2006, on the recommended projects impacted to accommodate the St. Clair right-of-way project within the debt guideline.”;

- (2) Part (2) of motion (b) by Councillor Nunziata be amended to read as follows:

“That the General Manager, Transportation Services be requested to provide a report to the Works Committee in September 2006 on what capital projects will be impacted in the Capital Plan, as a result of the funding being provided for the St. Clair Avenue project.”; and

- (3) the Clause be amended by adding the following:

“That the Deputy City Manager and Chief Financial Officer be requested to report to the Policy and Finance Committee on whether any increases in the Parks and Recreation envelope can be accomplished within the 2007-2011 overall Capital plan and which projects or programs will be adversely impacted on a City-wide basis.”

Ruling by Deputy Mayor:

Deputy Mayor Pantalone ruled motion (e) by Councillor Hall out of order, as it is an amendment to an amendment.

Votes:

Adoption of Part (1) of motion (b) by Councillor Nunziata:

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| Yes - 28 | Councillors: Ainslie, Ashton, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Minnan-Wong, Nunziata, Pantalone, Pitfield, Rae, Shiner, Stintz, Thompson, Walker |
| No - 9 | Councillors: Augimeri, Bussin, Davis, Holyday, Milczyn, Moscoe, Palacio, Saundercook, Soknacki |

Carried by a majority of 19.

Adoption of motion (c) by Councillor Palacio:

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| Yes - 31 | Councillors: Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson |
| No - 7 | Councillors: Ainslie, Del Grande, Ford, Holyday, Kelly, Pitfield, Walker |

Carried by a majority of 24.

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

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| Yes - 36 | Councillors: Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, |
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| Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker |
| No - 2 Councillors: Ford, Pantalone |

Carried by a majority of 34.

Adoption of Part (2) of motion (a) by Councillor Mihevc, as amended:

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

Carried by a majority of 11.

Adoption of Part (1) of motion (a) by Councillor Mihevc:

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

Carried by a majority of 21.

Part (2) of motion (g) by Councillor Soknacki carried.

Adoption of Part (2) of motion (b) by Councillor Nunziata, as amended:

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| Yes - 39 |
| Councillors: Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, |

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| Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker |
| No - 0 |

Carried, without dissent.

Adoption of the following portion of motion (d) by Councillor Shiner:

“That Toronto Hydro Electric System Limited be requested to include, in its rate filing for 2007, the cost to underground the electrical system on St. Clair Avenue to Gunns Road;”

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| Yes - 39 Councillors: Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 1 Councillor: Holyday |

Carried by a majority of 38.

Adoption of the following balance of motion (d) by Councillor Shiner:

“and further, that any additional funding for the undergrounding of this electrical system be subject to Toronto Hydro Electric System Limited obtaining approval of the Ontario Energy Board.”

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| Yes - 18 Councillors: Bussin, Del Grande, Di Giorgio, Feldman, Ford, Holyday, Kelly, Li Preti, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker |
| No - 22 Councillors: Ainslie, Ashton, Augimeri, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, Grimes, Jenkins, Lindsay Luby, Mihevc, Moscoe, Palacio, Pantalone, Silva, Soknacki, Thompson, Watson |

Lost by a majority of 4.

Adoption of motion (f) by Councillor Watson:

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| Yes - 35 Councillors: Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Thompson, Walker, Watson |
| No - 4 Councillors: Feldman, Minnan-Wong, Shiner, Stintz |

Carried by a majority of 31.

Adoption of Part (3) of motion (g) by Councillor Soknacki:

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| Yes - 40 Councillors: Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 0 |

Carried, without dissent.

Adoption of Clause, as amended:

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| Yes - 30 Councillors: Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Thompson, Watson |
| No - 10 Councillors: Del Grande, Feldman, Ford, Holyday, Minnan-Wong, Nunziata, Pitfield, Shiner, Stintz, Walker |

Carried by a majority of 20.

Summary:

City Council amended this Clause:

- (1) by amending Part (1) of Recommendation (5) of the Policy and Finance Committee by adding the words “as amended by the confidential instructions issued to staff, such instructions to remain confidential, in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they relate to the potential acquisition of property for municipal purposes”, so that Part (1) now reads as follows:

“(1) that City Council adopt the staff recommendations in the Recommendations Section of the confidential report (May 26, 2006) from the City Clerk and the Chief Corporate Officer regarding the potential acquisition of 53-61 Ontario Street and 101-104 Berkeley Street for the relocation of the City’s Offset Printing Facility and for other purposes, as amended by the confidential instructions issued to staff, such instructions to remain confidential, in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they relate to the potential acquisition of property for municipal purposes;”;

- (2) in accordance with the following motion:

“BE IT RESOLVED THAT the Capital project related to the reconstruction of TTC track allowance, pavement, sidewalk and curb on St. Clair Avenue East and West be considered at a total maximum estimated cost of \$18.5 million, in conjunction with the transit improvements on St. Clair Avenue (from Yonge Street to Gunns Road), subject to the necessary funding for this project being re-allocated from proposed Capital projects in the 2007-2011 Capital Plan for Transportation Services in Wards 15, 17 and 21;

AND BE IT FURTHER RESOLVED THAT staff be directed to continue discussions with hydro and gas utilities (Toronto Hydro and Enbridge) to reduce the City share of any utility related costs;

AND BE IT FURTHER RESOLVED THAT Deputy City Manager Fareed Amin and the General Manager, Transportation Services, be directed to include this project in the 2007-2011 Capital plan for Transportation Services within the Council-approved five-year plan debt guidelines;

AND BE IT FURTHER RESOLVED THAT any 2006 Capital costs for this project be financed through a re-allocation of project funding from other Transportation projects, as determined by staff and reported to the Works Committee in September 2006;

AND BE IT FURTHER RESOLVED THAT the Transportation Services Division re-prioritize Transportation projects between 2007-2011 in the vicinity of St. Clair Avenue to facilitate the financing of the hydro undergrounding;

AND BE IT FURTHER RESOLVED THAT the General Manager, Transportation Services, be requested to report to the Works Committee in September 2006, on the recommended projects impacted to accommodate the St. Clair right-of-way project within the debt guideline.”; and

(3) by adding the following:

“That:

- (1) the City Manager and the Deputy City Manager and Chief Financial Officer be requested to re-consider the five-year targets for Parks and Recreation, and the City Manager, the Deputy City Manager and Chief Financial Officer and the General Manager, Parks, Forestry and Recreation, be requested to report on ways to increase the Capital target, in light of the state-of-good repair backlog and the current unmet goals related to ‘Priority Neighbourhoods’ and ‘Our Common Grounds’;
- (2) the Deputy City Manager and Chief Financial Officer be requested to report to the Policy and Finance Committee on whether any increases in the Parks and Recreation envelope can be accomplished within the 2007-2011 overall Capital plan and which projects or programs will be adversely impacted on a City-wide basis;
- (3) the General Manager, Transportation Services, be requested to provide a report to the Works Committee in September 2006, on what Capital projects will be impacted in the Capital Plan, as a result of the funding being provided for the St. Clair Avenue project; and
- (4) Toronto Hydro Electric System Limited be requested to include, in its rate filing for 2007, the cost to underground the electrical system on St. Clair Avenue to Gunns Road.”

Mayor Miller in the Chair.

9.22 **Etobicoke York Community Council Report 6, Clause 19, headed “Proposed Exclusive Right Turn Lane - Northbound on Weston Road at Starview Lane; Proposed Two-Way Centre Left Turn Lane - Weston Road between Wallasey Avenue and Mainshep Road; Proposed Exclusive Left and Right Turn Lanes - Weston Road West Ramp at Albion Road (Ward 7 - York West)”.**

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

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

Motion:

Councillor Mammoliti moved that the Clause be amended by deleting from Recommendations (3) and (4) contained in the report (June 20, 2006) from the Director, Transportation Services, Etobicoke York District, the word “south”, and replacing it with the word “north”, so that Recommendations (3) and (4) now read as follows:

- “(3) the southbound curb lane on the Weston Road West Ramp at Albion Road be designated for right turns only, from Albion Road to a point 30.5 metres north of Albion Road;
- (4) the southbound more easterly lane on the Weston Road West Ramp at Albion Road be designated for left turns only from Albion Road to a point 30.5 metres north of Albion Road; and”.

Votes:

The motion by Councillor Mammoliti carried.

The Clause, as amended, carried.

9.23 Policy and Finance Committee Report 6, Clause 24, headed “New Council and Committee Meeting Procedures (All Wards)”.

Motions:

- (a) Councillor Soknacki moved that the Clause be amended by:
 - (1) deleting Recommendation (vii) of the Policy and Finance Committee and replacing it with the following:
 - “(vii) amending Recommendation (50) to read as follows:
 - ‘(50) Committees will function with rules as close as possible to a Council meeting, except for the following different rules to

facilitate deliberative and effective meetings:

- (a) a Member may speak or ask questions again, as long as all Members have had a chance to speak or ask questions;
 - (b) the Chair may participate in debates from the seat of Chair;
 - (c) majority vote to decide any matter properly before a committee on an agenda; and
 - (d) set other rules for its meetings so long as they are consistent with parliamentary principles and Council's meeting procedures.' ”;
- (2) deleting Recommendation (x) of the Policy and Finance Committee and replacing it with the following:

“(x) amending Recommendation (84) to read as follows:

‘(84) When Council meets in private session, it will follow Committee of the Whole rules, including:

- (a) a Member may speak on any question again, as long as all Members have had a chance to speak;
- (b) the Chair may participate in debates from the seat of Chair; and
- (c) majority vote to decide any matter properly before Committee of the Whole;

and otherwise will function with rules as close as possible to a Council meeting.’ ”; and

- (3) adding the following:

“That the following additional rule be included in the new Procedures By-law:

‘That the giving of public notice of meetings be in accordance with Chapter 162 - Notice, Public - of the City of Toronto Municipal Code and other applicable legislation and include at a minimum written notice scheduling or cancelling meetings that:

- (1) is given at least 24 hours prior to commencement of the Meeting;
 - (2) includes the time, date and location of the Meeting;
 - (3) states the purpose of the Meeting;
 - (4) is delivered either in person or by electronic mail to each Member of Council; and
 - (5) provides any additional information as may be required by Council policy.”
- (b) Councillor Minnan-Wong moved that the Clause be amended by:
- (1) further amending Attachment 1, entitled “Recommended Changes to Current Meeting Procedures”, to the report (July 4, 2006) from the City Clerk, as follows:
 - (a) deleting from Recommendation (5) the words “14 days”, and replacing them with the words “48 hours”, so that Recommendation (5) now reads as follows:

“(5) A majority of Members of Council or a Committee may petition the City Clerk, by written request, including the date, time and purpose for the special meeting, and the City Clerk is required to schedule a meeting within 48 hours of receiving such request.”;
 - (b) postponing indefinitely, the following Recommendation (7):

“(7) Members may participate in Council and committee meetings electronically as set out in any adopted Council policy on such participation, so long as any Member participating electronically must not be counted in determining whether or not a quorum of Members is present at any point during a meeting.”;
 - (c) deleting the following Recommendation (17):

“(17) Eliminate the practice of secondary holds by Members at meetings.”;

- (d) deleting from Recommendation (27) the word “unanimous”, and replacing it with the word “majority”, so that Recommendation (27) now reads as follows:

“(27) Withdrawing a motion before it is voted on, once moved and properly accepted by the Chair, requires majority consent.”;
and

- (e) deleting from Recommendation (36) the word “unanimous”, and replacing it with the word “majority”, so that Recommendation (36) now reads as follows:

“(36) Adding any new business to a committee meeting agenda, that is not part of the regular meeting agenda, requires the majority consent of the Committee.”; and

- (2) adding the following:

“That:

- (a) once a Member releases an Item, it is deemed released and another Member may assume a hold on that Item; and
(b) adding supplementary agenda items not part of the regular meeting agenda requires majority consent of the Committee.”

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

“That questions by Members of Council of the mover of a motion be strictly limited to clarification of the motion, such questions to be limited to three minutes.”

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

“That the current practice of submitting requests to hold Clauses to the City Clerk’s Office prior to the meeting of Council be discontinued.”

- (e) Councillor Ootes moved that:

- (1) the Clause be amended by further amending Attachment 1, entitled “Recommended Changes to Current Meeting Procedures”, to the report (July 4, 2006) from the City Clerk, by deleting the following Recommendation (43):

“(43) Council continue to meet each subsequent business day after a scheduled meeting to complete its agenda business.”; or

- (2) if Part (1) fails, the Clause be amended by adding the following:

“That Council adopt a policy to schedule meetings that start on a Monday, wherever possible.”

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

“That the City Clerk be requested to report back to Council, through the Policy and Finance Committee, on electronic participation at meetings by staff.”

- (g) Councillor Davis moved that the Clause be amended by further amending Attachment 1, entitled “Recommended Changes to Current Meeting Procedures”, to the report (July 4, 2006) from the City Clerk, by adding to Recommendation (1), as amended by the Policy and Finance Committee, the words “and every effort be made to schedule Standing Committee meetings at different times”, so that Recommendation (1) now reads as follows:

“(1) The City Clerk, through the Striking Committee, report to the First Meeting of the new term of Council, and as required, with a proposed schedule of Council and committee meeting dates and times, with Council meeting no fewer than 10 times per year for a minimum of 20 meeting days, and every effort be made to schedule Standing Committee meetings at different times.”.

- (h) Councillor Jenkins moved that the Clause be amended by further amending Attachment 1, entitled “Recommended Changes to Current Meeting Procedures”, to the report (July 4, 2006) from the City Clerk, by adding to Recommendation (26) the words “such a rule to have a provision for a minimum equitable right to participate by each Councillor”, so that Recommendation (26) now reads as follows:

“(26) Council establish a rule to ‘limit or extend debate’, requiring a two-thirds vote, to set boundaries around its debates, such a rule to have a provision for a minimum equitable right to participate by each Councillor.”

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

“That the City Clerk be requested to report to the Policy and Finance Committee on the cost of monthly Council meetings.”

- (j) Councillor Shiner moved that the Clause be amended by further amending Attachment 1, entitled “Recommended Changes to Current Meeting Procedures”, to the report (July 4, 2006) from the City Clerk, by:

- (1) adding to Recommendation (54) the words “such action to be reported to City Council”, so that Recommendation (54) now reads as follows:

“(54) Committee may ‘take note and file’ agenda business that is under its consideration and not ready for recommendation to Council, if required, such action to be reported to City Council.”; and

- (2) deleting the following Recommendation (79):

“(79) Replace ‘motion to defer’ with ‘motion to postpone’.”

Ruling by Mayor:

Mayor Miller ruled motion (i) by Councillor Pitfield out of order, as it is not related to Council Procedures.

Votes:

Adoption of Part (1) of motion (a) by Councillor Soknacki:

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| Yes - 31 | Mayor: Miller |
| Councillors: | Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Ford, Giambrone, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Saundercook, Silva, Soknacki, Stintz, Thompson |
| No - 4 | Councillors: Fletcher, Pitfield, Rae, Walker |

Carried by a majority of 27.

Part (2) of motion (a) by Councillor Soknacki carried.

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

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| Yes - 18 | Councillors: Ainslie, Ashton, Del Grande, Ford, Grimes, Holyday, Jenkins, Kelly, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Stintz, Thompson, Walker |
| No - 17 | Mayor: Miller |

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| Councillors: | Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Lindsay Luby, Mihevc, Moscoe, Pantalone, Rae, Silva, Soknacki |
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Carried by a majority of 1.

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

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| Yes - 19 | |
| Councillors: | Di Giorgio, Filion, Fletcher, Ford, Grimes, Holyday, Jenkins, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Stintz |
| No - 17 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Giambrone, Kelly, Lindsay Luby, Moscoe, Pitfield, Thompson, Walker |

Carried by a majority of 2.

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

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| Yes - 16 | |
| Councillors: | Cho, Del Grande, Di Giorgio, Filion, Ford, Jenkins, Kelly, Mihevc, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Stintz, Thompson, Walker |
| No - 20 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Fletcher, Giambrone, Grimes, Holyday, Lindsay Luby, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Silva, Soknacki |

Lost by a majority of 4.

Part (1)(d) of motion (b) by Councillor Minnan-Wong carried.

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

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| Yes - 30 | |
| Councillors: | Ashton, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fillion, Ford, Grimes, Holyday, Jenkins, Kelly, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 7 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Bussin, Carroll, Fletcher, Giambrone, Lindsay Luby |

Carried by a majority of 23.

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

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| Yes - 15 | |
| Councillors: | Ashton, Cho, Fillion, Grimes, Holyday, Jenkins, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Stintz, Walker |
| No - 22 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Ford, Giambrone, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Rae, Silva, Soknacki, Thompson, Watson |

Lost by a majority of 7.

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

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| Yes - 30 | |
| Councillors: | Ainslie, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fillion, Fletcher, Ford, Giambrone, Grimes, Holyday, Jenkins, Kelly, Mihevc, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 7 | |
| Mayor: | Miller |
| Councillors: | Ashton, Bussin, Cho, Lindsay Luby, Milczyn, Moscoe |

Carried by a majority of 23.

Motion (g) by Councillor Davis carried.

Adoption of motion (h) by Councillor Jenkins:

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| Yes - 24 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Cho, Cowbourne, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Grimes, Holyday, Jenkins, Mihevc, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Silva, Soknacki, Walker, Watson |
| No - 13 | |
| Councillors: | Bussin, Carroll, Davis, De Baeremaeker, Giambrone, Kelly, Lindsay Luby, Milczyn, Moscoe, Pantalone, Rae, Stintz, Thompson |

Carried by a majority of 11.

Adoption of Part (1) of motion (j) by Councillor Shiner:

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| Yes - 23 | |
| Councillors: | Ashton, Bussin, Cho, Di Giorgio, Ford, Grimes, Holyday, Jenkins, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Silva, Soknacki, Stintz, Walker, Watson |
| No - 14 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Giambrone, Kelly, Lindsay Luby, Pantalone, Thompson |

Carried by a majority of 9.

Adoption of Part (2) of motion (j) by Councillor Shiner:

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| Yes - 20 | |
| Councillors: | Ashton, Cho, Del Grande, Ford, Grimes, Holyday, Jenkins, Kelly, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Rae, Saundercook, Silva, Stintz, Thompson, Walker, Watson |
| No - 17 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Lindsay Luby, Mihevc, Milczyn, Pantalone, Pitfield, Soknacki |

Carried by a majority of 3.

Part (3) of motion (a) by Councillor Soknacki carried.

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

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| Yes - 20 | |
| Councillors: | Ashton, Bussin, Cho, Del Grande, Di Giorgio, Filion, Ford, Grimes, Holyday, Kelly, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Silva, Stintz, Thompson, Walker |
| No - 17 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Carroll, Cowbourne, Davis, De Baeremaeker, Fletcher, Giambrone, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Soknacki, Watson |

Carried by a majority of 3.

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

| | |
|--------------|---|
| Yes - 22 | |
| Councillors: | Cho, De Baeremaeker, Del Grande, Di Giorgio, Ford, Grimes, Holyday, Jenkins, Kelly, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 14 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Bussin, Carroll, Cowbourne, Davis, Filion, Giambrone, Lindsay Luby, Mihevc, Milczyn, Pantalone, Silva |

Carried by a majority of 8.

Adoption of motion (c) by Councillor Filion:

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| Yes - 21 | |
| Councillors: | Bussin, Carroll, Cho, Cowbourne, Davis, Di Giorgio, Filion, Giambrone, Grimes, Jenkins, Kelly, Lindsay Luby, Mihevc, Moscoe, Ootes, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki |
| No - 15 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, De Baeremaeker, Del Grande, Ford, Holyday, Milczyn, Minnan-Wong, Nunziata, Palacio, Stintz, Thompson, Walker, Watson |

Carried by a majority of 6.

Adoption of motion (d) by Councillor Nunziata:

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|--------------|---|
| Yes - 7 | |
| Councillors: | Mihevc, Minnan-Wong, Nunziata, Ootes, Pitfield, Stintz, Walker |
| No - 30 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, Milczyn, Moscoe, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Thompson, Watson |

Lost by a majority of 23.

Adoption of motion (f) by Councillor Kelly:

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|--------------|---|
| Yes - 27 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Palacio, Pitfield, Rae, Silva, Soknacki, Stintz, Walker, Watson |
| No - 10 | |
| Councillors: | Ashton, Bussin, Filion, Ford, Minnan-Wong, Nunziata, Ootes, Pantalone, Saundercook, Thompson |

Carried by a majority of 17.

Adoption of Clause, as amended:

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|--------------|---|
| Yes - 36 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 1 | |
| Councillor: | Ford |

Carried by a majority of 35.

Summary:

In summary, City Council amended this Clause:

- (1) by deleting Recommendation (vii) of the Policy and Finance Committee and replacing it with the following:

“(vii) amending Recommendation (50) to read as follows:

‘(50) Committees will function with rules as close as possible to a Council meeting, except for the following different rules to facilitate deliberative and effective meetings:

- (a) a Member may speak or ask questions again, as long as all Members have had a chance to speak or ask questions;
- (b) the Chair may participate in debates from the seat of Chair;
- (c) majority vote to decide any matter properly before a committee on an agenda; and
- (d) set other rules for its meetings so long as they are consistent with parliamentary principles and Council’s meeting procedures.’ ”;

- (2) by deleting Recommendation (x) of the Policy and Finance Committee and replacing it with the following:

“(x) amending Recommendation (84) to read as follows:

‘(84) When Council meets in private session, it will follow Committee of the Whole rules, including:

- (a) a Member may speak on any question again, as long as all Members have had a chance to speak;
- (b) the Chair may participate in debates from the seat of Chair; and
- (c) majority vote to decide any matter properly before Committee of the Whole;

and otherwise will function with rules as close as possible to a Council meeting.’ ”;

- (3) by further amending Attachment 1, entitled “Recommended Changes to Current Meeting Procedures”, to the report (July 4, 2006) from the City Clerk, as follows:
- (a) adding to Recommendation (1), as amended by the Policy and Finance Committee, the words “and every effort be made to schedule Standing Committee meetings at different times”, so that Recommendation (1) now reads as follows:
- “(1) The City Clerk, through the Striking Committee, report to the First Meeting of the new term of Council, and as required, with a proposed schedule of Council and committee meeting dates and times, with Council meeting no fewer than 10 times per year for a minimum of 20 meeting days, and every effort be made to schedule Standing Committee meetings at different times.”;
- (b) deleting from Recommendation (5) the words “14 days”, and replacing them with the words “48 hours”, so that Recommendation (5) now reads as follows:
- “(5) A majority of Members of Council or a Committee may petition the City Clerk, by written request, including the date, time and purpose for the special meeting, and the City Clerk is required to schedule a meeting within 48 hours of receiving such request.”;
- (c) postponing indefinitely, the following Recommendation (7):
- “(7) Members may participate in Council and committee meetings electronically as set out in any adopted Council policy on such participation, so long as any Member participating electronically must not be counted in determining whether or not a quorum of Members is present at any point during a meeting.”;
- (d) adding to Recommendation (26) the words “such a rule to have a provision for a minimum equitable right to participate by each Councillor”, so that Recommendation (26) now reads as follows:
- “(26) Council establish a rule to ‘limit or extend debate’, requiring a two-thirds vote, to set boundaries around its debates, such a rule to have a provision for a minimum equitable right to participate by each Councillor.”;
- (e) deleting from Recommendation (27) the word “unanimous”, and replacing it with the word “majority”, so that Recommendation (27) now reads as follows:

- “(27) Withdrawing a motion before it is voted on, once moved and properly accepted by the Chair, requires majority consent.”;
- (f) deleting from Recommendation (36) the word “unanimous”, and replacing it with the word “majority”, so that Recommendation (36) now reads as follows:
- “(36) Adding any new business to a committee meeting agenda, that is not part of the regular meeting agenda, requires the majority consent of the Committee.”;
- (g) adding to Recommendation (54) the words “such action to be reported to City Council”, so that Recommendation (54) now reads as follows:
- “(54) Committee may ‘take note and file’ agenda business that is under its consideration and not ready for recommendation to Council, if required, such action to be reported to City Council.”; and
- (h) deleting the following Recommendation (79):
- “(79) Replace ‘motion to defer’ with ‘motion to postpone’.”; and
- (4) by adding the following:
- (a) Council adopt a policy to schedule meetings that start on a Monday, wherever possible;
- (b) once a Member releases an Item, it is deemed released and another Member may assume a hold on that Item;
- (c) questions by Members of Council of the mover of a motion be strictly limited to clarification of the motion, such questions to be limited to three minutes;
- (d) the following additional rule be included in the new Procedures By-law:
- “That the giving of public notice of meetings be in accordance with Chapter 162 - Notice, Public - of the City of Toronto Municipal Code and other applicable legislation and include at a minimum written notice scheduling or cancelling meetings that:
- (1) is given at least 24 hours prior to commencement of the Meeting;
 - (2) includes the time, date and location of the Meeting;
 - (3) states the purpose of the Meeting;

- (4) is delivered either in person or by electronic mail to each Member of Council; and
- (5) provides any additional information as may be required by Council policy.”; and
- (e) adding supplementary agenda items not part of the regular meeting agenda requires majority consent of the Committee; and
- (f) the City Clerk be requested to report back to Council, through the Policy and Finance Committee, on electronic participation at meetings by staff.”

9.24 **Toronto and East York Community Council Report 6, Clause 21, headed “Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to Permit Driveway Widening - 527 Russell Hill Road (Ward 22 - St. Paul’s)”.**

Motion:

Councillor Ootes moved that:

- (1) the Clause be referred back to the Toronto and East York Community Council for consideration at its next meeting on September 13, 2006;
- (2) the City Solicitor, in consultation with the appropriate City staff, be requested to provide a supplementary report to the Toronto and East York Community Council, for consideration with this matter, on the concerns raised in the communication (July 25, 2006) from Neil M. Smiley, Fasken Martineau; and
- (3) the City Clerk be requested to provide appropriate notice to both the owner of 527 Russell Hill Road and all speakers who appeared before the Toronto and East York Community Council at its meeting in July 2006, advising that this matter will again be considered by the Community Council at its meeting on September 13, 2006.

Vote:

The motion by Councillor Ootes carried.

9.25 **Administration Committee Report 4, Deferred Clause 21a, headed “City of Toronto Security Video Surveillance Policy”.**

Motions:

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

“That:

- (1) Council request the Toronto Police Services Board to direct the Toronto Police Service to consult with the City in the development of best practices and privacy principles before the Toronto Police Services Board adopts a video surveillance policy; and
 - (2) the City Manager be requested to report to Council, through the Administration Committee, on the possibility of conducting a joint public meeting with the Toronto Police Services Board before the Board adopts a video surveillance policy.”
- (b) Councillor Pitfield moved that the Clause be amended by adding the following:

“That the Chief Corporate Officer be requested to research best practices in technology in other jurisdictions, including New York City, and make recommendations on appropriate measures to City Council, through the Administration Committee, within six month’s time.”

Votes:

Motion (b) by Councillor Pitfield carried.

Part (1) of motion (a) by Councillor Walker carried.

Part (2) of motion (a) by Councillor Walker carried.

The Clause, as amended, carried.

Summary:

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

“That:

- (1) the City Manager be requested to report to Council, through the Administration Committee, on the possibility of conducting a joint public meeting with the Toronto Police Services Board before the Board adopts a video surveillance policy;
- (2) Council request the Toronto Police Services Board to direct the Toronto Police Service to consult with the City in the development of best practices and privacy principles before the Toronto Police Services Board adopts a video surveillance policy; and
- (3) the Chief Corporate Officer be requested to research best practices in

technology in other jurisdictions, including New York City, and make recommendations on appropriate measures to City Council, through the Administration Committee, within six month's time."

9.26 Planning and Transportation Committee Report 5, Clause 1, headed "Temporary Rental and Sales Offices in former City of North York".

Vote:

Adoption of Clause, without amendment:

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|--------------|--|
| Yes - 36 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Fillion, Fletcher, Ford, Giambrone, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 1 | |
| Councillor: | Di Giorgio |

Carried by a majority of 35.

9.27 Etobicoke York Community Council Report 6, Clause 1, headed "Application for an Exemption to Toronto Municipal Code Chapter 447, Fences - 2553 Lake Shore Boulevard West (Ward 6 - Etobicoke-Lakeshore)".

Motion:

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

Vote:

The motion by Councillor Grimes carried.

9.28 Planning and Transportation Committee Report 5, Clause 5, headed "Tall Building Design Guidelines".

Motion:

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

“That:

- (1) Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report (July 13, 2006) from the Chief Planner and Executive Director, City Planning:

‘It is recommended that:

- (1) the consultant report, entitled “Design Criteria for the Review of Tall Building Proposals” (June, 2006) be modified to incorporate the Appendix on Sustainable Design into the main body of the report and the text be further expanded to make reference to the guidelines recently adopted in the City’s “Percent for Public Art Program”; and
 - (2) during the one-year period for testing the effectiveness of the Tall Building Design Guidelines, an assessment be made of the need to develop additional design criteria related to the achievement of enhanced pedestrian connections to local transit services and the attainment of the City’s waste reduction/recycling targets and, if necessary, to report back to the Planning and Transportation Committee on the best means of incorporating such criteria into the development approval process.’; and
- (2) the Chief Planner and Executive Director, City Planning, be requested to report further to the Planning and Transportation Committee, in six months’ time, on the issues contained in the above-noted supplementary report.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

9.29 **Toronto and East York Community Council Report 6, Clause 44, headed “Proposed Intersection Reconstruction - Eglinton Avenue West and the William R. Allen Road (Northbound On-ramp) (Ward 21 - St. Paul’s)”.**

Motion:

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

“That the project include adjustments to the guardrail on the TTC parking lot to avoid

creating an orphan space.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

9.30 **Toronto and East York Community Council Report 6, Clause 45, headed “Interim Report - Highway Alterations and Traffic Regulations for Implementation of Streetcar Right-of-Way on Fleet Street, between Strachan Avenue and Bathurst Street (Wards 19 and 20 - Trinity-Spadina)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Moscoe moved that Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report (July 22, 2006) from the General Manager, Transportation Services:

“It is recommended that:

- (1) a by-law be prepared for the alteration of Fleet Street, between Strachan Avenue and Bathurst Street, to permit construction of the streetcar right-of-way. These modifications, generally as shown on Drawing Nos. 421F-8425, 421F-8427, 421F-8435 and 421F-8436, dated July 2006, include:
 - (i) construction of a raised, mountable trackbed in the centre of Fleet Street, generally between signalized intersections, for the exclusive use of public transit vehicles and emergency service vehicles, including Police, Fire, and Emergency Medical Services;
 - (ii) pavement widening of approximately 0.3 metres on the north side of Fleet Street east of Strachan Avenue; pavement widening of approximately 0.2 metres on the north side of Fleet Street west of Fort York Boulevard; pavement widening of approximately 2.0 metres on the south side of Fleet Street west of Fort York Boulevard; and pavement widening of between 0.3 metres and 1.8 metres on the north side of Fleet Street, between the proposed Gzowski Street and the proposed Iannuzzi Street. These widenings are required to accommodate the track allowance and platforms, as well as the appropriate through and left-turn lanes;

- (iii) pavement narrowing of approximately 0.2 metres on the north side of Fleet Street, between Fort York Boulevard and the proposed Gzowski Street;
 - (iv) construction of streetcar loading platforms on Fleet Street at Fort York Boulevard and at the proposed Bastion Street/”cross-over”; and
 - (v) installation of a tabled intersection on Fleet Street at the proposed Bastion Street in order to facilitate the interim eastbound left-turn movement from eastbound Lake Shore Boulevard West to northbound Bastion Street;
- (2) traffic control signals be installed on Fleet Street approximately 23 metres east of the proposed Grand Magazine Street (opposite Stadium Road and approximately 170 metres west of Bathurst Street) coincident with the construction of the Fleet Street streetcar right-of-way;
 - (3) the existing parking regulations on Fleet Street, between Strachan Avenue and Bathurst Street, listed in the attached Appendix ‘A’ be rescinded coincident with the construction of the Fleet Street streetcar right-of-way;
 - (4) the proposed parking regulations on Fleet Street, between Strachan Avenue and Bathurst Street, listed in the attached Appendix ‘B’ be enacted coincident with the construction of the Fleet Street streetcar right-of-way;
 - (5) the proposed turn prohibitions on Fleet Street, between Strachan Avenue and Bathurst Street, listed in the attached Appendix ‘C’ be enacted coincident with the construction of the Fleet Street streetcar right-of-way;
 - (6) the proposed turn prohibitions on Fleet Street, between Strachan Avenue and Bathurst Street, listed in the attached Appendix ‘D’ be enacted coincident with the construction of the following proposed roadways: Gzowski Street, Bastion Street, Grand Magazine Street and Iannuzzi Street;
 - (7) the existing reserved lane designations on Fleet Street, between Bathurst Street and Strachan Avenue, listed in the attached Appendix ‘E’ be rescinded coincident with the construction of the Fleet Street streetcar right-of-way;
 - (8) the proposed reserved lanes designations on Fleet Street, between Strachan Avenue and Bathurst Street, listed in the attached Appendix ‘F’ be enacted coincident with the construction of the Fleet Street streetcar right-of-way;
 - (9) the proposed one-way traffic lanes on Fleet Street at Fort York Boulevard, listed in the attached Appendix ‘G’, be enacted coincident with the construction of the Fleet Street streetcar right-of-way;

- (10) the existing streetcar loading platforms on Fleet Street, between Strachan Avenue and Bathurst Street listed in the attached Appendix 'H' be enacted coincident with the construction of the Fleet Street streetcar right-of-way; and
- (11) appropriate City officials be requested to take whatever action is necessary to give effect to the foregoing, including the introduction in Council of any Bills that are required."

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

9.31 **Toronto and East York Community Council Report 5, Deferred Clause 85a, headed "Curb Realignment - Dundas Street East at its intersection with Jones Avenue and Dagmar Avenue (Ward 30 - Toronto-Danforth)".**

Motion:

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

"That the General Manager, Transportation Services, be requested to include soft surface streetscaping features in the intersection improvement."

Votes:

The motion by Councillor Fletcher carried.

The Clause, as amended, carried.

9.32 **Policy and Finance Committee Report 6, Clause 26, headed "Request for Waiver of Rental Fees for Lamport Stadium for the King and Queen Extravaganza and Pan Alive".**

The Clause was submitted without recommendation.

July 25, 2006:

Motion:

Councillor Mihevc moved that the Council adopt the following:

“That the rental fees for Lamport Stadium for the Caribana King and Queen Extravaganza and the Pan Alive event be waived for this year only, and that this not be viewed as precedent setting.”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

July 26, 2006:

Motion to Re-Open:

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

Motion:

Councillor Mihevc moved that Council adopt the following staff recommendations contained in the Recommendations Section of the report (July 26, 2006) from City Manager:

“It is recommended that:

- (1) Council waive the fees of \$15,000.00 for the King and Queen Extravaganza on August 3, 2006, and for Pan Alive on August 4, 2006, for this year only; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

Summary:

In summary, Council adopted the following staff recommendations contained in the Recommendations Section of the report (July 26, 2006) from City Manager:

“It is recommended that:

- (1) Council waive the fees of \$15,000.00 for the King and Queen Extravaganza on August 3, 2006, and for Pan Alive on August 4, 2006, for this year only; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

9.33 **Policy and Finance Committee Report 6, Clause 53, headed “Development of Affordable and Supportive Housing and Other Compatible Uses at 110 Edward Street - Request for Proposal 9155-06-7197 (Ward 27 - Toronto Centre-Rosedale)”.**

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

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

Vote:

Adoption of Clause, without amendment:

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| Yes - 31 | |
| Mayor: | Miller |
| Councillors: | Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Stintz, Walker, Watson |
| No - 3 | |
| Councillors: | Ford, Holyday, Ootes |

Carried by a majority of 28.

9.34 **Administration Committee Report 5, Clause 14, headed “Approval to Expropriate 194 Dowling Avenue (also known as 1495 Queen Street West) for the Purpose of Developing Affordable Housing on a Derelict Housing Site (Ward 14 - Parkdale)”.**

The Clause was submitted without recommendation.

Deputy Mayor Pantalone in the Chair.

Mayor Miller in the Chair.

Motions:

- (a) Councillor Watson moved that City Council adopt the staff recommendations contained in the Recommendations Section of the report (June 14, 2006) from the Chief Corporate Officer and the General Manager, Shelter, Support and Housing Administration [as contained in the Clause].
- (b) Councillor Ford moved that the Clause be referred back to the Administration Committee for further consideration.

Vote on Referral:

Adoption of motion (b) by Councillor Ford:

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|--------------|--|
| Yes - 3 | |
| Councillors: | Ford, Holyday, Ootes |
| No - 31 | |
| Mayor: | Miller |
| Councillors: | Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Stintz, Walker, Watson |

Lost by a majority of 28.

Votes:

Adoption of motion (a) by Councillor Watson:

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|--------------|---|
| Yes - 30 | |
| Mayor: | Miller |
| Councillors: | Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Stintz, Walker, Watson |

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| No - 4 Councillors: Ford, Holyday, Minnan-Wong, Ootes |
|--|

Carried by a majority of 26.

The Clause, as amended, carried.

Summary:

In summary, City Council adopted the staff recommendations contained in the Recommendations Section of the report (June 14, 2006) from the Chief Corporate Officer and the General Manager, Shelter, Support and Housing Administration [as contained in the Clause].

Deputy Mayor Feldman in the Chair.

9.35 **North York Community Council Report 6, Clause 20, headed “Pedestrian Crossover Removal/Traffic Control Signal Installation - Sheppard Avenue West - 19.1 metres west of Buckland Road (Ward 9 - York Centre)”.**

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

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

Motion:

Councillor Augimeri moved that the Clause be amended by deleting from Recommendation (2) contained in the report (June 23, 2006) from the Director, Transportation Services, North York District, the words “9.1 metres west of Buckland Road”, and replacing them with the words “27 metres west of Buckland Road”, so that Recommendation (2) now reads as follows:

- “(2) coincidental with the installation of the mid-block traffic control signal, the pedestrian crossover located on Sheppard Avenue West approximately 27 metres west of Buckland Road be removed; and”.

Votes:

The motion by Councillor Augimeri carried.

The Clause, as amended, carried.

9.36 **Etobicoke York Community Council Report 6, Clause 3, headed “Application for an Exemption to Toronto Municipal Code Chapter 447, Fences - 2777 Kipling Avenue (Ward 1 - Etobicoke North)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Hall moved that Council adopt the following motion:

‘WHEREAS an application has been submitted to install a 1.5-metre high open wrought iron fence or a 1.8-metre high chain link fence at the front yard at 2777 Kipling Avenue, instead of the permitted height of 1.2 metres under the Fence By-law; and

WHEREAS the reason for the application is to enhance the security of the building; and

WHEREAS an open wrought iron fence appears to be aesthetically and psychologically more appealing than a chain link fence; and

WHEREAS to ensure proper security, a fence should be installed along the entire perimeter of the property;

NOW THEREFORE BE IT RESOLVED THAT the application for fence exemption be approved, subject to the conditions that:

- (a) a 1.5 metre-high open wrought iron fence is to be installed 0.45 metres inside the west property line along Kipling Avenue;
- (b) a 1.8-metre high chain link fence is to be installed along the north property line adjacent to the North Humber Park; and
- (c) these fences are to be connected respectively with the existing chain link fence on the east side and, subject to the approval of the owner of 2757 Kipling Avenue, the fence on the south side, to ensure the property is fenced in completely.’ ”

Votes:

The motion by Councillor Hall carried.

The Clause, as amended, carried.

9.37 **Toronto and East York Community Council Report 6, Clause 70, headed “Traffic Regulations and Parking Enforcement - Ice Cream Lane (Ward 32 - Beaches-East York)”.**

Motion:

Deputy Mayor Bussin moved that the Clause be amended by amending the recommendation of the Toronto and East York Community Council to provide that the report requested from Deputy City Manager Fareed Amin on a process that would result in the City assuming ownership of the private laneway known as Ice Cream Lane, and the provision of City services, including parking enforcement and maintenance, to that laneway, be submitted to the Works Committee for its meeting in September 2006.

Votes:

The motion by Deputy Mayor Bussin carried.

The Clause, as amended, carried.

9.38 **Toronto and East York Community Council Report 6, Clause 3, headed “Final Report - Official Plan and Zoning By-law Amendment Applications - 4A Spadina Avenue and 100 Fort York Boulevard (formerly 4A Spadina Avenue and 422, 450, and 476 Fort York Boulevard) (Ward 20 - Trinity-Spadina)”.**

Motion:

Councillor Silva moved that the Clause be amended by adding the following new Recommendation (4) to the recommendations of the Toronto and East York Community Council:

“(4) that, in order to achieve a City block that all Torontonians can be proud of, the land owners and developers involved work in close co-operation with the City Planning Division.”

Votes:

The motion by Councillor Silva carried.

The Clause, as amended, carried.

9.39 **Policy and Finance Committee Report 6, Clause 36, headed “Adjustments to the 2006 Parks, Forestry and Recreation Division’s Capital Budget (Various Wards)”.**

Vote:

The Clause was adopted, without amendment.

Mayor Miller in the Chair.

Motion to Re-Open:

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

Motion:

Councillor Rae moved that the Clause be amended in accordance with the following motion:

“WHEREAS the Summerhill Residents’ Association is in partnership with the Parks, Forestry and Recreation Division of the City of Toronto to redesign a park top garden on the Rosehill Reservoir in David Balfour Park; and

WHEREAS the Parks, Forestry and Recreation Division has limited resources to construct and maintain this park top garden; and

WHEREAS the Summerhill Residents Association is prepared to conduct fundraising activities to help defray the City’s costs for this work;

NOW THEREFORE BE IT RESOLVED THAT Recommendation (1)(k), respecting Ward 27 Park Improvements, contained in the report (June 16, 2006) from the General Manager, Parks, Forestry and Recreation, be amended by deleting the amount ‘\$115,000.00’ and replacing it with the amount ‘\$125,000.00’, with the \$10,000.00 increase, from a private donation, to be directed to David A. Balfour Park;

AND BE IT FURTHER RESOLVED THAT the City grant authority to the Summerhill Residents’ Association, on behalf of the City of Toronto, to seek private donations for the redesign, development and maintenance of a park top garden on the Rosehill Reservoir in David Balfour Park;

AND BE IT FURTHER RESOLVED THAT the Finance Division be directed to set up a dedicated account to receive these donations;

AND BE IT FURTHER RESOLVED THAT receipts for income tax purposes be issued to donors in accordance with Section 110 and Section 118 of the *Income Tax Act* and that the appropriate City officials be authorized to take whatever action is

necessary to give effect to the foregoing.”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

Deputy Mayor Feldman in the Chair.

9.40 **Economic Development and Parks Committee Report 5, Clause 13, headed “TEDCO 2005 Annual General Meeting, Revisions to TEDCO’s Articles and Legislative Authority and TEDCO’s Restricted Account”.**

The Clause was submitted without recommendation.

Motion:

Councillor Shiner moved that Council adopt the following staff recommendations contained in the Recommendations Section of the report (July 21, 2006) from the City Manager:

“It is recommended that:

- (1) the report dated June 20, 2006, from the President and CEO and the Corporate Secretary and General Counsel of the City of Toronto Economic Development Corporation (TEDCO) be received and the recommendations contained in this report be adopted to implement the changes proposed by TEDCO;
- (2) TEDCO submit its 2005 annual audited financial statements to the Deputy City Manager responsible for Economic Development, when they are available, for review and submission to the City Audit Committee;
- (3) the City Manager, in co-operation with TEDCO, pursue with the Province of Ontario changes to the *City of Toronto Act, 1985*, the *City of Toronto Act, 2006* or other legislation or regulation to authorize City Council to amend TEDCO’s powers as Council determines appropriate to achieving its public policy objectives that include permitting TEDCO to:
 - (i) acquire and manage commercial and residential properties, in addition to industrial properties, for economic development purposes or removing barriers to revitalization;
 - (ii) establish and administer programs to encourage development of small business, with all the powers contained in Section 84 of the *City of Toronto Act, 2006*, that may include bonusing small business;

- (iii) in the case of a transfer of land from the City to TEDCO, enter into agreements with the City regarding the sharing of income, profits or other accretions between the City and TEDCO as they mutually agree, by providing an exception to the existing constraint that TEDCO's business be carried on without purpose of gain for its shareholder (the City);
- (iv) pilot, explore, manage or implement incentives in furtherance of its mandate either directly using its own assets or, with the consent of the City, on behalf of the City; and
- (v) seek approval from the City to borrow money from sources other than the City;

or as a second option request the Province to directly permit TEDCO to do the above;

- (4) once the legislative amendments have been made, the City Solicitor be authorized to amend TEDCO's Articles of Incorporation accordingly;
- (5) the Deputy City Manager and Chief Financial Officer be authorized to approve requests from TEDCO's Board of Directors to withdraw up to a total of \$9 million from TEDCO's Restricted Account for TEDCO's operations and capital investments, subject to TEDCO providing an updated annual business plan (operating and capital) that demonstrates, to the satisfaction of the Deputy City Manager and Chief Financial Officer, that the remaining balance in the Restricted Account is sufficient to fund the environmental liabilities for which the Restricted Account was initially established;
- (6) once the legislative amendments have been made, the City Manager be authorized to execute an amended Shareholder Direction to TEDCO to reflect the changes authorized by these recommendations and any other previous decisions of Council;
- (7) the TEDCO President and CEO and Board of Directors be requested to comply with the requirement that TEDCO reports to the City be submitted to the Deputy City Manager responsible for Economic Development (as the City Liaison) in accordance with the Shareholder Direction so that the City Liaison may determine any impact on the City prior to forwarding the TEDCO report to a City standing committee for consideration; and
- (8) the appropriate City and TEDCO officials be authorized and directed to take the necessary action to give effect to the above recommendations."

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

9.41 **Policy and Finance Committee Report 6, Clause 6, headed “Renewal of Host Community Agreement with ICLEI, Local Governments for Sustainability (Management) Inc. for 2007-2011”.**

Motions:

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

“That ICLEI be requested to report annually to City Council, through the Policy and Finance Committee, on the annual accomplishments of ICLEI for its Members and the residents of the City of Toronto, prior to Council’s consideration of the City’s Operating Budgets.”

(b) Councillor Holyday moved that the Clause be received.

Votes:

Adoption of motion (b) by Councillor Holyday:

| | |
|---------|--|
| Yes - 9 | Councillors: Augimeri, Ford, Holyday, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Thompson |
| No - 22 | Councillors: Ainslie, Barron, Bussin, Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Fletcher, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Moscoe, Pantalone, Saundercook, Shiner, Silva, Walker |

Lost by a majority of 13.

Adoption of motion (a) by Councillor Shiner:

| | |
|----------|---|
| Yes - 32 | Councillors: Ainslie, Augimeri, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Saundercook, Shiner, Silva, Thompson, Walker |
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| No - 1 Councillor: Kelly |
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Carried by a majority of 31.

Adoption of Clause, as amended:

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| Yes - 27 Councillors: Ainslie, Augimeri, Barron, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Ootes, Palacio, Pantalone, Saundercook, Shiner, Silva, Walker |
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| No - 5 Councillors: Ford, Holyday, Minnan-Wong, Nunziata, Thompson |
|---|

Carried by a majority of 22.

Summary:

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

“That ICLEI be requested to report annually to City Council, through the Policy and Finance Committee, on the annual accomplishments of ICLEI for its Members and the residents of the City of Toronto, prior to Council’s consideration of the City’s Operating Budgets.”

Deputy Mayor Bussin in the Chair.

9.42 **Policy and Finance Committee Report 6, Clause 34, headed “Sole Source Contract for the Purchase of Replacement Cardiac Monitor-Defibrillators”.**

Motions:

- (a) Councillor Del Grande moved that the Clause not be adopted and that Council take the following action:
- (1) City Council direct that an external Fairness Commissioner be retained by the City of Toronto to audit the recommendations for the award of sole source contracts for the Cardiac Monitor-Defibrillators and report to the Policy and Finance Committee; and

- (2) the City of Toronto not approve sole source contracts for the Cardiac Monitor-Defibrillators, until after receipt of the report of the Fairness Commissioner.
- (b) Councillor Walker moved that the Clause be referred back to the Chief and General Manager, Emergency Medical Services, with a request that he, in consultation with the Director, Purchasing and Materials Management, issue a Request for Proposals for the purchase of replacement Cardiac Monitor-Defibrillators.

Vote on Referral:

Adoption of motion (b) by Councillor Walker:

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|---------|---|
| Yes - 7 | Councillors: Barron, Del Grande, Minnan-Wong, Nunziata, Saundercook, Stintz, Walker |
| No - 26 | Councillors: Ainslie, Ashton, Augimeri, Bussin, Carroll, Davis, Di Giorgio, Filion, Fletcher, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Rae, Shiner, Silva, Thompson, Watson |

Lost by a majority of 19.

Motion:

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

“That the City Manager and the Deputy City Manager and Chief Financial Officer be requested to report to Council, through the appropriate Standing Committee, in January 2007, in regard to this contract and on the process of sole sourcing and checks and balances that are in place to ensure fairness, and any recommended changes to the City’s purchasing policies to ensure the City obtains the best price while encouraging competition to supply goods and services for the City of Toronto.”

Votes:

Adoption of motion (a) by Councillor Del Grande:

| | |
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| Yes - 8 | Councillors: Del Grande, Ford, Li Preti, Minnan-Wong, Nunziata, Palacio, Stintz, Walker |
| No - 23 | |

| | |
|--------------|---|
| Councillors: | Ainslie, Ashton, Augimeri, Bussin, Davis, Di Giorgio, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Rae, Saundercook, Shiner, Silva, Thompson |
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Lost by a majority of 15.

Adoption of motion (c) by Councillor Shiner:

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| Yes - 32 | Councillors: | Ainslie, Ashton, Bussin, Carroll, Davis, Del Grande, Di Giorgio, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Stintz, Thompson, Walker |
| No - 1 | Councillor: | Augimeri |

Carried by a majority of 31.

Adoption of Clause, as amended:

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| Yes - 28 | Councillors: | Ainslie, Ashton, Augimeri, Barron, Bussin, Carroll, Davis, Di Giorgio, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Thompson |
| No - 6 | Councillors: | Del Grande, Ford, Minnan-Wong, Nunziata, Stintz, Walker |

Carried by a majority of 22.

Summary:

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

“That the City Manager and the Deputy City Manager and Chief Financial Officer be requested to report to Council, through the appropriate Standing Committee, in January 2007, in regard to this contract and on the process of sole sourcing and checks and balances that are in place to ensure fairness, and any recommended changes to the City’s purchasing policies to ensure the City obtains the best price while encouraging

competition to supply goods and services for the City of Toronto.”

9.43 Policy and Finance Committee Report 6, Clause 8, headed “Toronto Waterfront Revitalization Initiative Five-Year Business Plan/Ten-Year Forecast (2006-2015)”.

Vote:

Adoption of Clause, without amendment:

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|--------------------------|--|
| Yes - 30 Councillors: | Ainslie, Augimeri, Barron, Bussin, Carroll, Davis, Di Giorgio, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Stintz, Thompson, Walker |
| No - 3 Councillors: | Del Grande, Ford, Ootes |

Carried by a majority of 27.

9.44 Community Services Committee Report 5, Clause 1, headed “Sole Source Purchase of Motorola XTL 2500 Radios”.

Motion:

Councillor Walker moved that consideration of the Clause be deferred to the next regular meeting of City Council on September 25, 2006, and the Chief and General Manager, Emergency Medical Services, be requested to report directly to Council on comparative prices.

Votes:

Adoption of motion by Councillor Walker:

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|--------------------------|--|
| Yes - 15 Councillors: | Ainslie, Barron, De Baeremaeker, Del Grande, Fletcher, Ford, Hall, Holyday, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Walker |
| No - 16 Councillors: | Augimeri, Bussin, Carroll, Davis, Di Giorgio, Grimes, Jenkins, Kelly, Li Preti, Milczyn, Moscoe, Pantalone, Rae, Saundercook, Silva, Thompson |

Lost by a majority of 1.

Adoption of Clause, without amendment:

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| Yes - 25 Councillors: Ainslie, Augimeri, Barron, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Moscoe, Palacio, Pantalone, Rae, Saundercook, Silva, Thompson |
| No - 6 Councillors: Ford, Holyday, Minnan-Wong, Nunziata, Ootes, Walker |

Carried by a majority of 19.

Mayor Miller in the Chair.

9.45 **Policy and Finance Committee Report 6, Clause 1, headed “Making a Sustainable City Happen, The Toronto Green Development Standard 2006”.**

Motion:

Councillor Hall moved that the Clause be amended by adding to staff Recommendation (3) contained in the Recommendations Section of the report (July 13, 2006) from the Chief Planner and Executive Director, City Planning, the words “and further, that the City’s agencies, boards and commissions, be requested to provide comment to the Chief Planner and Executive Director, City Planning, on the impact of a mandatory application within the one-year timeframe”, so that staff Recommendation (3) now reads as follows:

- “(3) the Toronto Green Development Standard 2006 be applied, where feasible, to the City and its agencies, boards and commissions, and consideration be given to it becoming mandatory for City-owned developments, and those of its agencies, boards, and commissions, within one year, and further, that the City’s agencies, boards and commissions, be requested to provide comment to the Chief Planner and Executive Director, City Planning, on the impact of a mandatory application within the one-year timeframe;”.

Votes:

The motion by Councillor Hall carried.

The Clause, as amended, carried.

9.46 **Policy and Finance Committee Report 6, Clause 60, headed “Chapter 591, Noise By-law”.**

The Clause was submitted without recommendation.

Motion:

Councillor Rae moved that Council adopt the following staff recommendation contained in the Recommendation Section of the supplementary report (July 24, 2006) from the Executive Director, Municipal Licensing and Standards Division:

“It is recommended that the Executive Director, Municipal Licensing and Standards Division, in consultation with the City Solicitor, report to the September meeting of Planning and Transportation on possible amendments to City of Toronto Municipal Code Chapter 591, Noise, and Chapter 545, Licensing, that will prohibit or regulate noise from or created by loudspeakers and other devices intended for the amplification of sound, including a review of provisions similar in nature to those contained in § 241-3A of former City of Toronto Municipal Code Chapter 241, Noise.”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

9.47 **Etobicoke York Community Council Report 6, Clause 39, headed “Condition of Property at 21 Lauder Avenue (Ward 17 - Davenport)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Palacio, seconded by Councillor Nunziata, moved that Council adopt the following:

“That:

- (1) Council adopt the following staff recommendation contained in the Recommendation Section of the supplementary report (July 17, 2006) from the Chief Building Official and Executive Director, Building:

‘It is recommended that this report be received by City Council and that Council refer this report to the Planning and Transportation Committee for their information.’; and

- (2) the Chief Building Official and Executive Director, Building, in consultation with the Executive Director, Municipal Licensing and Standards and the City Solicitor, be requested to report to the next meeting of the Planning and Transportation Committee, on measures that could be taken by the City to address issues arising from prolonged construction activity that cause a nuisance to neighbours, including the potential for recovering costs associated with the issues, and any additional legislative authority that would be necessary to resolve the issues.”

Votes:

The motion by Councillor Palacio, seconded by Councillor Nunziata, carried.

The Clause, as amended, carried.

- 9.48 **Etobicoke York Community Council Report 6, Clause 40, headed “Appeal to the Ontario Municipal Board of an Application to Amend the Official Plan and Zoning By-law, and Application for Site Plan Approval - 1500 Weston Road (N/W corner of Weston Road and Sidney Belsey Crescent) (Ward 11 - York South-Weston)”.**

Motion:

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

“That Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report (July 25, 2006) from the Chief Planner and Executive Director, City Planning:

‘It is recommended that City Council:

- (1) endorse the Principles of Settlement in Attachment 1;
- (2) authorize the City Solicitor and Community Planning Staff to appear at the Ontario Municipal Board (OMB) to request adjournment of the OMB hearing, subject to the owner providing, prior to July 31, 2006, a written undertaking to the Director, Community Planning, Etobicoke York District, indicating that the owner:
 - (i) agrees to the Principles of Settlement attached as Appendix 1; and

- (ii) agrees to attend at the Ontario Municipal Board with the City to present the Principles of Settlement and to request an adjournment of the OMB hearing for up to 6 months to work with City staff to prepare a draft Zoning By-law, Notice of Approval Conditions and revised plans, all to the satisfaction of the Director, Community Planning for presentation back to the Ontario Municipal Board; and
- (3) authorize City staff and any necessary consultants to attend the Ontario Municipal Board hearing to oppose the application based on remaining unresolved issues with respect to the current or any previous proposal that is presented, in the event that the owner's undertaking is not provided.' ”

Votes:

The motion by Councillor Nunziata carried.

The Clause, as amended, carried.

9.49 **Community Services Committee Report 5, Clause 7, headed “Update on the Status of the Strong Communities Housing Allowance Program - Toronto Pilot and the Housing Allowance Component of the Canada-Ontario Affordable Housing Program”.**

Motion:

Councillor Watson moved that the Clause be amended by inserting in Recommendation (II) of the Community Services Committee, after the words “Toronto Community Foundation”, the words “the City of Toronto Advisory Committee on Homeless and Socially Isolated Persons, the City of Toronto Rooming House Working Group”, so that Recommendation (II) now reads as follows:

- “(II) request the General Manager, Shelter, Support and Housing Administration, to convene on a priority basis, a meeting of key stakeholders, including Toronto Community Housing Corporation, the Greater Toronto Apartment Association, the Affordable Housing Office, the Toronto Community Foundation, the City of Toronto Advisory Committee on Homeless and Socially Isolated Persons, the City of Toronto Rooming House Working Group and representatives from the Ministry of Municipal Affairs and Housing, to assist in identifying and removing any administrative barriers to implementing the housing allowance pilot program and the affordable housing program housing allowance initiative, and to report the results of the meeting to the Community Services Committee and Affordable Housing Committee for information.”

Votes:

The motion by Councillor Watson carried.

The Clause, as amended, carried.

9.50 **Administration Committee Report 5, Clause 27, headed “Parkland Acquisition for West Queen West Triangle (Ward 18 - Davenport)”.**

July 25, 2006:

Vote:

The Clause was adopted, without amendment.

July 26, 2006:

Motion to Re-Open:

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

Motion:

Councillor Giambrone moved that the Clause be amended by adding to the end of staff Recommendation (3) contained in the Recommendations Section of the report (June 30, 2006) from the General Manager, Parks, Forestry and Recreation, the words “and the General Manager, Parks, Forestry and Recreation also provide a preliminary update report to the Administration Committee in September 2006, containing an update on the status of the negotiations and providing a preliminary cost estimate for this project”, so that Recommendation (3) now reads as follows:

- “(3) the General Manager, Parks, Forestry and Recreation report in the 2007 Capital and Operating Budget submissions on the costs to acquire and develop the parklands in the West Queen West Triangle area, including all funding sources and the operating impacts arising from this project, and the General Manager, Parks, Forestry and Recreation also provide a preliminary update report to the Administration Committee in September 2006, containing an update on the status of the negotiations and providing a preliminary cost estimate for this project;”.

Votes:

The motion by Councillor Giambrone carried.

The Clause, as amended, carried.

9.51 **Toronto and East York Community Council Report 6, Clause 5, headed “Final Report - Official Plan Amendment and Rezoning Application - 15 York Street (Block 5, Railway Lands East, Maple Leaf Square) (Ward 28 - Toronto Centre-Rosedale)”.**

Motion:

Councillor Moscoe moved that the Clause be amended by:

- (1) deleting Part (f) of Recommendation (5) of the Toronto and East York Community Council, and replacing it with the following new Part (f):

“(f) on ensuring that double and triple rows of trees in raised granite beds be constructed on York Street and in Union Plaza;” and

- (2) adding the following:

“That:

- (a) the applicant, in recognition of the reduced parking requirements, the transit-oriented nature of this development and the excessive proportion of the site that is residential, shall provide the purchaser of each residential unit with a six-month transit pass;
- (b) there shall be on-site provision of a taxi stand with space allocated for one taxi for each 25 hotel rooms or part thereof; and
- (c) the taxi stand shall be located to the satisfaction of the Executive Director, Municipal Licensing and Standards, in consultation with the taxi industry and the applicant.”

Votes:

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

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

Carried by a majority of 19.

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

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|--------------|---|
| Yes - 30 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Augimeri, Barron, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Hall, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Silva, Soknacki, Thompson, Watson |
| No - 10 | |
| Councillors: | Bussin, Ford, Holyday, Kelly, Li Preti, Pitfield, Rae, Saundercook, Stintz, Walker |

Carried by a majority of 20.

Part (2)(c) of the motion by Councillor Moscoe carried.

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

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| Yes - 37 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Augimeri, Barron, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Silva, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 3 | |
| Councillors: | Ford, Holyday, Saundercook |

Carried by a majority of 34.

Adoption of Clause, as amended:

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| Yes - 34 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Augimeri, Barron, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Silva, Soknacki, Stintz, Watson |
| No - 6 | |
| Councillors: | Ford, Holyday, Pitfield, Saundercook, Thompson, Walker |

Carried by a majority of 28.

9.52 **Community Services Committee Report 5, Clause 2, headed “Sole Source Contract with Zoll Medical Canada Inc. for Electronic Patient Care Records System”.**

Deputy Mayor Bussin in the Chair.

Motion:

- (a) Councillor Walker moved that the Clause be referred back to the Chief and General Manager, Emergency Medical Services, with a request that he issue a Request for Proposals for the electronic patient care records system.

Vote on Referral:

Adoption of motion (a) by Councillor Walker:

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| Yes - 12 | |
| Councillors: | Augimeri, Barron, De Baeremaeker, Del Grande, Ford, Holyday, Nunziata, Palacio, Pitfield, Shiner, Stintz, Walker |
| No - 23 | |
| Councillors: | Ainslie, Bussin, Carroll, Cho, Cowbourne, Davis, Filion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Silva, Soknacki, Thompson, Watson |

Lost by a majority of 11.

Motion:

(b) Councillor Del Grande moved that the Clause be received.

Votes:

Adoption of motion (b) by Councillor Del Grande:

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|--------------|---|
| Yes - 9 | |
| Councillors: | Barron, Del Grande, Ford, Li Preti, Minnan-Wong, Nunziata, Palacio, Pitfield, Walker |
| No - 28 | |
| Councillors: | Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Watson |

Lost by a majority of 19.

Adoption of Clause, without amendment:

| | |
|--------------|---|
| Yes - 32 | |
| Councillors: | Ainslie, Augimeri, Barron, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Watson |
| No - 6 | |
| Councillors: | Del Grande, Ford, Minnan-Wong, Nunziata, Pitfield, Walker |

Carried by a majority of 26.

9.53 **Works Committee Report 5, Clause 8, headed “Amendments to the Sewer Service Line Blockage Inspection Repair Program and Drain Grant Policy (All Wards)”.**

Motion:

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

“That the General Manager, Toronto Water, be requested to prepare and deliver a comprehensive communications strategy designed to inform property owners and drain contractors about the Council-approved changes to the existing Sewer Service Blockage and Repair Program and Drain Grant Policy, such communications to include general advice to property owners on how to respond to a sewer service problem and what steps they could take to protect themselves as they engage private drain contractors during the repair or replacement of their privately-owned service lateral.”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

9.54 Policy and Finance Committee Report 6, Clause 32, headed “Update on Shelter Management Information System”.

Motion:

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

“That:

- (1) the General Manager, Shelter, Support and Housing Administration, be requested to report to the first meeting of the new term of Council in 2007, through the appropriate Standing Committee, outlining a process for delivering a Shelter Management Information System, including timelines and deliverables; and
- (2) Council re-affirm its commitment to implement a Shelter Management Information System.”

Votes:

The motion by Councillor Stintz carried.

The Clause, as amended, carried.

9.55 Works Committee Report 5, Clause 5, headed “Construction of Housing in Laneways (All Wards)”.

Motions:

- (a) Councillor Giambrone moved that the Clause be amended by amending the staff recommendations contained in the Recommendations Section of the report (June 20, 2006) from the Executive Director, Technical Services, by:

- (1) inserting the following new Recommendations (2) and (3):
 - “(2) in determining when these special circumstances may apply, City Planning staff will continue to provide their best advice to City Council about the appropriateness of laneway housing, on a site specific basis, on the merits of the specific proposal; and
 - (3) Technical Services staff will continue to work with City Planning in instances where the proposal may have merit;” and
- (2) renumbering the current Recommendation (2) as Recommendation (4),

so that the staff recommendations, as amended, now read as follows:

“It is recommended that:

- (1) the City not permit construction of housing on existing laneways, except in special circumstances where there are no adverse privacy, overlook, shadowing and engineering servicing implications;
 - (2) in determining when these special circumstances may apply, City Planning staff will continue to provide their best advice to City Council about the appropriateness of laneway housing, on a site specific basis, on the merits of the specific proposal;
 - (3) Technical Services staff will continue to work with City Planning in instances where the proposal may have merit; and
 - (4) the City not permit construction of housing on proposed/future laneways.”
- (b) Councillor Watson moved that the Clause be amended by adding the following:

“That, in light of the decision rendered by the Ontario Municipal Board approving the severance and development at 87 Milky Way, the City permit the construction of water and sewer services to the subject property via the existing public laneway known as ‘Milky Way’.”

Votes:

Motion (a) by Councillor Giambrone carried.

Motion (b) by Councillor Watson carried.

The Clause, as amended, carried.

Summary:

In summary, City Council amended this Clause by:

(1) amending the staff recommendations contained in the Recommendations Section of the report (June 20, 2006) from the Executive Director, Technical Services, by:

(a) inserting the following new Recommendations (2) and (3):

“(2) in determining when these special circumstances may apply, City Planning staff will continue to provide their best advice to City Council about the appropriateness of laneway housing, on a site specific basis, on the merits of the specific proposal; and

(3) Technical Services staff will continue to work with City Planning in instances where the proposal may have merit;” and

(b) renumbering the current Recommendation (2) as Recommendation (4),

so that the staff recommendations, as amended, now read as follows:

“It is recommended that:

(1) the City not permit construction of housing on existing laneways, except in special circumstances where there are no adverse privacy, overlook, shadowing and engineering servicing implications;

(2) in determining when these special circumstances may apply, City Planning staff will continue to provide their best advice to City Council about the appropriateness of laneway housing, on a site specific basis, on the merits of the specific proposal;

(3) Technical Services staff will continue to work with City Planning in instances where the proposal may have merit; and

(4) the City not permit construction of housing on proposed/future laneways.”; and

(2) adding the following:

“That, in light of the decision rendered by the Ontario Municipal Board approving the severance and development at 87 Milky Way, the City permit the construction of water and sewer services to the subject property via the existing public laneway known as ‘Milky Way’.”

9.56 Community Services Committee Report 5, Clause 3, headed “Toronto EMS Safe Driving Awards Program”.

Motion:

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

“That the Chief and General Manager, Emergency Medical Services, be requested to look for private sector sponsors to put on this event.”

Votes:

Adoption of motion by Councillor Ford:

| | |
|--------------|--|
| Yes - 14 | |
| Councillors: | Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Kelly, Milczyn, Ootes, Pitfield, Rae, Soknacki, Stintz, Thompson |
| No - 17 | |
| Councillors: | Ashton, Augimeri, Bussin, Carroll, Cowbourne, De Baeremaeker, Fletcher, Giambrone, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Nunziata, Palacio, Pantalone, Silva, Watson |

Lost by a majority of 3.

Adoption of Clause, without amendment:

| | |
|--------------|---|
| Yes - 29 | |
| Councillors: | Ashton, Augimeri, Bussin, Carroll, Cowbourne, De Baeremaeker, Del Grande, Feldman, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Rae, Silva, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 3 | |
| Councillors: | Ford, Holyday, Pitfield |

Carried by a majority of 26.

9.57 Etobicoke York Community Council Report 6, Clause 10, headed “Refusal and Directions Report - Official Plan Amendment and Rezoning Application; Applicant: Eros Fiacconi, EGF Associates, Lot 35 Westmore Drive - West Side of Westmore Drive, north of Finch Avenue (Ward 1 - Etobicoke North)”.

Motions:

- (a) Councillor Hall moved that the Clause be amended by deleting Part (1) contained in the first Operative Paragraph of the Resolution by Councillor Hall [as contained in the Clause], and replacing it with the following:

“(1) the staff recommendations in the staff report (August 26, 2005) from the Director, Community Planning, Etobicoke York District not be adopted;”.

Mayor Miller in the Chair.

- (b) Councillor Holyday moved that the Clause be amended by deleting the recommendations of the Etobicoke York Community Council and replacing them with the following:

“That City Council adopt the staff recommendations in the Recommendations Section of the report (August 26, 2005) from the Director, Community Planning, Etobicoke York District, as contained in the Clause.”

Deputy Mayor Pantalone in the Chair.

Votes:

Adoption of motion (b) by Councillor Holyday:

| | |
|--------------|--|
| Yes - 9 | |
| Councillors: | Ashton, Del Grande, Holyday, Jenkins, Minnan-Wong, Pitfield, Stintz, Thompson, Walker |
| No - 28 | |
| Councillors: | Ainslie, Augimeri, Bussin, Carroll, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Watson |

Lost by a majority of 19.

Adoption of motion (a) by Councillor Hall:

| | |
|--------------|---|
| Yes - 29 | |
| Councillors: | Ainslie, Augimeri, Bussin, Carroll, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Watson |
| No - 8 | |
| Councillors: | Ashton, Del Grande, Holyday, Jenkins, Pitfield, Stintz, Thompson, Walker |

Carried by a majority of 21.

The Clause, as amended, carried.

Point of Order:

Councillor Holyday, rising on a Point of Order, advised the Chair that he had wanted a recorded vote on the adoption of the Clause, as amended.

Ruling by Deputy Mayor:

Deputy Mayor Pantalone ruled that the request for a recorded vote had not been made prior to the vote being taken on the adoption of the Clause, as amended.

Councillor Holyday challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

| | |
|--------------|---|
| Yes - 25 | |
| Councillors: | Ainslie, Ashton, Bussin, Carroll, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Stintz, Thompson, Watson |
| No - 11 | |
| Councillors: | Augimeri, Ford, Holyday, Jenkins, Kelly, Li Preti, Minnan-Wong, Moscoe, Ootes, Pitfield, Walker |

Carried by a majority of 14.

Summary:

In summary, City Council amended this Clause by deleting Part (1) contained in the first Operative Paragraph of the Resolution by Councillor Hall [as contained in the Clause], and replacing it with the following:

- “(1) the staff recommendations in the staff report (August 26, 2005) from the Director, Community Planning, Etobicoke York District not be adopted;”.

- 9.58 **Toronto and East York Community Council Report 6, Clause 59, headed “School Bus Loading Zones and Student Pick-up/Drop-off Areas - Selwyn Avenue, between St. Clair Avenue East and Westview Boulevard (G. A. Brown Public School, Selwyn Public School and Day Care Centre) (Ward 31 - Beaches-East York)”.**

July 25, 2006:

Mayor Miller in the Chair.

Vote:

The Clause was adopted, without amendment.

July 26, 2006:

Deputy Mayor Pantalone in the Chair.

Motion to Re-Open:

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

Motion:

Councillor Davis moved that the Clause be amended by amending the staff recommendations contained in the Recommendations Section of the report (June 26, 2006) from the Director, Transportation Services, Toronto and East York District, by:

- (1) inserting in Recommendation (4) the words “a point 38 metres north of” before the street name “St. Clair Avenue East”, so that Recommendation (4) now reads as follows:

- “(4) parking be prohibited from 6:00 p.m. to 8:00 a.m. Monday to Friday and at all times Saturday and Sunday, on the east side of Selwyn Avenue from a point 38 metres north of St. Clair Avenue East to Dalecrest Drive;”; and
- (2) deleting Recommendation (5) and replacing it with the following:
- “(5) parking be prohibited from 9:30 a.m. to 11:30 a.m. and from 1:30 p.m. to 3:00 p.m., Monday to Friday, on the east side of Selwyn Avenue from:
- (a) a point 15 metres south of Joanith Drive to a point 16.5 metres further south;
 - (b) Joanith Drive to a point 36 metres further north;
 - (c) a point 9 metres south of Gardens Crescent to a point 23 metres further south; and
 - (d) a point 24 metres north of Gardens Crescent to a point 25.5 metres further north;”.

Votes:

The motion by Councillor Davis carried.

The Clause, as amended, carried.

9.59 Toronto and East York Community Council Report 6, Clause 1, headed “Requests for Endorsement of Events for Liquor Licensing Purposes (Ward 18 - Davenport; Wards 19 and 20 - Trinity-Spadina; Ward 21 - St. Paul’s; Ward 28 - Toronto Centre-Rosedale; Ward 29 - Toronto-Danforth and Ward 32 - Beaches-East York)”.

Motion:

Councillor Davis moved that the Clause be amended by amending the recommendations of the Toronto and East York Community Council by:

- (1) adding the following Parts (g) to (i) to Recommendation (1):
- “(g) The Pirate Festival, taking place at Historic Fort York on August 19, 20, 26, 27, September 2, 3 and 4, 2006, from 10:00 a.m. to 11:00 p.m.;
 - (h) Feria, taking place on September 2-4, 2006, on College Street, between Euclid

Avenue and Shaw Street, nor to the following establishments being permitted to sell and serve alcohol on their patios during the following times and dates:

- Saturday, September 2, 2006, 11:00 a.m. to 2:00 a.m. on Sunday, September 3, 2006; and
- Sunday, September 3, 2006, 11:00 a.m. to 2:00 a.m. on Monday, September 4, 2006:
 - Alto Basso, 718 College Street;
 - Bar Burrito, 593 College Street;
 - Bar Italia, 582 College Street;
 - Bella Vista, 660 College Street;
 - Bruyen Brothers Restaurant, 640 College Street;
 - Bo Diana's Burger, 682 College Street;
 - Butt's, 587 College Street;
 - Café Bar Azzuri, 598 College Street;
 - Café Diplomatico, 594 College Street;
 - Capitol Restaurant, 597 College Street;
 - Coco Lezzone, 602 College Street;
 - College Street Bar, 574 College Street;
 - Collision, 573 College Street;
 - Cupps Coffee House, 622 College Street;
 - Dining Room, 573 College Street
 - Eat My Martini, 648 College Street;
 - El Convento Rico, 750 College Street;
 - Giovanna Trattoria, 637 College Street;
 - Ichiban Sushi, 635 College Street;
 - Il Gatto Nero, 720 College Street;
 - John's Classic Pizza, 591 College Street;
 - Joya, 577 College Street;
 - Kalendar, 546 College Street;
 - L'Anjolino, 50 Clinton Street;
 - La Forchetta, 613 College Street;
 - La Porta Aperta, 651 College Street;
 - Li'ly Lounge, 656 College Street;
 - Liquids Lounge, 577A College Street;
 - Marlowe, 558 College Street;
 - Midtown, 552 College Street;
 - Mod Club, 722 College Street;
 - Mona's Shawarma, 661 College Street;
 - Orbit Room, 580 College Street;
 - Paaez, 569 College Street;
 - Perla Restaurant, 539 College Street;
 - Pizza Nova, 703 College Street;
 - Revival, 783 College Street;

- Sammy Joe's, 647 College Street;
 - Segafredo Zanetti, 647 College Street;
 - Sensual Café, 565 College Street;
 - Sicilian Sidewalk Café, 712 College Street;
 - Sidi's Café, 610 College Street;
 - Sintra Wine Bar, 588 College Street;
 - Sotto Voce, 595 College Street;
 - Southside Louie's, 583 College Street;
 - Sous Dal, 636 College Street;
 - Spice Bistro, 577 College Street;
 - Standard Club, 667 College Street;
 - Starbuck's, 542 College Street;
 - Sushi Bar, 695 College Street;
 - Sushi Island, 571 College Street;
 - Sutra Lounge, 612 College Street;
 - Tavola Calda, 671 College Street;
 - Tempo, 596 College Street;
 - Temptation, 589 College Street;
 - Tilt Lounge, 669 College Street;
 - Trattoria Giancarlo, 41 Clinton Street;
 - Urban Thai, 638 College Street;
 - Utopia, 586 College Street;
 - Veni Vedi Vici, 650 College Street;
 - Vivoldi, 665 College Street;
 - Wild Indigo, 607 College Street;
 - Vecchio Frak, 690 College Street;
 - Beba Bar, 614 College Street;
 - Susi Bon, 695 College Street;
 - 65 Degree Steakhouse, 584 College Street;
 - Bo Diana's Burgers, 628 College Street;
 - Brasserie Aix, 584 College Street;
 - El Bodegon, 537 College Street;
 - Golden Wheat Bakery & Pastry, 652 College Street;
 - Motorette, 554 College Street;
 - Riviera Bakery, 576 College Street;
 - Sensual Café, 565 College Street;
 - Shallow Groove, 559 College Street;
 - Ted's Collision and Repair Dining Room, 573 College Street;
 - The Fish Store, 657 College Street;
 - Viseau Restaurant, 705 College Street; and
 - Zumo Juice Bar/The Pita Place, 619 College Street; and
- (i) the Donors Reception for the Opening of Heaslip House taking place on September 26, 2006, at 297 Victoria Street; and

(2) adding the following additional Recommendation (2):

“(2) advise the Alcohol and Gaming Commission that:

(a) it has no objection to the following establishments being granted a liquor licence extension to sell and serve alcohol in an outside area for the additional date of October 29, 2006, for the times stated during the Car Free Kensington Sunday Festivities taking place in Kensington Market:

- Last Temptation, 12 Kensington Avenue – 12:00 noon to 7:00 p.m.;
- Lola’s, 40 Kensington Avenue – 12:00 noon to 7:00 p.m.;
- Café Kara, 51 Kensington Avenue – 12:00 noon to 7:00 p.m.;
- Graffiti’s, 170 Baldwin Avenue – 12:00 noon to 7:00 p.m.;
- The Embassy, 223 Augusta Avenue – 12:00 noon to 7:00 p.m.;
- Back Alley BBQ, 188 Augusta Avenue – 12:00 noon to 7:00 p.m.;
- Jumbo Empanadas, 245 Augusta Avenue – 12:00 noon to 7:00 p.m.;
- La Palette, 256 Augusta Avenue -12:00 noon to 10:00 p.m.;
- and
- Torrito, 276 Augusta Avenue – 12:00 noon to 10:00 p.m.;

(b) it has no objection to Back Alley Barbecue, 188 Augusta Avenue being granted a liquor licence extension to sell and serve alcohol from 12:00 a.m. to 7:00 p.m. in an outside area for the following dates previously supported by City Council for the Car Free Kensington Sunday Festivities:

July 30, 2006;
August 13, 2006;
August 27, 2006; and
September 24, 2006;

(c) it has no objection to the following additional establishments on Church Street, from Front Street to The Esplanade, also being granted a temporary patio extension to sell and serve alcohol on outside areas from 12:00 p.m. to 11:00 p.m. each day, with the exception of August 27, 2006, which will end at 6:00 p.m., for the duration of the 7th Annual Scotiabank Toronto Buskerfest Festival taking place on August 24-27, 2006:

- Jamie Kennedy Restaurant, 9 Church Street;
- The Keg Restaurant, 12 Church Street; and

- Le Papillon Restaurant, 16 Church Street; and
- (d) (i) advise the Alcohol and Gaming Commission that it has no objection to the Ontario Steelpan Association being permitted to sell and serve alcohol at its Pan Alive event taking place on Friday, August 4, 2006, from 7:00 p.m. to 12:00 midnight at Lamport Stadium, 1155 King Street West; and
- (ii) request the event organizers and the Chief of Police to ensure that the festivities conclude no later than 12:00 midnight and that the revelers leave the area within a short time thereafter, so as to minimize noise disruption in the neighbourhood.”

Votes:

The motion by Councillor Davis carried.

The Clause, as amended, carried.

9.60 **Administration Committee Report 5, Clause 1, headed “Active Insurance Claims in Litigation 2006”.**

Motion:

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

“That the City Solicitor be requested to provide annual reports to Council, through the Administration Committee, on the number of active litigation files where the City is the plaintiff, including the amount claimed and the amounts awarded, similar to the report prepared on active insurance claims in litigation.”

Votes:

The motion by Councillor Del Grande carried.

The Clause, as amended, carried.

9.61 **Economic Development and Parks Committee Report 5, Clause 2, headed “Community Partnership and Investment Program, Culture Build Investment Program - 2006 Allocations (All Wards)”.**

Motion:

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

“That Deputy City Manager Sue Corke be requested to report to the Economic Development and Parks Committee, for its meeting on September 12, 2006, on ways the community access and outreach can be enhanced through collaboration with organizations that receive cultural build grants.”

Votes:

The motion by Councillor Thompson carried.

The Clause, as amended, carried.

9.62 **Economic Development and Parks Committee Report 5, Clause 10, headed “Preliminary Feasibility Investigation of Adding a Second Storey to the New Branch Library at 1900 Sheppard Avenue West for Recreational Programming Space (Ward 9 - York Centre)”.**

July 26, 2006:

Motions:

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

“That:

- (a) the City add an additional floor to the library in order to provide community facilities for youth programming and other neighbourhood services, subject to availability of funding;
- (b) the Deputy City Manager and Chief Financial Officer be directed to report to the Policy and Finance Committee on the best method of securing funding for this addition;
- (c) parking be secured through the lease or purchase of adjacent hydro land in order to meet the parking requirements of the Zoning By-law; and
- (d) site plan issues be resolved through the local Councillor in a manner that does not jeopardize the project.”

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

“That the Board of Directors of the Toronto Community Housing Corporation be requested to utilize the recreational space adjacent to this property to meet the recreational needs of the community, and to consider working together with the General Manager, Parks, Forestry and Recreation, to determine the recreational needs of this community.”

July 27, 2006:

Mayor Miller in the Chair.

Ruling by Mayor:

Mayor Miller ruled motion (a) by Councillor Augimeri out of order, as the land is not owned by the City of Toronto.

Votes:

Motion (b) by Councillor Mammoliti carried.

The Clause, as amended, carried.

Summary:

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

“That the Board of Directors of the Toronto Community Housing Corporation be requested to utilize the recreational space adjacent to this property to meet the recreational needs of the community, and to consider working together with the General Manager, Parks, Forestry and Recreation, to determine the recreational needs of this community.”

9.63 Planning and Transportation Committee Report 5, Clause 12, headed “City of Toronto Court Applications”.

The Clause was submitted without recommendation.

July 26, 2006:

Deputy Mayor Pantalone in the Chair.

Motion:

Councillor Davis moved that Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (June 19, 2006) from the City Solicitor.

July 27, 2006:

Mayor Miller in the Chair.

Votes:

The motion by Councillor Davis carried.

The Clause, as amended, carried.

Summary:

Council adopted the staff recommendations contained in the Recommendations Section of the confidential report (June 19, 2006) from the City Solicitor. The following staff recommendations are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation:

“It is recommended that:

- (1) City Council instruct the City Solicitor to appeal the decisions of the Superior Court of Justice in the cases of Imperial Parking Canada Corporation v. City of Toronto and Municipal Parking Corporation v. City of Toronto; and
- (2) City Council ratify the City Solicitor’s action in filing Notices of Appeal to protect the City’s interests pending receipt of instructions from City Council.”

Deputy Mayor Pantalone in the Chair.

9.64 **Toronto and East York Community Council Report 6, Clause 71, headed “Ontario Municipal Board Hearing - 421 Eglinton Avenue East (Ward 22 - St. Paul’s)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Walker moved that the Clause be received.

Vote:

The motion by Councillor Walker carried.

9.65 **Toronto and East York Community Council Report 6, Clause 72, headed “Ontario Municipal Board Hearing - 235 Forest Hill Road (Ward 22 - St. Paul’s)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Walker moved that Council adopt the motion (July 11, 2006) by Councillor Walker [as contained in the Clause].

Votes:

The motion by Councillor Walker carried.

The Clause, as amended, carried.

9.66 Toronto and East York Community Council Report 6, Clause 63, headed “Sale of the Above-Grade Portion of the Public Lane known as Victoria Street Lane, between 26 and 38 Shuter Street (Ward 27 - Toronto-Centre-Rosedale)”.

Motion:

Councillor Rae moved that the Clause be amended by adding the following new Recommendations (2) and (3) to the report (June 19, 2006) from the Chief Corporate Officer, and renumbering the remaining Recommendations accordingly:

- “(2) that Council make a grant to the Hospital of \$270,000.00 in accordance with section 107 of the *Municipal Act, 2001*, as the Hospital is not an entity to which such a grant is prohibited under section 106 of the *Municipal Act, 2001*, provided the Hospital enters into a grant agreement with the City which requires the Hospital to re-pay the grant to the City by paying the current market value of the Lane Air Rights at that time, in the event that the Lane Air Rights and the Hospital’s adjoining properties on either side of Victoria Street Lane are not redeveloped for hospital purposes and/or are sold for a use other than hospital purposes, and on such other terms and conditions as the Deputy City Manager and Chief Financial Officer deems appropriate;
- (3) that Council determine that it is in the interests of the Municipality to make the grant to the Hospital;”.

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

9.67 Administration Committee Report 2, Deferred Clause 6d, 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”.

July 26, 2006:

Deputy Mayor Pantalone in the Chair.

Motion brought forward from Council Meeting on June 27, 28 and 29, 2006:

(a) 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.”

Motions moved on July 26, 2006:

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

“That:

- (1) Councillor Holyday and Councillor Ford be requested to reimburse the City retroactively, to their Constituency Budgets or their Global Office Budget, for their office use; and
- (2) any Member of Council who has paid constituency office fees for office rent to the City have these fees reimbursed to their office expense budget retroactive to January 1, 2006.”

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

“That the City Clerk be requested to report on a policy for touchdown spaces at Civic Centres.”

July 27, 2006:

Mayor Miller in the Chair.

Point of Order:

Councillor Holyday, rising on a Point of Order, requested Mayor Miller to rule on whether Part (1) of motion (b) by Councillor Mammoliti was in order.

Ruling by Mayor:

Mayor Miller ruled that Part (1) of motion (b) by Councillor Mammoliti was in order, as it was appropriate to consider it with this Clause.

Councillor Holyday challenged the ruling of the Mayor.

Vote to Uphold Ruling of Mayor:

| | |
|--------------|---|
| Yes - 34 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Augimeri, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Stintz, Thompson, Watson |
| No - 6 | |
| Councillors: | Ford, Holyday, Jenkins, Nunziata, Pitfield, Walker |

Carried by a majority of 28.

Permission to Withdraw Motion:

Councillor Mammoliti, with the permission of Council, withdrew Part (2) of his motion (b).

Votes:

Adoption of motion (a) by Councillor Shiner:

| | |
|--------------|--|
| Yes - 26 | |
| Mayor: | Miller |
| Councillors: | Augimeri, Davis, Del Grande, Di Giorgio, Feldman, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson |
| No - 13 | |
| Councillors: | Ainslie, Barron, Bussin, Cowbourne, De Baeremaeker, Filion, Fletcher, Ford, Hall, Lindsay Luby, Mihevc, Nunziata, Silva |

Carried by a majority of 13.

Adoption of Part (1) of motion (b) by Councillor Mammoliti:

| | |
|--------------|---|
| Yes - 27 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Augimeri, Barron, Bussin, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Li Preti, Lindsay Luby, Mammoliti, |

| | |
|--------------|--|
| | Mihevc, Minnan-Wong, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Stintz |
| No - 13 | |
| Councillors: | Ashton, Carroll, Del Grande, Filion, Ford, Holyday, Jenkins, Milczyn, Nunziata, Pitfield, Thompson, Walker, Watson |

Carried by a majority of 14.

Motion (c) by Councillor Nunziata carried.

Point of Order:

Councillor Ford, rising on a Point of Order, requested the Mayor to put the motion which he had moved during the previous day's proceedings on this Clause to a vote.

Ruling by Mayor:

Mayor Miller, after consultation with the City Clerk, advised Councillor Ford that there was no record of his motion and ruled that, without a written motion, signed by the Member and given to the City Clerk, as provided for in Chapter 27, Council Procedures, of the City of Toronto Municipal Code, a motion cannot be put to a vote.

Councillor Ford challenged the ruling of the Mayor.

Vote to Uphold Ruling of Mayor:

| | |
|--------------|--|
| Yes - 35 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Augimeri, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Stintz, Thompson, Walker, Watson |
| No - 6 | |
| Councillors: | Del Grande, Ford, Holyday, Minnan-Wong, Ootes, Pitfield |

Carried by a majority of 29.

Vote:

Adoption of Clause, as amended:

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

Carried by a majority of 25.

Summary:

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

“That:

- (1) 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;
- (2) Councillor Holyday and Councillor Ford be requested to reimburse the City retroactively, to their Constituency Budgets or their Global Office Budget, for their office use; and
- (3) the City Clerk be requested to report on a policy for touchdown spaces at Civic Centres.”

9.68 Toronto and East York Community Council Report 6, Clause 6, headed “Final Report - Rezoning Application - 201 Carlaw Avenue (Ward 30 - Toronto-Danforth)”.

Mayor Miller in the Chair.

Motion:

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

“That the owner be requested to enter into an agreement with the City to provide an automobile sharing arrangement within the development at 201 Carlaw Avenue, the details of which would be dealt with prior to the approval of the site plan application, in consultation with the Director, Transportation Services, Toronto and East York District; the Director, Community Planning, Toronto and East York District and the

Ward Councillor.”

Votes:

The motion by Councillor Fletcher carried.

The Clause, as amended, carried.

9.69 **Etobicoke York Community Council Report 6, Clause 8, headed “Final Report - Official Plan Amendment Application and Proposed Implementing Zoning By-law; Davenport Village Secondary Plan - 940, 980 and 1100 Lansdowne Avenue (Ward 17 - Davenport)”.**

Motion:

Councillor Palacio moved that the Clause be amended in accordance with the following:

- (1) Recommendation (6) in the staff report (June 27, 2006) from the Director, Community Planning, Etobicoke York District, be amended to add the following provision:

“The owner shall enter into an agreement, within 3 months from the date of the Section 37 Agreement, with the City to provide for the ownership and maintenance of a strip of land abutting the railway property sufficient to construct a barrier wall and acoustical wall or fence. The maintenance of the land and the facilities located thereon by the owner shall be as required by and to the satisfaction of the General Manager Parks, Forestry and Recreation for the City of Toronto. In consideration of the agreement and obligation to maintain the barrier wall, acoustical wall or fence and the land on which such facilities are located, the City shall provide a permit subject to the applicable terms and fees at the time, to permit the owner to use abutting public parkland for the purpose of accessing and maintaining the said land and facilities, all to the satisfaction of the General Manager Parks, Forestry and Recreation.”;

- (2) Recommendation (6)(d)(i) in the staff report (June 27, 2006) from the Director, Community Planning, Etobicoke York District, be amended to read:

“the *owner’s* solicitor will provide a sworn affidavit confirming the creation of low end of market affordable housing in each development phase by ensuring 30% of each type of dwelling unit is constructed to a maximum unit size as follows: bachelor apartment 46.5 square metres, one bedroom apartment 60.4 square metres, two bedroom apartment 79 square metres, three bedroom apartment 93 square metres, two bedroom townhouse/stacked townhouse 120 square metres and three bedroom townhouse/stacked townhouse 135 square metres.”;

- (3) Recommendation (6)(e)(i) in the staff report (June 27, 2006) from the Director, Community Planning, Etobicoke York District, be amended to read:

“the *owner’s* solicitor will provide a sworn affidavit confirming the creation of low end of market affordable housing in each development phase by ensuring 30% of each type of dwelling unit is constructed to a maximum unit size as follows: bachelor apartment 46.5 square metres, one bedroom apartment 60.4 square metres, two bedroom apartment 79 square metres, three bedroom apartment 93 square metres, two bedroom townhouse/stacked townhouse 120 square metres and three bedroom townhouse/stacked townhouse 135 square metres.”;

- (4) Section 12.8 in Attachment 4 – Davenport Village Secondary Plan be amended to add the following item as item (e):

“(e) ownership and maintenance of barrier walls and acoustical walls or fences and the land on which these facilities are located abutting railway property;”;

- (5) Attachment 5 – Draft Zoning By-law, Appendix 1 be further revised to add the following:

“The owner shall enter into an agreement with the City to provide for the ownership and maintenance of a strip of retained land abutting the railway property sufficient to construct a barrier wall and acoustical wall or fence. The maintenance of the land and the facilities located thereon by the owner shall be as required by and to the satisfaction of the General Manager Parks, Forestry and Recreation for the City of Toronto. In consideration of the agreement and obligation to maintain the barrier wall, acoustical wall or fence and the land on which such facilities are located, the City shall provide a license subject to the applicable fee at the time, to permit the owner to use abutting public parkland for the purpose of accessing and maintaining the said land and facilities, all to the satisfaction of the General Manager Parks, Forestry and Recreation.”;

- (6) the provision for the owner to provide for the ownership and maintenance of any land abutting railway property and of any barrier wall and acoustical wall or fence constructed on such lands as set out in the preceding amendments, also be included in any subdivision agreement;
- (7) no further notice of public meeting be given in relation to the proposed by-law and the Official Plan Amendment pursuant to the *Planning Act*; and
- (8) the appropriate documents be amended accordingly to reflect the intent of this amendment.

Votes:

The motion by Councillor Palacio carried.

The Clause, as amended, carried.

9.70 **Policy and Finance Committee Report 6, Clause 57, headed “Compensation Review: Elected Officials”.**

Councillor Giambrone in the Chair.

Mayor Miller in the Chair.

Councillor Lindsay Luby in the Chair.

Mayor Miller in the Chair.

Deputy Mayor Bussin in the Chair.

Mayor Miller in the Chair.

Motion:

- (a) Councillor Walker moved that the Clause be received and that Council reaffirm its earlier policy that increases for elected officials be based upon the cost of living.

Extension of Time to Speak:

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

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| Yes - 33 |
| Mayor: Miller |
| Councillors: Ainslie, Ashton, Barron, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Thompson, Walker |
| No - 3 |
| Councillors: Rae, Saundercook, Silva |

Carried by a majority of 30.

Motions:

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

“That City Council request the Minister of Municipal Affairs and Housing to make an order pursuant to subsection 8(3) of the *Municipal Elections Act, 1996* to place the following questions on the ballot for the November 13, 2006 City of Toronto municipal election:

‘Are you in favour of increasing the salary of the Mayor from \$_____ to \$_____?’

Are you in favour of increasing the salary of the Councillors from \$_____ to \$_____?’ ”

Deputy Mayor Bussin in the Chair.

- (c) Councillor Soknacki moved that the Clause be amended by:
- (1) deleting Recommendation (2) of the Policy and Finance Committee and inserting instead the following new Recommendation (2):

“(2) the salary level of Councillors and the Mayor be set at the greater of their current compensation or at the 75th percentile of the comparator market group as at January 1st of each new term. For January 1, 2007, the 75th percentile is that which is presented for the comparator group in the Mercer Human Resource Consulting report, specifically Councillors (\$95,000.00) and Mayor (\$160,000.00);”;
 - (2) deleting Recommendation (3) of the Policy and Finance Committee and inserting instead the following new Recommendation (3):

“(3) during the term of office, and beginning January 1, 2008, compensation be adjusted annually to the Statistics Canada cost of living index for Toronto, as calculated by the Deputy City Manager and Chief Financial Officer and based on the previous year’s average;”;

and
 - (3) adding the following:

“That City Council thank members of the Mayor’s Salary Review Panel for their efforts and report.”

- (d) Councillor Ford moved that the referendum questions in motion (b) by Councillor Pitfield be amended to read as follows:

“Are you in favour of increasing the salary of the Mayor from \$147,857.00 to \$156,600.00?”

Are you in favour of increasing the salary of the Councillors from \$87,214.00 to \$93,400.00?”

Extension of Time to Speak:

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

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| Yes - 27 | |
| Councillors: | Ainslie, Ashton, Barron, Bussin, Carroll, Cho, Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shiner, Soknacki, Stintz, Thompson |
| No - 5 | |
| Councillors: | Fletcher, Giambrone, Mammoliti, Saundercook, Silva |

Carried by a majority of 22.

Motions:

- (e) Councillor Mammoliti moved that:
- (1) the Clause be amended by deleting Recommendation (3) of the Policy and Finance Committee and replacing it with the following new Recommendation (3):

“(3) during the term of office, compensation be adjusted annually to the cost of living allowance ‘COLA’.”;
 - (2) Part (1) of motion (c) by Councillor Soknacki be amended by deleting the words “For January 1, 2007”; and
 - (3) the referendum questions in motion (b) by Councillor Pitfield be amended to read as follows:

“Should Councillors in the City of Toronto earn approximately \$45,000.00 less than Councillors in the City of Mississauga, and approximately \$20,000.00 less than Councillors in the City of Vaughan?”.

Deputy Mayor Bussin in the Chair.

- (f) Councillor Silva moved that the Clause be amended by deleting Recommendation (3) of the Policy and Finance Committee and replacing it with the following new Recommendation (3):

“(3) over the next twelve years the salaries of the Mayor and Councillors of the City of Toronto be adjusted annually according to a formula that will provide that, at the end of the twelve year period, the salary levels of the Mayor and Councillors of the City of Toronto will be the same salary levels as that of the Mayor and Councillors of the City of Mississauga respectively.”

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

“That those Councillors who vote against a pay raise for City Councillors consider either returning their pay raise to the City, or donating it to a charitable organization.”

Mayor Miller in the Chair.

Votes:

Adoption of motion (a) by Councillor Walker:

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| Yes - 21 | |
| Councillors: | Augimeri, De Baeremaeker, Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Jenkins, Li Preti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Soknacki, Stintz, Thompson, Walker |
| No - 21 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Barron, Bussin, Carroll, Cowbourne, Davis, Di Giorgio, Fillion, Fletcher, Giambrone, Kelly, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Silva |

Lost, there being a tie vote.

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

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

Lost by a majority of 4.

Adoption of Part (1) of motion (c) by Councillor Soknacki, without amendment:

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

Carried by a majority of 2.

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

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

Carried by a majority of 2.

Due to the above decisions of Council, Mayor Miller declared Part (1) of motion (e) by Councillor Mammoliti, and motion (f) by Councillor Silva, redundant.

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

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

Lost, there being a tie vote.

Adoption of motion (d) by Councillor Ford:

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| Yes - 8 | |
| Councillors: | Ainslie, Ford, Holyday, Jenkins, Nunziata, Palacio, Pitfield, Walker |
| No - 35 | |
| Mayor: | Miller |
| Councillors: | Ashton, Augimeri, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Watson |

Lost by a majority of 27.

Adoption of motion (b) by Councillor Pitfield, without amendment:

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| Yes - 9 | |
| Councillors: | Del Grande, Ford, Jenkins, Li Preti, Nunziata, Palacio, Pitfield, Shiner, Walker |
| No - 34 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Augimeri, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, |

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| Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Saundercook, Silva, Soknacki, Stintz, Thompson, Watson |
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Lost by a majority of 25.

Adoption of Part (3) of motion (c) by Councillor Soknacki:

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| Yes - 37 |
| Mayor: Miller |
| Councillors: Ainslie, Ashton, Augimeri, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Stintz, Watson |
| No - 6 |
| Councillors: Ford, Jenkins, Minnan-Wong, Shiner, Thompson, Walker |

Carried by a majority of 31.

Mayor Miller, due to the above decisions of Council, declared motion (g) by Councillor Cho, redundant.

Adoption of Clause, as amended:

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| Yes - 22 |
| Mayor: Miller |
| Councillors: Ashton, Barron, Bussin, Carroll, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Giambrone, Kelly, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Silva, Soknacki, Watson |
| No - 21 |
| Councillors: Ainslie, Augimeri, De Baeremaeker, Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Jenkins, Li Preti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Stintz, Thompson, Walker |

Carried by a majority of 1.

Requests to Change Votes on adoption of Clause, as amended:

Councillor Ainslie requested that he be permitted to change his vote to “Yes”, and Councillor Soknacki requested that he be permitted to change his vote to “No” on the Clause, as amended.

Council concurred in the requests by Councillors Ainslie and Soknacki, respectively, as they would not change the outcome of the vote on the Clause, as amended.

Revised Vote on Adoption of Clause, as amended:

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| Yes - 22 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Barron, Bussin, Carroll, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Giambrone, Kelly, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Silva, Watson |
| No - 21 | |
| Councillors: | Augimeri, De Baeremaeker, Del Grande, Feldman, Ford, Grimes, Hall, Holyday, Jenkins, Li Preti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Soknacki, Stintz, Thompson, Walker |

Carried by a majority of 1.

Summary:

In summary, City Council amended this Clause by:

- (1) deleting Recommendation (2) of the Policy and Finance Committee and inserting instead the following new Recommendation (2):
 - “(2) the salary level of Councillors and the Mayor be set at the greater of their current compensation or at the 75th percentile of the comparator market group as at January 1st of each new term. For January 1, 2007, the 75th percentile is that which is presented for the comparator group in the Mercer Human Resource Consulting report, specifically Councillors (\$95,000.00) and Mayor (\$160,000.00);”;
- (2) deleting Recommendation (3) of the Policy and Finance Committee and inserting instead the following new Recommendation (3):
 - “(3) during the term of office, and beginning January 1, 2008, compensation be adjusted annually to the Statistics Canada cost of living index for Toronto, as calculated by the Deputy City Manager and Chief Financial Officer and based on the previous year’s average;”;

(3) adding the following:

“That City Council thank members of the Mayor’s Salary Review Panel for their efforts and report.”

9.71 North York Community Council Report 5, Deferred Clause 7a, headed “Injury of Three Privately-owned Trees - 305 Hendon Avenue (Ward 23 - Willowdale)”.

The Clause was submitted without recommendation.

Motion:

Deputy Mayor Pantalone moved that Council adopt staff recommendations contained in the Recommendations Section of the report (May 24, 2006) from the General Manager, Parks, Forestry and Recreation [as contained in the Clause].

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

9.72 Planning and Transportation Committee Report 4, Deferred Clause 7a, headed “Council’s Request to Introduce Separation Distances Between Holistic Centres, Adult Entertainment Parlours, Body-rub Parlours and Residential Zones In the Zoning By-laws”.

Motion:

Councillor Saundercook moved that the Clause be amended by deleting the recommendations of the Planning and Transportation Committee and that Council adopt instead the staff recommendations contained in the Recommendations Section of the report (February 10, 2006) from the Chief Planner and Executive Director, City Planning, as contained in the Clause.

Permission to Withdraw Motion:

Councillor Saundercook, with the permission of Council, withdrew his motion.

Vote:

The Clause was adopted, without amendment.

- 9.73 **Etobicoke York Community Council Report 6, Clause 9, headed “Final Report - Official Plan Amendments and Rezoning Applications, Draft Plan of Subdivision Application; Applicants: Armstrong Goldberg Hunter/Bousfields Inc.; 1053 and 1061 The Queensway and 7-11, 19-25, 33-35 and 45 Zorra Street (Ward 5 - Etobicoke-Lakeshore)”.**

Motion:

Councillor Milczyn moved that the Clause be amended by:

- (1) deleting the following Part (2) of the action taken by the Committee:

“(2) the Director, Transportation Services, Etobicoke York District, to ensure that no private driveway is allowed to service the development directly from The Queensway.”; and

- (2) adding the following:

“That, in addition to the contributions for parkland dedication, the applicant contribute \$150,000.00 for public art in the Queensway Area, such contribution to be secured in the subdivision agreement for the proposal.”

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

- 9.74 **North York Community Council Report 6, Clause 25, headed “OMB Direction Report - Rezoning Application - 05 128488 NNY 24 OZ - Daniels HR Corporation - Kirkor Architects & Planners - 603-615 Sheppard Avenue East & 9-17 Rean Drive & 6-10 Dervock Crescent (Ward 24 - Willowdale)”.**

Motion:

Councillor Moscoe moved that the Clause be amended by deleting from Recommendation (2) of the North York Community Council, the words “one year transit pass”, and inserting instead the words “six-month transit pass”, so that Recommendation (2) now reads as follows:

“(2) require the applicant to provide the purchaser of each residential unit in Buildings ‘A’, ‘C’ and ‘D’, with a six-month transit pass, in recognition of the reduced parking standard and proximity to the Sheppard Subway.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

9.75 Policy and Finance Committee Report 6, Clause 23, headed “Hosting the 2007 Walk21 International Conference in Toronto (All Wards)”.

Deputy Mayor Pantalone in the Chair.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

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| Yes - 7 | |
| Councillors: | Del Grande, Fletcher, Ford, Holyday, Nunziata, Ootes, Stintz |
| No - 27 | |
| Councillors: | Ainslie, Ashton, Augimeri, Barron, Carroll, Cowbourne, Davis, Feldman, Giambrone, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Thompson, Walker, Watson |

Lost by a majority of 20.

Adoption of Clause, without amendment:

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| Yes - 31 | |
| Councillors: | Ainslie, Ashton, Augimeri, Barron, Bussin, Carroll, Cowbourne, Davis, Del Grande, Feldman, Fletcher, Giambrone, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Palacio, Pantalone, Rae, Saundercook, Silva, Stintz, Thompson, Walker, Watson |
| No - 4 | |
| Councillors: | Ford, Holyday, Nunziata, Ootes |

Carried by a majority of 27.

9.76 Planning and Transportation Committee Report 5, Clause 2, headed “Toronto Heritage Grant Program - 2006 Grant Awards”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

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| Yes - 2 Councillors: Ford, Holyday |
| No - 26 Councillors: Ainslie, Ashton, Augimeri, Barron, Bussin, Carroll, Cowbourne, Davis, Del Grande, Fletcher, Grimes, Hall, Kelly, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Silva, Thompson, Walker, Watson |

Lost by a majority of 24.

Adoption of Clause, without amendment:

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| Yes - 26 Councillors: Ainslie, Ashton, Augimeri, Barron, Bussin, Carroll, Cowbourne, Davis, Del Grande, Fletcher, Grimes, Hall, Kelly, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Silva, Thompson, Walker, Watson |
| No - 2 Councillors: Ford, Holyday |

Carried by a majority of 24.

9.77 Planning and Transportation Committee Report 5, Clause 8, headed “A Proposal to License Builders”.

The Clause was submitted without recommendation.

Motion:

Councillor Moscoe moved that the Clause be received.

Vote:

The motion by Councillor Moscoe carried.

9.78 **Toronto and East York Community Council Report 5, Deferred Clause 40a, headed “Removal of One City Owned Tree - 372 Davisville Avenue (Ward 22 - St. Paul’s)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Walker moved that Council adopt the staff recommendations contained in the Recommendations Section of the report (May 25, 2006) from the General Manager, Parks, Forestry and Recreation [as contained in the Clause].

Votes:

The motion by Councillor Walker carried.

The Clause, as amended, carried.

9.79 **Scarborough Community Council Report 5, Deferred Clause 16a, headed “Final Report, Official Plan Amendment, Application 04 131709 000 00 OZ, Rezoning Application 04 102315 ESC 44 OZ, Janice and Paul Slighte - 53 Old Kingston Road, West Hill Community (Ward 44 - Scarborough East)”.**

Motion:

Councillor Cowbourne moved that the Clause be amended by deleting Recommendation (1) of the Scarborough Community Council and inserting instead the following:

“That City Council:

- (1) (a) approve the application to amend the Scarborough Official Plan and the Zoning By-law to permit an Insurance Office at 53 Old Kingston Road; and
- (b) adopt the staff recommendations contained in the Recommendations Section of the report (May 30, 2006) from the Director, Community Planning, Scarborough District [as contained in the Clause]; and”.

Votes:

The motion by Councillor Cowbourne carried.

The Clause, as amended, carried.

9.80 **Toronto and East York Community Council Report 5, Deferred Clause 56a, headed “Evaluation for the Installation of Speed Humps - Leslie Street, between Queen Street East and Gerrard Street East (Ward 30 - Toronto-Danforth)”.**

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

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| Yes - 6 | Councillors: Barron, Del Grande, Ford, Holyday, Kelly, Minnan-Wong |
| No - 29 | Councillors: Ainslie, Ashton, Augimeri, Bussin, Cowbourne, Davis, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Shiner, Silva, Stintz, Thompson, Walker, Watson |

Lost by a majority of 23.

Adoption of Clause, without amendment:

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| Yes - 30 | Councillors: Ainslie, Ashton, Barron, Bussin, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Shiner, Silva, Thompson, Walker, Watson |
| No - 5 | Councillors: Augimeri, Ford, Holyday, Kelly, Stintz |

Carried by a majority of 25.

9.81 **Toronto and East York Community Council Report 5, Deferred Clause 57a, headed “Evaluation for the Installation of Speed Humps – Bertmount Avenue, between Queen Street East and Dundas Street East (Ward 30 - Toronto-Danforth)”.**

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

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| Yes - 4 Councillors: Del Grande, Ford, Holyday, Kelly |
| No - 29 Councillors: Ainslie, Ashton, Augimeri, Barron, Bussin, Cowbourne, Davis, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Shiner, Silva, Stintz, Thompson, Walker, Watson |

Lost by a majority of 25.

Adoption of Clause, without amendment:

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| Yes - 27 Councillors: Ashton, Barron, Bussin, Cowbourne, Davis, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Shiner, Silva, Thompson, Walker, Watson |
| No - 8 Councillors: Ainslie, Augimeri, Del Grande, Ford, Holyday, Kelly, Minnan-Wong, Stintz |

Carried by a majority of 19.

9.82 **Toronto and East York Community Council Report 5, Deferred Clause 59a, headed “Speed Hump Poll Results - Lewis Avenue, between Eastern Avenue and Queen Street East (Ward 30 - Toronto-Danforth)”.**

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

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|--------------|---|
| Yes - 7 | |
| Councillors: | Del Grande, Ford, Holyday, Kelly, Minnan-Wong, Pantalone, Pitfield |
| No - 28 | |
| Councillors: | Ainslie, Ashton, Augimeri, Barron, Bussin, Cowbourne, Davis, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Saundercook, Silva, Stintz, Thompson, Walker, Watson |

Lost by a majority of 21.

Adoption of Clause, without amendment:

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| Yes - 27 | |
| Councillors: | Ainslie, Ashton, Barron, Bussin, Cowbourne, Davis, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Silva, Thompson, Walker, Watson |
| No - 7 | |
| Councillors: | Augimeri, Del Grande, Ford, Holyday, Kelly, Minnan-Wong, Pitfield |

Carried by a majority of 20.

9.83 **Planning and Transportation Committee Report 2, Deferred Clause 10d, headed “Harmonization of the Sign By-law Concerning Posters on Public Property”.**

Motions:

(a) Councillor Giambrone moved that the Clause be amended:

- (1) by amending the Recommendations of the Planning and Transportation Committee as follows:
 - (a) by deleting from Recommendation (1)(a) the words “on paper” and inserting instead the words “or paper”, so that Recommendation (1)(a) now reads as follows:

“(1)(a) Section 693-30, Section A.(1), Posters on Kiosks, be amended to read:

‘A.(1) The poster is no more than 22 centimetres by 28 centimetres in size and consists of lightweight cardboard or paper only;’ ”; and
 - (b) by deleting from Recommendation (1)(b) the words “the name of the”, and inserting instead the words “valid contact information for an”, so that Recommendation (1)(b) now reads as follows:

“(1)(b) Section 693-31, Community Posters on Utility Poles, be amended by adding the following new Recommendation (8) under “B.”:

‘B.(8) The community poster include valid contact information for an owner(s) of the poster.’ ”;
- (2) by amending the draft by-law as follows:
 - (a) by amending the definition of “COMMUNITY POSTER” to read as follows:

“COMMUNITY POSTER - A poster promoting citizen participation in religious, civic, charitable, or non-profit activities such as advertising festivals, community events, local artistic and cultural events, local community services, and political ideas, missing persons, pets or items.”; and
 - (b) by amending § 693-28, Definitions and interpretation, by deleting the definition of POSTER contained in the draft by-law and replacing it with the following definition:

“POSTER – A notice of any kind, including but not limited to an advertisement, bill, handbill, leaflet, flyer or placard, which is attached to a utility pole or kiosk, and includes a community poster;”; and
- (3) in accordance with the following staff recommendations contained in the

Recommendations Section of the supplementary report (April 21, 2006) from the Executive Director, Municipal Licensing and Standards [as contained in the deferred Clause], subject to amending staff Recommendation (4) by amending Section B.(8) to read as follows:

“B.(8) The community poster include valid contact information for an owner(s) of the poster.”,

so the staff recommendations, as amended, now read as follows:

“It is recommended that:

- (1) § 693-28. A. of the attached bill, be amended, by introducing the following definition:

SCHOOL — A ‘school’ or a ‘private school’ as defined under the *Ontario Education Act, R.S.O. 1990, c. E.2*, or successor legislation;

- (2) § 693-29. C. of the attached bill, be amended by adding the words ‘or sidewalks’ after the word ‘boulevard’ in order that the section reads as follows:

C. No person shall erect, attach, place or display, or cause or permit to be erected, attached, placed or displayed, any sign on any privately-owned poles located on boulevards or sidewalks;

- (3) § 693-30. A. (2) and § 693-31. B. (2) of the attached bill, be amended to also provide that no other method of affixing the poster to a kiosk or utility pole is permitted;

- (4) if Council is supportive of the Planning and Transportation Committee’s recommended amendment that Section 693-31. Community Posters on Utility Poles, of the attached bill, include the requirement that a community poster include the name of the owner(s) of the poster, § 693-30. Posters on Kiosks, be amended by adding the following:

‘B.(8) The community poster include valid contact information for an owner(s) of the poster.’;

- (5) the City Solicitor be directed, once the kiosks have been installed, to prepare the necessary bill substantially in the form of the draft Postering By-law, attached and as amended, to

incorporate recommendations one to four of this report, subject to any necessary refinements, including stylistic, format and organization, as may be identified by the City Solicitor and the Executive Director of Municipal Licensing and Standards; and

- (6) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”
- (b) Councillor Rae moved that the Clause be amended by amending the draft by-law by adding to the end of Section A of Subsection 693-29 - General Restrictions, the following:

“including but not limited to parking meter ticket dispensers (pay and display machines), parking meters (including the vertical support posts), parking and traffic signs (including the vertical support posts), street litter disposal containers, newspaper boxes, traffic control devices, trees, signal control boxes, street furniture, bus shelters, bicycle-racks, fire hydrants, post boxes, switching cabinets, and phone booths and call stations”.

Mayor Miller in the Chair.

Votes:

Motion (a) by Councillor Giambrone carried.

Adoption of motion (b) by Councillor Rae:

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|--------------|--|
| Yes - 38 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Augimeri, Barron, Bussin, Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson, Walker |
| No - 1 | |
| Councillor: | Ford |

Carried by a majority of 37.

Adoption of Clause, as amended:

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| Yes - 35 | Miller |
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| Mayor: | |
| Councillors: | Ashton, Augimeri, Barron, Bussin, Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Thompson, Walker |

| | |
|--------------|---------------|
| No - 2 | |
| Councillors: | Ford, Holyday |

Carried by a majority of 33.

Summary:

In summary, City Council amended this Clause:

(1) by amending the Recommendations of the Planning and Transportation Committee as follows:

(a) by deleting from Recommendation (1)(a) the words “on paper” and inserting instead the words “or paper”, so that Recommendation (1)(a) now reads as follows:

“(1)(a) Section 693-30, Section A.(1), Posters on Kiosks, be amended to read:

‘A.(1) The poster is no more than 22 centimetres by 28 centimetres in size and consists of lightweight cardboard or paper only;’ ”;
and

(b) by deleting from Recommendation (1)(b) the words “the name of the”, and inserting instead the words “valid contact information for an”, so that Recommendation (1)(b) now reads as follows:

“(1)(b) Section 693-31, Community Posters on Utility Poles, be amended by adding the following new Recommendation (8) under “B.”:

‘B.(8) The community poster include valid contact information for an owner(s) of the poster.’ ”;

(2) by amending the draft by-law as follows:

(a) by amending the definition of “COMMUNITY POSTER” to read as follows:

“COMMUNITY POSTER - A poster promoting citizen participation in

religious, civic, charitable, or non-profit activities such as advertising festivals, community events, local artistic and cultural events, local community services, and political ideas, missing persons, pets or items.”; and

- (b) by amending § 693-28, Definitions and interpretation, by deleting the definition of POSTER contained in the draft by-law and replacing it with the following definition:

“POSTER – A notice of any kind, including but not limited to an advertisement, bill, handbill, leaflet, flyer or placard, which is attached to a utility pole or kiosk, and includes a community poster;” and

- (c) by adding to the end of Section A of Subsection 693-29 - General Restrictions, the following:

“including but not limited to parking meter ticket dispensers (pay and display machines), parking meters (including the vertical support posts), parking and traffic signs (including the vertical support posts), street litter disposal containers, newspaper boxes, traffic control devices, trees, signal control boxes, street furniture, bus shelters, bicycle-racks, fire hydrants, post boxes, switching cabinets, and phone booths and call stations”; and

- (3) in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (April 21, 2006) from the Executive Director, Municipal Licensing and Standards [as contained in the deferred Clause], subject to amending staff Recommendation (4) by amending Section B.(8) to read as follows:

“B.(8) The community poster include valid contact information for an owner(s) of the poster.”,

so the staff recommendations, as amended, now read as follows:

“It is recommended that:

- (1) § 693-28. A. of the attached bill, be amended, by introducing the following definition:

SCHOOL — A ‘school’ or a ‘private school’ as defined under the *Ontario Education Act, R.S.O. 1990, c. E.2*, or successor legislation;

- (2) § 693-29. C. of the attached bill, be amended by adding the words ‘or sidewalks’ after the word ‘boulevard’ in order that the section reads as follows:

- C. No person shall erect, attach, place or display, or cause or permit to be erected, attached, placed or displayed, any sign on any privately-owned poles located on boulevards or sidewalks;
- (3) § 693-30. A. (2) and § 693-31. B. (2) of the attached bill, be amended to also provide that no other method of affixing the poster to a kiosk or utility pole is permitted;
- (4) if Council is supportive of the Planning and Transportation Committee's recommended amendment that Section 693-31. Community Posters on Utility Poles, of the attached bill, include the requirement that a community poster include the name of the owner(s) of the poster, § 693-30. Posters on Kiosks, be amended by adding the following:
- ‘B.(8) The community poster include valid contact information for an owner(s) of the poster.’;
- (5) the City Solicitor be directed, once the kiosks have been installed, to prepare the necessary bill substantially in the form of the draft Postering By-law, attached and as amended, to incorporate recommendations one to four of this report, subject to any necessary refinements, including stylistic, format and organization, as may be identified by the City Solicitor and the Executive Director of Municipal Licensing and Standards; and
- (6) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

9.84 **North York Community Council Report 6, Clause 28, headed “Final Report - Application to Amend the Official Plan and Zoning By-law - 05 198002 NNY 09 OZ and Application for Site Plan Control Approval – 05 198004 NNY 09 SA - Blandford Gates (Fleiss Gates McGowan Easton Architects Inc.) - 1900 Sheppard Avenue West (Ward 9 - York Centre)”.**

Motions:

- (a) Councillor Augimeri moved that the Clause be amended by deleting the recommendations of the North York Community Council and replacing them with the following:
- “That the application be refused.”
- (b) Councillor Mammoliti moved that the Clause be amended by deleting the recommendations of the North York Community Council and inserting instead the

following:

“That Council adopt the staff recommendations contained in the Recommendations section of the Report (June 27, 2006) from the Director, Community Planning, North York District [as contained in the Clause].”

Votes:

Adoption of motion (a) by Councillor Augimeri:

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|-----------------------------------|---|
| Yes - 11 Councillors: | Augimeri, Barron, Di Giorgio, Ford, Grimes, Holyday, Jenkins, Li Preti, Palacio, Pitfield, Watson |
| No - 26 Mayor: Councillors: | Miller Ainslie, Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fletcher, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Pantalone, Rae, Saundercook, Silva, Stintz, Thompson, Walker |

Lost by a majority of 15.

Motion (b) by Councillor Mammoliti carried.

Adoption of Clause, as amended:

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| Yes - 29 Mayor: Councillors: | Miller Ainslie, Ashton, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fletcher, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Silva, Stintz, Thompson, Walker, Watson |
| No - 8 Councillors: | Augimeri, Di Giorgio, Ford, Grimes, Holyday, Jenkins, Li Preti, Pitfield |

Carried by a majority of 21.

Summary:

In summary, City Council amended this Clause by deleting the recommendations of the North York Community Council and inserting instead the following:

“That Council adopt the staff recommendations contained in the Recommendations section of the Report (June 27, 2006) from the Director, Community Planning, North York District [as contained in the Clause].”

9.85 **Administration Committee Report 5, Clause 26, headed “Potential Acquisition of 1075 Millwood Road”.**

Motion:

Councillor moved that consideration of the Clause be deferred to the next regular meeting of City Council on September 25, 2006.

Vote:

The motion by Councillor Pitfield carried.

9.86 **Works Committee Report 2, Deferred Clause 21d, headed “Solid Waste Requirements for Lands at Ingram Transfer Station”.**

Permission to Speak Again:

Councillor Di Giorgio moved that the necessary provisions of Chapter 27, Council Procedures, of the City of Toronto Municipal Code be waived to permit him to again speak to this Clause, which carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Di Giorgio moved that consideration of the Clause be deferred to allow the Deputy City Manager of Cluster “B” Services, Fareed Amin, in consultation with the General Manager of Parks, Forestry and Recreation and the General Manager of Solid Waste Management Services, to examine options for the property in the vicinity of the Ingram Transfer Station, taking in to account the community’s concerns regarding the green space and the City’s solid waste diversion needs.

Vote:

The motion by Councillor Di Giorgio carried.

9.87 **Planning and Transportation Committee Report 5, Clause 15, headed “Other Items Considered by the Committee”.**

Motion:

Councillor Davis moved that City Council:

- (1) waive the necessary provisions of Chapter 27 of the City of Toronto Municipal Code, in order to consider Item (c), entitled “Taxicab Driver Protective Shield Program”; and
- (2) refer the report (June 19, 2006) from the Executive Director, Municipal Licensing and Standards, entitled “Taxicab Driver Protective Shield Program”, to the first meeting of the new Licensing and Standards Committee in 2007.

Votes:

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

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| Yes - 28 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Silva, Walker |
| No - 12 | |
| Councillors: | Augimeri, Del Grande, Filion, Ford, Holyday, Milczyn, Minnan-Wong, Ootes, Saundercook, Shiner, Stintz, Watson |

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

Part (2) of the motion by Councillor Davis carried.

The balance of the Clause was received, for information.

9.88 Administration Committee Report 4, Deferred Clause 2a, headed “Proposed Amendments to the Fair Wage Policy Disqualification Process”.

Motion:

Councillor Moscoe moved that the Clause be referred to the Policy and Finance Committee for consideration at its meeting on September 18, 2006.

Vote:

The motion by Councillor Moscoe carried.

9.89 Etobicoke York Community Council Report 3, Deferred Clause 8d, headed “Sign Variance Application Report - Applicant: Gabe Faraone 2160 Weston Road (Ward 11 - York South-Weston)”.

Motion:

Councillor Moscoe moved that the Clause be amended by deleting the recommendations of the Etobicoke York Community Council and adopting instead the staff recommendations contained in the Recommendations Section of the report (January 24, 2006) from the Director, Community Planning, Etobicoke York District, and the Director of Building and Deputy Chief Building Official, Etobicoke York District, as contained in the Clause, to refuse the application.

Votes:

Adoption of motion by Councillor Moscoe:

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| Yes - 22 | |
| Mayor: | Miller |
| Councillors: | Ashton, Augimeri, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Grimes, Holyday, Jenkins, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Silva, Thompson |
| No - 12 | |
| Councillors: | Di Giorgio, Feldman, Ford, Hall, Kelly, Lindsay Luby, Mammoliti, Nunziata, Ootes, Palacio, Shiner, Walker |

Carried by a majority of 10.

The Clause, as amended, carried.

9.90 **Etobicoke York Community Council Report 3, Deferred Clause 10d, headed “Application for an Exemption to Toronto Municipal Code Chapter 447, Fences - 59 Westhampton Drive (Ward 2 - Etobicoke North)”.**

Motion:

Councillor Holyday moved that the Clause be amended by deleting the recommendation of the Etobicoke York Community Council and adopting instead the following new recommendation:

“That City Council approve an exemption to the Toronto Municipal Code, Chapter 447, Fences, to maintain a close board wooden fence with lattice work at the top to a height of 2.36 metres (7 feet, 8 inches) at the south boundary of the property at 59 Westhampton Drive.”

Votes:

Adoption of motion by Councillor Holyday:

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| Yes - 25 Councillors: | Augimeri, Barron, Bussin, Davis, De Baeremaeker, Di Giorgio, Feldman, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson, Walker |
| No - 13 Mayor: Councillors: | Miller Ainslie, Ashton, Carroll, Cowbourne, Del Grande, Filion, Fletcher, Ford, Giambrone, Hall, Mihevc, Milczyn |

Carried by a majority of 12.

The Clause, as amended, carried.

9.91 **Policy and Finance Committee Report 4, Deferred Clause 29c, headed “Harmonization of Sick Leave Plans for Management and Non-Union Employees”.**

Motion:

Councillor Di Giorgio moved that the Clause be amended by:

- (1) amending staff Recommendation (1) contained in the Recommendations Section of the report (March 6, 2006) from the City Manager and the Deputy City Manager and Chief Financial Officer, as contained in the Clause, by inserting the words “except for Councillors’ staff”, after the words “all Management and Non-Union employees”, so that Recommendation (1) now reads as follows:

“(1) the Short-Term Disability plan outlined in this report (Appendix A – Harmonized Short-Term Disability Plan – Management and Non-Union Employees) be approved for all Management and Non-Union employees, except for Councillors’ staff, who have entitlement to a Sick Leave Plan or Short-Term Disability plan;” and

- (2) adding the following:

“That City Council refer the issue of the implementation date of the ‘Harmonized Short-Term Disability Plan – Management and Non-Union Employees’ for Councillors’ staff back to the Employee and Labour Relations Committee for consideration.”

Votes:

Adoption of motion by Councillor Di Giorgio:

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| Yes - 18 | |
| Councillors: | Augimeri, Bussin, Cowbourne, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Ford, Grimes, Mihevc, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki |
| No - 15 | |
| Mayor: | Miller |
| Councillors: | Ashton, Barron, Carroll, Davis, Del Grande, Feldman, Hall, Holyday, Jenkins, Kelly, Mammoliti, Nunziata, Thompson, Walker |

Carried by a majority of 3.

The Clause, as amended, carried.

9.92 **Policy and Finance Committee Report 4, Deferred Clause 32c, headed “Surplus School Board Sites and Review of the Inventory of City-Owned Properties (All Wards)”.**

Motion:

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

“That in planning any acquisition of a surplus school site, the City give full regard to balancing the respective community needs by ensuring the preservation of existing green spaces within school sites and ensuring their continued access by the local community.”

Votes:

The motion by Councillor Del Grande carried.

The Clause, as amended, carried.

9.93 **Etobicoke York Community Council Report 4, Deferred Clause 6c, headed “Front Yard Parking - Request for an Exemption to the former City of Toronto Municipal Code - 94 Morningside Avenue (Ward 13 - Parkdale-High Park)”.**

Motion:

Councillor Holyday moved that the Clause be amended by deleting the recommendations of the Etobicoke York Community Council and that Council adopt instead the staff recommendations contained in the Recommendations Section of the report (March 10, 2006)

from the Director, Transportation Services, Etobicoke York District [as contained in the Clause].

Votes:

Adoption of motion by Councillor Holyday:

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| Yes - 8 Councillors: Ashton, Barron, Cowbourne, Feldman, Fletcher, Ford, Holyday, Moscoe |
| No - 30 Mayor: Miller Councillors: Ainslie, Augimeri, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Stintz, Thompson, Walker |

Lost by a majority of 22.

The Clause was adopted, without amendment.

9.94 **Etobicoke York Community Council Report 4, Deferred Clause 12c, headed “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)”.**

Motion:

Councillor Holyday moved that the Clause be amended by deleting the recommendation of the Etobicoke York Community Council and that Council adopt instead the staff recommendation contained in the Recommendation Section of the report (March 13, 2006) from the Director of Building and Deputy Chief Building Official [as contained in the Clause].

Votes:

Adoption of motion by Councillor Holyday:

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| Yes - 6 Councillors: Ashton, Barron, Ford, Holyday, Shiner, Walker |
| No - 30 Mayor: Miller |

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| Councillors: | Ainslie, Augimeri, Bussin, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Stintz, Thompson |
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Lost by a majority of 24.

The Clause was adopted, without amendment.

9.95 **Etobicoke York Community Council Report 4, Deferred Clause 13c, headed “Status Report - Rezoning Application - Applicant: Grace Restoration (International) Ministries - 1736 Weston Road (Ward 11 - York South-Weston)”.**

Motions:

- (a) Councillor Holyday moved that the Clause be amended by deleting the recommendations of the Etobicoke York Community Council and that Council approve the applicant’s proposal to revise the approved conditions to permit introduction of the Bill to rezone 1736 Weston Road to permit a Place of Worship on a temporary basis for a period not to exceed one year, provided that the applicant provides details of the parking arrangements.
- (b) Councillor Nunziata moved that the Clause be referred back to the Etobicoke York Community Council for further consideration, and the Chief Planner and Executive Director, City Planning, and the City Solicitor, in consultation with the General Manager, Transportation Services, be requested to report to the Etobicoke York Community Council on the new information provided by the Grace Restoration Church pertaining to the provision of off-site parking, the terms of the lease and other appropriate conditions of the temporary zoning.

Permission to Withdraw Motion:

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

Vote:

Motion (b) by Councillor Nunziata carried.

Summary:

In summary, City Council referred this Clause back to the Etobicoke York Community Council for further consideration, and requested the Chief Planner and Executive Director, City Planning, and the City Solicitor, in consultation with the General Manager,

Transportation Services, to report to the Etobicoke York Community Council on the new information provided by the Grace Restoration Church pertaining to the provision of off-site parking, the terms of the lease and other appropriate conditions of the temporary zoning.

9.96 **Toronto and East York Community Council Report 4, Deferred Clause 35c, headed “Request for the Installation of Speed Humps - Fairleigh Crescent, between Eglinton Avenue West and the W. R. Allen Bridge (Ward 21 - St. Paul’s)”.**

Motion:

Councillor Holyday moved that the Clause be amended by deleting the recommendations of the Toronto and East York Community Council and that City Council adopt the staff recommendation contained in the Recommendation Section of the report (April 24, 2006) from the Director, Transportation Services, Toronto and East York District [as contained in the Clause].

Votes:

Adoption of motion by Councillor Holyday:

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| Yes - 3 Councillors: Ford, Holyday, Kelly |
| No - 30 Mayor: Miller Councillors: Ainslie, Ashton, Augimeri, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Grimes, Hall, Jenkins, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Stintz, Thompson, Walker |

Lost by a majority of 27.

The Clause was adopted, without amendment.

9.97 **Policy and Finance Committee Report 5, Deferred Clause 17a, headed “Recommendations on Members of Council Providing Letters of Reference”.**

Votes:

Adoption of Clause, with the exception of Parts (a), (b), (e) and (f) of staff Recommendation (2) contained in the Recommendations Section of the report (April 27, 2006) from the Integrity Commissioner:

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|----------|--------|
| Yes - 22 | Miller |
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| | |
|--------------|--|
| Mayor: | |
| Councillors: | Ashton, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Hall, Holyday, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Silva, Soknacki |
| No - 14 | |
| Councillors: | Ainslie, Bussin, Del Grande, Feldman, Ford, Grimes, Kelly, Minnan-Wong, Ootes, Rae, Saundercook, Stintz, Thompson, Walker |

Carried by a majority of 8.

Vote on whether to delete Parts (a), (b), (e) and (f) of staff Recommendation (2) contained in the Recommendations Section of the report (April 27, 2006) from the Integrity Commissioner:

| | |
|--------------|---|
| Yes - 24 | |
| Councillors: | Ainslie, Ashton, Bussin, De Baeremaeker, Del Grande, Feldman, Ford, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker |
| No - 12 | |
| Mayor: | Miller |
| Councillors: | Carroll, Cowbourne, Davis, Di Giorgio, Fletcher, Hall, Mammoliti, Moscoe, Pantalone, Pitfield, Silva |

Carried by a majority of 12.

Summary:

In summary, City Council amended this Clause by deleting the following Parts (a), (b), (e) and (f) of Recommendation (2) contained in the Recommendations Section of the report (April 27, 2006) from the Integrity Commissioner:

- “(a) do not provide “To Whom It May Concern” references;
- (b) confine any references to the qualifications for the particular position, grant, or other form of preferment that the requestor is seeking;
- (e) send any written reference directly to the addressee; do not give it to the candidate; and
- (f) do not provide the candidate with a true copy of any written reference; rather, if you are providing the candidate with a copy, do so on non-copiable paper or

indicate in the body of the letter that it is not to be copied; and”,

so that the Recommendations adopted by Council now read as follows:

“It is recommended that:

- (1) Council adopt the following rules governing Members of Council providing references for those applying for employment with the City of Toronto or appointment to a City agency, board or commission, or any other position or office with the City:
 - (a) a Member of Council shall not provide a reference in support of an applicant for employment with the City of Toronto or appointment to a City agency, board or commission, or any other position or office with the City of Toronto, unless that Member of Council has had an employment or other relevant relationship (such as that of teacher or volunteer group supervisor) with the person requesting the reference;
 - (b) even where there is such a relevant relationship, a Member of Council shall not provide a reference for any person (a) who is a relative of the Member of Council as defined in the City of Toronto’s October 2005, policy regulating the hiring of relatives of other employees or (b) whose only relevant relationship with the Member of Council has been as a member of the public service of the City of Toronto or a City of Toronto agency, board or commission (with the exception of a Member’s own staff);
 - (c) in the case of City of Toronto agencies, boards and commissions (and any other situations in which Members of Council participate as decision-makers in a City of Toronto hiring or appointment process), no participating Member of Council shall act as a reference for a candidate for appointment or hiring, and, where a participating Member of Council would otherwise be eligible to act as a reference, the Member of Council shall declare that fact to the appointing authority;
 - (d) for the purposes of these rules, providing a reference includes both written and verbal references and any other form of intervention on behalf of the person in question. However, it does not extend to sending on (without comment) letters of inquiry about possible positions with the City of Toronto to the relevant hiring authority;
- (2) Council approve the following guidelines for Members of Council providing letters of reference in any context in their capacity as Members of Council:

Unless the circumstances clearly indicate otherwise:

- (c) do not provide references where the only basis for doing so is to use the influence of your office or to help someone you know merely as a constituent, friend or relative; and
 - (d) confine the provision of references to situations where you have relevant personal experience with the candidate; and
- (3) Council refer to the Bellamy Recommendations Steering Committee the question whether there should be an addition to the Code of Conduct for the Members of Council of a provision to the effect that it is a violation of that Code of Conduct to act in contravention of any City policy applicable to Members of Council.”

9.98 **Administration Committee Report 4, Deferred Clause 12a, headed “Surplus Land Declaration and Proposed Closing of Public Lane Located East of Yonge Street, Extending South from Byng Avenue (Ward 23 - Willowdale)”.**

Motions:

- (a) Councillor Moscoe moved that the Clause be amended by amending the staff recommendations contained in the Recommendations Section of the report (May 16, 2006) from the General Manager, Transportation Services, and the Chief Corporate Officer, by:
 - (1) deleting Recommendation (3) and inserting instead the following new Recommendation (3):

“(3) following the closure of the lane, the affected utility companies be given notice to vacate the lane or alternatively negotiate appropriate easements with the City;”; and
 - (2) adding the following new Recommendation (5):

“(5) the question of incorporating the principle reflected in revised Recommendation (3), in all future transactions, be referred to the Director of Real Estate Services for a report to the Policy and Finance Committee.”
- (b) Councillor Augimeri moved that the Clause be amended by adding the following:

“That Council adopt the following recommendation of the North York Community Council contained in the communication (June 16, 2006) from the North York Community Council, as contained in the Clause:

‘The North York Community Council recommended to City Council, when considering the report of the Administration Committee, with respect to this matter, that staff Recommendation (2) in the Recommendations Section of the report (May 16, 2006) from the General Manager, Transportation Services and Chief Corporate Officer, be adopted.’ ”

Votes:

Adoption of motion (a) by Councillor Moscoe:

| | |
|--------------|---|
| Yes - 32 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Grimes, Hall, Holyday, Kelly, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Stintz, Thompson, Walker |
| No - 1 | |
| Councillor: | Ford |

Carried by a majority of 31.

Motion (b) by Councillor Augimeri carried.

The Clause, as amended, carried.

Summary:

In summary, City Council amended this Clause by:

- (1) amending the staff recommendations contained in the Recommendations Section of the report (May 16, 2006) from the General Manager, Transportation Services, and the Chief Corporate Officer, by:
 - (1) deleting Recommendation (3) and inserting instead the following new Recommendation (3):

“(3) following the closure of the lane, the affected utility companies be given notice to vacate the lane or alternatively negotiate appropriate easements with the City;”;
 - (2) adding the following new Recommendation (5):

“(5) the question of incorporating the principle reflected in revised Recommendation (3), in all future transactions, be referred to the Director of Real Estate Services for a report to the Policy and Finance Committee.”; and

(2) adding the following:

“That Council adopt the following recommendation of the North York Community Council contained in the communication (June 16, 2006) from the North York Community Council, as contained in the Clause:

‘The North York Community Council recommended to City Council, when considering the report of the Administration Committee, with respect to this matter, that staff Recommendation (2) in the Recommendations Section of the report (May 16, 2006) from the General Manager, Transportation Services and Chief Corporate Officer, be adopted.’ ”,

so that the staff recommendations contained in the Recommendations Section of the report (May 16, 2006) from the General Manager, Transportation Services, and the Chief Corporate Officer, as amended by Council, now read as follows:

“It is recommended that:

- (1) the Administration Committee recommend to City Council, conditional upon City Council’s approval of the recommendation to the North York Community Council set out herein, that the public lane located east of Yonge Street, extending south from Byng Avenue and shown as Part 1 on the attached Sketch No. PS-2005-003 (the “Lane”) be permanently closed, that:
 - (a) the Lane be declared surplus to the City’s requirements and all steps necessary to comply with the City’s real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code be taken; and
 - (b) the Chief Corporate Officer be authorized to invite an offer to purchase the Lane from the owner of 5431 and 5435 Yonge Street;
- (2) the North York Community Council recommend to City Council, conditional upon City Council’s approval of the recommendations to the Administration Committee set out herein that the Lane be declared surplus, that:
 - (a) subject to compliance with the requirements of the *Municipal Act, 2001* and subject to City Council approving the sale of the Lane, the Lane be permanently closed as a public lane; and

- (b) subject to City Council approving the sale of the Lane, notice be given to the public of a proposed by-law to permanently close the Lane, in accordance with the requirements of Chapter 162 of the City of Toronto Municipal Code, and the North York Community Council hear any member of the public who wishes to speak to this matter;
- (3) following the closure of the lane, the affected utility companies be given notice to vacate the lane or alternatively negotiate appropriate easements with the City;
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction in Council of any bills necessary to give effect thereto; and
- (5) the question of incorporating the principle reflected in revised Recommendation (3), in all future transactions, be referred to the Director of Real Estate Services for a report to the Policy and Finance Committee.”

9.99 Etobicoke York Community Council Report 5, Deferred Clause 3a, headed “Request for Approval of Variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code, 2280 Islington Avenue (Ward 2 - Etobicoke North)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the recommendation of the Etobicoke York Community Council and that Council adopt the staff recommendation contained in the Recommendation Section of the report (April 24, 2006) from the Director of Building and Deputy Chief Building Official [as contained in the Clause].

Votes:

Adoption of motion by Councillor Holyday:

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|--------------|---|
| Yes - 16 | |
| Mayor: | Miller |
| Councillors: | Barron, Bussin, Carroll, Cowbourne, Davis, Fletcher, Hall, Holyday, Lindsay Luby, Mammoliti, Minnan-Wong, Moscoe, Pantalone, Thompson, Walker |
| No - 16 | |
| Councillors: | Ainslie, Ashton, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Ford, Grimes, Kelly, Milczyn, Nunziata, Palacio, Rae, Silva, Soknacki, Stintz |

Lost, there being a tie vote.

Adoption of Clause, without amendment:

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|--------------|---|
| Yes - 20 | |
| Councillors: | Ainslie, Ashton, Barron, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Ford, Grimes, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Palacio, Rae, Saundercook, Silva, Soknacki, Stintz |
| No - 13 | |
| Mayor: | Miller |
| Councillors: | Bussin, Carroll, Cowbourne, Davis, Fletcher, Hall, Holyday, Mammoliti, Moscoe, Pantalone, Thompson, Walker |

Carried by a majority of 7.

9.100 Policy and Finance Committee Report 6, Clause 3, headed “Parking for Veterans”.

Vote:

Adoption of Clause, without amendment:

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|--------------|--|
| Yes - 32 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Stintz, Thompson |
| No - 3 | |
| Councillors: | Barron, Pitfield, Walker |

Carried by a majority of 29.

9.101 Policy and Finance Committee Report 6, Clause 33, headed “Social Housing in Toronto and Future Risks”.

Motion:

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

“That the General Manager, Shelter, Support and Housing Administration, in consultation with the Chief Executive Officer, Toronto Community Housing

Corporation, be requested to:

- (1) develop a multi-year plan to address the \$250 M backlog of Capital repairs; and
- (2) report to the Community Services Committee outlining a focus on ensuring mixed-income households and services to improve employment opportunities and, therefore, revenue for housing.”

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

9.102 Planning and Transportation Committee Report 5, Clause 6, headed “Regulating the Maximum Occupancy of Rooming Houses Located in Residential Zones”.

The Clause was submitted without recommendation.

Motion:

Councillor Fletcher moved that Council adopt the following:

“That the City Solicitor, working with Deputy City Manager Fareed Amin, investigate the authority provided by various provincial statutes to regulate the occupancy of licensed rooming houses and report back to the Planning and Transportation Committee and the Affordable Housing Committee.”

Votes:

The motion by Councillor Fletcher carried.

The Clause, as amended, carried.

9.103 Etobicoke York Community Council Report 5, Deferred Clause 8a, headed “Removal of Three (3) Privately-Owned Trees 81 Irwin Road (Ward 2 - Etobicoke North)”.

Motion:

Councillor Ford moved that the Clause be amended by striking out the recommendation of the Etobicoke York Community Council and that Council approve the request for a permit to remove three (3) privately-owned trees at 81 Irwin Road.

Votes:

Adoption of motion by Councillor Ford:

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|--------------|--|
| Yes - 6 | |
| Councillors: | Ford, Holyday, Minnan-Wong, Nunziata, Ootes, Stintz |
| No - 29 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Thompson, Walker |

Lost by a majority of 23.

The Clause was adopted, without amendment.

9.104 **Toronto and East York Community Council Report 5, Deferred Clause 17a, headed “Inclusion on the City of Toronto Inventory of Heritage Properties and Intention to Designate under Part IV of the *Ontario Heritage Act* - 55 John Street (Metro Hall Council Chambers) (Ward 20 - Trinity-Spadina)”.**

Deputy Mayor Bussin in the Chair.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

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|--------------|--|
| Yes - 15 | |
| Councillors: | Ainslie, Barron, De Baeremaeker, Del Grande, Ford, Grimes, Holyday, Lindsay Luby, Mihevc, Minnan-Wong, Nunziata, Rae, Silva, Soknacki, Walker |
| No - 17 | |
| Mayor: | Miller |
| Councillors: | Bussin, Carroll, Cowbourne, Davis, Di Giorgio, Fletcher, Hall, Jenkins, Kelly, Mammoliti, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Thompson |

Lost by a majority of 2.

Adoption of Clause, without amendment:

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|---|
| Yes - 21 Mayor: Miller Councillors: Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Silva, Thompson |
| No - 12 Councillors: Ainslie, Barron, Del Grande, Ford, Grimes, Holyday, Minnan-Wong, Nunziata, Pitfield, Rae, Soknacki, Walker |

Carried by a majority of 9.

9.105 **Toronto and East York Community Council Report 5, Deferred Clause 58a, headed “Speed Hump Poll Results - Osler Street, from Dupont Street to Cariboo Avenue (Ward 18 - Davenport)”.**

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

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|---|
| Yes - 3 Councillors: Ford, Holyday, Minnan-Wong |
| No - 29 Councillors: Ainslie, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Thompson, Walker |

Lost by a majority of 26.

The Clause was adopted, without amendment.

9.106 **Toronto and East York Community Council Report 5, Deferred Clause 60a, headed “Speed Hump Poll Results - Cedarvale Avenue, between Strathmore Boulevard and Sammon Avenue (Ward 31 - Beaches-East York)”.**

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

| | |
|---------|---|
| Yes - 4 | Councillors: Ford, Holyday, Minnan-Wong, Pitfield |
| No - 29 | Councillors: Ainslie, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Thompson, Walker |

Lost by a majority of 25.

The Clause was adopted, without amendment.

9.107 Policy and Finance Committee Report 6, Clause 4, headed “Review of the City’s Corporate Organizational Structure for Fleet Management and Services”.

Mayor Miller in the Chair.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

| | |
|---------|--|
| Yes - 3 | Councillors: Ford, Holyday, Pitfield |
| No - 30 | Mayor: Miller Councillors: Ainslie, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, |

Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki,
Thompson, Walker

Lost by a majority of 27.

The Clause was adopted, without amendment.

9.108 Policy and Finance Committee Report 6, Clause 55, headed “Parking Tickets Issued to Out-of-Province Vehicles”.

Motions:

- (a) Councillor Hall moved that consideration of the Clause be deferred to the September 25, 2006 meeting of Council and that the Deputy City Manager and Chief Financial Officer be requested to consult with Tourism Toronto on the impact of a concerted parking ticket collection effort on tourists from the United States in Toronto, and report to Council on the outcome of those consultations.
- (b) Deputy Mayor Pantalone moved that the Clause be amended by inserting in staff Recommendation (3) contained in the Recommendations Section of the report (June 19, 2006) from the City Manager, after the words “staff initiate a program”, the words “after meaningful consultation with Tourism Toronto”, so that staff Recommendation (3) now reads as follows:

“(3) if Committee and Council approves the budget request identified in Recommendation (2) above, staff initiate a program after meaningful consultation with Tourism Toronto, to pursue collection of outstanding City of Toronto parking tickets issued to vehicles registered in the states of New York, Pennsylvania, Maine and Ohio, by issuing a Notice of Fine and Due Date to the offenders following a registered conviction of the offence by the Courts;”.

Permission to Withdraw Motion:

Councillor Hall, with the permission of Council, withdrew her motion (a).

Votes:

Motion (b) by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

Summary:

In summary, City Council amended this Clause by inserting in staff Recommendation (3)

contained in the Recommendations Section of the report (June 19, 2006) from the City Manager, after the words “staff initiate a program”, the words “after meaningful consultation with Tourism Toronto”, so that staff Recommendation (3) now reads as follows:

“(3) if Committee and Council approves the budget request identified in Recommendation (2) above, staff initiate a program after meaningful consultation with Tourism Toronto, to pursue collection of outstanding City of Toronto parking tickets issued to vehicles registered in the states of New York, Pennsylvania, Maine and Ohio, by issuing a Notice of Fine and Due Date to the offenders following a registered conviction of the offence by the Courts;”.

9.109 Economic Development and Parks Committee Report 5, Clause 1, headed “City Initiatives to Advance Design as a Vehicle for Innovation and Economic Development (All Wards)”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

| | |
|-----------------------------------|---|
| Yes - 2 Councillors: | Ford, Minnan-Wong |
| No - 28 Mayor: Councillors: | Miller Ainslie, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Thompson, Walker |

Lost by a majority of 26.

The Clause was adopted, without amendment.

9.110 Etobicoke York Community Council Report 5, Deferred Clause 7a, headed “Final Report - Rezoning Application; Applicant: Cornacchia Planning Services Inc. (Vince Cornacchia) - 2 Fieldway Road (Ward 5 - Etobicoke-Lakeshore)”.

Motions:

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

“That the owner of the property provide the purchaser of each condominium unit with a six-month transit pass.”

- (b) Councillor Minnan-Wong moved that motion (a) by Councillor Moscoe be amended by adding the words “and subsequent to the six-months, the residents in the building be surveyed to see whether they used the pass or not”.

Votes:

Motion (b) by Councillor Minnan-Wong carried.

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

The Clause, as amended, carried.

Summary:

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

“That the owner of the property provide the purchaser of each condominium unit with a six-month transit pass, and subsequent to the six-months, the residents in the building be surveyed to see whether they used the pass or not.”

9.111 Economic Development and Parks Committee Report 5, Clause 3, headed “Major Cultural Organizations - Renewal of Multi-year Agreements (All Wards)”.

Motion:

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

“That the General Manager, Economic Development, Culture and Tourism be requested to report to the Economic Development and Parks Committee on the state of local community arts within the City, with a view to establishing a proportionate balance in the funding for the arts that allows local community arts to flourish.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

9.112 Economic Development and Parks Committee Report 5, Clause 9, headed “Progress Report on Initiatives to Improve the Urban Forest (All Wards)”.

Motions:

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

“That the Chief Planner and Executive Director, City Planning, and the General Manager, Parks, Forestry and Recreation, be requested to develop a working protocol for Committee of Adjustment staff to ensure that the spirit of the policy statement is achieved.”

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

“That the General Manager of Parks, Forestry and Recreation report back to the Economic Development and Parks Committee for its meeting on September 12, 2006, on a plan to audit and evaluate the success of the tree planting program in the City, such audit and evaluation to be initiated and completed in 2007.”

Votes:

Motion (b) by Councillor Minnan-Wong carried.

Motion (a) by Councillor Jenkins carried.

The Clause, as amended, carried.

Summary:

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

“That:

- (1) the Chief Planner and Executive Director, City Planning, and the General Manager, Parks, Forestry and Recreation, be requested to develop a working protocol for Committee of Adjustment staff to ensure that the spirit of the policy statement is achieved; and
- (2) the General Manager of Parks, Forestry and Recreation report back to the Economic Development and Parks Committee for its meeting on September 12, 2006, on a plan to audit and evaluate the success of the tree planting program in the City, such audit and evaluation to be initiated and completed in 2007.”

9.113 North York Community Council Report 6, Clause 30, headed “Request to Conduct Poll for the Speed Hump Plan, under the City of Toronto Traffic Calming Policy - Hillmount Avenue, from Dufferin Street to Capital Avenue (Ward 15 - Eglinton-Lawrence)”.

Motion:

Councillor Moscoe moved that the Clause be amended by adding the following new Operative Paragraph to the Resolution contained in the Clause:

“AND BE IT FURTHER RESOLVED THAT, subject to favourable results of the poll:

- (1) a by-law be prepared for the alteration of sections of the roadway on Hillmount Avenue, from Dufferin Street to Capital Avenue for traffic calming purposes by the installation of speed humps;
- (2) pursuant to the requirements of the *Municipal Class Environmental Assessment Act*, Notice of Completion be issued; and
- (3) the speed limit be reduced to thirty kilometres per hour on Hillmount Avenue, from Dufferin Street to Capital Avenue, coincident with the implementation of speed humps.”

Votes:

Adoption of motion by Councillor Moscoe:

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|--------------|--|
| Yes - 27 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Grimes, Hall, Jenkins, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Silva, Soknacki, Thompson, Walker |
| No - 6 | |
| Councillors: | Del Grande, Ford, Holyday, Kelly, Pitfield, Saundercook |

Carried by a majority of 21.

Adoption of Clause, as amended:

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|--------------|--|
| Yes - 29 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Grimes, Hall, Jenkins, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, |

| |
|---|
| Saundercook, Silva, Soknacki, Thompson, Walker |
| No - 4 Councillors: Del Grande, Ford, Holyday, Kelly |

Carried by a majority of 25.

9.114 Toronto and East York Community Council Report 6, Clause 41, headed “Proposed Installation of Speed Humps - Kilbarry Road, between Forest Hill Road and Oriole Parkway (Ward 22 - St. Paul’s)”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

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|---|
| Yes - 5 Councillors: Del Grande, Ford, Holyday, Kelly, Minnan-Wong |
| No - 28 Mayor: Miller Councillors: Ainslie, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Grimes, Hall, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Thompson, Walker |

Lost by a majority of 23.

The Clause was adopted, without amendment.

9.115 Toronto and East York Community Council Report 6, Clause 42, headed “Evaluation for the Installation of Speed Humps - Redwood Avenue, between Gerrard Street East and Walpole Avenue (Ward 30 - Toronto-Danforth)”.

Motion:

Councillor Fletcher moved that consideration of the Clause be deferred to the next regular meeting of City Council on September 25, 2006.

Votes:

The motion by Councillor Fletcher carried.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

Deputy Mayor Pantalone in the Chair.

9.116 F(1) Funding of Major Strategic Capital Infrastructure Projects

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

Moved by: Councillor Soknacki

Seconded by: Mayor Miller

“WHEREAS a confidential report (June 26, 2006) from the City Manager and the Deputy City Manager and Chief Financial Officer, entitled ‘Interest Rate on Promissory Note of Toronto Hydro Corporation’, was submitted to Council, via a separate Notice of Motion; and

WHEREAS the attached report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer, entitled ‘Funding of Major Strategic Capital Infrastructure Projects’, also deals with the City’s access to the principal value of the Promissory Note of \$980 million; and

WHEREAS Council’s policy for application of the proceeds of the Promissory Note was established in 1999 and does not specifically deal with the principal value of the Promissory Note;

NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the staff recommendations contained in the Recommendations Section of the attached report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer, entitled ‘Funding of Major Strategic Capital Infrastructure Projects’;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be granted authority to take the necessary actions to give effect thereto.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion F(1), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 1, Page 380)

Council also had before it, during consideration with Motion F(1), the following:

- report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer (See Attachment 1, Page 319); and
- communication (July 25, 2006) from Customer Management Services and Revenue Protection, Toronto Hydro Electric System Limited, submitted by Councillor Michael Del Grande, Ward 39, Scarborough-Agincourt, which is on file in the City Clerk's Office.

Motions:

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

“AND BE IT FURTHER RESOLVED THAT, recognizing that the proceeds of the Toronto Hydro Corporation Promissory Note is a transfer to the City of the equity invested by Toronto residents in their former hydro utilities, that 25 percent of the proceeds of the Promissory Note of Toronto Hydro Corporation be set aside in a new reserve account to be set-up, which will reinvest this equity into new City-wide energy-related projects, energy conservation projects, green energy projects and in projects which assist in achieving the goal of Toronto's energy plan.”

- (b) Councillor Walker moved that consideration of Motion F(1) be deferred to the January 2007 meeting of the new City Council and the Deputy City Manager and Chief Financial Officer, together with appropriate staff, be requested to submit any additional information he considers appropriate on major Capital Infrastructure Projects.

Ruling by Deputy Mayor:

Deputy Mayor Pantalone ruled that the vote on motion (b) by Councillor Walker would now be taken as no Member of Council had indicated they wish to speak to the deferral.

Councillor Thompson challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

| | |
|--------------|---|
| Yes - 20 | |
| Councillors: | Ashton, Augimeri, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Holyday, Jenkins, Lindsay Luby, Mihevc, Nunziata, Pantalone, Rae, Silva, Soknacki, Thompson, Watson |
| No - 15 | |
| Councillors: | Ainslie, Del Grande, Feldman, Ford, Grimes, Kelly, Li Preti, Minnan-Wong, Ootes, Palacio, Pitfield, Saundercook, Shiner, Stintz, Walker |

Carried by a majority of 5.

Vote on Deferral:

Adoption of motion (b) by Councillor Walker:

| | |
|--------------|---|
| Yes - 13 | |
| Councillors: | Del Grande, Feldman, Ford, Grimes, Jenkins, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Shiner, Thompson, Walker |
| No - 21 | |
| Councillors: | Ainslie, Ashton, Augimeri, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Holyday, Kelly, Li Preti, Lindsay Luby, Mihevc, Pantalone, Pitfield, Silva, Soknacki, Stintz, Watson |

Lost by a majority of 8.

Motions:

- (c) Councillor Li Preti moved that motion (a) by Councillor Shiner be referred to the Deputy City Manager and Chief Financial Officer for a report to the Policy and Finance Committee.
- (d) Councillor Ootes moved that consideration of Motion F(1) be deferred to the September 18, 2006 meeting of the Policy and Finance Committee, and that the Deputy City Manager and Chief Financial Officer be requested to report to that meeting on the cash flow impact of the interest rate difference between \$980M placed in a reserve account versus the interest rate that the City is paying for the existing debt.

Ruling by Deputy Mayor:

Deputy Mayor Pantalone ruled motion (d) by Councillor Ootes out of order as Council had already voted on a motion to defer Motion F(1).

Councillor Nunziata challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

| | |
|--------------|---|
| Yes - 26 | |
| Councillors: | Ainslie, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, Di Giorgio, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Saundercook, Silva, Soknacki, Thompson, Watson |
| No - 9 | |

| |
|--|
| Councillors: Del Grande, Feldman, Ford, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner |
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Carried by a majority of 17.

Motions:

- (e) Councillor Ootes, with the permission of Council, moved that Motion F(1) be amended by:

- (1) adding to the first Operative Paragraph, the words “subject to referring Recommendation (1) to the Policy and Finance Committee for consideration at its meeting on September 18, 2006”, so that the first Operative Paragraph now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the staff recommendations contained in the Recommendations Section of the attached report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer, entitled ‘Funding of Major Strategic Capital Infrastructure Projects’, subject to referring Recommendation (1) to the Policy and Finance Committee for consideration at its meeting on September 18, 2006;” and

- (2) adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Deputy City Manager and Chief Financial Officer be requested to report to the September 18, 2006 meeting of the Policy and Finance Committee on the cash flow impact of the interest rate difference between the \$980M being placed in a reserve account versus the interest rate that the City is paying for the existing debt.”

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

“AND BE IT FURTHER RESOLVED THAT the Deputy City Manager and Chief Financial Officer be requested to report to the September 18, 2006 meeting of the Policy and Finance Committee, on any provincial funding shortfalls in the TTC 2006-2010 Capital Program for vehicle refurbishments and replacement.”

- (g) Councillor Lindsay Luby moved that Motion F(1) be amended by adding to the first Operative Paragraph, the words “subject to deleting any projects related to the dismantling of the Gardiner Expressway”, so that the first Operative Paragraph now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the staff recommendations contained in the Recommendations Section of the attached report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer, entitled ‘Funding of Major Strategic Capital Infrastructure Projects’, subject to deleting any projects related to the dismantling of the Gardiner Expressway;”.

- (h) Councillor Thompson moved that motion F(1) be amended by amending the first Operative Paragraph so that it now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the staff recommendations contained in the Recommendations Section of the attached report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer, entitled ‘Funding of Major Strategic Capital Infrastructure Projects’, subject to amending Attachment 1, headed ‘Strategic Infrastructure Partnership Reserve Fund Account’, by adding to Part (b) - Statement of Purpose, the words ‘or rail transit elsewhere in the City’, after the words ‘Spadina Subway Extension’, so that Part (b) now reads as follows:

‘(b) Statement of Purpose

- This reserve fund account will be used to fund the City’s major tax-supported strategic infrastructure programs (such as Spadina Subway Extension or rail transit elsewhere in the City, and Waterfront Redevelopment), in partnership with other orders of governments, and major strategic tax-supported environmental capital projects with external funding partners;’.”

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

“AND BE IT FURTHER RESOLVED THAT the Deputy City Manager and Chief Financial Officer be requested to report to the Policy and Finance Committee providing a list of Capital Projects City-wide that would meet the criteria in Attachment 1 to the report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer.”

Votes:

Adoption of motion (c) by Councillor Li Preti:

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

Carried by a majority of 23.

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

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

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

Lost by a majority of 8.

Part (2) of motion (e) by Councillor Ootes carried.

Adoption of motion (g) by Councillor Lindsay Luby:

| | |
|--------------|--|
| Yes - 21 | |
| Councillors: | Ainslie, Cho, Davis, Del Grande, Di Giorgio, Feldman, Ford, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 20 | |
| Mayor: | Miller |
| Councillors: | Ashton, Augimeri, Bussin, Carroll, Cowbourne, De Baeremaeker, Filion, Fletcher, Giambrone, Grimes, Mihevc, Milczyn, Minnan-Wong, Moscoe, Palacio, Pantalone, Rae, Saundercook, Silva |

Carried by a majority of 1.

Adoption of motion (h) by Councillor Thompson:

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|--------------|--|
| Yes - 38 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Augimeri, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 3 | |
| Councillors: | Bussin, Davis, Rae |

Carried by a majority of 35.

Motion (f) by Councillor Ashton carried.

Adoption of motion (i) by Councillor Nunziata:

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

Carried by a majority of 31.

Adoption of Motion F(1), as amended:

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|--------------|---|
| Yes - 35 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Holyday, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Stintz, Thompson, Watson |
| No - 6 | |
| Councillors: | Del Grande, Ford, Jenkins, Minnan-Wong, Shiner, Walker |

Carried by a majority of 29.

Summary:

Council amended this Motion by:

- (1) amending the first Operative Paragraph so that it now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the staff recommendations contained in the Recommendations Section of the attached report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer, entitled ‘Funding of Major Strategic Capital Infrastructure Projects’, subject to:

- (i) deleting any projects related to the dismantling of the Gardiner Expressway; and
- (ii) amending Attachment 1, headed ‘Strategic Infrastructure Partnership Reserve Fund Account’, by adding to Part (b) - Statement of Purpose, the words ‘or rail transit elsewhere in the City’, after the words ‘Spadina Subway Extension’, so that Part (b) now reads as follows:

‘(b) Statement of Purpose

- This reserve fund account will be used to fund the City’s major tax-supported strategic infrastructure programs (such as Spadina Subway Extension or rail transit elsewhere in the City, and Waterfront Redevelopment), in partnership with other orders of governments, and major strategic tax-supported environmental capital projects with external funding partners;’ ”; and

- (2) adding the following new Operative Paragraphs:

“AND BE IT FURTHER RESOLVED THAT the Deputy City Manager and Chief Financial Officer be requested to:

- (a) report to the September 18, 2006 meeting of the Policy and Finance Committee, on:
 - (i) the cash flow impact of the interest rate difference between the \$980M being placed in a reserve account versus the interest rate that the City is paying for the existing debt; and
 - (ii) any provincial funding shortfalls in the TTC 2006-2010 Capital Program for vehicle refurbishments and replacement; and
- (b) report to the Policy and Finance Committee providing a list of Capital Projects City-wide that would meet the criteria in Attachment 1 to the report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer;

AND BE IT FURTHER RESOLVED THAT the following motion be referred to the Deputy City Manager and Chief Financial Officer for a report to the Policy and Finance Committee:

Moved by Councillor Shiner:

‘That Motion F(1) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT, recognizing that the proceeds of the Toronto Hydro Corporation Promissory Note is a transfer to the City of the equity invested by Toronto residents in their former hydro utilities, that 25 percent of the proceeds of the Promissory Note of Toronto Hydro Corporation be set aside in a new reserve account to be set-up, which will reinvest this equity into new City-wide energy-related projects, energy conservation projects, green energy projects and in projects which assist in achieving the goal of Toronto’s energy plan.” ’ ”

In adopting Motion F(1), as amended, Council adopted, as amended, the following staff recommendations contained in the Recommendations Section of the report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer:

“It is recommended that:

- (1) one time proceeds from the divestiture of the City's investment in the Toronto Hydro Corporation Promissory Note be contributed to a reserve fund account solely to offset capital costs associated with major tax-supported strategic infrastructure projects funded in partnership with other orders of governments and major strategic tax-supported environmental projects undertaken with external financial partners;
- (2) Council establish a reserve fund account called the 'Strategic Infrastructure Partnership Reserve Fund Account', within the Corporate Discretionary Reserve Fund, to fund the City's major tax-supported strategic infrastructure projects in partnership with other orders of governments and major tax-supported environmental projects undertaken with external financial partners as specified in Attachment 1, subject to amending such Attachment by adding to Part (b) - Statement of Purpose, the words 'or rail transit elsewhere in the City', after the words 'Spadina Subway Extension', so that Part (b) now reads as follows:

'(b) Statement of Purpose

- This reserve fund account will be used to fund the City's major tax-supported strategic infrastructure programs (such as Spadina Subway Extension or rail transit elsewhere in the City, and Waterfront Redevelopment), in partnership with other orders of governments, and major strategic tax-supported environmental capital projects with external funding partners;';
- (3) Municipal Code Chapter 227 (Administration of Reserves and Reserve Funds) be amended by adding the 'Strategic Infrastructure Partnership Reserve Fund Account' to Schedule '3' – Corporate Discretionary Reserve Fund; and
 - (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, and that leave be granted for the introduction of any necessary bills in Council to give effect thereto,

subject to deleting any projects related to the dismantling of the Gardiner Expressway."

Mayor Miller in the Chair.

9.117 I(1) **Investigation by the Integrity Commissioner into the actions and conduct of the Chair of the TTC before, during and after the illegal wildcat strike on May 29th, including the discussions that took place with the Transit Union**

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

Moved by: Councillor Stintz

Seconded by: Councillor Del Grande

“WHEREAS the Amalgamated Transit Union Local 113 performed an illegal wildcat strike on May 29, 2006, shutting down the entire Toronto Transit Commission system; and

WHEREAS over 700,000 TTC riders were impacted by the illegal strike; and

WHEREAS thousands of commuters were stranded at bus stops throughout the City waiting for a bus that never arrived; and

WHEREAS no prior notice or advance warning was given to the millions of commuters that were affected by this illegal strike; and

WHEREAS the illegal strike resulted in millions of dollars in lost productivity; and

WHEREAS Torontonians have lost confidence in the TTC, as a result of the illegal strike; and

WHEREAS Chief General Manager Rick Ducharme resigned on June 6, 2006, citing political interference by the Chair of the Toronto Transit Commission; and

WHEREAS several Councillors were barred from a TTC meeting on June 7, 2006, during a discussion about the allegations of political interference and the resignation of the Chief General Manager; and

WHEREAS several members of the Mayor’s staff were privy to the discussions that took place during the June 7, 2006 TTC meeting; and

WHEREAS the Chief General Manager has publicly revealed that a secret meeting had taken place between the TTC Union Executive and the Chair of the TTC, regarding the collective bargaining agreement; and

WHEREAS it is not clear how the Chair of the TTC was involved in the illegal strike and what was negotiated during private meetings with Transit Union Executives; and

WHEREAS the illegal wildcat strike and the weekly threats of more illegal job action

by the Transit Union, combined with the allegations of political interference are serious and require a full and comprehensive investigation, in order to restore confidence in the system; and

WHEREAS the Integrity Commissioner plays a crucial role in maintaining the public's confidence in City Hall and in ensuring that the Code of Conduct for Members of Council is objectively communicated and applied; and

WHEREAS the Code of Conduct for Members of Council, Section XII states that the Code 'also applies in spirit and intent subject to any necessary (legal) modification, to appointees of Council and to other representatives who serve on City agencies, boards, commissions and other bodies';

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council direct the Integrity Commissioner to investigate the actions and conduct of the Chair of the TTC before, during and after the illegal wildcat strike on May 29, 2006, including the discussions that took place with the Transit Union;

AND BE IT FURTHER RESOLVED THAT the Integrity Commissioner's report be open to the public and released at a future City Council meeting."

Advice by Mayor:

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion I(1), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Procedural Vote:

The vote to waive referral of Motion I(1) to the Policy and Finance Committee was taken as follows:

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

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

Disposition:

Motion I(1) was referred to the Policy and Finance Committee.

9.118 **I(2) Sole Source Negotiation with Bombardier Inc. for the Purchase of TTC Subway Cars**

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

Moved by: Councillor Minnan-Wong

Seconded by: Councillor Stintz

“WHEREAS the Toronto Transit Commission (TTC) adopted a Resolution to enter into a sole source negotiation with Bombardier Inc. for the purchase of subway cars; and

WHEREAS the potential cost of the subway cars could exceed \$700,000,000.00 and, when combined with a service agreement, the cost of this contract over the life of the subway cars could exceed \$1 billion; and

WHEREAS the former Chief General Manager of the TTC recommended that this contract be put out for competitive bids; and

WHEREAS competitive bids are recognized as the best process for ensuring the best proposal, the best product and the best price; and

WHEREAS a competitive bid promotes an open and transparent process and builds confidence in the public that their tax dollars are being used wisely; and

WHEREAS the current closed process gives Bombardier an unfair advantage; and

WHEREAS the former Chief General Manager has indicated that the process of purchasing the subway cars has been a ‘fiasco’ and has resulted in political interference; and

WHEREAS the Canadian Auto Workers (CAW) has lobbied aggressively to make sure that Bombardier wins this sole source contract; and

WHEREAS it appears from all facts and circumstances that closed-door, ‘backroom deals’ have been made to secure this contract for Bombardier and the CAW; and

WHEREAS any sole source contract process has been tainted by political interference and it is no longer possible for the public to have confidence in the award of a contract to Bombardier Inc.; and

WHEREAS the new *City of Toronto Act* allows Council to set policy and operational direction for the TTC;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto request the TTC to end negotiations with Bombardier Inc. for the purchase of subway cars;

AND BE IT FURTHER RESOLVED THAT the City of Toronto request the TTC to enter into a competitive bidding process for the replacement of its subway cars;

AND BE IT FURTHER RESOLVED THAT, if the TTC refuses to follow measures that will protect the integrity of the City by opening up the purchase of subway cars for competitive bid, this matter be referred to the Budget Advisory Committee to consider the amount it funds the TTC and its accountability to the taxpayers and the commuters in the City of Toronto.”

Advice by Mayor:

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion I(2), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Council also had before it, for consideration with Motion I(2), the following, which are on file in the City Clerk’s Office:

- (1) 177 communications submitted by Councillor Moscoe, Ward 15, Eglinton-Lawrence;
- (2) (June 28, 2006) News Release from Councillor Denzil Minnan-Wong, Ward 34, Don Valley East, and Councillor Karen Stintz, Ward 16, Eglinton-Lawrence, submitted by Councillor Stintz;
- (3) Petition containing approximately 2,633 form letters and a separate document containing 38 signatures regarding the sole source negotiation with Bombardier Inc. for the purchase of TTC subway cars, submitted by Councillor Moscoe, Ward 15, Eglinton-Lawrence;
- (4) 118 communications signed by residents of Thunder Bay and submitted by Bombardier Inc., Thunder Bay; and
- (5) 143 communications signed by residents of Thunder Bay and Northwestern Ontario and submitted by Mayor Lynn Peterson, City of Thunder Bay.

Procedural Vote:

The vote to waive referral of Motion I(2) to the Policy and Finance Committee was taken as follows:

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|--------------|--|
| Yes - 22 | |
| Councillors: | Ashton, Barron, Cho, Del Grande, Feldman, Ford, Holyday, Jenkins, Kelly, Li Preti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 18 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Fillion, Giambrone, Hall, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Pantalone, Rae, Silva |

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

Disposition:

Motion I(2) was referred to the Policy and Finance Committee.

9.119 I(3) Request of the Auditor General to Investigate TTC Sole Source Contract to Bombardier for Purchase of New Subway Cars

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

Moved by: Councillor Walker

Seconded by: Councillor Thompson

“**WHEREAS** the Toronto Transit Commission (TTC) is advancing the signing of a sole source contract with Bombardier for the acquisition of 234 new subway cars in 6-car configuration; and

WHEREAS the sole source contract with Bombardier is to be signed in October 2006; and

WHEREAS Bombardier provided the TTC with a quote of \$705 million to fulfil its contract for 234 new subway cars; and

WHEREAS another company, Siemens, has provided an estimate of \$535 million to fulfil the same contract; and

WHEREAS it is City Council’s policy and fiduciary responsibility to put any contract out for public tender if the purchase can be acquired from more than one company; and

WHEREAS Bombardier is not the only company that has operations in Ontario; and

WHEREAS Bombardier is not the only company that has unionized employees; and

WHEREAS recently, Siemens beat Bombardier in a competitive bid for a contract to retrofit the propulsion system of TTC streetcars and also won the competitive bid to provide Ottawa’s \$1.1 Billion ring-road system; and

WHEREAS there is not a provincial requirement that forces the City or the TTC to purchase transit cars from Bombardier, as has been stated by the TTC and the Mayor; and

WHEREAS the City’s purchasing policy does not favour unionized over non-unionized companies; and

WHEREAS the necessary justifications have not been made to rationalize a sole sourcing of this contract worth over \$700 million;

NOW THEREFORE BE IT RESOLVED THAT City Council direct the Auditor General to immediately complete an audit/full investigation of the Toronto Transit Commission’s sole source contract to be awarded to Bombardier for the acquisition of new subway cars.”

Advice by Mayor:

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion I(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 374)

Procedural Vote:

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

| | |
|-----------------------------------|---|
| Yes - 20 Councillors: | Ashton, Cho, Del Grande, Feldman, Ford, Holyday, Jenkins, Kelly, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 20 Mayor: Councillors: | Miller Ainslie, Augimeri, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Filion, Giambrone, Hall, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Pantalone, Rae, Silva |

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

Disposition:

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

9.120 **I(4) Involvement of Elected Officials in Negotiations for Procurement of Subway Cars**

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

Moved by: Councillor Ootes

Seconded by: Councillor Stintz

“WHEREAS the Ethics and Integrity of the City of Toronto government were

important issues in the 2003 Municipal election; and

WHEREAS the Mayor and many Members of Council were elected on a mandate to reform the City of Toronto government; and

WHEREAS Madame Justice Denise E. Bellamy was in the midst of the MFP/Toronto Computer Leasing Inquiry – Toronto External Contacts Inquiry at the time of the Municipal election; and

WHEREAS Justice Bellamy wrote almost one year ago, ‘With this report, I pass a Torch to the Mayor and Toronto City Council. The job they gave me to do is done. The physical product of the work, my report, now belongs to them and, through them, to the people of Toronto.’; and

WHEREAS Justice Bellamy made recommendations on reform of the Procurement Process for the City of Toronto; and

WHEREAS in order for City Council to show the people of Toronto that it supports the work and recommendations of the report, Council must act when actions are taken that are contrary to Justice Bellamy’s recommendations; and

WHEREAS Recommendation (130) reads: ‘Councillors should separate themselves from the procurement process. They should have no involvement whatsoever in specific procurements. They have the strongest ethical obligation to refrain from seeking to be involved in any way.’; and

WHEREAS Councillor Moscoe, as Chair of the Toronto Transit Commission, has admitted that he was directly involved in negotiating a ‘sole source’ purchase agreement with Bombardier for the upcoming purchase of new subway cars; and

WHEREAS City Council must show the people of Toronto that actions such as these are no longer acceptable;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) the Council of the City of Toronto state that it does not support the involvement of elected officials in the negotiations for the procurement of subway cars on behalf of the TTC; and
- (2) the Council of the City of Toronto request the Toronto Transit Commission to remove Councillor Moscoe as Chair of the TTC, due to his inappropriate involvement in the negotiations for the purchase of subway cars, to reflect the wishes of the citizens of Toronto for a more transparent government, free of the potential for political interference in the procurement of goods or services by the City and its Agencies, Boards and Commissions.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion I(4) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, for consideration with Motion I(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 374)

Procedural Vote:

The vote to waive referral of Motion I(4) to the Policy and Finance Committee was taken as follows:

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

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

Disposition:

Motion I(4) was referred to the Policy and Finance Committee.

9.121 I(5) Factual Content of Motions Directed at a Member of Council

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

Moved by: Councillor Mihevc

Seconded by: Councillor Di Giorgio

“WHEREAS Notice of Motion J(1) was filed for Council’s consideration at its

meeting of June 27, 2006; and

WHEREAS the Recitals are replete with factual inaccuracies, malicious innuendo, half-truths and outright misinformation; and

WHEREAS the obvious intention of the Notice of Motion is to smear the reputation of another Member of Council; and

WHEREAS, even though the law grants some qualified protection to Members of Council from false and libellous statements that are made during Council meetings, there is an obligation to observe some modicum of respect for, at least, the office; and

WHEREAS, even in politics, there are, or ought to be, some ethical standards;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor and the City Clerk report to Council, through the Policy and Finance Committee, on possible amendments to Chapter 27 of the City of Toronto Municipal Code, Council Procedures, that might be necessary to ensure that Recitals in Notices of Motion of this nature are truthful;

AND BE IT FURTHER RESOLVED THAT the City Solicitor and City Clerk recommend to City Council a procedure for the City Clerk to be able to refuse the wording of a Notice of Motion in which the obvious intent is to harm the reputation of another Member of Council.”

Advice by Mayor:

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion I(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 374)

Procedural Vote:

The vote to waive referral of Motion I(5) to the Policy and Finance Committee was taken as follows:

| | |
|--------------|--|
| Yes - 18 | |
| Councillors: | Augimeri, Bussin, Carroll, Cho, Cowbourne, Di Giorgio, Feldman, Giambrone, Holyday, Mammoliti, |

| | |
|--------------|--|
| | Minnan-Wong, Ootes, Palacio, Pitfield, Rae, Saundercook, Stintz, Thompson |
| No - 23 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Barron, Davis, De Baeremaeker, Del Grande, Fillion, Ford, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Pantalone, Silva, Soknacki, Walker, Watson |

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

Disposition:

Motion I(5) was referred to the Policy and Finance Committee.

9.122 **J(1) Objections to an Article Published in The Toronto Star**

Councillor Li Preti, with the permission of Council, withdrew the following Motion:

Moved by: Councillor Li Preti

Seconded by: Councillor Nunziata

“WHEREAS the Toronto Star published an article on July 9, 2006, regarding the World Cup; and

WHEREAS the title page ‘Fregna and football by the seashore’ and the full article make references to fregna, a very vulgar Italian language expression and associate it to football; and

WHEREAS the title and the full article are full of crude and demeaning attributes to all women but particularly to women of Italian background; and

WHEREAS the Toronto Star has refused to apologize to the Italian community for such a demeaning article, despite a public protest;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council convey its full disapproval for the unfortunate uses of such coarse and vulgar language and express its objections to the Toronto Star.”

Fiscal Impact Statement:

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

Summary, Page 374)

9.123 **J(2) Proposal for Leash-Free Park Area Pilot Projects**

Mayor Miller, with the permission of Council, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion, moved by Councillor Fletcher and seconded by Councillor Lindsay Luby, and in the absence of Councillor Fletcher, moved by Mayor Miller and seconded by Councillor Lindsay Luby:

Moved by: Mayor Miller

Seconded by: Councillor Lindsay Luby

“**WHEREAS** the City of Toronto is moving forward with the development of a Dogs in Parks strategy; and

WHEREAS there are currently 32 leash-free zones within the City’s 1,463 parks and an approximate dog population of 150,000; and

WHEREAS many dog owners have already begun to follow the process for establishing leash free areas, as outlined by Animal Services, which requires that residents form a group with a minimum of 15 members to organize park clean-ups and provide responsible pet ownership education amongst other things; and

WHEREAS it is important to continue the consultation process regarding the establishment of an application process for leash-free areas in Toronto Parks; and

WHEREAS there would be value in assessing the proposed system in practice;

NOW THEREFORE BE IT RESOLVED THAT a pilot project for the proposed application process for leash-free zones be permitted in Ward 30, at a location to be determined by the Councillor, in conjunction with City officials;

AND BE IT FURTHER RESOLVED THAT this pilot project be consistent with the timelines for the proposed Dogs in Parks Strategy and evaluated during the community consultation process.”

the vote upon which was taken as follows:

| | |
|--------------|--|
| Yes - 13 | |
| Mayor: | Miller |
| Councillors: | Ashton, De Baeremaeker, Fillion, Jenkins, Kelly, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Walker |
| No - 28 | |

| | |
|--------------|--|
| Councillors: | Ainslie, Augimeri, Barron, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Ford, Giambrone, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Ootes, Pitfield, Rae, Saundercook, Silva, Soknacki, Stintz, Thompson, Watson |
|--------------|--|

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(2), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 2, Page 381)

Council also had before it, for consideration with Motion J(2), a communication (July 25, 2006) from Lynda Elmy, Communications Manager, Toronto Humane Society, which is on file in the City Clerk's Office.

Motion to Re-Open:

Councillor Lindsay Luby, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, the vote to waive the notice requirements for Notice of Motion J(2) be re-opened for further consideration, the vote upon which was taken as follows:

| | |
|--------------|--|
| Yes - 19 | |
| Mayor: | Miller |
| Councillors: | Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Hall, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Walker |
| No - 20 | |
| Councillors: | Ainslie, Augimeri, Barron, Bussin, Del Grande, Di Giorgio, Feldman, Ford, Holyday, Jenkins, Li Preti, Minnan-Wong, Pitfield, Rae, Saundercook, Silva, Soknacki, Stintz, Thompson, Watson |

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

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on September 25, 2006.

9.124 J(3) Immediate Relief for Property Tax Reassessment Appeals

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

Moved by: Mayor Miller

Seconded by: Councillor Davis

“WHEREAS the provincial government announced on June 29, 2006, that there would be a freeze on Property Tax Reassessments for the 2007 and 2008 tax years; and

WHEREAS City Council endorsed the 22 Recommendations made by the Ombudsman of Ontario in his report outlining the flaws in the property assessment and appeals process; and

WHEREAS Recommendation 21 of the Ombudsman’s report suggesting that the onus in assessment appeals be placed on the Municipal Property Assessment Corporation (MPAC) is being explored by the provincial government; and

WHEREAS complaints and inquiries regarding property tax assessments and other aspects of MPAC comprised 23 percent of the complaints received by the Ombudsman in 2005; and

WHEREAS over 643,000 Assessment Notices were mailed to properties in the City of Toronto for the 2006 tax year; and

WHEREAS according to MPAC, 13,000 ‘Requests for Reconsideration’ had been filed in the City of Toronto as of February 3, 2006; and

WHEREAS the deadline for appeals to the Assessment Review Board (ARB) was extended to June 30, 2006, in recognition of the volume of complaints resulting from the flawed reassessment process; and

WHEREAS adjustments were recommended for only 3,250 of the 13,000 ‘Requests for Reconsideration’, rendering the remainder eligible for appeal to the Assessment Review Board (ARB); and

WHEREAS thousands of residents will not be able to file an appeal with the ARB until the 2009 tax season;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council urge the provincial government to immediately extend the deadline for submission of appeals to the Assessment Review Board (ARB) for a 90-day period;

AND BE IT FURTHER RESOLVED THAT the Assessment Monitoring Group be directed to review and examine the progress of appeals reform within the Municipal Property Assessment Corporation (MPAC) and the harmonization of assessment criteria between MPAC and the ARB.”

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(3), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 3, Page 382)

Procedural Vote:

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

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

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

Motion:

Councillor Soknacki moved that Motion J(3) be amended by deleting from the first Operative Paragraph, the words “for a 90-day period”, and replacing them with the words “until September 30, 2006”, so that the first Operative Paragraph now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT Toronto City Council urge the provincial government to immediately extend the deadline for submission of appeals to the Assessment Review Board (ARB) until September 30, 2006;”.

Votes:

The motion by Councillor Soknacki carried.

Motion J(3), as amended, carried.

Motion to Re-Open:

Councillor Walker, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(3) be re-opened in order to allow him to be included in the vote, the vote upon which was taken as follows:

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

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

9.125 **J(4) Request of the Province of Ontario to Declare Transit Service in Toronto an Essential Service**

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

Moved by: Councillor Palacio

Seconded by: Councillor Lindsay Luby

“WHEREAS the Toronto Transit Commission (TTC) should seek to have transit service in Toronto declared an essential service; and

WHEREAS as required under the *Act* for the declaration of an essential service, a

stoppage in TTC service does create a ‘danger to life, health or safety’ and ‘serious environmental damage’; and

WHEREAS the Toronto Transit Commission carries over 1.3 million passengers daily, including 80 percent of transit trips in the Greater Toronto Area, and is the hub of the Greater Toronto Area (GTA) inter-regional transit network; and

WHEREAS one subway line in Toronto takes 53,000 automobiles per hour off the road during rush hour, and the TTC carries the equivalent of 365 million automotive trips annually, helping to reduce greenhouse gas emissions by more than 8 megatonnes per year; and

WHEREAS hundreds of thousands of Torontonians rely on the TTC to get to work, to school and to conduct their lives each day, and the City of Toronto is simply not designed to function without an operating public transit system; and

WHEREAS Wheeltrans is the only means of transportation for many of Toronto’s elderly and physically disadvantaged residents; and

WHEREAS it is estimated that any transit stoppage costs the City of Toronto economy upwards of \$10 million in lost economic activity and excessive inconvenience for hundreds of thousands of Torontonians; and

WHEREAS the reliability of transit service has consistently been cited as the primary factor in a potential rider’s decision whether or not to take the TTC, which any type of work stoppage completely undermines; and

WHEREAS there was a crippling two-day TTC strike in 1999, and an eight day strike in 1991, and further labour disruptions have been threatened in 2006; and

WHEREAS other essential services, nonetheless, have a very strong bargaining position and typically secure very favourable agreements through arbitration and mediation; and

WHEREAS Toronto is the only municipality that has a public transit service of such magnitude which entails significant ramifications for the public;

NOW THEREFORE BE IT RESOLVED THAT as an urgent matter of public health and safety, Toronto City Council request that the provincial government introduce legislation deeming public transit service in the City of Toronto an essential service.”,

the vote upon which was taken as follows:

| |
|----------|
| Yes - 20 |
|----------|

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

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(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 374)

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on September 25, 2006.

9.126 J(5) Issuance of Debentures

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

Moved by: Mayor Miller

Seconded by: Councillor Soknacki

“WHEREAS at its meeting held on February 2, 2006, City Council adopted By-law No. 83-2006, being a by-law to authorize agreements respecting the issue and sale of debentures; and

WHEREAS, pursuant to By-law No. 83-2006, the Mayor and the Deputy City Manager and Chief Financial Officer, acting in his capacity as Treasurer appointed under the *Municipal Act, 2001* (the ‘Treasurer’), are authorized to enter into an agreement or agreements with a purchaser or purchasers during the year for the sale and issue of debentures upon such terms and conditions, including price or prices as

they deem expedient, to provide an amount not exceeding \$550,000,000.00 for the purposes of the City of Toronto, including the purposes of the former Municipality of Metropolitan Toronto; and

WHEREAS the Mayor and Treasurer have entered into an agreement dated July 11, 2006, for the issue and sale of debentures and the Treasurer is required to report the terms of the agreement to Council not later than the second regular Council meeting following the entering into of such agreement; and

WHEREAS the *City of Toronto Act, 1997 (No. 2)*, subsection 102(6), requires Council to pass all necessary money by-laws in accordance with the said agreement and applicable legislation;

NOW THEREFORE BE IT RESOLVED THAT Council consider the report (July 17, 2006) from Deputy City Manager and Chief Financial Officer, and that the recommendations contained in the Recommendations Section of the report be adopted.”

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(5), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Council also had before it, during consideration of Motion J(5), a report (July 17, 2006) from the Deputy City Manager and Chief Financial Officer (See Attachment 2, Page 324).

Procedural Vote:

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

Vote:

Motion J(5) was adopted, without amendment.

Summary:

In adopting Motion J(5), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (July 17, 2006) from the Deputy City Manager and Chief Financial Officer:

“It is recommended that:

- (1) authority be granted for the introduction of the necessary Bills in Council on July 25, 2006, to give effect to the issuance of debentures as described in this report; and
- (2) the appropriate officials be authorized to take the necessary actions to give effect thereto.”

9.127 **J(6) Designation Under Part V of the *Ontario Heritage Act* – Lyall Avenue Heritage Conservation District (Ward 32 – Beaches-East York)**

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

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Rae

“**WHEREAS** City Council, on June 27, 28 and 29, 2006, adopted, without amendment, Toronto and East York Community Council Report 5, Clause 3, headed, titled ‘Designation under Part V of the *Ontario Heritage Act* - Lyall Avenue Heritage Conservation District’; and

WHEREAS Recommendation (1) of report (April 26, 2006) from the Director, Policy and Research, City Planning Division contained in the Clause recommended that:

- ‘(1) in accordance with Section 41 of the *Ontario Heritage Act*, Council designate by By-law the area shown on Attachment No. 1 as the Lyall Avenue Heritage Conservation District;’; and

WHEREAS, inadvertently, the incorrect map was included in the Clause as Attachment 1 which resulted in Council directing that the incorrect area be designated by by-law; and

WHEREAS the correct map is now attached; and

WHEREAS, the bill to enact the by-law to designate the area of the Lyall Avenue Heritage Conservation District will be introduced into Council for this meeting;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto and East York Community Council Report 5, Clause 3, headed ‘Designation under Part V of the *Ontario Heritage Act* – Lyall Avenue Heritage Conservation District (Ward 32 - Beaches-East York)’, be re-opened for further consideration, only as it relates to Recommendation (1);

AND BE IT FURTHER RESOLVED THAT Council adopt the following revised Recommendation (1):

- ‘(1) in accordance with Section 41 of the *Ontario Heritage Act*, Council designate by By-law the area shown on the attached Map as the Lyall Avenue Heritage Conservation District;’.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(6), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Council also had before it, during consideration of Motion J(6), a Schedule A, headed “Lyall Avenue Heritage Conservation District Boundary, Attachment 1” (See Attachment 3, Page 326).

Vote to Re-open:

The first Operative Paragraph contained in Motion J(6) carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

The balance of Motion J(6) was adopted, without amendment.

9.128 **J(7) Appointment to the Board of Directors of the Hummingbird Centre for the Performing Arts**

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

Moved by: Councillor Lindsay Luby

Seconded by: Councillor Moscoe

“**WHEREAS** the Board of Directors of the Hummingbird Centre for the Performing Arts has received the resignation from Mr. Fred Sorkin, a community representative on the Board; and

WHEREAS Council, in adopting Consolidated Clause 22a in Report 2 of the Policy and Finance Committee on April 15 and 16, 2004, among other things, approved a nomination process for appointments of citizens to the Board of Directors of the Hummingbird Centre for the Performing Arts; and

WHEREAS the citizen nomination process approved by Council is currently in progress; and

WHEREAS the resignation of Mr. Sorkin has been submitted before the nomination process has been completed and the vacancy will result in problems for the Board in meeting its quorum requirements; and

WHEREAS the Nominating Panel for the Hummingbird Centre for the Performing Arts Board of Directors established in accordance with Council’s nomination process for citizen appointments has reviewed the application of the individual identified in the attached confidential communication (July 14, 2006) from the Board of Directors, and confirms that the individual meets the nomination criteria established by City Council and additional criteria requested by the Board; and

WHEREAS it is a matter of urgency that the vacancy be filled;

NOW THEREFORE BE IT RESOLVED THAT Council appoint the individual identified in the attached confidential communication (July 14, 2006) from the Board of Directors, as a community representative on the Board of Directors of the Hummingbird Centre for the Performing Arts to replace Mr. Fred Sorkin for the remainder of the term of office expiring November 30, 2006, or until his successor is appointed, or until the new Board can stand in place of the old Board on the date a lease of the Centre between the City and the Hummingbird Performing Arts Centre Corporation comes into force, as provided for in the *Hummingbird Performing Arts Centre Corporation Act, 1998*;

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(7) to the Economic Development and Parks

Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(7), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer.

Council also had before it, during consideration of Motion J(7), a confidential communication (July 14, 2006) from the Board of Directors, Hummingbird Centre for the Performing Arts.

Procedural Vote:

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

Vote:

Motion J(7) was adopted, without amendment.

Summary:

In adopting Motion J(7), without amendment, Council appointed Lewis T. Reford to the Board of Directors of the Hummingbird Centre for the Performing Arts, to replace Mr. Fred Sorkin for the remainder of the term of office expiring November 30, 2006, or until his successor is appointed, or until the new Board can stand in place of the old Board on the date a lease of the Centre between the City and the Hummingbird Performing Arts Centre Corporation comes into force, as provided for in the *Hummingbird Performing Arts Centre Corporation Act, 1998*.

The confidential communication (July 14, 2006) from the Board of Directors, Hummingbird Centre for the Performing Arts is now public, with the exception of the attachment, which remains confidential in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about an identifiable individual (See Attachment 4, Page 327).

9.129 J(8) Establishment of a Property Assessment Reform Task-Force (PART)

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

Moved by: Councillor Walker

Seconded by: Councillor Stintz

“WHEREAS, in 1998, the Province of Ontario imposed the unfair system of Current Value Assessment (CVA) on all City of Toronto properties; and

WHEREAS since 1998, Current Value Assessment has produced steady and steep reassessment and tax increases in nearly half of all City Wards in the City of Toronto; and

WHEREAS a basic principle of any tax system, especially a municipal tax system, is that it be fair, logical, predictable and stable; and

WHEREAS municipal property tax should relate more to municipal services consumed than to the market desirability of the assessed property's location; and

WHEREAS, in many cases, residents are paying more taxes and receiving less service; and

WHEREAS it is City Council's basic and moral responsibility to calculate taxes fairly; and

WHEREAS there has been a near total lack of focus on this issue here at City Hall for the last seven years, while the volatility and unfairness of CVA continues unchecked; and

WHEREAS City Council needs to effectively communicate to the Province the need and desire to control its system of property tax assessment, in order to have autonomy over its most fundamental revenue tool; and

WHEREAS the Ontario Ombudsman's scathing criticism of the Municipal Property Assessment Corporation (MPAC) offers both the City of Toronto and the Province of Ontario a renewed opportunity to reform the present volatile and malignant municipal tax system;

NOW THEREFORE BE IT RESOLVED THAT City Council immediately establish, in accordance to the terms of reference appended to this motion, a 'Property Assessment Reform Task Force (acronym = PART)' to deal with reform of the property assessment system by investigating other property assessment systems in use in other provinces and other countries to create new options for property assessment systems that may be used by the City of Toronto to collect municipal property taxes in a more fair, equitable, predictable and affordable manner, and that such Task Force will lobby the provincial government for Property Tax Assessment Reform, and that the attached terms of reference be approved.”,

the vote upon which was taken as follows:

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|--|
| Yes - 17 |
| Councillors: Augimeri, Feldman, Filion, Fletcher, Jenkins, Li Preti, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, |

| | |
|--|---|
| Pitfield, Rae, Saundercook, Stintz, Walker, Watson | |
| No - 25 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Barron, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Ford, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Pantalone, Silva, Soknacki, Thompson |

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(8), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 4, Page 383)

Council also had before it, for consideration with Motion J(8), the following documents:

- Terms of Reference - Establishment of Task Force: Property Assessment Reform Task-Force (PART) (See Attachment 5, Page 328); and
- communication (July 26, 2006) from the City Clerk (See Attachment 6, Page 329).

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on September 25, 2006.

9.130 J(9) Maintenance of Trees - Request for Report

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

Moved by: Councillor Ootes

Seconded by: Councillor Ashton

“WHEREAS City Council approved a Tree Advocacy Planting Program for Toronto in 2000; and

WHEREAS the program seeks to leave a legacy of trees for future generations by initiating tree planting along City streets, arterial roads, in neighbourhood parks and in ravines; and

WHEREAS the Tree Advocacy Planting Program has planted over 400,000 trees, shrubs and herbaceous plants at over 300 locations across the City; and

WHEREAS in 2006, the Program will plant over 28,000 trees and shrubs; and

WHEREAS in 2006, Urban Forestry will plant about 13,000 large trees and 40,000 smaller trees and shrubs, through all planting programs, including the Tree Advocacy Planting Program; and

WHEREAS the annual budget for the Tree Advocacy Planting Program is \$1 million, plus monies raised through fundraising of between \$150,000.00 - \$250,000.00; and

WHEREAS a number of these trees do not survive and/or thrive, due to lack of watering and proper care; and

WHEREAS if we are to make major investments to increase our tree canopy, we must ensure that the appropriate maintenance is carried out;

NOW THEREFORE BE IT RESOLVED THAT the General Manager, Parks, Forestry and Recreation, in consultation with the City's Tree Advocate, prepare a report for the next Economic Development and Parks Committee meeting, to be held on September 12, 2006, such report to include information on the criteria and follow-up that governs how the trees and shrubs are maintained and monitored, to ensure their vitality and growth;

AND BE IT FURTHER RESOLVED THAT the report include the number of trees and shrubs that have died, the number that have been removed, and the number that have been replaced.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(9) to the Economic Development and Parks Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(9), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Procedural Vote:

The vote to waive referral of Motion J(9) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(9) was adopted, without amendment.

9.131 **J(10) Amendment to Existing Outdoor Café Permit - 484 Danforth Avenue (Alexandros Take-Out)**

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

Moved by: Councillor Ootes

Seconded by: Councillor Stintz

“WHEREAS the Greektown on the Danforth Business Improvement Area and the City of Toronto Economic Development, Culture and Tourism Division have recently cost-shared the redesign and improvement of the ‘Alexander the Great Parkette’, an area of road allowance located on the north-east corner of Danforth Avenue and Logan Avenue; and

WHEREAS a series of decorative and permanent concrete seating walls were installed as part of the ‘Parkette’ improvement; and

WHEREAS the Alexandros Take-Out business (484 Danforth Avenue), which borders the east side of the ‘Alexander the Great Parkette’, has an existing outdoor café permit for a portion of the road allowance lands immediately adjacent to the decorative concrete seating walls noted above; and

WHEREAS by-law regulations require a 2.13 metre clearance around the seating walls noted above to provide for clear, unobstructed pedestrian movement; and

WHEREAS the location of the outdoor patio fence for the Alexandros Restaurant must maintain a 2.13 metre clearance from the seating walls;

NOW THEREFORE BE IT RESOLVED THAT Council approve an amendment to the existing outdoor café permit for the Alexandros Take-Out business to provide for a reconfiguration and minor reduction of the café area so that the required minimum separation distance of 2.13 metres from the concrete seating walls can be achieved.”

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(10), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Procedural Vote:

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

Vote:

Motion J(10) was adopted, without amendment.

9.132 **J(11) Authority to Enter Into an Agreement with the Owner of 770 Bay Street under Section 45(9) of the *Planning Act***

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

Moved by: Councillor Rae

Seconded by: Deputy Mayor Bussin

“**WHEREAS** the Committee of Adjustment, Toronto and East York Panel, granted variances, including variances respecting height, number of dwelling units and parking spaces, location of the driveway/ramp to the street, and the amount of street-related retail and service uses respecting the proposed building at 770 Bay Street and made its decision conditional on, among other things, the Owner entering into an agreement under Section 45(9) of the *Planning Act* to provide a cash contribution of \$100,000.00 (one hundred thousand dollars) to the City of Toronto for local off-site streetscape improvements; and

WHEREAS authority is required from City Council for City staff to execute an agreement under Section 45 (9) of the *Planning Act*; and

WHEREAS execution of this agreement is a time-sensitive matter, to ensure the City of Toronto receives the payment it requires and the Owner of the property receives the approval it needs to construct its project;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto grant the authority to enter into an agreement with the Owner of 770 Bay Street to secure the required payment pursuant to the Committee of Adjustment decision;

AND BE IT FURTHER RESOLVED THAT City Council authorize the City Solicitor to undertake any steps necessary to implement Council's direction, including the execution of Section 45(9) agreements by City officials, pertaining to the variances conditionally set out in the decision of the Committee."

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(11), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 5, Page 384)

Council also had before it, during consideration of Motion J(11), a Notice of Decision (May 18, 2006) from the Acting Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel, which is on file in the City Clerk's Office.

Procedural Vote:

The vote to waive referral of Motion J(11) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(11) was adopted, without amendment.

9.133 J(12) Naming of the Gymnasium at the East York Community Centre

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

Moved by: Councillor Ootes

Seconded by: Councillor Ashton

“**WHEREAS** it is important to recognize the contributions of public servants and community leaders; and

WHEREAS there are many examples of public places being named to honour and commemorate people who have made a significant contribution to our City; and

WHEREAS all requests for the naming of parks or recreation facilities must be referred to the General Manager, Economic Development, Culture and Tourism; and

WHEREAS Mr. Roy Brigham made important and noteworthy contributions to the City, especially the community of East York; and

WHEREAS Roy Brigham was instrumental in getting the East York Community Centre constructed;

NOW THEREFORE BE IT RESOLVED THAT the General Manager, Economic Development, Culture and Tourism be directed to prepare a report for consideration by the Economic Development and Parks Committee at its meeting on September 12, 2006, providing background on, and recommendations for, the gymnasium at the East York Community Centre (1081 ½ Pape Avenue) to be officially named the ‘Roy Brigham Gymnasium’.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(12) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(12), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Procedural Vote:

The vote to waive referral of Motion J(12) to the Toronto and East York Community Council was taken as follows:

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| Yes - 27 |
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| Councillors: | Ainslie, Ashton, Barron, Cho, Davis, De Baeremaeker, Feldman, Ford, Hall, Jenkins, Kelly, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson |
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|--------------|---|
| No - 15 | |
| Mayor: | Miller |
| Councillors: | Augimeri, Bussin, Carroll, Cowbourne, Del Grande, Di Giorgio, Fillion, Fletcher, Giambrone, Holyday, Lindsay Luby, Mihevc, Pantalone, Silva |

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

Disposition:

Motion J(12) was referred to the Toronto and East York Community Council.

9.134 **J(13) 18 Lower Jarvis Street - Attendance at Ontario Municipal Board Hearing**

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

Moved by: Councillor Rae

Seconded by: Councillor Silva

“WHEREAS the owner applied to the Committee of Adjustment for a consent to sever the property into two lots and for one minor variance relating to use, for the property known as 18 Lower Jarvis Street; and

WHEREAS the applicant is seeking relief from Zoning By-law 438-86, as amended, to develop the north portion of the site with a retail store (Shopper’s Drug Mart) and the southerly portion of the site to continue operating as a commercial parking lot; and

WHEREAS a retail store is not a permitted use in an I1 D3 District; and

WHEREAS on June 14, 2006 the Committee of Adjustment refused the application; and

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

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto authorize the City Solicitor and appropriate staff to appear at the Ontario

Municipal Board to support the Committee of Adjustment decision to refuse the requested consent to sever the site into two lots and the minor variance application to permit a retail store use.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(13) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(13), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Council also had before it, during consideration of Motion J(13), a Notice of Decision (June 15, 2006) from the Acting Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel, which is on file in the City Clerk’s Office.

Procedural Vote:

The vote to waive referral of Motion J(13) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(13) was adopted, without amendment.

9.135 J(14) Follow-up on Report Request of June 2005 respecting Social Services Spending and Reallocation of Funds to Provide Investment to 13 Identified Communities

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

Moved by: Councillor Del Grande

Seconded by: Councillor Augimeri

“**WHEREAS** in June 2005, the City of Toronto and the United Way jointly released the ‘Strong Neighbourhoods - A Call for Action’ report; and

WHEREAS that report identified 9 communities ‘most in need of immediate and focussed investment’ - this number was later expanded to 13 communities by City

Council; and

WHEREAS on June 29, 2005, the Community Services Committee considered a letter from Councillor Del Grande that requested certain specific information about past and present social services spending, as well as options for reallocating funds to provide this ‘immediate and focussed investment’; and

WHEREAS that letter was referred to the Policy and Finance Committee on its way to City Council, where it was referred to staff for a response, with staff requested to report back to the Policy and Finance Committee by no later than September 20, 2005; and

WHEREAS this request was referenced in the report (October 5, 2006) from Deputy Commissioner Sue Corke, entitled ‘Toronto Strong Neighbourhoods Strategy’ [Policy and Finance Committee Report 9, Clause 6]; this reference does not constitute the response that was requested; and

WHEREAS to date, the requested information has not been provided as staff suggest that compiling it is not possible - a fact that, in the opinion of those Councillors representing these communities, is a contributing factor to the inequitable distribution of social services funds;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto Council re-affirm its previous information request of staff and re-direct staff to provide the requested information to the Policy and Finance Committee by no later than September 18, 2006.”,

the vote upon which was taken as follows:

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| Yes - 27 | |
| Councillors: | Ashton, Augimeri, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 15 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Barron, Bussin, Carroll, Cowbourne, Fillion, Fletcher, Ford, Giambrone, Hall, Mihevc, Pantalone, Pitfield, Silva |

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(14), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on September 25, 2006.

9.136 **J(15) Parking Regulations and Intersection Controls - Joe Shuster Way, Laidlaw Street and Machelles Avenue - 1100 King Street West Development (Ward 14 - Parkdale-High Park)**

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

Moved by: Councillor Watson

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** City Council at its meeting held on April 25, 26 and 27, 2006, adopted Toronto and East York Community Council Report 3, Clause 53, headed ‘Introduction of Parking Regulations and Intersection Controls on Joe Shuster Way, Laidlaw Street and Machelles Avenue - 1100 King Street West Development (Ward 14 – Parkdale-High Park)’; and

WHEREAS in adopting this Clause, Council approved among other things, the installation of traffic control signals at the intersection of King Street West at Joe Shuster Way coincident with the removal of the existing pedestrian crossover on King Street West, east of Fraser Avenue; and

WHEREAS the Toronto Transit Commission operates the King streetcar service on the two median lanes of King Street West and these lanes in the vicinity of Joe Shuster Way are designated as exclusive transit lanes during the weekday morning and afternoon rush periods (from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m., Monday to Friday); and

WHEREAS nearly all adjacent intersections on King Street West near Joe Shuster Way have left turns prohibited from the median lanes of King Street West during the weekday morning and afternoon rush periods when the exclusive transit lane designation is in effect, in order to ensure that the median lanes are kept clear of traffic so that public transit vehicles do not experience undue delays; and

WHEREAS staff inadvertently did not include a recommendation for an eastbound to northbound left-turn prohibition from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m., Monday to Friday, from King Street West to Joe Shuster Way in the March 13, 2006 report from the Director, Transportation Services, Toronto and East York District, contained in Toronto and East York Community Council Report 3, Clause 53;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto and East York Community Council Report 3, Clause 53, headed 'Introduction of Parking Regulations and Intersection Controls on Joe Shuster Way, Laidlaw Street and Machelles Avenue - 1100 King Street West Development (Ward 14 – Parkdale - High Park)', be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the Clause be amended by deleting staff Recommendation (4) contained in the report (March 13, 2006) from the Director, Transportation Services, Toronto and East York District, and inserting in its place the following, so that Recommendation (4) now reads as follows:

- ‘(4) traffic control signals be installed on King Street West at Joe Shuster Way and coincident with the installation of these traffic control signals, the existing pedestrian crossover on King Street West, east of Fraser Avenue be removed and further, that eastbound to northbound left turns be prohibited from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m., Monday to Friday, from King Street West to Joe Shuster Way; and’.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(15), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Vote to Re-open:

The first Operative Paragraph contained in Motion J(15) carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

The balance of Motion J(15) was adopted, without amendment.

9.137 J(16) Request for a Poll on Bike Lanes - Cosburn Avenue between Broadview Avenue and Coxwell Avenue

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

Moved by: Councillor Ootes

Seconded by: Deputy Mayor Feldman

“WHEREAS bike lanes were installed on Cosburn Avenue, between Broadview Avenue and Coxwell Avenue (Ward 29), and on Cosburn Avenue, between Coxwell Avenue and Oak Park Road (Ward 31) in October, 2004; and

WHEREAS the infiltration of vehicular traffic to other residential streets (motorists wanting to avoid the bike lanes on Cosburn Avenue) has caused concern for neighbouring residents; and

WHEREAS the delay and subsequent idling of vehicles during rush hour, caused by the decreased vehicular traffic lanes, results in increased pollution; and

WHEREAS there already exists a number of safe and suitable east-west bike lanes and roadways for the use of bicyclists in Ward 29;

NOW THEREFORE BE IT RESOLVED THAT the General Manager, Transportation Services, in consultation with the Ward Councillor, create a poll for the area’s residents (in Ward 29), including those living on Cosburn Avenue and in the neighbouring vicinity, to determine if they are in favour of, or opposed to the bike lanes on Cosburn Avenue;

AND BE IT FURTHER RESOLVED THAT this poll be conducted in September, 2006.”,

the vote upon which was taken as follows:

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| Yes - 19 | |
| Councillors: | Ainslie, Feldman, Ford, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Soknacki, Stintz, Thompson, Walker |
| No - 23 | |
| Mayor: | Miller |
| Councillors: | Ashton, Augimeri, Barron, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Jenkins, Mihevc, |

Moscoe, Pantalone, Pitfield, Rae, Silva, Watson

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(16), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on September 25, 2006.

9.138 **J(17) Encouraging Greater Participation of Scarborough Restaurants in the Winterlicious and Summerlicious Programs**

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

Moved by: Councillor Ainslie

Seconded by: Councillor Del Grande

“**WHEREAS** the City of Toronto’s Winterlicious and Summerlicious programs do an excellent job in promoting Toronto as a destination for fine dining; and

WHEREAS promoting the hospitality industry in all Toronto communities is to the benefit of business owners and patrons alike; and

WHEREAS the most recent Summerlicious event, which ended July 23rd, highlighted over 130 Toronto restaurants; and

WHEREAS none of the restaurants that participated in this year’s Summerlicious program were located in the Scarborough Community; and

WHEREAS the Scarborough Community has a number of outstanding restaurants that could benefit from participation in the Winterlicious and Summerlicious programs;

NOW THEREFORE BE IT RESOLVED THAT the General Manager, Economic Development, Culture and Tourism be directed to report to Council, through the Economic Development and Parks Committee, on issues which may have contributed to the low participation rate of Scarborough restaurants in past Winterlicious/Summerlicious events, and recommend strategies for increasing future participation in these programs.”

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(17), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Procedural Vote:

The vote to waive referral of Motion J(17) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(17) was adopted, without amendment.

9.139 J(18) Amendment to the CanStage Line of Credit Guarantee

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

Moved by: Councillor Rae

Seconded by: Councillor Soknacki

“**WHEREAS** the Canadian Stage Corporation (‘CanStage’) was created from the 1988 merger of the Toronto Free Theatre and CentreStage and is the largest year-round not-for-profit theatre in the Country; and

WHEREAS CanStage performs to over 215,000 patrons yearly at the Bluma Appel Theatre in the St. Lawrence Centre for the Arts, the Canadian Stage Theatre at

26 Berkeley Street and the outdoor amphitheatre in High Park; and

WHEREAS Canadian Stage has received dozens of Dora Mavor Moore Awards, Toronto's theatre awards for artistic merit; and

WHEREAS the City has entered into an agreement with the Canadian Stage Company (CanStage) and the Canadian Imperial Bank of Commerce (CIBC) for a line of credit guarantee in the amount of \$300,000.00 (inclusive of all interest payable by CanStage) for a three-year period ending on December 31, 2007; and

WHEREAS cash flow projections indicate that CanStage will require a line of credit of \$500,000.00; and

WHEREAS CanStage has been advised that its bank is not willing to provide a line of credit in an amount sufficient to meet the organization's cash flow without a City guarantee; and

WHEREAS Canadian Stage has asked the City of Toronto for assistance in meeting its cash flow by amending the existing line of credit guarantee to \$500,000.00; and

WHEREAS City Council adopted a 'Policy for Capital Loan and Line of Credit Guarantees' at its meeting held on March 6, 7, and 8, 2001; and

WHEREAS the request for the amendment to the CanStage line of credit guarantee meets the criteria set out in the City's policy; and

WHEREAS the issuance of a line of credit guarantee is considered a financial commitment of the City; and

WHEREAS the Deputy City Manager and Chief Financial Officer has advised that the amendment of the commitment to \$500,000.00 is within the updated Debt and Financial Obligation Limit of the City:

NOW THEREFORE BE IT RESOLVED THAT authority be granted to amend the agreement with The Canadian Stage Corporation ('CanStage') and the Canadian Imperial Bank of Commerce (CIBC) for a guarantee of a line of credit in the amount of \$500,000.00 effective September 1, 2006 (inclusive of all interest payable by CanStage to the bank);

AND BE IT FURTHER RESOLVED THAT authority be granted to enter into a tri-party agreement with CanStage and CIBC with respect to the line of credit guarantee on terms and conditions approved by the City Solicitor, the Deputy City Manager and Chief Financial Officer and the General Manager, Economic Development, Culture and Tourism;

AND BE IT FURTHER RESOLVED THAT the guarantee of the line of credit be deemed to be in the interest of the Municipality;

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

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(18), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 6, Page 385)

Procedural Vote:

The vote to waive referral of Motion J(18) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Motion J(18), without amendment:

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| Yes - 38 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 4 | |
| Councillors: | Barron, Del Grande, Ford, Holyday |

Carried by a majority of 34.

- 9.140 **J(19) Amendment to the Subdivision Agreement between English Lane Homes Inc. and the City of Toronto for 39 Greenbelt Drive to Delete the Requirement of a Chain Link Fence**

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

Moved by: Councillor Minnan-Wong

Seconded by: Councillor Augimeri

“WHEREAS the City of Toronto approved the Subdivision Agreement for 39 Greenbelt Drive in 2001; and

WHEREAS a five-foot chain link fence was included in the Subdivision Agreement as a requirement of the Parks Department to separate the public park from the adjoining properties on David Dunlap Circle; and

WHEREAS the residents believe that the quality and esthetics of a chain link fence do not suit the homes or the neighbourhood; and

WHEREAS the residents would like to be afforded the opportunity to construct higher quality fences of their own choosing, more in keeping with the neighbourhood; and

WHEREAS Parks staff have indicated support for the deletion of the fence requirement providing that the adjacent property owners are all in agreement; and

WHEREAS all of the property owners on David Dunlap Circle who back on to the park submitted a petition to my office on July 21, 2006, in support of a request not to construct the chain link fence as required; and

WHEREAS the builder is prepared to proceed with fulfilling his obligations under the existing Subdivision Agreement within the next 7 days, unless notice is given to the contrary;

NOW THEREFORE BE IT RESOLVED THAT in the interests of the home owners on David Dunlap Circle, whose properties abut Greenbelt Park, Toronto City Council agree to amend the Subdivision Agreement by deleting the requirement for a five-foot chain link fence separating the park from the adjacent properties;

AND BE IT FURTHER RESOLVED THAT it be clearly communicated to the property owners on David Dunlap Circle who have made this request, that should Toronto City Council agree to delete the requirement for the fence and amend the Subdivision Agreement accordingly, that the builder will be relieved of all legal obligation to construct the fence, the City of Toronto will have no future obligation for fence construction and it will become the responsibility of each property owner on

David Dunlop Circle abutting the park, to incur the expense of constructing a fence or barrier in the future.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(19) to the North York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(19), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Council also had before it, during consideration of Motion J(19), form letters (undated) from 21 individuals respecting the proposed chain link fence on David Dunlop Circle, which are on file in the City Clerk’s Office.

Procedural Vote:

The vote to waive referral of Motion J(19) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(19) was adopted, without amendment.

9.141 **J(20) Request to the Provincial Government to Provide Funding for Applied Behaviour Analysis Therapy through the Ministry of Education, to all Schools in the Province from Kindergarten through Grade Twelve**

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

Moved by: Councillor Minnan-Wong

Seconded by: Councillor Augimeri

“**WHEREAS** Applied Behaviour Analysis (ABA) is a therapy that seeks to use empirically validated behaviour modification procedures for assisting individuals in developing skills with social value; and

WHEREAS one in every 165 children living in the GTA and more than

7,000 children in Ontario are currently diagnosed with autism; and

WHEREAS there are 10 times the amount of children with autism today than 10 years ago; and

WHEREAS studies show that autistic children require consistent and systematic programmed intervention so as to reach their full potential; and

WHEREAS the provincial government currently only offers funding for ABA Therapy to children up to the age of six and waiting lists for assistance last up to two years; and

WHEREAS the Ministry of Education provides funding up to \$60,000.00 for each autistic child in the school system, which is not attached to the child specifically, but is 'pooled' for any use the school boards and schools deem appropriate, while refusing to provide ABA Therapy to those children within the school system, choosing instead alternate unproven methods; and

WHEREAS the McGuinty government is spending money in litigation to inhibit ABA Therapy from assisting autistic children over the age of six; and

WHEREAS 84 percent of Canadians believe their provincial healthcare program should cover the costs of Intensive Behavioural Treatment for children with autism; and

WHEREAS parents have to pay up to \$50,000.00 a year to have private ABA therapy for their children; and

WHEREAS autism is one of the few disabilities where, with proper therapy, individuals can attain autonomy in society;

NOW THEREFORE BE IT RESOLVED THAT in the interest of children and their families who suffer from autism, the City of Toronto request the provincial government to fully support and fund ABA Therapy in schools.”

Ruling by Mayor:

Councillor Soknacki requested the Mayor to rule on whether this Motion was within the jurisdiction of the City of Toronto.

Mayor Miller ruled Motion J(20) out of order, as the subject matter is not under the authority of City Council.

Councillor Minnan-Wong challenged the ruling of the Mayor.

Vote to Uphold the Ruling of the Mayor:

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| Yes - 35 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Barron, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Ford, Giambrone, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Thompson, Watson |
| No - 7 | |
| Councillors: | Augimeri, Holyday, Minnan-Wong, Nunziata, Ootes, Stintz, Walker |

Carried by a majority of 28.

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(20), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Disposition:

Motion J(20) was ruled out of order.

9.142 **J(21) TEDCO's Canpar Facility Project - the First LEED Green Building Owned by the City of Toronto**

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

Moved by: Councillor Lindsay Luby

Seconded by: Deputy Mayor Pantalone

“WHEREAS the Toronto Economic Development Corporation (TEDCO) plays a key role in advancing the City's economic development and environmental and sustainability objectives; and

WHEREAS in June 2004, TEDCO acquired a 40-acre brownfield site in south Etobicoke formerly owned and operated by Arrowhead Metals and Anaconda Brass; and

WHEREAS the brownfield site had been vacant for over 15 years, and provided an excellent opportunity to preserve employment lands, and accommodate commercial and industrial tenants within the City of Toronto; and

WHEREAS TEDCO rapidly commenced environmental remediation of the property in early 2005, and completed the design and construction of the new \$15 million Canpar Distribution Facility in January 2006; and

WHEREAS in keeping with TEDCO's sustainable design objectives, the Canpar Distribution Facility has been designed and constructed to LEED (Leadership in Energy and Environmental Design) green building standards; and

WHEREAS on July 11, 2006, TEDCO received confirmation (attached) from the Canada Green Building Council that TEDCO's Canpar Distribution Facility had been officially designated with LEED Certified Status as per LEED Canada standards; and

WHEREAS the Canpar Distribution Facility is the first City of Toronto owned and developed building to receive LEED certification;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council extend its thanks and congratulations to TEDCO for including energy efficiency and environmental sustainability within its mandate and for achieving the first LEED Certified designation for a building owned and developed by the City of Toronto;

AND BE IT FURTHER RESOLVED THAT the City Clerk be directed to convey Council's thanks to both TEDCO and to Canpar in supporting environmental sustainability within their mandate and development activities."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(21) to the Policy and Finance Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(21), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Council also had before it, during consideration of Motion J(21), a communication (July 11, 2006) from Ian G. Theaker, LEED Program Manager, Canada Green Building Council, which is on file in the City Clerk's Office.

Procedural Vote:

The vote to waive referral of Motion J(21) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(21) was adopted, without amendment.

9.143 **J(22) Ontario Municipal Board Hearing regarding the former French Avenue Road Allowance**

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

Moved by: Councillor Soknacki

Seconded by: Councillor Thompson

“WHEREAS the Committee of Adjustment, Scarborough Panel, held a public meeting on June 21, 2006, to consider two applications for consent to sever and associated applications for minor variances on land that was formerly part of the French Avenue road allowance between Poplar Road and Kitchener Road; and

WHEREAS the owner of the properties made applications to the Committee of Adjustment, Scarborough Panel, for consent to sever the land to create one additional lot for single family residential development on the land fronting Poplar Road, and one additional lot for single family residential development on the land fronting Kitchener Road; and

WHEREAS the owner of the properties applied for variances to permit:

- (1) each of the four new lots to have a minimum lot frontage of 8.05 metres (26.4 feet) and lot area of approximately 404 square metres (4,358 square feet), whereas the Zoning By-law requires a minimum frontage of 12 metres (39.4 feet) at the street line and a minimum width of 13 metres (42.6 feet) at the front yard building setback line, and a minimum lot area of 464 square metres (4,994 square feet); and
- (2) various reductions to the side yard building setbacks, whereas the Zoning By-law requires minimum side yard building setbacks of 1.8 metres (5.9 feet) for a two-storey dwelling; and

WHEREAS Planning staff provided a report to the Committee of Adjustment with a recommendation that the applications be refused because the proposed development would not respect and reinforce the general physical patterns and character of the existing residential neighbourhood, and because the frontages and lot areas for the proposed lots would not be consistent or compatible with the existing lots on Poplar Road and Kitchener Road, and therefore the proposal fails to satisfy the tests of s.45(1) of the *Planning Act*, and fails to satisfy the criteria of s.51(24) of the *Planning Act*; and

WHEREAS the Committee of Adjustment, Scarborough Panel, refused to grant the requested consent and variances because the general intent and purpose of the Official Plan and of the Zoning By-law were not maintained, and the variances were not minor and were not considered desirable for the appropriate development of the land; and

WHEREAS the owner has appealed these decisions to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor and Planning staff be directed to attend at the Ontario Municipal Board to defend the Committee of Adjustment's decision to refuse the consent and variance applications.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(22) to the Scarborough Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(22), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Council also had before it, during consideration of Motion J(22), Notices of Decisions (June 21, 2006) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Scarborough Panel, respecting the following, which are on file in the City Clerk's Office:

- File Number B021/06SC, Poplar Road E/S;
- File Number B022/06SC, Kitchener Road W/S;
- File Number A068/06SC, Poplar Road E/S;
- File Number A069/06SC, Poplar Road E/S;
- File Number A070/06SC, Kitchener Road W/S; and
- File Number A071/06SC, Kitchener Road W/S.

Procedural Vote:

The vote to waive referral of Motion J(22) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(22) was adopted, without amendment.

9.144 J(23) West Side Bar BQ Restaurant, 853A Bloor Street West – AGCO Proceeding

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

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Giambrone

“WHEREAS 1475750 Ontario Ltd. (the ‘Licence Holder’) is the corporate licence holder of a liquor sales licence for an establishment located at 853A Bloor Street West, currently operating as West Side Bar BQ Restaurant (‘West Side’); and

WHEREAS West Side is located adjacent to a residential area and local residents have expressed concerns to the local Councillor about public drunkenness, drinking outside of the establishment, drug activity, noise and other impacts emanating from West Side; and

WHEREAS local residents have expressed concerns that the continued operation of West Side with a liquor licence will result in an increase in these nuisances, resulting in further disruption to the neighbouring residents including impacts on their public safety; and

WHEREAS on October 19, 2005, the Alcohol and Gaming Commission of Ontario (AGCO) suspended the liquor licence at West Side for 23 days for violations of several provisions of the *Liquor Licence Act* including permitting drunken patrons in the premises, and removing alcohol from the premises; and

WHEREAS on August 18, 2000, the AGCO suspended the liquor licence at West Side for 7 days for violations of several provisions of the *Liquor Licence Act* including permitting drunken patrons in the premises; and

WHEREAS between May 2005 and May 2006, police officers from 14 Division have charged the Licence Holder at West Side with permitting narcotics on the premises and permitting drunkenness and that several charges under the *Liquor Licence Act* are

currently before the Courts; and

WHEREAS on June 29, 2006, officers in 14 Division, staff from the City's Municipal Licencing and Standards Division, and inspection staff from the AGCO conducted a joint inspection at West Side and charged the Licence Holder with permitting illegal liquor, including 24 cases of beer, purchasing liquor off the liquor licence, failure to provide a licence number, permitting drunkenness, failure to provide light meals, and failing to provide a liquor menu; and

WHEREAS on July 22, 2006, according to officers at 14 Division, a regular patron of West Side was stabbed during an altercation that occurred inside West Side; and

WHEREAS given the nuisance and public safety concerns raised by residents, local Police, and Municipal Licencing and Standards staff, the continuation of the liquor licence at West Side is not in the public interest;

NOW THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor to request that the Registrar of the *Liquor Licence Act* review the liquor licence at West Side in order to make a finding that the continuation of the liquor licence is not in the public interest having regard to the needs and wishes of the residents;

AND BE IT FURTHER RESOLVED THAT the AGCO be requested to provide the City with an opportunity to participate in any proceedings with respect to West Side to oppose the continuation of the liquor licence and that the City Solicitor and necessary staff be authorized to participate in any proceedings before the AGCO which relate to West Side.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(23) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(23), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Procedural Vote:

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

Vote:

Motion J(23) was adopted, without amendment.

9.145 **J(24) 12:30 Bar/Bar Bloor, 842 Bloor Street West – AGCO Proceeding**

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

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Giambrone

“WHEREAS 1691946 Ontario Inc (the ‘Applicant’) is the corporate applicant for a liquor sales licence for an establishment located at 842 Bloor Street West, currently operating as 12:30 Bar, and to be operating in the future as Bar Bloor; and

WHEREAS on March 15, 2006, the Applicant submitted an application to the Alcohol and Gaming Commission of Ontario (‘AGCO’) to transfer the liquor licence from the previous licence holder to the Applicant; and

WHEREAS on June, 2006, the Registrar of the *Liquor Licence Act* issued a Notice of Proposal to revoke the liquor licence at 12:30 Bar; and

WHEREAS the former licence holder did not request a public hearing regarding the Notice of Proposal to revoke the licence, and as a result the liquor licence for 12:30 Bar was revoked in an order dated July 4, 2006; and

WHEREAS the Applicant was forced to apply for a new liquor licence as a result of the revocation of the licence; and

WHEREAS 12:30 Bar is located adjacent to a residential area and local residents have expressed concerns to the local Councillor about public drunkenness, drinking outside of the establishment, drug activity, noise and other impacts emanating from 12:30 Bar; and

WHEREAS local residents have expressed concerns that the issuance of a new liquor licence at 12:30 Bar will result in a continuation of an increase in these nuisances and further disruption to the residents of neighbouring properties; and

WHEREAS on August 19, 2005, the AGCO suspended the liquor licence at 12:30 Bar for 16 days for violations of several provisions of the *Liquor Licence Act*, including the possession of liquor on the premises not purchased from a government

store, and selling unlimited beer to patrons over a two-hour period; and

WHEREAS police officers from 14 Division charged the former licence holder at 12:30 Bar for permitting narcotics on the premises in January, 2006, permitting drunkenness in February, 2006, and supplying liquor to underage persons and permitting drunkenness in June, 2006; and

WHEREAS on June 29, 2006, members of Toronto Services 14 Division, staff from the City's Municipal Licencing and Standards Division, and inspection staff from the AGCO conducted a joint inspection at 12:30 Bar and charged the establishment for permitting the removal of liquor, failure to comply with fire legislation, and for having an operating name not matching the signage of the establishment; and

WHEREAS given the concerns raised by residents, local Police, and Municipal Licencing and Standards staff, the granting of an additional licenced area on the outdoor patio would not be in the public interest;

NOW THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor to advise the AGCO and 12:30 Bar that it opposes the application for a new liquor licence, and that a new liquor licence for 12:30 Bar or Bar Bloor is not in the public interest having regard to the needs and wishes of the residents;

AND BE IT FURTHER RESOLVED THAT the AGCO be requested to provide the City with an opportunity to participate in any proceedings with respect to 12:30 Bar or Bar Bloor to oppose the application for the liquor licence and that the City Solicitor and necessary staff be authorized to participate in any proceedings before the AGCO which relate to 12:30 Bar or Bar Bloor."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(24) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(24), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Procedural Vote:

The vote to waive referral of Motion J(24) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(24) was adopted, without amendment.

9.146 **J(25) 1465 Lawrence Avenue West – Application for an Official Plan Amendment**

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

Moved by: Councillor Di Giorgio

Seconded by: Councillor Thompson

“**WHEREAS** Adam Brown, on behalf of Romano Group Properties, has made an Official Plan Amendment Application (Application No. 05 202527 WET 12 OZ) and a Condominium Application (Application No. 05 173995 WET 12 CD) to permit the conversion of the existing 20-storey, 161-unit apartment building to separate condominium units and common element areas, and

WHEREAS a community consultation meeting was held on May 17, 2006 at the Amesbury Community Centre;

NOW THEREFORE BE IT RESOLVED THAT the Director, Community Planning, Etobicoke York District be directed to report to the September 13, 2006, meeting of the Etobicoke York Community Council on Official Plan Amendment Application 05 202527 WET 12 OZ for 1465 Lawrence Avenue West;

AND BE IT FURTHER RESOLVED THAT the Director, Community Planning, Etobicoke York District be directed to attach to the planning report a draft Official Plan Amendment as requested by the applicant;

AND BE IT FURTHER RESOLVED THAT a Public Meeting as required by the *Planning Act* be held at the September 13, 2006 Etobicoke York Community Council meeting on Official Plan Amendment Application 05 202527 WET 12 OZ for 1465 Lawrence Avenue West and that appropriate notice for the Public Meeting be given.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(25) to the Etobicoke York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(25), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Procedural Vote:

The vote to waive referral of Motion J(25) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(25) was adopted, without amendment.

9.147 J(26) 35 Leuty Avenue - Ward 32 (Beaches East York) - Ontario Municipal Board Hearing

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

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Moscoe

“WHEREAS the owner of the property municipally known as 35 Leuty Avenue applied to the Committee of Adjustment (Toronto East York Panel) seeking relief from the provisions of Zoning By-law 438-86 in order to permit the construction of a deck on top of the existing detached garage; and

WHEREAS one of the requested variances is to permit the accessory building to have a height of 4.75 metres instead of the maximum permitted 4 metres; and

WHEREAS the other requested variance is to permit the accessory building to be located 0.3 metres from the north, south and east lot lines instead of the required 3.0 metres; and

WHEREAS the proposed height and location of the proposed deck would result in inappropriate privacy impacts, including the undesirable effect of enabling the occupants of the deck to have a direct view into all surrounding rear yards; and

WHEREAS Toronto East York Community Planning staff recommended a refusal of the application to the Committee of Adjustments due to these concerns of privacy and

overlook; and

WHEREAS the owners of both the abutting properties are opposed to the application; and

WHEREAS in a decision dated February 24, 2006, the Committee of Adjustment denied the variances for the increase in height and the location of the accessory building; and

WHEREAS the Committee of Adjustment's decision has been appealed by the owner to the Ontario Municipal Board; and

WHEREAS an Ontario Municipal Board Hearing has been set for August 2, 2006;

NOW THEREFORE BE IT RESOLVED THAT City Council authorize the City Solicitor and appropriate staff to appear at the Ontario Municipal Board to support the Committee of Adjustment's decision to refuse the requested minor variances."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(26) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(26), 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 374)

Council also had before it, during consideration of Motion J(26), a Notice of Decision (February 24, 2006) from the Acting Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel, which is on file in the City Clerk's Office.

Procedural Vote:

The vote to waive referral of Motion J(26) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(26) was adopted, without amendment.

9.148 **J(27) Establishment of Court of Revision**

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

Moved by: Councillor Ashton

Seconded by: Councillor Milczyn

“**WHEREAS** Council has authorized the undertaking of various works as local improvements; and

WHEREAS before imposing a special charge upon the lots to be specially charged for the owners share of the cost of a local improvement, Council is required to set a time and a place for the hearing of objections by a Court of Revision; and

WHEREAS Council has not appointed a Court of Revision for the amalgamated City of Toronto; and

WHEREAS Ontario Regulation 119/03 under the *Municipal Act, 2001* provides that a municipality may establish a Court of Revision consisting of three or five members qualified to be elected as a member of council and appointed by the council of the municipality; and

WHEREAS it is necessary to appoint a Court of Revision in order to proceed with local improvements in the amalgamated City; and

WHEREAS in the interest of proceeding with the approved local improvements, it is most expeditious to appoint Members of Council to the Court of Revision;

NOW THEREFORE BE IT RESOLVED THAT Council establish and appoint a Court of Revision consisting of three Members of Council;

AND BE IT FURTHER RESOLVED THAT leave be granted for the introduction of the necessary Bills and that appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

the vote upon which was taken as follows:

Yes - 35

Mayor:

Miller

Councillors:

Ainslie, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Holyday, Jenkins, Kelly, Li Preti, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson

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|--|
| No - 6 |
| Councillors: De Baeremaeker, Del Grande, Ford, Hall, Lindsay Luby, Silva |

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

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(27), 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 374)

Procedural Vote:

The vote to waive referral of Motion J(27) to the Policy and Finance Committee was taken as follows:

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|---|
| Yes - 25 |
| Mayor: Miller |
| Councillors: Ainslie, Ashton, Augimeri, Cho, Cowbourne, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Li Preti, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Soknacki, Stintz, Walker, Watson |
| No - 16 |
| Councillors: Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Ford, Jenkins, Kelly, Lindsay Luby, Moscoe, Pantalone, Pitfield, Rae, Silva, Thompson |

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

July 27, 2006:

Motion to Re-Open:

Councillor De Baeremaeker, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Council's decision on whether to refer Motion J(27) to the Policy and Finance Committee be re-opened, which carried, more

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

Procedural Vote:

The vote to waive referral of Motion J(27) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(27), a communication (July 27, 2006) from Councillor Brian Ashton, Ward 36, Scarborough Southwest. (See Attachment 7, Page 331)

Motion:

Councillor Ashton moved that Motion J(27) be amended by deleting the first operative paragraph and replacing it with the following:

“**NOW THEREFORE BE IT RESOLVED THAT** Council establish and appoint a Court of Revision, consisting of three Members of Council, namely Councillor Ootes, Councillor Cowbourne and Councillor Ashton, for the sole purpose of meeting the statutory requirements of the *Local Improvement Act, 1990* and the *Municipal Act, 2001*, as it relates to a Special Assessment for construction of sanitary sewers on Pine Ridge Drive;”.

Votes:

The motion by Councillor Ashton carried.

Motion J(27), as amended, carried.

9.149 **J(28) Extreme Heat Alerts**

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

Moved by: Councillor Silva

Seconded by: Councillor Mihevc

“**WHEREAS** Toronto experienced a heat wave beginning on July 14 yet the City did not issue a Heat Alert or an Extreme Heat Alert until July 16; this undoubtedly caused great hardship for people who are known to be vulnerable to the heat, for example the elderly, people living in substandard housing and people with disabilities who may not have access to air-conditioned space; and

WHEREAS in the 2005 heat wave in Toronto, there were six reported heat-related

deaths of individuals who lived in rooming and boarding homes; and

WHEREAS extreme heat is expected to revisit Toronto in the days to come - Environment Canada predicts temperatures as high as 32 C within days and past experience tells us that a Heat Alert or Extreme Heat Alert may not be called, and even if it is, it may not provide adequate City-wide cooling sites or outreach to seniors; and

WHEREAS it is widely recognized that the most critical measures to reduce heat related deaths are early warning systems, the immediate opening of neighbourhood based cooling centres, outreach to vulnerable populations and energy assistance programs; and

WHEREAS past experience, specifically the 700 deaths in the 1995 Chicago heat wave, has led many American cities to develop innovative public health responses to a heat emergency, for example during the heat wave days from July 14 to 21, 2006:

- Chicago opened 100 cooling centres including senior-citizen centres, district police stations, libraries and park facilities. The City operates a '311' line with up-to-date and accurate information on heat resources and coordinates transportation to cooling centres. In addition, Chicago deploys air-conditioned buses to points around the city to pick up vulnerable people and transport them to cooling centres. The City's plan also includes 'reverse 911' calls which are automated calls to seniors and disabled people known to be at risk;
- New York City opened special cooling centres including over 300 buildings for the public and sent officials on outreach to rescue the homeless and elderly;
- Boston extended hours of air conditioned sites in city community centres, and operates a Mayor's 24-hour hotline, free access for seniors to a shuttle bus to and from cooling centres;
- the Philadelphia Corporation for Aging set up a telephone 'heat-line' with nurses available to answer questions. The Philadelphia Health Department also sent outreach workers to check on the homeless and elderly;
- Kansas City, Missouri - a non-profit organization helps to install air conditioners in the home of indigent elderly. In 2005 more than 600 new fans and 50 air conditioners were donated in a program co-ordinated by Channel 9 in partnership with a local hardware store and the Salvation Army;

- St. Louis, Missouri - Project Elder Cool helps provide and install air conditioners to those in need. The program also provides \$50.00 towards electricity bills for seniors or people with respiratory problems. The City opened 60 cooling centres. The City Health Director cautioned that the city's older housing, much of it made of red brick, heats up like a furnace and tenants should be cautious. After a power outage that left 300,000 homes and businesses without power, National Guard troops, police, firefighters and volunteers knocked on doors offering bottled water and cookies as they checked on elderly residents and provided transportation to cooling centres. With the added emergency of a power outage, the American Red Cross set up shelter for hundreds;
- Louisville, Kentucky - the city runs a fan and air conditioning program and provides free fans or air conditioners to those in immediate need. White flags also fly at Louisville's six homeless shelters - white flags are the signal that the air conditioning is on and there's a place to go to escape the heat. Meals on Wheels personnel were asked by the City to check on recipients to make sure they were not in distress;
- Omaha, Nebraska - the housing authority spent \$25,000.00 to install window air conditioners in apartments used by elderly and disabled residents;
- Baltimore, Maryland has developed a two-pronged heat strategy which includes a code red heat alert plan and an energy assistance initiative. The City opened 11 cooling centres and employs a Maryland transit bus to places where people are at risk. The city ensures that fans, air conditioners and water are provided to those in need. The city has developed a data base of 56,000 seniors and shut-ins and ensures they are visited or checked on. Numerous city agencies co-ordinate their heat response with the Mayor's Office of Neighbourhoods. On July 20, one day after the Code Red was cancelled Mayor Martin O'Malley reminded residents to remain wary of the heat that still continued and urged people to call '311' if necessary;

NOW THEREFORE BE IT RESOLVED THAT Council direct the Medical Officer of Health to modify the formula used to call an Extreme Heat Alert and immediately plan for expansion of neighbourhood based cooling centres, including Scarborough;

AND BE IT FURTHER RESOLVED THAT the City develop measures to create energy assistance programs, such as Project Elder Cool, where fans and air conditioners can be provided to people who meet the medical criteria for need;

AND BE IT FURTHER RESOLVED THAT the City work with the Toronto Community Housing Corporation (TCHC) to do same as above;

AND BE IT FURTHER RESOLVED THAT the City immediately examine Toronto's Property Standards by-law that still dictates that in dwellings such as rooming houses, doors must remain shut and windows must be fixed with a safety device preventing the window from opening more than 100 millimetres."

Ruling by Mayor:

Councillor Filion requested the Mayor to rule on whether the first Operative Paragraph contained in Motion J(28) was in order. Mayor Miller ruled the first Operative Paragraph out of order as Council cannot direct the Medical Officer of Health to take an action.

Procedural Vote:

The vote to waive the necessary provisions of Chapter 27 of the City of Toronto Municipal Code to permit introduction of the balance of this Notice of Motion was taken as follows:

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

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(28), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 7, Page 386)

Disposition:

The first Operative Paragraph contained in this Motion was ruled out of order.

Notice was given to permit consideration of the balance of this Motion at the next regular meeting of City Council on September 25, 2006.

9.150 J(29) Sign Variance Application for 421 (423, 425 and 427) Danforth Avenue, Ward 30 Toronto Danforth

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

Moved by: Councillor Fletcher

Seconded by: Councillor Giambrone

“WHEREAS the retail store ‘It’s My Party’ has been in business for a number of years at 421 Danforth Avenue and is expanding; and

WHEREAS the applicant is seeking permission to extend the illuminated canopy sign on the unit frontage to the east and would like it to be ready for the annual ‘Taste of the Danforth’ event; and

WHEREAS City staff have expressed no concerns about the proposed illuminated canopy sign on the front elevation of the building; and

WHEREAS a delay in the adoption of the report would not allow the sign to be completed before ‘Taste of the Danforth’;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached report (July 25, 2006) from the Chief Planner and Executive Director, City Planning and adopt the staff recommendations contained in the Recommendations Sections of the report, in order to permit the requested variance from Chapter 297, Signs, of the former City of Toronto Municipal Code to permit an illuminated canopy sign on the front elevation of the building at 421, 423, 425 and 427 Danforth Avenue.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(29) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(29), 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 374)

Council also had before it, during consideration of Motion J(29), a report (July 25, 2006) from the City Planner and Executive Director, City Planning. (See Attachment 8, Page 332).

Procedural Vote:

The vote to waive referral of Motion J(29) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(29) was adopted, without amendment.

Summary:

In adopting Motion J(29), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (July 25, 2006) from the Chief Planner and Executive Director, City Planning:

“It is recommended that:

- (1) the request for variances to permit, for identification purposes, an illuminated awning sign on the front elevation of the building at 421 (423, 425 & 427) Danforth Avenue be approved; and
- (2) the applicant be advised, upon approval of variances, of the requirement to obtain the necessary sign permits from the Chief Building Official.”

9.151 J(30) Site Plan Bump-Up Report - 252, 270, 272 and 276 Bering Avenue

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

Moved by: Councillor Milczyn

Seconded by: Councillor Saundercook

“**WHEREAS** Tom Giancos, on behalf of 1322104 Ontario Inc., has made applications for Official Plan and Zoning amendments (05 151115 WET 05 OZ) and for Site Plan Approval (05 151123 WET 05 SA) to permit a 74-unit townhouse development at 252, 270, 272 and 276 Bering Avenue; and

WHEREAS on June 14, 2006, City Council approved the application for Official Plan and Zoning amendments and requested the Director, Community Planning, Etobicoke York District, to complete and report to the City Council meeting of July 25, 26 and 27, 2006, on a Site Plan Approval; and

WHEREAS on June 29, 2006, City Council enacted the by-laws for the 74-unit townhouse development; and

WHEREAS the applicant has revised the site plan from a 74-unit to a 73-unit townhouse development; and

WHEREAS the Chief Planner and Executive Director, City Planning, has prepared a site plan bump-up report dated July 25, 2006;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached report (July 25, 2006) from the Chief Planner and Executive Director, City Planning, and adopt the staff recommendations contained in the Recommendation Section of such report.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(30), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Council also had before it, during consideration of Motion J(30), a report (July 25, 2006) from the Chief Planner and Executive Director, City Planning. (See Attachment 9, Page 336)

Motion:

- (a) Councillor Holyday moved that Motion J(30) be referred back to the Etobicoke York Community Council with instructions that there be no lay-by parking allowed and that no trees be removed.

Vote on Referral:

Adoption of motion (a) by Councillor Holyday:

| | |
|--------------|---|
| Yes - 9 | |
| Councillors: | Barron, Del Grande, Ford, Holyday, Jenkins, Moscoe, Pantalone, Shiner, Walker |
| No - 26 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Rae, Saundercook, Silva, Stintz, Thompson, Watson |

Lost by a majority of 17.

Motions:

- (b) Councillor Milczyn moved that Motion J(30) be amended by deleting the first Operative Paragraph and replacing it with the following:

“NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached report (July 25, 2006) from the Chief Planner and Executive Director, City Planning, and adopt the staff recommendations contained in the Recommendation Section of such report, subject to amending Attachment 6, headed ‘Site Plan Approval, Draft Notice of Approval Conditions’, by:

- (1) amending Condition (A)(c) to read as follows:

‘(A)(c) revise the proposed parking lane along the Bering Avenue frontage of the site to provide up to 12 parking stalls;’; and

- (2) amending Condition (B)(1)(q) to read as follows:

‘(B)(1)(q) construct up to 12 parking stalls along the Bering Avenue frontage and install a “pay and display” machine to the satisfaction of the Toronto Parking Authority’.”

- (c) Councillor Moscoe moved that Motion J(30) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the applicant be required to replace three trees for each tree removed.”

- (d) Deputy Mayor Pantalone moved that Motion J(30) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT for reason of the lay-by, no

City-owned trees are removed or, in the opinion of the General Manager of Parks, Forestry and Recreation, are injured.”

Votes:

Adoption of motion (b) by Councillor Milczyn:

| | |
|--------------|--|
| Yes - 25 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Carroll, Cowbourne, Del Grande, Di Giorgio, Filion, Giambrone, Grimes, Hall, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Thompson |
| No - 8 | |
| Councillors: | Feldman, Ford, Holyday, Jenkins, Moscoe, Shiner, Stintz, Walker |

Carried by a majority of 17.

Motion (c) by Councillor Moscoe and motion (d) by Deputy Mayor Pantalone carried.

Adoption of Motion J(30), as amended:

| | |
|--------------|---|
| Yes - 27 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Augimeri, Barron, Bussin, Carroll, Cowbourne, Del Grande, Di Giorgio, Filion, Giambrone, Hall, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Thompson |
| No - 8 | |
| Councillors: | Feldman, Ford, Holyday, Jenkins, Mammoliti, Moscoe, Shiner, Walker |

Carried by a majority of 19.

Summary:

Council amended this Motion by:

- (1) deleting the first Operative Paragraph and replacing it with the following:

“NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached report (July 25, 2006) from the Chief Planner and Executive Director, City

Planning, and adopt the staff recommendations contained in the Recommendation Section of such report, subject to amending Attachment 6, headed 'Site Plan Approval, Draft Notice of Approval Conditions', by:

(1) amending Condition (A)(c) to read as follows:

'(A)(c) revise the proposed parking lane along the Bering Avenue frontage of the site to provide up to 12 parking stalls;'; and

(2) amending Condition (B)(1)(q) to read as follows:

'(B)(1)(q) construct up to 12 parking stalls along the Bering Avenue frontage and install a "pay and display" machine to the satisfaction of the Toronto Parking Authority'.'; and

(2) adding the following new Operative Paragraphs:

"AND BE IT FURTHER RESOLVED THAT for reason of the lay-by, no City-owned trees are removed or, in the opinion of the General Manager of Parks, Forestry and Recreation, are injured;

AND BE IT FURTHER RESOLVED THAT the applicant be required to replace three trees for each tree removed."

In adopting Motion J(30), as amended, Council adopted, as amended, the following staff recommendations contained in the Recommendations Section of the report (July 25, 2006) from the Chief Planner and Executive Director, City Planning:

"Pursuant to Report 3, Clause 57 of the Etobicoke York Community Council, as amended by the motion adopted by City Council at its Special Meeting on June 14, 2006, it is recommended that City Council:

(1) approve in principle, subject to any required revisions and resubmission of information as outlined in the conditions set out in Attachment 6 to this report, the proposal for 73 townhouse units at 252, 270, 272 and 276 Bering Avenue, as indicated on the plans listed in Attachment 6 to this report, as amended;

(2) delegate back to the Chief Planner or his designate, the authority to issue Site Plan Approval and that final Site Plan Approval not be issued until the amending Zoning By-law No. 569-2006 is in effect;

(3) direct the City Solicitor to prepare and register any necessary site plan agreement(s); and

(4) authorize the District Director, Community Planning to execute the

agreement.”

9.152 **J(31) Request for Report on Heritage Property Standards**

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

Moved by: Councillor Rae

Seconded by: Councillor Milczyn

“WHEREAS a number of significant, designated heritage properties in the City of Toronto have suffered serious deterioration, including, among others, the buildings at 6 Howard Street, 102-110 Shuter Street (Walnut Hall) and 305 George Street; and

WHEREAS 6 Howard Street deteriorated to such an extent that it became structurally unsound and had to be demolished, and the other properties noted above, among others, could suffer the same fate if their deterioration is not arrested; and

WHEREAS even if a designated property is not in danger of collapse, the heritage attributes of a building can be irreparably damaged if not properly maintained; and

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

WHEREAS the *Ontario Heritage Act* was amended on April 28, 2005, to allow municipalities to pass by-laws prescribing minimum standards for the maintenance of the heritage attributes of designated property; and

WHEREAS a heritage property standards by-law would give the City an additional tool to require property owners to maintain their heritage properties and the heritage attributes of those properties;

NOW THEREFORE BE IT RESOLVED THAT the Chief Planner and Executive Director, City Planning, the Chief Building Official and the Executive Director, Municipal Licensing and Standards be directed to report to the Planning and Transportation Committee at its first meeting in 2007, on the enactment and implementation of a Heritage Property Standards By-law;

AND BE IT FURTHER RESOLVED THAT the Executive Director, Municipal Licensing and Standards and the Chief Building Official be directed to take all possible measures to ensure the structural integrity of the designated buildings at 102-110 Shuter Street (Walnut Hall) and 305 George Street and the non-listed buildings at 295 and 297 George Street using existing property standards by-laws;

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(31) to the Planning and Transportation Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(31), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Procedural Vote:

The vote to waive referral of Motion J(31) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(31) was adopted, without amendment.

9.153 **J(32) 18-88 Osler Street (formerly 56-86 Osler Street) Ward 18 – Davenport Construction of Berm at Rear of Property**

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

Moved by: Councillor Giambrone

Seconded by: Councillor De Baeremaeker

“**WHEREAS** the Canadian National Railway corridor is located to the west of an existing townhouse development at 18-88 Osler Street; and

WHEREAS the conditions of draft plan of subdivision approval and the subdivision agreement for the townhouse development require the construction of a 2.5 metre high earthen berm at the rear property line; and

WHEREAS the berm is to be constructed of soil that meets the Ministry

of the Environment Table B Guidelines for residential purposes (the 'MOE Guidelines'); and

WHEREAS environmental testing of the berm soil reveals that some of the soil exceeds some of the MOE Guidelines; and

WHEREAS it is desirable to resolve the environmental matters so that the construction of the berm may be completed in the near future; and

WHEREAS Technical Services and Legal staff advise that it is appropriate to permit the construction of the berm on the basis of a site specific risk assessment satisfactory to the Ministry of the Environment;

NOW THEREFORE BE IT RESOLVED THAT with respect to the construction of the berm at the rear of 18-88 Osler Street on a site specific risk assessment basis, Council grant to the Executive Director, Technical Services and his designate, authority to approve the submission of, and to execute, on behalf of the City, all documents within the Ministry of the Environment's process for brownfield redevelopment under the *Environmental Protection Act*, including Pre-Submission Forms and Records of Site Condition."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(32) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(32), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Procedural Vote:

The vote to waive referral of Motion J(32) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(32) was adopted, without amendment.

9.154 **J(33) Request for Report on the Transfer of Taxicab Licenses to Spouse upon Owner's Death**

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

Moved by: Councillor Stintz

Seconded by: Councillor Ootes

“**WHEREAS** Chapter 545-142 of the Toronto Municipal Code, Section B, entitled ‘Death of Owner’ states that ‘Upon the death of the owner of a cab, the owner’s licence issued in respect of such cab shall be terminated’; and

WHEREAS many taxi licence owners and their spouses use the ownership of the licence as a source of retirement income; and

WHEREAS the existing wording found in Chapter 545-142, Section B, prohibits spouses from automatically assuming the taxi licence after the death of the owner; and

WHEREAS several taxi licence owners and their spouses are on fixed incomes and require the income from the licence to maintain their standard of living;

NOW THEREFORE BE IT RESOLVED THAT the Executive Director, Municipal Licensing and Standards, prepare a report outlining the option of transferring the ownership of a taxi licence to the surviving spouse upon the death of the owner;

AND BE IT FURTHER RESOLVED THAT this report be prepared for the next bi-annual Planning and Transportation Committee meeting for taxi-related issues.”,

the vote upon which was taken as follows:

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

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(33), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 374)

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on September 25, 2006.

9.155 **J(34) Request for Report on the Toronto Transit Commission (TTC) - City of Toronto Relationship Framework**

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

Moved by: Councillor Stintz

Seconded by: Councillor Ashton

“WHEREAS a relationship framework is a document that clearly sets out the relationships between the City and its agencies, boards and commissions; and

WHEREAS the purpose of this relationship framework is to articulate Council’s objectives and expectations to be met by the TTC; and

WHEREAS a relationship framework is needed for the TTC; and

WHEREAS this relationship framework will increase the accountability of the TTC and the City of Toronto; and

WHEREAS the relationship framework report should include the ability for City Councillors who are not Commission members, to attend Commission meetings and be privy to confidential items during ‘in camera’ sessions; and

WHEREAS the relationship framework should include the requirement for all items that have financial implications to be sent to the Policy and Finance Committee and City Council for approval; and

WHEREAS the Strategic and Corporate Policy Division in the City Manager’s Office has created a relationship framework for the Toronto Atmospheric Fund (TAF) which was adopted by City Council;

NOW THEREFORE BE IT RESOLVED THAT the Strategic and Corporate

Policy Division in the City Manager's Office develop a new relationship framework with the TTC;

AND BE IT FURTHER RESOLVED THAT the relationship framework include provisions such as access by all Councillors to in-camera meetings and Council oversight for items which have a financial impact;

AND BE IT FURTHER RESOLVED THAT the Strategic and Corporate Policy Division in the City Manager's Office set the TTC relationship framework as a top priority;

AND BE IT FURTHER RESOLVED THAT this report be submitted to the Policy and Finance Committee and City Council for approval.”,

the vote upon which was taken as follows:

| | |
|--------------|--|
| Yes - 24 | |
| Councillors: | Ashton, Barron, Bussin, Cho, Del Grande, Feldman, Ford, Holyday, Jenkins, Kelly, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 18 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Augimeri, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Giambrone, Hall, Li Preti, Lindsay Luby, Mihevc, Moscoe, Pantalone, Silva |

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(34), 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 374)

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on September 25, 2006.

9.156 J(35) Proposal to Extend Deadline for the 2005 Flood Damage Grant Program

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

Moved by: Councillor Filion

Seconded by: Deputy Mayor Feldman

“WHEREAS on June 14, 2006, Toronto City Council adopted the 2005 Flood Damage Grant program (Works Report 2, Clause 15b) to help residents with damages as a result of the August 19, 2005 storm, or flooding as a result of the November 10, 2005, watermain break on Indian Road; and

WHEREAS the purpose of the Grant is to compensate owners and/or occupants of the properties who are already registered with the City of Toronto as having reported basement flooding as a result of the rainstorm on August 19, 2005, or flooding as a result of the watermain break on Indian Road on November 10, 2005; and

WHEREAS the City of Toronto is in the process of sending information to the owners and occupants of the Council-approved properties advising them of the 2005 Flood Damage Grant program along with an application form and steps to follow to apply for the Grant; and

WHEREAS the City has hired an independent insurance adjuster, McLarens Canada, to review the claims in Windsor, Ontario and residents must send their completed application form to Windsor, Ontario by September 1, 2006; and

WHEREAS residents might not be able to meet the September 1, 2006 deadline due to summer vacations;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Works Committee Report 2, Clause 15b, headed “Terms and Conditions for the 2005 Flood Damages Grant Program (City-wide)”, be re-opened for further consideration, only as it relates to the deadline for submission of application forms;

AND BE IT FURTHER RESOLVED THAT the City authorize an extension of the deadline to September 29, 2006, for application forms to be received.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(35), 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 374)

Vote to Re-open:

The first Operative Paragraph contained in Motion J(35) carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

The balance of Motion J(35) was adopted, without amendment.

9.157 **J(36) 93 Forest Hill Road, Ward 22 (St. Paul's) - Ontario Municipal Board Hearing**

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

Moved by: Councillor Walker

Seconded by: Councillor Jenkins

“WHEREAS the owner of the property municipally known as 93 Forest Hill Road applied to the Committee of Adjustment for minor variances to By-law No. 438-86, as amended, to permit the construction of a new 2-storey detached dwelling; and

WHEREAS in a decision dated April 19, 2006, the Committee of Adjustment refused the minor variances; and

WHEREAS the Committee of Adjustment’s decision has been appealed by the owner to the Ontario Municipal Board; and

WHEREAS the Ontario Municipal Board will be considering an appeal on August 11, 2006, by the owner with respect to this decision by the Committee of Adjustment;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council direct the City Solicitor, appropriate staff and/or expert witnesses to appear at the Ontario Municipal Board to support the Committee of Adjustment decision to refuse the requested variances.”

Advice by Mayor Miller:

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

Municipal Code requiring the referral of Motion J(36) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(36), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 8, Page 387)

Council also had before it, during consideration of Motion J(36), the following documents, which are on file in the City Clerk's Office:

- Notice of Decision (April 20, 2006) from the Acting Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel;
- Communication (April 19, 2006) from Councillor Michael Walker, Ward 22, St. Paul's, addressed to the Chair and Members, Committee of Adjustment, Toronto and East York Panel;
- (April 18, 2006) from Brian Maguire, Secretary, on behalf of the North Hill District Home Owners' Association, addressed to the Committee of Adjustment, Toronto and East York Panel; and
- Ontario Municipal Board - E-Status Case Details (undated) respecting 93 Forest Hill Drive.

Procedural Vote:

The vote to waive referral of Motion J(36) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(36) was adopted, without amendment.

9.158 J(37) 271 Russell Hill Road, Ward 22 (St. Paul's) - Ontario Municipal Board Hearing

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

Moved by: Councillor Walker

Seconded by: Councillor Jenkins

“WHEREAS the owner of the property municipally known as 271 Russell Hill Road applied to the Committee of Adjustment for minor variances to By-law No. 438-86, as amended, to permit the construction of an apartment building containing 6 units; and

WHEREAS in a decision dated June 28, 2006, the Committee of Adjustment refused the minor variances; and

WHEREAS the Committee of Adjustment’s decision has been appealed by the owner to the Ontario Municipal Board; and

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

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council direct the City Solicitor, appropriate staff and/or expert witnesses to appear at the Ontario Municipal Board to support the Committee of Adjustment decision to refuse the requested variances.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(37) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(37), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 9, Page 388)

Council also had before it, during consideration of Motion J(37), the following documents, which are on file in the City Clerk’s Office:

- Notice of Decision (June 29, 2006) from the Acting Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel;
- Communication (June 28, 2006) from Councillor Michael Walker, Ward 22, St. Paul’s, addressed to the Chair and Members, Committee of Adjustment, Toronto and East York Panel;
- (June 27, 2006) from Brian Maguire, Secretary, on behalf of the North Hill District Home Owners’ Association, addressed to the Committee of Adjustment, Toronto and East York Panel; and
- Ontario Municipal Board - E-Status Case Details (undated) respecting 271 Russell

Hill Road.

Procedural Vote:

The vote to waive referral of Motion J(37) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(37) was adopted, without amendment.

9.159 **J(38) 3025 Finch Avenue West, Ward 7 (York West) - Ontario Municipal Board Appeals of Site Plan and Zoning**

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

Moved by: Councillor Mammoliti

Seconded by: Deputy Mayor Feldman

“WHEREAS the City and the developer of the proposed residential development at 3025 Finch Avenue West mediated the appeals of the zoning and site plan applications before the Ontario Municipal Board on the form of and conditions to the development and reached a settlement of same, which was approved by City Council by the adoption of Motion J(29) at its meeting held on November 30, 2004; and

WHEREAS the Ontario Municipal Board after hearings on December 20, 2004, and July 26, 2005 found the proposal to be good planning and implemented the settlement through the issuance of its Decision No. 2368; and

WHEREAS some of the conditions of approval of the development deal with the environmental remediation of the site since it was previously used as a land fill site for approximately 45,000 tonnes of domestic waste; and

WHEREAS the Section 37 Agreement entered into between the City and the developer specifically prohibits any above-grade construction unless certain environmental conditions are complied with; and

WHEREAS the developer advises that the environmental remediation of the site has proceeded more slowly than anticipated due to the volume of the waste and the screening process, and that the advantageous mortgage financing from the banks for purchasers is in jeopardy if above-grade construction does not take place in a timely fashion; and

WHEREAS the developer wishes to maintain the affordability of the dwelling units in the development and therefore requests that limited above-grade construction be permitted for the portion of the site containing 63 townhouses, with the intention that any above-grade construction on the remainder of the site and the finishing of the bathrooms and kitchens in the 63 townhouses be fully contingent upon the satisfaction of all of the environmental conditions otherwise set out in the Section 37 Agreement; and

WHEREAS the developer has agreed to additional security being posted in the amount of \$5,000.00 per townhouse unit to ensure through the issuance of any conditional building permit that the townhouse construction is removed in the event that the environmental conditions are not satisfied by a reasonable date;

NOW THEREFORE BE IT RESOLVED THAT Council hereby directs and authorizes the City Solicitor to amend the appropriate provisions of the Section 37 Agreement to permit above-grade construction of the 63 townhouses shown in Area 'A' on Schedule RM5(14)3 of the site specific zoning by-law for the property, save and except for the finishing of any kitchens and washrooms in the said townhouses, and provided neither the finishing of the kitchens and the washrooms and the occupancy of the said townhouse units shall occur unless all of the environmental conditions otherwise set out in the Section 37 Agreement have been complied with, such amendments to be in a form satisfactory to the City Solicitor;

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(38) to the Etobicoke York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(38), 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 374)

Procedural Vote:

The vote to waive referral of Motion J(38) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(38) was adopted, without amendment.

9.160 **J(39) Significant Gun Violence and Illegal Drug Activity and Potential Connection to the Proliferation of Licensed Restaurants along Weston Road in Ward 11**

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

Moved by: Councillor Nunziata

Seconded by: Councillor Mammoliti

“WHEREAS the neighbourhood bounded by Weston Road between Lawrence Avenue West in Ward 11 has experienced a significant increase in gun violence and illegal drug activity over the past 6 months; and

WHEREAS the City Councillor has been advised by the Toronto Police Service of numerous Criminal Code and Provincial Offence violations emanating from the activities from the numerous establishments which have liquor licences (‘licensed premises’) which are located on the stretch of Weston Road since January 2006, including two homicides which occurred inside licensed establishments and two other homicides which occurred in close proximity to licensed establishments; and

WHEREAS the Toronto Police Service has expressed concerns about the significant increase in the crime rate in the area, and believes that the activities associated with licensed establishments are disproportionately contributing to the crime in the area, as well as an increase in the public nuisance occurring on Weston Road, in and around licensed premises; and

WHEREAS the City Councillor has also received complaints from residents regarding the misconduct of patrons from licensed establishments located in the immediate vicinity (a copy of some of the residents letters have been filed with the City Clerk’s Office, including a summary of 19 incidents of extreme violence since January 9, 2006); and

WHEREAS the Toronto Police Service and residents have also voiced their concern to the City Councillor that a number of new establishments appear to be receiving liquor licences in the area, which will only contribute to the already difficult situation; and

WHEREAS the Toronto Police Service has requested assistance from the City to address and diffuse the increased violence and illegal drug activity in this area as it

may relate to the presence and operation of licensed premises; and

WHEREAS Weston Road between Lawrence Avenue West and the area in the vicinity of McCormack Street is a main street located predominantly in the area of the former City of York and to a lesser extent in the former City of Toronto and is characterized by a mix of residential, commercial and retail uses and other employment uses, including licensed restaurants; and

WHEREAS the commercial and retail uses, including licensed restaurants, are generally located in Local Commercial Residential (LCR), Main Street Commercial and Residential (MCR), or IC Industrial Zoning Districts along Weston Road; and

WHEREAS Zoning By-law 1-83 of the former City of York contains zoning definitions and parking standards that were introduced by amending by-laws in 1978 and 1980, with a view to controlling the proliferation of licensed restaurants in the former City of York; and

WHEREAS Zoning By-law 438-86 of the former City of Toronto also contains zoning standards to regulate restaurants in the former City of Toronto; and

WHEREAS notwithstanding the zoning regulations, new licensed restaurants continue to receive approval and locate in premises along Weston Road;

NOW THEREFORE BE IT RESOLVED THAT the Chief Planner and Executive Director, City Planning be requested to investigate and report to the Etobicoke York Community Council on the extent to which the licensed restaurant establishments have increased in number over the last five years along Weston Road between Lawrence Avenue West and the area in the vicinity of McCormack Street, and how effective the zoning standards have been in regulating the proliferation and whether any amendments might be appropriate to ameliorate the situation;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be requested to consult with various City divisions, including City Planning and Municipal Licensing and Standards, and report to the Etobicoke York Community Council on any recommendations which may assist in addressing and diffusing the increased crime rate in this area.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(39) to the Etobicoke York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(39), 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 374)

Procedural Vote:

The vote to waive referral of Motion J(39) to the Etobicoke York Community Council was taken as follows:

| | |
|--------------|--|
| Yes - 28 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Rae, Soknacki, Stintz, Thompson, Walker, Watson |
| No - 14 | |
| Councillors: | Ashton, Augimeri, Barron, Bussin, Del Grande, Filion, Ford, Giambrone, Jenkins, Mihevc, Moscoe, Pantalone, Saundercook, Silva |

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

Vote:

Motion J(39) was adopted, without amendment.

9.161 J(40) Request to Condemn China's Horrific Crimes Against Humanity

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

Moved by: Councillor Walker

Seconded by: Councillor Jenkins

“WHEREAS over 10 percent of Toronto’s population has its origins in The People’s Republic of China (China); and

WHEREAS an independent investigative report (Appendix 1) conducted by former MP, the Honourable David Kilgour, and renowned human rights lawyer, David Matas, was released on July 6, 2006, confirming that since 2001, institutions such as hospitals and detention centres under control of the Chinese government have been

harvesting organs for profit from unwilling Chinese citizens and killing these donors during the course of harvest; and

WHEREAS the investigative report states that the Chinese government hosts websites that offer organs for sale for up to \$160,000.00 U.S. with a maximum two week waiting period; and

WHEREAS Mr. Kilgour states that ‘these operations are a form of murder’ and Mr. Matas states that ‘this is a new form of evil that we have yet to see on this planet’; and

WHEREAS there are reports of at least 36 concentration camps active in China right now acting as holding cells for organ harvest victims, one is said to hold over 120,000 people, most of whom are political prisoners because they practice Falun Gong (an eastern philosophy); and

WHEREAS China’s actions are tantamount to crimes against humanity and should be treated as such, similar to the horrific magnitude of the Holocaust, Pol Pot’s rule in Cambodia, or the genocides in Rwanda, Bosnia, and Sudan; and

WHEREAS protests against China’s illegal organ harvests and concentration camps have occurred in April 2006 at Queen’s Park in Toronto and Parliament Hill in Ottawa; and

WHEREAS it is the responsibility of all human beings, including municipal politicians, to raise the awareness necessary to stop horrific crimes against our fellow human beings as saving human life is more valuable than securing economic and financial gain; and

WHEREAS Canadians need to stand up for human rights and against the persecution of untried prisoners in all its policies, especially in its trade policy;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council hereby condemns all violations of human rights, such as in China presently, as defined by the Universal Declaration of Human Rights (1948) and the United Nations Convention Against Torture (1987);

AND BE IT FURTHER RESOLVED THAT Toronto City Council formally request the provincial government to investigate the past use of Ontario’s Healthcare system to maintain organ transplants performed internationally, particularly in China, with respect to the ethical acquisition of the organs that were transplanted into Ontario residents;

AND BE IT FURTHER RESOLVED THAT Toronto City Council formally request the provincial government to prohibit any Ontario resident from receiving any

illegal organ transplant from China;

AND BE IT FURTHER RESOLVED THAT Toronto City Council formally request the federal government to table a resolution at the United Nations' Committee Against Torture or United Nations' General Assembly condemning China's human rights record and requesting a that package of sanctions against China be created to persuade China to treat its citizenry according to the Universal Declaration of Human Rights and the United Nations Convention Against Torture;

AND BE IT FURTHER RESOLVED THAT a copy of this resolution be forwarded to the Prime Minister of Canada, the Premier of Ontario and the Chinese Consulate in Toronto and Ottawa.”

Ruling by Mayor:

Councillor Ootes requested the Mayor to rule on whether this Motion was within the jurisdiction of the City of Toronto. Mayor Miller advised that in the past, Council has consistently ruled similar motions out of order. He ruled Motion J(40) out of order as it is not within the jurisdiction of the City of Toronto.

Councillor Walker challenged the ruling of the Mayor.

Vote to Uphold the Ruling of the Mayor:

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|--------------|---|
| Yes - 35 | |
| Mayor: | Miller |
| Councillors: | Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Stintz, Thompson, Watson |
| No - 6 | |
| Councillors: | Ainslie, Augimeri, Del Grande, Jenkins, Pitfield, Walker |

Carried by a majority of 29.

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(40), 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 374)

Council also had before it, for consideration with Motion J(40), a document, entitled “Report into Allegations of Organ Harvesting of Falun Gong Practitioners in China” (July 6, 2007) by David Matas and David Kilgour, submitted by Councillor Michael Walker, Ward 22, St. Paul’s, which is on file in the City Clerk’s Office.

Disposition:

Motion J(40) was ruled out of order.

9.162 **J(41) Authority to Lease 4040 Lawrence Avenue East to the Boys and Girls Club of East Scarborough**

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

Moved by: Councillor Cowbourne

Seconded by: Councillor Soknacki

“**WHEREAS** the East Scarborough Storefront program of the Boys and Girls Club of East Scarborough provides critical community services to the residents of West Hill and Kingston Galloway; and

WHEREAS the East Scarborough Storefront is located in the Morningside Mall which is now being demolished; and

WHEREAS the Toronto Police Service has vacated the police substation at 4040 Lawrence Avenue East and advised it is no longer operationally required; and

WHEREAS Council has a Policy for City-Owned Space Provided at Below-Market Rent and the Boys and Girls Club of East Scarborough is an existing tenant in City space and in compliance with the policy;

NOW THEREFORE IT BE RESOLVED THAT authority be granted for 4040 Lawrence Avenue East to be leased to the Boys and Girls Club of East Scarborough, such lease to be on terms satisfactory to the Chief Corporate Officer, in consultation with the General Manager of Parks, Forestry and Recreation, and in a form acceptable to the City Solicitor;

AND BE IT FURTHER RESOLVED THAT Deputy City Manager Sue Corke, or her designate, be authorized to submit and execute any documents required for regulatory approvals for the community use of 4040 Lawrence Avenue East.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(41) to the Administration Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(41), 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 374)

Procedural Vote:

The vote to waive referral of Motion J(41) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(41) was adopted, without amendment.

9.163 **J(42) Toronto Hydro Purchases of Nuclear Power from the Ontario Power Generation Corporation**

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

Moved by: Councillor Saundercook

Seconded by: Councillor Mihevc

“WHEREAS the Corporation of the City of Toronto is the sole shareholder of Toronto Hydro, and Toronto Hydro is arguably one of the most important pieces of infrastructure in Toronto; and

WHEREAS the City of Toronto and Toronto Hydro purchase approximately \$2 billion worth of electricity each year; and

WHEREAS the City of Toronto uses enough electricity for its own purposes that it is the largest single consumer of electricity in Ontario; and

WHEREAS the Government of Ontario has committed to an open market for electricity; and

WHEREAS in an open economic market, consumers should have the right to choose what they buy and from whom; and

WHEREAS the long-term economic success of Ontario has been built primarily on Sir Adam Beck's vision of low-cost, renewable electricity for all of Ontario; and

WHEREAS the Government of Ontario has decided to by-pass the environmental assessment process, and force the construction of additional nuclear power plants; and

WHEREAS past nuclear power plant projects have a track record of billion dollar cost overruns that are still being paid for by residents and businesses on our electricity bills;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto, as Toronto Hydro's sole shareholder, express its formal discomfort to Toronto Hydro with continued purchases of nuclear power from Ontario Power Generation Corporation;

AND BE IT FURTHER RESOLVED THAT in the spirit of full disclosure and forthright assessment of costs and benefits, the City of Toronto, as sole shareholder of Toronto Hydro, formally request the management team of Toronto Hydro to co-ordinate, in four weeks, a briefing session for the Board of Directors of Toronto Hydro, Toronto City Councillors and all interested parties including the press and general public about:

- (i) the economic track record of nuclear power in Ontario;
- (ii) the financial history of the Ontario Government passing on cost overruns from the former Ontario Hydro to Ontario consumers through stranded debt charges;
- (iii) the potential financial impacts on Toronto consumers and the City of Toronto on electricity pricing in 2007 and beyond, including an impact on the City of Toronto's departmental budgets; and
- (iv) options to minimize financial risk to Toronto residents, businesses and the Corporation of the City of Toronto from future increases in the cost of electricity on Ontario;

AND BE IT FURTHER RESOLVED THAT the City of Toronto also formally request the management team of Toronto Hydro to work with the environmental community to co-ordinate a second briefing session, four weeks following the economic briefing session, to outline the environmental and public health risks associated with the mining and processing of uranium, as well as the transportation, management and storage of nuclear waste.”,

the vote upon which was taken as follows:

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|---|
| Yes - 23 Mayor: Miller Councillors: Ainslie, Carroll, Cho, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moscoe, Nunziata, Saundercook, Silva, Thompson, Walker, Watson |
| No - 16 Councillors: Ashton, Augimeri, Bussin, Del Grande, Feldman, Ford, Kelly, Li Preti, Milczyn, Ootes, Palacio, Pantalone, Pitfield, Rae, Soknacki, Stintz |

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(42), 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 374)

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on September 25, 2006.

9.164 **J(43) Association of Body Rub Parlours of Toronto Inc. v. City of Toronto Court Application Challenging Licensing By-laws 904-2005 and 1055-2005**

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

Moved by: Councillor Stintz

Seconded by: Councillor Ainslie

“WHEREAS by Notice of Application dated April 7, 2006, the Association of Body Rub Parlours of Toronto Inc. (the ‘Association’) commenced a court application challenging the body rub parlour licence fees contained in By-law No. 904-2005 and the limit on the hours of operation contained in By-law No. 1055-2006; and

WHEREAS this court application also challenges the validity of Chapter 162 of the Municipal Code, Public Notice as well as section 272 of the *Municipal Act, 2001*; and

WHEREAS at its meeting of June 27, 28 and 29, 2006, Toronto City Council adopted the in-camera report from the City Solicitor seeking instructions; and

WHEREAS the City Solicitor requires further instructions from City Council in this court application; and

WHEREAS this matter must be considered at this meeting of Council to provide instructions to staff;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Planning and Transportation Committee Report 10, Clause 6, headed 'Proposed Amendments to the City of Toronto Municipal Code Chapter 545, Licensing Regarding Hours of Operation for Body Rub Parlours' be re-opened for further consideration and that this matter be referred back to Planning and Transportation Committee for its meeting scheduled on September 5th, 2006;

AND BE IT FURTHER RESOLVED THAT City Council consider and adopt the staff recommendations contained in the Recommendations Section of the confidential report (July 20, 2006) from the City Solicitor.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(43), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer.

Council also had before it, during consideration of Motion J(43), a confidential report (July 20, 2006) from the City Solicitor.

Vote to Re-open:

The first Operative Paragraph contained in Motion J(43) carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

The balance of Motion J(43) was adopted, without amendment.

Summary:

In adopting Motion J(43), without amendment, Council:

- (1) referred Planning and Transportation Committee Report 10, Clause 6, headed

“Proposed Amendments to the City of Toronto Municipal Code Chapter 545, Licensing Regarding Hours of Operation for Body Rub Parlours”, back to the Planning and Transportation Committee for its meeting on September 5, 2006; and

- (2) adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the confidential report (July 20, 2006) from the City Solicitor. These recommendations are now public, and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation:

“It is recommended that:

- (1) City Council authorize the Executive Director, Municipal Licensing and Standards, not to enforce By-law No. 1055-2005 against licensed body rub parlours which comply with the limits of hours of operation in effect immediately before the enactment of By-law No. 1055-2005, pending consideration by City Council of any recommendations which may be made by the Planning and Transportation Committee on the issue of hours of operation governing body rub parlours; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

9.165 J(44) Computer Leasing Inquiry and Toronto External Contracts Inquiry – Status of Various Matters

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

Moved by: Mayor Miller

Seconded by: Deputy Mayor Bussin

“**WHEREAS** at its meeting of September 28, 29 and 30, 2005, City Council adopted, as amended, Notice of Motion J(7) dealing with Madam Justice Bellamy’s report on the Toronto Computer Leasing Inquiry and the Toronto External Contracts Inquiry; and

WHEREAS City Council requested that the City Clerk, on behalf of City Council, file a complaint to the Institute of Chartered Accountants of Ontario (the 'Institute') with respect to Wanda Liczyk's conduct as Chief Financial Officer and Treasurer of the City of Toronto, and request the Law Society of Upper Canada (the 'LSUC') to investigate the conduct of Jeff Lyons;

WHEREAS the City Solicitor has prepared an in-camera report (July 24, 2006) advising City Council of the responses received from the Institute and the LSUC;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report and provide instructions to the City Solicitor."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(44) to the Policy and Finance Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(44), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer.

Council also had before it, during consideration of Motion J(44), the following:

- confidential report (July 24, 2006) from the City Solicitor;
- communication (October 12, 2005) from the City Clerk, addressed to the Director of Standards Enforcement, Institute of Chartered Accountants of Ontario, which is on file in the City Clerk's Office; and
- communication (October 12, 2005) from the City Clerk, addressed to Complaints Services, Law Society of Upper Canada, which is on file in the City Clerk's Office.

Procedural Vote:

The vote to waive referral of Motion J(44) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Pantalone in the Chair.

Motion:

Councillor Walker moved that Motion J(44) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT Council adopt staff Recommendation (2) contained in the Recommendations Section of the confidential report (July 24, 2006) from the City Solicitor, subject to inserting the words ‘strongly worded’, after the words ‘the City Solicitor to make a’, so that Recommendation (2) now reads as follows:

- ‘(2) request the City Solicitor to make a strongly worded written application to the Reviewer of Complaints with respect to the Institute’s decision not to lay and prosecute charges before the Institute’s Discipline Committee with respect to Wanda Liczyk’s conduct as Chief Financial Officer and Treasurer of the City of Toronto.’ ”

Votes:

Adoption of the motion by Councillor Walker:

| | |
|--------------------------|--|
| Yes - 23 Councillors: | Ainslie, Ashton, Cowbourne, Davis, Del Grande, Fletcher, Ford, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Nunziata, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Thompson, Walker |
| No - 6 Councillors: | Filion, Grimes, Holyday, Li Preti, Mammoliti, Minnan-Wong |

Carried by a majority of 17.

Motion J(44), as amended, carried.

Summary:

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

“AND BE IT FURTHER RESOLVED THAT Council adopt staff Recommendation (2) contained in the Recommendations Section of the confidential report (July 24, 2006) from the City Solicitor, subject to inserting the words ‘strongly worded’, after the words ‘the City Solicitor to make a’, so that Recommendation (2) now reads as follows:

- ‘(2) request the City Solicitor to make a strongly worded written application to the Reviewer of Complaints with respect to the Institute’s decision not to lay and prosecute charges before the Institute’s Discipline Committee with respect to Wanda Liczyk’s conduct as Chief Financial Officer and Treasurer of the City of Toronto.’ ”

In adopting Motion J(44), as amended, Council adopted, as amended, Recommendation (2) contained in the confidential report (July 24, 2006) from the City Solicitor. The balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation.

Mayor Miller in the Chair.

9.166 **J(45) Rejection of Poor Contract Performers from Continuing City Business**

July 25, 2006:

Councillor Del Grande, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Del Grande

Seconded by: Councillor Nunziata

“**WHEREAS** there are situations where recommendations for procurement awards are made in favour of contractors or vendors who have a history of performing poorly under prior contracts with the City; and

WHEREAS providing business to such contractors and vendors is not in the interests of the City; and

WHEREAS the City should have the ability to monitor and reject poor performing vendors and contractors from obtaining continuing City business;

NOW THEREFORE BE IT RESOLVED THAT the Director of Purchasing and Materials Management report to the Administration Committee on a policy that would reserve the right of the City to reject otherwise low bidders and preferred proponents from contract awards in situations where the City is dissatisfied with the work or services undertaken by the bidder or proponent under a prior City contract.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(45) to the Administration Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(45), 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 374)

Procedural Vote:

The vote to waive referral of Motion J(45) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Fletcher moved that Motion J(45) be amended by adding to the first Operative Paragraph, the words “and canvass City Divisions and Members of Council on the types of problems they have encountered with work or services, and include that information in the report”, so the first Operative Paragraph now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT the Director of Purchasing and Materials Management report to the Administration Committee on a policy that would reserve the right of the City to reject otherwise low bidders and preferred proponents from contract awards in situations where the City is dissatisfied with the work or services undertaken by the bidder or proponent under a prior City contract, and canvass City Divisions and Members of Council on the types of problems they have encountered with work or services, and include that information in the report”.

Votes:

The motion by Councillor Fletcher carried.

Adoption of Motion J(45), as amended:

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|--------------|---|
| Yes - 38 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Augimeri, Barron, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson, Walker |
| No - 1 | |
| Councillor: | Ford |

Carried by a majority of 37.

9.167 J(46) Donation of an Outdoor Sports Court in Cornell Park (Ward 43 - Scarborough East)

July 25, 2006:

Councillor Soknacki, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Soknacki

Seconded by: Councillor De Baeremaeker

“WHEREAS the Raptors Foundation is the charitable arm of the Toronto Raptors Basketball Club, and is dedicated to assisting registered charities to support programs and sports initiatives for at-risk children and youth; and

WHEREAS the Toronto Parks and Trees Foundation is committed to supporting and enhancing public park spaces for play, sports, culture and quiet places to experience nature in the City; and

WHEREAS on June 22, 2006, the Board of Directors of the Raptors Foundation approved the complete funding of an outdoor sports court in Cornell Park at their sole expense of approximately \$80,000.00, with construction commencing at the end of July 2006, and completed before November 2006, to be used for basketball, ball hockey and other sports; and

WHEREAS the additional annual costs to maintain the sports court is nominal and such costs are included in the existing Parks, Forestry and Recreation Operating Budget and the sports court is expected to last more than 20 years;

NOW THEREFORE BE IT RESOLVED THAT City Council accept this contribution, via the Toronto Parks and Trees Foundation, from the Raptors Foundation, of an outdoor sports court in Cornell Park with thanks; and the 2006 Parks, Forestry and Recreation Capital Budget be amended to include an additional net zero project of \$80,000.00 for the construction of an outdoor sports court in Cornell Park.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(46) to the Policy and Finance Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(46), 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 374)

Procedural Vote:

The vote to waive referral of Motion J(46) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(46) was adopted, without amendment.

9.168 J(47) Protection of Individually Designated (Part IV) Properties in Heritage Conservation Districts (All Wards)**July 25, 2006:**

Councillor Milczyn, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Milczyn

Seconded by: Councillor Rae

“WHEREAS the *Ontario Heritage Act* was amended by the Ontario Legislature on April 28, 2005; and

WHEREAS one of the amendments specified that, in Heritage Conservation Districts designated by Council after April 28, 2005, proposed alterations to properties in a District that are or become individually designated (under Part IV of the *Ontario Heritage Act*) will be subject to the Guidelines in the Heritage Conservation District Plan and not the procedures provided in Part IV; and

WHEREAS the detailed control of identified ‘heritage attributes’ provided by Part IV would be replaced by the necessarily more general approach taken by Heritage Conservation District Plans; and

WHEREAS City Council, at it’s meeting of June 27, 28 and 29, 2006, adopted, without amendment Toronto and East York Community Council Report 5, Clause 2, and thereby designated the Union Station area as a Heritage Conservation District and adopted a District Plan and Guidelines; and

WHEREAS the Union Station area contains many significant heritage buildings that are or may become individually designated or listed under Part IV of the *Ontario Heritage Act*; and

WHEREAS the addition of a Guideline to the Union Station Heritage Conservation District Plan will ensure that Council retains the ability to consent to or refuse alterations to the individual heritage attributes of designated buildings (both current and future) in the Union Station Area Heritage Conservation District, similar to its existing powers under Part IV of the *Ontario Heritage Act*;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto and East York Community Council Report 5, Clause 2, headed ‘Designation under Part V of the *Ontario Heritage Act* – Union Station Heritage Conservation District (Ward 28 - Toronto Centre-Rosedale)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT Council amend Recommendation (2) contained in the report (April 28, 2006) from the Director, Policy and Research, City Planning, so that it now reads as follows:

- ‘(2) Council adopt by By-law the Union Station Heritage Conservation District Plan, dated April, 2006, as the District Plan for the Union Station Heritage Conservation District, to act as a guide for property owners, City staff, advisory committees and Council when making decisions regarding matters set out under Sections 42 of the *Ontario Heritage Act*;’;

AND BE IT FURTHER RESOLVED THAT the Union Station Heritage Conservation District Plan adopted by City Council, prepared by ERA Architects Inc. and dated April 2006, is hereby amended to add a new Section 8.3.1 as follows:

‘8.3.1 PROPERTIES DESIGNATED UNDER PART IV OF THE ONTARIO HERITAGE ACT

In addition to the requirements of S.8.3.2, the heritage attributes of properties that are “listed” or designated under Part IV of the *Ontario Heritage Act*, as defined in their respective listing reports or designating by-laws, should be maintained and enhanced in any proposed alteration to the property’;

and the following sections be renumbered accordingly;

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, during consideration of Motion J(47), 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 374)

Vote to Re-open:

The first Operative Paragraph contained in Motion J(47) carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

The balance of Motion J(47) was adopted, without amendment.

9.169 **J(48) 185 Beta Avenue (formerly known as 183 Beta Avenue) Ward 6 (Etobicoke-Lakeshore) - Designation of a Property Listed on the City's Inventory of Heritage Properties**

July 25, 2006:

Councillor Grimes, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Milczyn

Seconded by: Mayor Miller

“WHEREAS the property located at 185 Beta Avenue (formerly known as 183 Beta Avenue) contains ‘Ashfield’ (Horner House), which has cultural heritage value for its mid-19th century architectural design, its historical association with a prominent Etobicoke family, and its context as a local landmark; and

WHEREAS this property is included on the City of Toronto Inventory of Heritage Properties; and

WHEREAS the Toronto Official Plan states that heritage resources or properties listed on the City's Inventory of Heritage Properties will be conserved; and

WHEREAS this is an urgent motion as a demolition permit has been issued for this property;

NOW THEREFORE BE IT RESOLVED THAT Council of the City of Toronto give notice of its intention to designate the property at 185 Beta Avenue (formerly known as 183 Beta Avenue) under Part IV of the *Ontario Heritage Act* for its cultural heritage value or interest, provided the Toronto Preservation Board endorses the designation;

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(48) to the Etobicoke York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(48), 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 374)

Procedural Vote:

The vote to waive referral of Motion J(48) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(48) was adopted, without amendment.

9.170 J(49) Request to Recognize the Work of the Canadian-Vietnam Friendship Association

July 25, 2006:

Councillor Minnan-Wong, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Minnan-Wong

Seconded by: Deputy Mayor Feldman

“**WHEREAS** the City of Toronto and Ho Chi Minh City entered into a Friendship Agreement on February 13, 2006, to further enhance and facilitate their relationship; and

WHEREAS the impetus for the Agreement and the mission to sign it came from the Canada-Vietnam Friendship Association and its members; and

WHEREAS the Canada-Vietnam Friendship Association assisted in the planning and hosting of business missions from Vietnam in both 2005 and 2006; and

WHEREAS the members of the Canada-Vietnam Friendship Association have been active in building business and social linkages with governments, companies and groups in Ho Chi Minh City and Vietnam generally; and

WHEREAS the Canada-Vietnam Friendship Association has a counterpart group in Vietnam, with links into the business community and a working relationship with governments in Vietnam; and

WHEREAS the Agreement states that Toronto and Ho Chi Minh are to identify an entity in each City for the purpose of co-ordinating, promoting, implementing and monitoring projects and initiatives arising out of the Agreement;

NOW THEREFORE BE IT RESOLVED THAT Council recognize the work of the Canada-Vietnam Friendship Association (Toronto) and designate it, its President and its Officers, as Toronto’s community partner and ambassador for the City of Toronto in Vietnam and with Ho Chi Minh City.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(49) to the Economic Development and Parks Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(49) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(49) was adopted, without amendment.

9.171 **J(50) Amendments to Municipal Code Chapter 918 “Parking on Residential Front Yards and Boulevards”**

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

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Moscoe

“WHEREAS City Council at its meeting on June 27, 28 and 29, 2006, adopted, as amended, Planning and Transportation Committee and Works Committee Joint Report 1, Clause 1, headed ‘Residential Front Yard and Boulevard Parking: Municipal Code Chapter and Policy Considerations and Residential Front Yard Parking Through Zoning and Front Yard Parking Permits: Supplementary Report 2 - Comments from Community Councils and Public Consultation’; and

WHEREAS in adopting the Clause as amended, Council referred Parts (B)(3), (B)(4) and (B)(5) contained in Article V, Subsection 918-130, to the General Manager, Transportation Services, with a request that he review the polling procedure with Members of Council and bring forward revised recommendations to the appropriate Standing Committee in September, 2006; and

WHEREAS this would delay the enactment of a Bill to introduce Chapter 918 entitled ‘Parking on Residential Front Yards and Boulevards’ and Council’s objectives can be achieved through the following amendments; and

WHEREAS Council amended Part (A)(4) contained in Article V, Subsection 918-140, by adding the following:

- ‘(i) any responses to legal enquiries respecting purchase and sale clearly indicate that existing front yard parking licences are not transferable and will require a new application from a new owner;

- (ii) the response also advise that it is the responsibility of the new owner to ensure that the existing pad was installed legally;
- (iii) the application require the owner to waive MFIPPA requirements as a condition of obtaining a permit for a pad; and
- (iv) where there is an encroachment agreement, that encroachment be registered on title so that a new purchaser is aware of the conditions applied to the pad.’; and

WHEREAS the motion adopted by Council to require a ‘waiver’ of an individual’s rights under the *Municipal Freedom of Information and Protection of Privacy Act* (‘MFIPPA’) is likely contrary to law and is unnecessary, given that the City can accomplish these same objectives through the use of a collection and disclosure notice as permitted under MFIPPA, indicating the City’s intention when collecting certain information to publicly disclose it; and

WHEREAS Joint Recommendation (C) contained in the Clause makes reference to ‘Brookdale Avenue’ and this reference should instead be to ‘Brooke Avenue’; and

WHEREAS the proposed Code Chapter 918 has been renumbered in accordance with the formatting structure required by the City Clerk and is ready for enactment by Council;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Joint Planning and Transportation Committee and Works Committee Report 1, Clause 1, headed ‘Residential Front Yard and Boulevard Parking: Municipal Code Chapter and Policy Considerations and Residential Front Yard Parking Through Zoning and Front Yard Parking Permits: Supplementary Report 2 - Comments from Community Councils and Public Consultation’, be re-opened for further consideration, only as it pertains to the amendments made by Council and the reference to Brookdale Avenue;

AND BE IT FURTHER RESOLVED THAT Part (A)(4) contained in Article V, Subsection 918-140 of the draft by-law, as amended by Council, be deleted and replaced with the following:

- ‘(4) The applicant acknowledges, in writing, that:
 - (a) Front yard parking agreements are not transferable from one owner to another and that a new property owner must enter into a new agreement with the City in order to continue a front yard parking licence for the front yard parking pad;
 - (b) The responsibility lies with the existing property owner to advise the

new property owner if the existing parking pad was legally installed;

- (c) The legal status of the front yard parking pad or permit shall be treated as information which may be made available to the public; and
- (d) Where an encroachment agreement is required, it shall be registered on title so that the new purchaser is aware of the conditions applied to the front yard parking pad.’;

AND BE IT FURTHER RESOLVED THAT Part (A)(5) contained in Article V, Subsection 918-140 of the draft by-law be renumbered to Part (A)(6) and a new Part (A)(5) be added as follows:

- ‘(5) The City shall acknowledge, in writing, when a legal inquiry is received respecting the purchase and sale of a property that:
 - (a) Front yard parking agreements are not transferable from one owner to another and that a new property owner must enter into a new agreement with the City in order to continue a front yard parking licence for the front yard parking pad; and
 - (b) It is the responsibility of the new owner to ensure that the existing front yard parking pad was legally installed.’;

AND BE IT FURTHER RESOLVED THAT City Council rescind the referral of Parts (B)(3), (B)(4) and (B)(5) contained in Article V, Subsection 918-130, to the General Manager, Transportation Services;

AND BE IT FURTHER RESOLVED THAT Joint Recommendation (C) of the Planning and Transportation Committee and the Works Committee be amended by deleting the words ‘Brookdale Avenue’ and inserting instead the words ‘Brooke Avenue’, so that Recommendation (C) now reads as follows:

- ‘(C) the General Manager, Transportation Services may accept applications for front yard parking (boulevard portion) for residential properties in Ward 16, former City of North York portion, east of Avenue Road, south of Brooke Avenue;’

AND BE IT FURTHER RESOLVED THAT City Council, at its meeting of July 25, 26 and 27, 2006, enact a Bill to introduce Chapter 918, as amended, and request the General Manager of Transportation Services to review the polling procedure with Members of Council and bring forward revised recommendations to the appropriate Standing Committee in September, 2006.”

Vote to Re-open:

The first Operative Paragraph contained in Motion J(50) carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

The balance of Motion J(50) was adopted, without amendment.

9.172 **J(51) Toronto District School Boards' Lighting Policy – Reaffirming Council's Request of the Boards**

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

Moved by: Councillor Ootes

Seconded by: Councillor Davis

“WHEREAS trustees of the Toronto District School Board have stated that they have a policy to turn off their school properties' lights, in order to save money; and

WHEREAS many residents complain of problematic issues arising on school properties that are not lit, including loitering, drinking, drug use, fighting, assaults, vandalism, and public urination; and

WHEREAS properly lit outdoor areas deter unsavoury and illegal activities; and

WHEREAS the Toronto District School Board has an obligation and responsibility to this City to do its part to keep communities safe for residents; and

WHEREAS City Council, by its adoption of Motion J(11) at its meeting on December 5, 6 and 7, 2005, requested the Mayor to write to the Toronto District School Board and the Toronto Catholic District School Board, requesting them to ensure that their properties are well-lit at all times, particularly at night, in the interest of community safety and to encourage community use of school yards; and

WHEREAS to date, the Mayor has received a response to Council's request from the Toronto Catholic District School Board only;

NOW THEREFORE BE IT RESOLVED THAT City Council reaffirm its previous request and strongly urge the School Boards to reverse their lighting policies, to ensure that the outdoor areas of school properties are adequately lit.”

Ruling by Mayor:

Mayor Miller ruled Motion J(51) redundant as a similar Motion was passed by Council at its meeting on December 5, 6 and 7, 2005.

Disposition:

This Motion was ruled redundant.

9.173 **J(52) 61 Burnside Drive, Ward 21, St. Paul's - Ontario Municipal Board Hearing**

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

Moved by: Councillor Mihevc

Seconded by: Councillor Silva

“WHEREAS the owner of the property at 61 Burnside Drive applied to the Committee of Adjustment (Toronto East York Panel) for variances to By-law No. 438-86, as amended to permit a two-car carport to the rear of the existing detached house and to construct a deck on the top of the proposed carport; and

WHEREAS in a decision dated May 4, 2006, the Committee of Adjustment refused the minor variance application; and

WHEREAS the Committee of Adjustment’s decision has been appealed by the owner to the Ontario Municipal Board; and

WHEREAS an Ontario Municipal Board Hearing has been set for 1.5 days commencing on September 7, 2006; and

WHEREAS City Planning staff wrote to the Committee in opposition to the requested variances on the grounds that the proposal was contrary to the intent of the Zoning By-law;

NOW THEREFORE BE IT RESOLVED THAT City Council authorize the City Solicitor and appropriate staff to appear at the Ontario Municipal Board to support the Committee of Adjustment’s decision to refuse the requested minor variance application.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(52) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Council also had before it, during consideration of Motion J(52), a Notice of Decision (May 4, 2006) from the Acting Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel, which is on file in the City Clerk's Office.

Procedural Vote:

The vote to waive referral of Motion J(52) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(52) was adopted, without amendment.

9.174 J(53) Appointments of Councillor Harvey Barron to Boards and Committees**July 26, 2006:**

Deputy Mayor Pantalone, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Mayor Miller

Seconded by: Deputy Mayor Pantalone

“WHEREAS Gerry Altobello resigned as Councillor Ward 35 – Scarborough Southwest, and Council has declared the office vacant and has appointed Harvey Barron as a new Member; and

WHEREAS besides Scarborough Community Council, former Councillor Altobello's seat on the following boards and committees will need to be filled:

Policy and Finance Committee (as the Works Committee member)

Works Committee
Source Separated Organics Sub-Committee
Toronto Hydro Corporation Board of Directors
Canadian National Exhibition Association, Municipal Section
Knob Hill Plaza Business Improvement Area (BIA) Board of Management
Inter-City Bus Terminal Co-ordinating Committee, as Chair
Tenant Defence Committee;

NOW THEREFORE BE IT RESOLVED THAT the relevant portions of City of Toronto Municipal Code Chapter 27, Council Procedures, be waived to permit the appointment of Councillor Harvey Barron to the following standing committees and boards, in addition to Scarborough Community Council, without advising all Members of the vacancy and permitting them to submit names for consideration, and without referral to the Striking Committee or Works Committee:

Policy and Finance Committee (as the Works Committee member)
Works Committee
Source Separated Organics Sub-Committee
Toronto Hydro Corporation Board of Directors
Canadian National Exhibition Association, Municipal Section
Knob Hill Plaza Business Improvement Area (BIA) Board of Management
Inter-City Bus Terminal Co-ordinating Committee, as Chair
Tenant Defence Committee.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(53) to the Striking Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(53) to the Striking Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(53) was adopted, without amendment.

9.175 **J(54) Boulevard Café Application – 522 King Street West****July 26, 2006:**

Councillor Silva, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: **Councillor Silva**

Seconded by: **Councillor Giambrone**

“WHEREAS the operators of Brant House at 522 King Street West have been granted a Boulevard Café Permit to allow the operation of a café on the Brant Street flankage of 522 King Street West; and

WHEREAS local residents have expressed concerns that the operation of the boulevard café is having a negative impact on the community; and

WHEREAS this impact on the community and the concerns of the residents needs to be addressed and the operation of the boulevard café reviewed;

NOW THEREFORE BE IT RESOLVED THAT City Council request the Executive Director of Municipal Licensing and Standards to review the operation of the boulevard café and report further on the concerns of the residents to the September 2006, meeting of the Toronto and East York Community Council for resolution or cancellation of the boulevard cafe permit.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(54) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(54) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(54) was adopted, without amendment.

9.176 **J(55) Supplementary Report regarding the Official Plan and Zoning Review of the West Queen West Triangle Area, Ward 18 – Davenport**

July 26, 2006:

Councillor Giambrone, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Giambrone

Seconded by: Councillor Silva

“**WHEREAS** at its meeting of June 27, 28 and 29, 2006, City Council adopted, as amended, Toronto and East York Community Council Report 5, Clause 5, headed ‘Request for Direction Report - Official Plan and Zoning Review in the West Queen West Triangle Area, Ward 18 – Davenport’; and

WHEREAS the Director, Community Planning, Toronto and East York District has prepared a report providing additional details regarding the Section 37 community benefits for the West Queen West Triangle;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto and East York Community Council Report 5, Clause 5, headed ‘Request for Direction Report Official Plan and Zoning Review in the West Queen West Triangle Area, Ward - 18 – Davenport’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT City Council consider and adopt the staff recommendations contained in the Recommendation Section of the report (July 25, 2006) from the Director, Community Planning, Toronto and East York District.”

Council also had before it, during consideration of Motion J(55) a report (July 25, 2006) from the Director, Community Planning, Toronto and East York District. (See Attachment 10, Page 362)

Vote to Re-open:

The first Operative Paragraph contained in Motion J(55) carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

The balance of Motion J(55) was adopted, without amendment.

Summary:

In adopting Motion J(55), without amendment, Council adopted, without amendment, the following staff recommendation contained in the Recommendation Section of the report (July 25, 2006) from the Director, Community Planning, Toronto and East York District:

“It is recommended that City Council amend Recommendation (1) of Toronto and East York Community Council Report 5, Clause 5, adopted, as amended by City Council on June 27, 28 and 29, 2006, to include the principles related to Section 37 benefits outlined in this report (Report of the Director, Community Planning, Toronto and East York District, dated July 25, 2006.)”

9.177 J(56) Authority to Enter Into an Agreement with the Owner of 2737 Keele Street under Section 45(9) of the *Planning Act*

July 26, 2006:

Councillor Augimeri, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Pantalone in the Chair.

Deputy Mayor Pantalone, with the permission of Council, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion, moved by Councillor Augimeri and seconded by Councillor Minnan-Wong, and in the absence of Councillor Augimeri, moved by Deputy Mayor Pantalone and seconded by Councillor Minnan-Wong, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Minnan-Wong

“**WHEREAS** the Committee of Adjustment (the ‘Committee’) granted variances respecting the permission of the uses of an apartment house, existing 5 storey parking structure, fitness club, restaurant, retail store, banquet hall and pub, and variances respecting gross floor area, building height, number and location of parking spaces, minimum floor area of dwelling units, front and rear yard setbacks, size of area in front of a loading space and landscaping and fencing of portions of the parking area at 2737 Keele Street, and made its decision conditional on the Owner entering into an agreement under Section 45(9) of the *Planning Act* to the satisfaction of the City Solicitor and at no cost to the City, conveying the land required for a roadway (and existing encumbrances below) which is specified in ‘OPA 318’, and the alignment which is the subject of the current Environmental Assessment process; and

WHEREAS authority is required from City Council for City staff to execute an agreement under Section 45(9) of the *Planning Act*; and

WHEREAS execution of this agreement is a time-sensitive matter, to ensure the City of Toronto receives the conveyance it requires and the Owner of the property receives the approval it needs to construct its project;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto grant the authority to enter into an agreement with the Owner of 2737 Keele Street to secure the required conveyance pursuant to the Committee of Adjustment decision;

AND BE IT FURTHER RESOLVED THAT City Council authorize the City Solicitor to undertake any steps necessary to implement Council’s direction, including the execution of Section 45(9) agreements by City officials, pertaining to the variances conditionally set out in the decision of the Committee.”

Advice by Deputy Mayor:

Deputy Mayor Pantalone advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(56) to the North York Community Council would have to be waived, in order to now consider this Motion.

The following communication is on file in the City Clerk’s Office:

- Notice of Decision (October 22, 2004) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, North York Panel.

Procedural Vote:

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

Vote:

Motion J(56) was adopted, without amendment.

9.178 **J(57) Limit on Municipal Election Campaign Expenses**

Deputy Mayor Bussin in the Chair.

July 26, 2006:

Deputy Mayor Bussin, with the permission of Council, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Pantalone in the Chair.

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

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Li Preti

“**WHEREAS** the limit on municipal election campaign expenses is related to the number of eligible electors in each ward; and

WHEREAS that limit is based on the number of electors on the voters’ list as of nomination day; and

WHEREAS the *Municipal Elections Act, 1996* requires the City of Toronto to use the preliminary list of electors (PLE) supplied by the Municipal Property Assessment Corporation (MPAC) as the basis for its voters’ list; and

WHEREAS this year, MPAC has been unable to confirm the eligibility of approximately 16 percent of the individuals on the City’s PLE; and

WHEREAS the City Clerk may remove some names from the PLE from individuals who do not respond to the Clerk’s request to confirm their eligibility to vote; and

WHEREAS eligible electors can be added to the voters’ list at any time by signing a

statutory declaration of eligibility, nevertheless this does nothing for candidates who will be forced to run campaigns on limits that are up to 30 percent less than those used last election; and

WHEREAS notwithstanding that since the last election in 2003, the population of the City has increased and inflation has risen by some 11 percent, it would be unfair to force candidates to manage campaigns on limits that were up to 30 percent lower than the 2003 election;

NOW THEREFORE BE IT RESOLVED THAT the Minister of Municipal Affairs and Housing be requested to urgently amend O.R. 101/97, as amended, under the *Municipal Elections Act, 1996* to increase the amount per elector from 70 cents to 81 cents;

AND BE IT FURTHER RESOLVED THAT in view of the continuing issues surrounding MPAC's ability to prepare an accurate voters list, the City Clerk be instructed to report to the next term of Council on other options that City Council could consider for the compilation and preparation of the City's voters list.”,

the vote upon which was taken as follows:

| | |
|--------------|--|
| Yes - 26 | |
| Councillors: | Ainslie, Ashton, Cowbourne, Davis, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Thompson, Walker |
| No - 2 | |
| Councillors: | Del Grande, Minnan-Wong |

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

Advice by Deputy Mayor:

Deputy Mayor Pantalone advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(57) to the Administration Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(57) to the Administration Committee was taken as follows:

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|----------|
| Yes - 26 |
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| | |
|------------------------|---|
| Councillors: | Ainslie, Ashton, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Thompson, Walker |
| No - 3 Councillors: | Del Grande, Holyday, Minnan-Wong |

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

Vote:

Adoption of Motion J(57), without amendment:

| | |
|--------------------------|---|
| Yes - 27 Councillors: | Ainslie, Ashton, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Thompson, Walker |
| No - 2 Councillors: | Holyday, Minnan-Wong |

Carried by a majority of 25.

**9.179 J(58) Joint Playground Development in the Lawrence Heights Neighbourhood
(Ward 15 Eglinton Lawrence)**

July 26, 2006:

Councillor Moscoe, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Nunziata

Seconded by: Councillor Saundercook

“**WHEREAS** the Corporate Council on Volunteering, a group of companies that are fostering a peer-to-peer corporate campaign to encourage and enable volunteerism, and promote civic participation, has committed to entirely funding a community-built playground in the Lawrence Heights Neighbourhood; and

WHEREAS KaBOOM!, a unique, non-profit organization, has been designated by the Corporate Council on Volunteering to provide for a process to co-ordinate all planning and logistical aspects required to enable the Lawrence Heights Neighbourhood to design and build its own playground for approximately \$85,000.00; and

WHEREAS the additional annual costs to maintain the playground are nominal and such costs are included in the existing Parks, Forestry and Recreation Operating Budget; and

WHEREAS in order to start the community-built playground process, scheduled to begin with a community design consultation in August 2006, and conclude with a community construction event in September 2006, after which the City will own, maintain, program and supervise the use of this community-built playground, the Parks, Forestry and Recreation Division must first enter into a partnership agreement with KaBOOM!;

NOW THEREFORE BE IT RESOLVED THAT the City receive this contribution by the Corporate Council on Volunteering for the funding of all capital and organizational costs associated with this community-built project with thanks; and City staff be authorized to enter into an agreement with KaBOOM! for the planning, design and building of a community-built playground, and associated area improvements, in the Lawrence Heights Neighbourhood at no cost to the City.”

Advice by Deputy Mayor:

Deputy Mayor Pantalone advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(58) to the Policy and Finance Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(58) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(58) was adopted, without amendment.

9.180 J(59) 351 Wallace Avenue, Ward 18, Davenport - Ontario Municipal Board Hearing - Application to Amend the Official Plan and Zoning By-law**July 26, 2006:**

Councillor Soknacki, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Soknacki

Seconded by: Councillor Carroll

“**WHEREAS** at its meeting of April 25, 26 and 27, 2006 City Council adopted Report 3, Clause 7 of Toronto and East York Community Council headed ‘Refusal Report - Official Plan Amendment and Rezoning Application - 351 Wallace Avenue’; and

WHEREAS City Council refused the application to permit a development of stacked townhouses at 351 Wallace Avenue in its current form; and

WHEREAS City Council directed staff to continue negotiations with the applicant; and

WHEREAS staff continued to work with the Applicant and wish to report to Council at this time on the outcome of those negotiations;

NOW THEREFORE BE IT RESOLVED THAT City Council consider and adopt the staff recommendations contained in the Recommendations Section of the confidential report (July 25, 2006) from the City Solicitor.”

Advice by Deputy Mayor:

Deputy Mayor Pantalone advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(59) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Council also had before it, for consideration with Motion J(59), a confidential report (July 25, 2006) from the City Solicitor.

Procedural Vote:

The vote to waive referral of Motion J(59) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(59) was adopted, without amendment.

Councillor Giambrone requested that his opposition to Motion J(59) be noted in the Minutes of this meeting.

Summary:

In adopting Motion J(59), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report (July 25, 2006) from the City Solicitor. These recommendations, together with Appendices A and B are now public, and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation:

“It is recommended that City Council:

- (1) accept the settlement offer proposed by the Applicant, the particulars as set forth in Appendix ‘A’ to the report of the City Solicitor (July 25, 2006);
- (2) direct the City Solicitor together with other appropriate staff to attend the Ontario Municipal Board hearing of the appeals respecting 351 Wallace Avenue, in support of the settlement, and to take such steps as are required to implement the settlement, including the preparation of the necessary Official Plan and Zoning By-law Amendments and the preparation and registration of a Section 37 Agreement and Easement Agreement, all to the satisfaction of the City Solicitor in consultation with other appropriate City staff; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

(Appendix “A”, entitled “Settlement Offer”, and Appendix “B”, entitled “Changes Requested in City Planning Refusal Report and adopted by City Council”, are contained in Attachment 11, Page 365.)

- 9.181 **J(60) Request for Authority to Negotiate and Execute a Servicing Agreement regarding the Reconstruction of Tideswell Boulevard of approximately 110 metres (Ward 44 – Scarborough East)**

July 27, 2006:

Councillor Cowbourne, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

Mayor Miller in the Chair.

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

Moved by: Councillor Cowbourne

Seconded by: Councillor Kelly

“WHEREAS the Ontario Municipal Board issued a decision on January 10, 2005 (Decision Number 0028) approving Site Plan Approval with a number of conditions for Planning Application Numbers 04 116702 ESC 44 SA and 03 035266 ESC 44OZ submitted by Sundance Development Corporation (‘Sundance’); and

WHEREAS one of the conditions of Site Plan Approval is that Sundance enter into a financially secured Servicing Agreement with the City to provide further reconstruction of the Tideswell Boulevard and Engineering Drawings accepted by Technical Services; and

WHEREAS the Technical Services, Development Engineering Scarborough District and the Planning and Administrative Tribunal Division of Legal Services have been working with Sundance to finalize the terms of the Servicing Agreement; and

WHEREAS the City Solicitor has prepared a report outlining the details of the proposed Servicing Agreement with Sundance;

NOW THEREFORE BE IT RESOLVED THAT City Council consider and adopt the staff recommendations contained in the Recommendations Section of the report (July 25, 2006) from the City Solicitor.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(60) to the Scarborough Community Council would have to be waived, in order to now consider this Motion.

Council also had before it, for consideration with Motion J(60), a report (July 25, 2006) from the City Solicitor. (See Attachment 12, Page 370)

Procedural Vote:

The vote to waive referral of Motion J(60) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(60) was adopted, without amendment.

Summary:

In adopting Motion J(60), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (July 25, 2006) from the City Solicitor:

“It is recommended that:

- (1) the City enter into a financially secured Servicing Agreement with the Owner to provide further reconstruction of Tideswell Boulevard and Engineering Drawings accepted by Technical Services;
- (2) the terms of the agreement between the City and the Owner be to the satisfaction of the Executive Director, Technical Services and the City Solicitor;
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto;
- (4) the City provide funding to the owner for the City share of the owner’s reconstruction in the amount of \$100,000.00 from the Technical Services/Development Services Customer Account #56990074 from the previous development on the east side of Tideswell Boulevard in order to satisfy the OMB decision of July 17, 2006; and
- (5) the City provide funding to the owner for the City share of the owner’s reconstruction in the amount of \$128,000.00 from the 2006 Transportation Services Capital Budget in order to satisfy the OMB decision of July 17, 2006.”

9.182 J(61) Request for Report on the Construction of the Sudbury Street Extension located in the West Queen West Triangle Area, Ward 18, Davenport

July 27, 2006:

Councillor Giambrone, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Carroll

Seconded by: Councillor Thompson

“WHEREAS at its meeting of June 27, 28 and 29, 2006, City Council adopted, as amended, Toronto and East York Community Council Report 5, Clauses 5, 6 and 7 pertaining to development in the West Queen West Triangle Area; and

WHEREAS the Ontario Municipal Board Hearing for these matters is scheduled to commence on September 5th, 2006 for seven weeks, of which there are several transportation issues, including the construction of the Sudbury Street extension; and

WHEREAS City staff, the developers, residents and other interested parties continue to negotiate to at a minimum narrow the transportation issues or possibly have these issues removed from the issues to be decided by the Ontario Municipal Board, on consent;

WHEREAS more information is required by staff in order to make recommendations to Council on possible resolution of the transportation issues;

NOW BE IT THEREFORE RESOLVED THAT the Chief Planner and Executive Director, City Planning and the Executive Director of Technical Services, in consultation with the appropriate staff, be directed to report to the September 2006, meeting of the Planning and Transportation Committee, on the implications for contributing to the cost of the Construction of the Sudbury Street extension in 2007, and to what extent the contributions could be and what funding mechanisms are available.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(61) to the Planning and Transportation

Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(61) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(61) was adopted, without amendment.

9.183 **J(62) Society of Portuguese Disabled Persons Building Fund**

Deputy Mayor Pantalone in the Chair.

July 27, 2006:

Councillor Nunziata, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

Mayor Miller in the Chair.

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

Moved by: Councillor Nunziata

Seconded by: Councillor Palacio

“WHEREAS The Society of Portuguese Disabled Persons Building Fund is a non-profit charitable organization incorporated on July 5, 2002; and

WHEREAS the organization was registered under the *Charity Act* on August 3, 2003, bearing the designation number #86025 8649 RR0001; and

WHEREAS its primary mission is to integrate and support all community members in need of social recreation and rehabilitation; and

WHEREAS the building at 2295 St. Clair Avenue West has come a long way thanks to the overwhelming support of the community; and

WHEREAS The Society of Portuguese Disabled Persons Building Fund is now requesting the City of Toronto for property tax relief due to its charitable status;

NOW THEREFORE BE IT RESOLVED THAT the Deputy City Manager and Chief Financial Officer be requested to report to the Policy and Finance Committee on options available to provide property tax relief located at 2295 St. Clair Avenue West, owned by The Society of Portuguese Disabled Persons Building Fund non-profit charitable organization.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(62) to the Policy and Finance Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(62) to the Policy and Finance Committee was taken as follows:

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| Yes - 8 | |
| Councillors: | Davis, Hall, Minnan-Wong, Nunziata, Palacio, Pitfield, Silva, Walker |
| No - 24 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Barron, Bussin, Carroll, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Ford, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Rae, Soknacki, Thompson |

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

Disposition:

Motion J(62) was referred to the Policy and Finance Committee.

BILLS AND BY-LAWS

9.184 On July 25, 2006, at 10:35 a.m., Councillor Rae, seconded by Deputy Mayor Bussin, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 632 By-law No. 605-2006 To authorize the borrowing upon sinking fund debentures in the principal amount of \$300,000,000.00 for purposes of the City of Toronto,

the vote upon which was taken as follows:

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| Yes - 33 Mayor: Miller Councillors: Ainslie, Augimeri, Bussin, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker |
| No - 1 Councillor: Ford |

Carried by a majority of 32.

9.185 On July 25, 2006, at 7:30 p.m., Councillor Cowbourne, seconded by Councillor Lindsay Luby, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 747 By-law No. 607-2006 To confirm the proceedings of the Council at its Regular meeting held on the 25th day of July, 2006,

the vote upon which was taken as follows:

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| Yes - 32 Mayor: Miller Councillors: Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Stintz, Walker, Watson |
| No - 2 Councillors: Ford, Minnan-Wong |

Carried by a majority of 30.

- 9.186 On July 26, 2006, at 7:54 p.m., Councillor Davis, seconded by Councillor Walker, 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:

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| Bill No. 748 | By-law No. 608-2006 | To confirm the proceedings of the Council at its Regular meeting held on the 25th and 26th days of July, 2006. |
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- 9.187 On July 27, 2006, at 8:57 p.m., Councillor Mammoliti, seconded by Councillor Lindsay Luby, 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:

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| Bill No. 605 | By-law No. 609-2006 | To amend former City of Scarborough Steeles Community Zoning By-law No. 16762, as amended, with respect to lands municipally known as 25 Canongate Trail. |
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| Bill No. 606 | By-law No. 610-2006 | To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the front yard fence and the rear yard fence on the property municipally known as 12 Glamis Avenue from the maximum height requirements. |
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| Bill No. 607 | By-law No. 611-2006 | To designate a Site Plan Control Area (Midland/St. Clair Community). |
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| Bill No. 608 | By-law No. 612-2006 | To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, to permit the use of a portion of municipal carpark 701 located at Fallingbrook Avenue and Kingston Road for the purposes of a right-of-way. |
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| Bill No. 609 | By-law No. 613-2006 | To amend further By-law No. 23503 of the former City of Scarborough respecting the regulation of traffic on Toronto Roads. |
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| Bill No. 610 | By-law No. 614-2006 | To amend further By-law No. 23505 of the former City of Scarborough respecting the speed limits on Toronto Roads. |
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| Bill No. 611 | By-law No. 615-2006 | To amend By-law No. 31001 of the former City of North York, as amended, regarding Yeomans Road. |
| Bill No. 612 | By-law No. 616-2006 | To amend By-law No. 31001 of the former City of North York, as amended, regarding Reiner Road and Yeomans Road. |
| Bill No. 613 | By-law No. 617-2006 | To amend By-law No. 31001 of the former City of North York, as amended, regarding Fairview Mall Drive. |
| Bill No. 614 | By-law No. 618-2006 | To amend By-law No. 31001 of the former City of North York, as amended, regarding Fairview Mall Drive. |
| Bill No. 615 | By-law No. 619-2006 | To amend By-law No. 31001 of the former City of North York, as amended, regarding Joicey Boulevard. |
| Bill No. 616 | By-law No. 620-2006 | To amend By-law No. 31001 of the former City of North York, as amended, regarding Harrison Road. |
| Bill No. 617 | By-law No. 621-2006 | To amend By-law No. 31001 of the former City of North York, as amended, regarding Harrison Road. |
| Bill No. 618 | By-law No. 622-2006 | To amend By-law No. 31001 of the former City of North York, as amended, regarding Berkindale Drive and Harrison Road. |
| Bill No. 619 | By-law No. 623-2006 | To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the front yard fence on the property municipally known as 58 Bayview Ridge Crescent from the maximum height requirements. |

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| Bill No. 620 | By-law No. 624-2006 | To amend former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 1900 Sheppard Avenue West. |
| Bill No. 621 | By-law No. 625-2006 | To amend City of Toronto Municipal Code Ch. 910, former City of Toronto Municipal Code Ch. 400, North York By-law No. 30742, Etobicoke Municipal Code Ch. 187, Scarborough By-law No. 22614, York By-law No. 1645-89, Metropolitan Toronto By-law No. 107-86, East York By-law No. 197, York Municipal Code Ch. 982, and City of Toronto Municipal Code Ch. 950, to provide an exemption to Ontario Veterans from payment at on-street parking meters and parking machines and in municipal parking facilities where attendants are stationed on the anniversary of Battle of Britain (September 17) and on Remembrance Day (November 11) commencing in 2006 and the anniversary of D-Day (June 6) commencing in 2007. |
| Bill No. 622 | By-law No. 626-2006 | To amend City of Toronto Municipal Code Chapter 441, Fees by adding Section 441-22, entitled City Solicitor Fees for Real Estate Law Service. |
| Bill No. 623 | By-law No. 627-2006 | To amend the City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to include the new Danforth Village Business Improvement Area and to establish a Board of Management for the Danforth Village Business Improvement Area. |
| Bill No. 624 | By-law No. 628-2006 | To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to make changes to the size of various Business |

| | | Improvement Area Boards of Management. |
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| Bill No. 625 | By-law No. 629-2006 | To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to reflect the name change of Eglinton Way Business Improvement Area to The Eglinton Way Business Improvement Area. |
| Bill No. 626 | By-law No. 630-2006 | To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 255 Christie Street. |
| Bill No. 627 | By-law No. 631-2006 | To amend former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 2722 Bayview Avenue. |
| Bill No. 628 | By-law No. 632-2006 | To amend former City of North York Zoning By-law No. 7625, as amended with respect to lands municipally known as 198 and 202 Finch Avenue East. |
| Bill No. 629 | By-law No. 633-2006 | To designate the property at 606 College Street (Pylon Theatre) as being of cultural heritage value or interest. |
| Bill No. 630 | By-law No. 634-2006 | To designate the Union Station area as a heritage conservation district. |
| Bill No. 631 | By-law No. 635-2006 | To designate a Site Plan Control Area (Tapscott Employment District) for 5789 to 5951 Steeles Avenue East (all inclusive), 3310 Markham Road, and north of Select Avenue, Part of Lot 19, Concession 5 (former City of Scarborough). |
| Bill No. 633 | By-law No. 636-2006 | To levy an amount for the year 2006 upon certain Correctional Facilities. |

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| Bill No. 634 | By-law No. 637-2006 | To levy an amount for the year 2006 upon certain Universities and Colleges. |
| Bill No. 635 | By-law No. 638-2006 | To levy an amount for the year 2006 upon certain Public Hospitals and Provincial Mental Health Facilities. |
| Bill No. 636 | By-law No. 639-2006 | To levy and collect taxes for 2006 on Certain Railway Company and Power Utility Lands. |
| Bill No. 637 | By-law No. 640-2006 | To amend By-law No. 212-2006, being a by-law “To provide for the levy and collection of special charges for the year 2006 in respect of certain business improvement areas”, so as to levy and collect special charges for the year 2006 for the Mount Dennis Business Improvement Area. |
| Bill No. 638 | By-law No. 641-2006 | To establish a reserve fund group named the King-Parliament Community Improvement Plan Reserve Fund Group, to establish two reserve funds named the 247 Richmond Street Reserve Fund and the 226 King Street Reserve Fund within the reserve fund group, and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund group and these two reserve funds. |
| Bill No. 639 | By-law No. 642-2006 | To establish the Otter Loop Park Improvements Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund. |
| Bill No. 640 | By-law No. 643-2006 | To establish the University Theatre Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund. |

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| Bill No. 641 | By-law No. 644-2006 | To establish the Ward 32 Woodbine Beach Park Playground Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund. |
| Bill No. 642 | By-law No. 645-2006 | To establish the Water Efficiency Loan Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund. |
| Bill No. 643 | By-law No. 646-2006 | To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II, regarding The Queensway and Royal York Road Area. |
| Bill No. 644 | By-law No. 647-2006 | To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Royal York Road. |
| Bill No. 645 | By-law No. 648-2006 | To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Carsbrooke Road. |
| Bill No. 646 | By-law No. 649-2006 | To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Arbroath Crescent and Thicket Road. |
| Bill No. 647 | By-law No. 650-2006 | To amend By-law No. 31001 of the former City of North York, as amended, regarding Jethro Road. |
| Bill No. 648 | By-law No. 651-2006 | To exempt lands municipally known as 200, 202, 204 and 206 Moore Avenue from Part Lot Control. |
| Bill No. 649 | By-law No. 652-2006 | To amend By-law No. 31001 of the former City of North York, as amended, regarding John Best Avenue. |

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| Bill No. 650 | By-law No. 653-2006 | To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting Professional Holistic Associations. |
| Bill No. 651 | By-law No. 654-2006 | To amend By-law No. 31001 of the former City of North York, as amended, regarding Duckworth Street. |
| Bill No. 652 | By-law No. 655-2006 | To amend By-law No. 31878, as amended, of the former City of North York, regarding Lockerbie Avenue. |
| Bill No. 653 | By-law No. 656-2006 | To acquire 194 Dowling Avenue (also known as 1495 Queen Street West) Toronto for the purpose of developing affordable housing. |
| Bill No. 654 | By-law No. 657-2006 | To amend By-law No. 196-84 of the former City of York, being a By-law "To regulate traffic on City of York Roads", regarding Seneca Avenue. |
| Bill No. 655 | By-law No. 658-2006 | To amend By-law No. 2958-94 of the former City of York, being a By-law "To regulate traffic on City of York Roads", regarding Seneca Avenue. |
| Bill No. 656 | By-law No. 659-2006 | To amend By-law No. 3491-80 of the former City of York, being a By-law "To provide for night-time parking of motor vehicles on Borough of York Roads", regarding Seneca Avenue. |
| Bill No. 657 | By-law No. 660-2006 | To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Subway Crescent, Aberfoyle Crescent, First laneway north of Bloor Street West and Old Mill Trail. |
| Bill No. 658 | By-law No. 661-2006 | To amend By-law No. 2958-94 of the former City of York, being a By-law |

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| | | “To regulate traffic on City of York Roads”, regarding Jillson Avenue. |
| Bill No. 659 | By-law No. 662-2006 | To amend By-law No. 196-84 of the former City of York, being a By-law “To regulate traffic on City of York Roads”, regarding Jillson Avenue. |
| Bill No. 660 | By-law No. 663-2006 | To amend Municipal Code Chapter 441, Fees, to revise the dog licensing and cat registration fees. |
| Bill No. 661 | By-law No. 664-2006 | To amend former City of Scarborough Employment Districts Zoning By-law No. 24982, as amended, with respect to lands municipally known as 1755 Brimley Road. |
| Bill No. 662 | By-law No. 665-2006 | To designate a Site Plan Control Area with respect to lands municipally known as 1563 Birchmount Road (Dorset Park Community). |
| Bill No. 663 | By-law No. 666-2006 | To amend former City of Scarborough Zoning By-law No. 9508, as amended, with respect to the Dorset Park Community. |
| Bill No. 664 | By-law No. 667-2006 | To amend former City of Scarborough Employment Districts Zoning By-law No. 24982, as amended, and the Rouge Community Zoning By-law No. 15907, as amended, with respect to the lands municipally known as 9310 Sheppard Avenue East. |
| Bill No. 665 | By-law No. 668-2006 | To amend former City of Scarborough By-law No. 21319, as amended, to designate a Site Plan Control Area (West Hill Community), with respect to lands municipally known as 4275 Lawrence Avenue East and 133, 135, 137, 139, 141, 143, 145 and 155 Homestead Road. |

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| Bill No. 666 | By-law No. 669-2006 | To amend former City of Scarborough Zoning By-law No. 10327, as amended, with respect to the lands municipally known as 4275 Lawrence Avenue East and 133, 135, 137, 139, 141, 143 and 155 Homestead Road. |
| Bill No. 667 | By-law No. 670-2006 | To dedicate certain land for public highway purposes to form part of the public highway Scrivener Square. |
| Bill No. 668 | By-law No. 671-2006 | To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Weston Road and the Weston Road West Ramp at Albion Road. |
| Bill No. 669 | By-law No. 672-2006 | To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Weston Road. |
| Bill No. 670 | By-law No. 673-2006 | To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Keele Street and York Boulevard. |
| Bill No. 671 | By-law No. 674-2006 | To amend By-law No. 92-93, a By-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York, regarding Brentcliffe Road, Rumsey Road and Sutherland Drive. |
| Bill No. 672 | By-law No. 675-2006 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Fleet Street. |
| Bill No. 673 | By-law No. 676-2006 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Brighton Avenue, Brock Avenue, Claremont Street, Cowan Avenue, Oakvale Avenue, Roseheath Avenue and Waverley Road. |

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| Bill No. 674 | By-law No. 677-2006 | To adopt a new City of Toronto Municipal Code Chapter 190, Polling and Notification Procedures, and to repeal the former municipalities' polling procedures. |
| Bill No. 675 | By-law No. 678-2006 | To amend City of Toronto Municipal Code Chapter 545, Licensing and Chapter 441, Fees, respecting food handler certification. |
| Bill No. 676 | By-law No. 679-2006 | To dedicate certain land extending between Willard Avenue and Armadale Avenue for public lane purposes to form a new public lane north of Bloor Street West. |
| Bill No. 677 | By-law No. 680-2006 | To adopt a new City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards. |
| Bill No. 678 | By-law No. 681-2006 | To dedicate certain land extending from Clinton Place to Page Street for public lane purposes to form part of the public lane west of Clinton Street. |
| Bill No. 679 | By-law No. 682-2006 | To dedicate certain land on the south side of Ellesmere Road, west of Norvalley Court for public highway purposes to form part of the public highway Ellesmere Road. |
| Bill No. 680 | By-law No. 683-2006 | To dedicate certain land for public highway purposes to form part of the public highway Norvalley Court. |
| Bill No. 681 | By-law No. 684-2006 | To dedicate certain land extending between Richmond Street West and Nelson Street, for public lane purposes to form part of the public lane west of Simcoe Street. |

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| Bill No. 682 | By-law No. 685-2006 | To name the public lanes between Lewis Street and Saulter Street, south of Queen Street East as “June Callwood Way”. |
| Bill No. 683 | By-law No. 686-2006 | To amend former City of North York Zoning By-law No. 7625, as amended, with respect to permission for temporary rental offices and temporary sales offices incidental to construction. |
| Bill No. 684 | By-law No. 687-2006 | To exempt certain lands municipally known as 203, 205 and 215 Finch Avenue East from Part Lot Control. |
| Bill No. 685 | By-law No. 688-2006 | To amend City of Toronto Municipal Code Chapter 219, Records, Corporate (Local Boards), to establish retention periods during which the records of The Board of Governors of Exhibition Place, including transitory and duplicate records, must be retained and preserved. |
| Bill No. 686 | By-law No. 689-2006 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Whitewood Road. |
| Bill No. 687 | By-law No. 690-2006 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Sunnyside Avenue. |
| Bill No. 688 | By-law No. 691-2006 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Dovercourt Road, Greenlaw Avenue and Kipping Avenue. |
| Bill No. 689 | By-law No. 692-2006 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Ford Street. |
| Bill No. 690 | By-law No. 693-2006 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and |

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| | | Parking, respecting Rosemount Avenue. |
| Bill No. 691 | By-law No. 694-2006 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones. |
| Bill No. 692 | By-law No. 695-2006 | To authorize the narrowing of the travelled portion of St. Clarens Avenue, from College Street to a point north of College Street, by realigning the curb on the west side of the roadway to reduce the pavement width. |
| Bill No. 693 | By-law No. 696-2006 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Sunnyside Avenue. |
| Bill No. 694 | By-law No. 697-2006 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Cowan Avenue, Dufferin Street, Dunn Avenue, Elm Grove Avenue, Fleet Street, Fort Rouille Street, Gladstone Avenue, Gwynne Avenue, Jameson Avenue, Melbourne Avenue, Peel Avenue, Spencer Avenue, Springhurst Avenue, Strachan Avenue, Temple Avenue, Thorburn Avenue and Tyndall Avenue. |
| Bill No. 695 | By-law No. 698-2006 | To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Lake Shore Boulevard West. |
| Bill No. 696 | By-law No. 699-2006 | To amend further By-law No. 117 79, a by-law “To establish school bus loading zones on roads in the Borough of East York”, being a by-law of the former Borough of East York, regarding Selwyn Avenue. |

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| Bill No. 697 | By-law No. 700-2006 | To amend further By-law No. 92-93, a by-law “To regulate traffic on roads in the Borough of East York”, being a by-law of the former Borough of East York, regarding Selwyn Avenue. |
| Bill No. 698 | By-law No. 701-2006 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting East Liberty Street, Lynn Williams Street, Pirandello Street and Western Battery Road. |
| Bill No. 699 | By-law No. 702-2006 | To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Dundas Street East. |
| Bill No. 700 | By-law No. 703-2006 | To amend By-law No. 62-91 respecting reserved lanes for bicycles on certain Metropolitan Roads, regarding Dundas Street East. |
| Bill No. 701 | By-law No. 704-2006 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Brant Street, Munro Street, St. Patrick Street and Whitewood Road. |
| Bill No. 702 | By-law No. 705-2006 | To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 201 Carlaw Avenue and 66 Boston Avenue. |
| Bill No. 703 | By-law No. 706-2006 | To amend Section 15 of By-law No. 438-86 of the former City of Toronto respecting the Index of Exceptions. |

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| Bill No. 704 | By-law No. 707-2006 | To authorize the narrowing of the travelled portion of the on-ramp from Eglinton Avenue West to the northbound William R. Allen Road by realigning the northeast corner curb and removing the pedestrian island. |
| Bill No. 705 | By-law No. 708-2006 | To authorize the alteration of the south side of Rusholme Park Crescent by narrowing the pavement at its westerly limit. |
| Bill No. 706 | By-law No. 709-2006 | To authorize the alteration of Wendell Avenue, between Gary Drive and Pellat Avenue, by the installation of speed humps. |
| Bill No. 707 | By-law No. 710-2006 | To dedicate certain land on the east side of York Street at Bremner Boulevard for public highway purposes to form part of the public highway Bremner Boulevard. |
| Bill No. 708 | By-law No. 711-2006 | To dedicate certain land on the east side of York Street at Bremner Boulevard for public highway purposes to form part of the public highway York Street. |
| Bill No. 709 | By-law No. 712-2006 | To dedicate certain land on the west side of York Street at Bremner Boulevard for public highway purposes to form part of the public highway York Street. |
| Bill No. 710 | By-law No. 713-2006 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Poplar Plains Road. |
| Bill No. 711 | By-law No. 714-2006 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Classic Avenue and Huron Street. |

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| Bill No. 712 | By-law No. 715-2006 | To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Huron Street. |
| Bill No. 713 | By-law No. 716-2006 | To adopt Amendment No. 277 to the Official Plan of the City of Toronto in order to prohibit townhouses within the Mixed Use designation and add planned but unbuilt roads, affecting the lands located on the north and south side of Dundas Street West, between Royal York Road and the Humber River. |
| Bill No. 714 | By-law No. 717-2006 | To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands fronting on the north and south side of Dundas Street West between Royal York Road and the Humber River, to introduce Avenues (AV) zoning with associated development standards. |
| Bill No. 715 | By-law No. 718-2006 | To designate the Lyall Avenue area as a heritage conservation district. |
| Bill No. 716 | By-law No. 719-2006 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Church Street. |
| Bill No. 717 | By-law No. 720-2006 | To amend By-law No. 196-84 of the former City of York, being a By-law "To regulate traffic on City of York Roads", regarding Avenal Drive and Warwick Avenue. |
| Bill No. 718 | By-law No. 721-2006 | To amend By-law No. 2958-94 of the former City of York, being a By-law "To regulate traffic on City of York Roads", regarding Avenal Drive and Warwick Avenue. |

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| Bill No. 719 | By-law No. 722-2006 | To dedicate land for public highway purposes to form part of the public highway Old York Mills Road. |
| Bill No. 720 | By-law No. 723-2006 | To authorize the alteration of the intersection of Adelaide Street East and Parliament Street by removing the eastbound right-turn channel. |
| Bill No. 721 | By-law No. 724-2006 | To authorize the alteration of Dundas Street East at its intersections with Jones Avenue and Dagmar Avenue by extending the curb on north side. |
| Bill No. 722 | By-law No. 725-2006 | To adopt Amendment No. 4 to the Official Plan of the City of Toronto in order to implement a site-specific amendment affecting the lands bounded by York Street, Bremner Boulevard and Lake Shore Boulevard West. |
| Bill No. 723 | By-law No. 726-2006 | To amend By-law No. 168-93 of the former City of Toronto, being the Railway Lands East Area A Zoning By-law, as amended, with respect to the lands bounded by York Street, Bremner Boulevard and Lake Shore Boulevard West (15 York Street, Block 5 Railway Lands East). |
| Bill No. 724 | By-law No. 727-2006 | To adopt Amendment No. 6 to the Official Plan for the City of Toronto with respect to lands municipally known as 940, 980 and 1100 Lansdowne Avenue. |
| Bill No. 725 | By-law No. 728-2006 | To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the Davenport Village Area. |

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| Bill No. 726 | By-law No. 729-2006 | To authorize the alteration of Fleet Street, between Strachan Avenue and Bathurst Street to permit construction of the streetcar right of way. |
| Bill No. 727 | By-law No. 730-2006 | To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding King Street West. |
| Bill No. 728 | By-law No. 731-2006 | To assume municipal services located in and on Catalda Court, being the street on Plan 66M-2284. |
| Bill No. 729 | By-law No. 732-2006 | To assume municipal services located in and on Katrina Court and Block 14, being the street and street widening on Plan 66M-2303. |
| Bill No. 730 | By-law No. 733-2006 | To assume municipal services located in and on Bridlegrove Drive, Castlethorpe Drive and Storebridge Drive and Block 20, being the streets and street widening on Plan 66M 2317. |
| Bill No. 731 | By-law No. 734-2006 | To assume municipal services located in and on John Best Avenue, Margaret Rose Court, Sam Frustaglio Drive, Richwood Street and Wright Avenue being the streets on Plan 66M-2326. |
| Bill No. 732 | By-law No. 735-2006 | To assume municipal services located in and on Sufi Crescent, being the street on Plan 66M-2328. |
| Bill No. 733 | By-law No. 736-2006 | To assume municipal services located in and on Ballyconnor Court, being the street on Plan 66M-2335. |
| Bill No. 734 | By-law No. 737-2006 | To assume municipal services located in and on Topview Court being the street on Plan 66M-2336. |

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| Bill No. 735 | By-law No. 738-2006 | To assume municipal services located in and on Leaffield Drive South being the street on Plan 66M 2342. |
| Bill No. 736 | By-law No. 739-2006 | To assume municipal services located in and on Rodeo Court, being the street on Plan 66M-2343. |
| Bill No. 737 | By-law No. 740-2006 | To assume municipal services located in and on Wilket Creek Road, Seton Park Road and Windom Road and Block 86, being the streets and the street widening on Plan 66M-2346. |
| Bill No. 738 | By-law No. 741-2006 | To assume municipal services located in and on Rumi Crescent being the street on Plan 66M-2350. |
| Bill No. 739 | By-law No. 742-2006 | To assume municipal services located in and on Bethesda Court being the street on Plan 66M-2360. |
| Bill No. 740 | By-law No. 743-2006 | To assume municipal services located in and on Barberry Place and Rean Drive being the streets on Plan 66M-2364. |
| Bill No. 741 | By-law No. 744-2006 | To assume municipal services located in and on Doubletree Road and Block 21, being the street and the street widening on Plan 66M 2381. |
| Bill No. 742 | By-law No. 745-2006 | To amend the Municipal Code of the former City of Etobicoke with respect to Traffic – Chapter 240, Article II, regarding Glenroy Avenue, Fernalroy Boulevard and Meadowvale Drive. |
| Bill No. 743 | By-law No. 746-2006 | To adopt Amendment No. 8 to the Official Plan for the City of Toronto with respect to the lands located south of The Queensway, between Zorra Street and St. Lawrence Avenue, and north of the F.G. Gardiner Expressway. |

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| Bill No. 744 | By-law No. 747-2006 | To amend Chapters 320 and 324 of the former City of Etobicoke Zoning Code, as amended, and Zoning By-law No. 1992-130, with respect to the lands municipally known as 7 11, 19-25, and 33-35 Zorra Street and part of 45 Zorra Street. |
| Bill No. 745 | By-law No. 748-2006 | To amend Chapters 320 and 324 of the Etobicoke Zoning Code and repeal By-law 1992-130, with respect to certain lands located on the south side of The Queensway and on the west side of St. Lawrence Avenue municipally known as 1053 and 1061 The Queensway, |

the vote upon which was taken as follows:

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| Yes - 30 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Stintz, Thompson, Walker |
| No - 4 | |
| Councillors: | Ford, Minnan-Wong, Nunziata, Pitfield |

Carried by a majority of 26.

9.188 On July 27, 2006, at 8:58 p.m., Councillor Milczyn, seconded by Councillor Jenkins, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law, which carried:

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| Bill No. 749 | By-law No. 749-2006 | To confirm the proceedings of the Council at its Regular meeting held on the 25th, 26th and 27th days of July, 2006. |
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9.189 On July 27, 2006, at 9:51 p.m., Councillor Minnan-Wong, seconded by Councillor Barron, 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:

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| Bill No. 750 | By-law No. 750-2006 | To confirm the proceedings of the Council at its Regular meeting held on the 25th, 26th and 27th days of July, 2006, |
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the vote upon which was taken as follows:

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| Yes - 30 Mayor: Miller Councillors: Ainslie, Barron, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Soknacki, Thompson, Walker | |
| No - 3 Councillors: Ford, Minnan-Wong, Pitfield | |

Carried by a majority of 27.

OFFICIAL RECOGNITIONS:

9.190 **Condolence Motions**

July 25, 2006:

Mayor Miller in the Chair.

Councillor Nunziata, seconded by Mayor Miller, moved that:

“WHEREAS the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Retired Toronto Assistant Deputy Fire Chief Ron McDonald on June 30, 2006, in his 71st year and 9th year of retirement; and

WHEREAS Ron McDonald enjoyed over 40 years of service in the Toronto Fire Services, including 9 years as Captain, 1 year as District Chief and 9 years as Assistant Deputy Chief; and

WHEREAS Ron McDonald was a member of the Royal Canadian Legion, Branch 31, a member of The West Mount Army Navy Club, and was on the Board of Directors of the Fire Fighters Credit Union; and

WHEREAS Ron McDonald led a life marked by a dedication to public service and

he will be sadly missed;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to his wife, Joanne, his daughters Karen and Diane, his son Steve, his son-in-law Luciano, and grandchildren Kristen, Mitchell and Matthew.”

Councillor Rae, seconded by Councillor Lindsay Luby, moved that:

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Mrs. Ernestine Van Marle on June 22, 2006; and

WHEREAS Ernestine Van Marle emigrated to Canada from Holland with her husband in the early 1950s and settled in Etobicoke; and

WHEREAS she came to a fledgling community and saw that the community needed knowledge, and established the Rexdale Community Information Directory (now Albion Neighbourhood Services) and was the Executive Director, until she retired in 1992; and

WHEREAS she saw that those who came to the information centre needed justice and advocates for their rights, and so came the Rexdale Community Legal Clinic and Ernestine’s Shelter for women and children; and

WHEREAS she had a vision that the community should have access to health care, and so founded the Rexdale Community Health Centre; and

WHEREAS her brilliance in achieving what she set out to do was not in the use of protest and aggressive struggle; instead Ernestine used the power of persuasion and her position and the privilege that she enjoyed to bring the badly needed resources to the community she helped to build; and

WHEREAS we recognize her extraordinary contribution to both the community of Rexdale and the City of Toronto;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to the family of Ernestine Van Marle.”

Leave to introduce the Motions was granted and the Motions carried unanimously.

Mayor Miller requested Members of Council to remember Corporal Francisco Gomez and Corporal Jason Warren of the Canadian Armed Forces during their moment of silence.

Council rose and observed a moment of silence in memory of the late Ron McDonald, Ernestine Van Marle, Corporal Francisco Gomez and Corporal Jason Warren.

July 26, 2006:

Deputy Mayor Feldman in the Chair.

Councillor Silva, seconded by Deputy Mayor Pantalone, moved that:

“WHEREAS the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Valter Lopes; and

WHEREAS Valter Lopes emigrated to Canada in 1960 at the age of 17, and made Canada his home; and

WHEREAS he went to live with his parents in Elliott Lake and graduated from Elliott Lake Secondary School, with Honours, in the year of 1966; and

WHEREAS he went on to acquire a Bachelor of Arts, with honours in History, in 1971 and a Masters Degree in Philosophy in 1972, from Brock University; and

WHEREAS he went on to Kings College, University of London, to prepare his thesis on how the financing of the Spanish wars with Holland was the main factor that led to the restoration of Portuguese independence in 1640; and

WHEREAS he started working with the Toronto Board of Education as a school community relations officer on April 26, 1976 and served that Board and the communities whose children it educates until his retirement on February 28, 2002; and

WHEREAS he served as a volunteer or as a founding member of organizations too numerous to mention, and his service was of great importance to not only the Portuguese Community but also the City of Toronto, the Province of Ontario et sa patrie adoptive, le Canada (and Canada, his adopted Country); and

WHEREAS he was a tireless volunteer at all levels, always with the aim of furthering the causes he served, sometimes with great personal sacrifice, but always with a gentle smile and a kind word, even when all around him were angry and frustrated; and

WHEREAS he was a great human being, fully aware of his civic rights and responsibilities, and a firm believer in the democratic process, in which he not only participated at every level, but encouraged everyone around him to become just as active; and

WHEREAS all his life he defended his beliefs with great passion, but never ceased to

show respect to those whose views he did not share;

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, Rosa, his daughters Genevieve Carla and Cristina Helena, and his granddaughters Ashley Rose and Larissa Marie and his brother Rui.”

Deputy Mayor Pantalone, seconded by Councillor Carroll, moved that:

“**WHEREAS** the Mayor and Members of Toronto City Council are saddened at the passing of Donald James Nethery on July 21, 2006, at Pringle House, a home he shared with his spouse Gary Paul Moriarty; and

WHEREAS Donald James Nethery has touched the lives of many Torontonians and the children of Toronto through his work for over 30 years for the Toronto Board of Education and the Toronto District School Board, serving as Archivist and Protocol Officer; and

WHEREAS Donald James Nethery willingly and generously applied his considerable talents and provided invaluable advice to friends and community organizations, often acting as a sounding board for the discussion of new and innovative approaches in many arenas; and

WHEREAS Donald James Nethery achieved an outstanding reputation for his contribution to the heritage field through the establishment of the Sesquicentennial Museum for the Toronto school system, by initiating many archaeological projects beginning with the excavation of Fort Rouillé in 1982, and by carrying out many millennium projects aimed at reclaiming social and oral history; and

WHEREAS Donald James Nethery was a committed advocate for the youth of Toronto and ensured that Toronto’s young people were at the heart of Toronto’s 1984 Sesquicentennial Celebrations by arranging the first rock concert held on Nathan Phillips Square, and several other firsts involving youth in City governance; and

WHEREAS Donald James Nethery was a passionate activist in the downtown Grange neighbourhood where he lived for nearly 40 years, served on the boards of several community organizations such as the Cecil Community Centre, the University Settlement House, the St. Andrew/St. Patrick NDP Riding Association, founded the Grange Historical Society, worked to protect and provide social housing, and participated in many strong-neighbourhood struggles against over-sized developments; and

WHEREAS Donald James Nethery was decorated by the Province of Ontario for his outstanding service as a community leader and volunteer; and in recognition of his support for Black culture, history and culture, he was granted letters patent as a

Kentucky Colonel by the Governor of the Commonwealth of Kentucky;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey on behalf of Members of Toronto City Council, our sincere sympathy to his spouse Gary Paul Moriarty, his mother and brothers, and all members of his family and friends.”

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 Valter Lopes and Donald James Nethery.

July 27, 2006:

Mayor Miller in the Chair.

Mayor Miller, seconded by Councillor Rae, moved that:

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Dr. Louise Simone Bennett-Coverley; and

WHEREAS Miss Lou, as she was affectionately known, was a Jamaican folk poet and performer who was instrumental in giving voice to the intellectual and cultural identities of the Jamaican peasantry for over 40 years; and

WHEREAS Miss Lou is regarded as a cultural icon; and

WHEREAS Miss Lou has been recognized as the foremost West Indian female to employ the Jamaican Creole as a fundamental tool for bringing respect and literary acknowledgement to Jamaica’s national language; and

WHEREAS for her contributions to the preservation and development of Jamaican culture, she received numerous awards, including the Order of Jamaica in 1974, and today she is known as the Honourable Louise Bennett; and

WHEREAS in September 1988, her musical composition ‘You’re Going Home Now’ from the film Milk and Honey, was nominated by the Academy of Canadian Cinema and Television for the best original song in a movie; and

WHEREAS in 1998, she received the Honourary Degree of Doctor of Letters from York University; and

WHEREAS on Jamaica’s Independence Day in 2001, she was appointed as a Member of the Order of Merit for her invaluable and distinguished contribution to the development of arts and culture; and

WHEREAS Miss Lou's contributions shall be forever carved into Toronto's diverse and vibrant cultural landscape;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to the family of Dr. Louise Simone Bennett-Coverley."

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

Council rose and observed a moment of silence in memory of the late Dr. Louise Simone Bennett-Coverley.

9.191 **Presentations/Introductions/Announcements:**

July 25, 2006:

Mayor Miller, during the morning session of the meeting, introduced Mr. George Franco, Chairman of the Board of Directors of the United States Hispanic Chamber of Commerce, present at the meeting.

Deputy Mayor Pantalone, during the morning session of the meeting, introduced a group of teachers from Shanghai, China, who are in the City of Toronto for a summer professional development program which is co-ordinated through the University of Toronto, present at the meeting.

Mayor Miller, during the afternoon session of the meeting, advised the Council that, after three years of consultation and hundreds of public meetings, Council adopted the new Official Plan in 2002, and on July 6, 2006, the Ontario Municipal Board issued the Order putting the new City of Toronto Official Plan into place. Mayor Miller, on behalf of Council, extended the appreciation of Council to the first Chief Planner of the new City of Toronto, Paul Bedford, the current Chief Planner, Ted Tyndorf, Barbara Leonhardt, the Director of Policy and Research, and all of their staff for their exemplary work on the new City of Toronto Official Plan.

July 26, 2006:

Deputy Mayor Bussin, during the morning session of the meeting, introduced the students from The Bickford Centre, present at the meeting.

Councillor Mammoliti, with the permission of Council, during the morning session of the meeting, introduced Mr. George McKenzie, present at the meeting. Councillor Mammoliti advised the Council that Mr. McKenzie will have a street named in his honour in Ward 7 to thank him for all his hard work in the Ward. Mr. McKenzie has contributed over the last 30 years by volunteering his time for the Saint Timothy by the Humber Church, and has

served on the Boards of Directors of the Humber River Regional Hospital and the Rotary Club, as well as participating in the Emery Village Revitalization Strategy. Councillor Mammoliti, on behalf of Council, extended the appreciation of Council to Mr. McKenzie for his outstanding contributions to Ward 7.

Mayor Miller, during the afternoon session of the meeting, advised the Council that for 32 years, the City of Toronto has honoured writers whose books evoke the spirit of Toronto. City Council established the Toronto Book Awards, in 1974, to honour authors of books of literary or artistic merit with an annual award of \$15,000.00 in prize money. The City proclaims every September as International Literacy Month and the Toronto Book Awards is a part of the activities.

This year's finalists were selected from over 75 submissions and were chosen by a Committee of citizens. Mayor Miller, on behalf of Council, extended the appreciation of Council to the Toronto Book Awards Committee — Thea Herman, Camilla Holland, Bill Krangle, Winona McMorrow and Herman Silochan — for volunteering their time and commitment to read submissions and arrive at such an impressive shortlist that includes both established and emerging authors.

Mayor Miller introduced the following finalists for the 2006 Toronto Book Awards and called upon each author to come forward to the podium to receive a framed scroll:

- Howard Akler [award accepted by Christina Palassio from Coach House Books];
- Dionne Brand;
- Stephen Marche;
- Jason McBride and Alana Wilcox [award accepted by Jason McBride]; and
- M.G. Vassanji [award accepted by Laura Hinchberger, Associate Vice-President of Doubleday Canada].

July 27, 2006:

Mayor Miller, during the morning session of the meeting, advised the Council that the City of Toronto had received the Award for Excellence for Toronto's Long-Term Fiscal Plan from the Government Finance Officers Association of the United States and Canada (GFOA). Mayor Miller invited Joe Pennachetti, the Deputy City Manager and Chief Financial Officer, Len Brittain, the Director of Corporate Finance, and Josie LaVita, the Director of Financial Planning, to the podium to receive the Award and extended, on behalf of Council, the congratulations of Council to Joe Pennachetti and his staff for their excellent work.

Mayor Miller, during the morning session of the meeting, introduced the students from the following organizations, present at the meeting:

- the Centre for Information and Community Services; and
- the Lexis Canadian Language Academy.

Deputy Mayor Bussin, during the afternoon session of the meeting, introduced the youth from the Leslieville Youth Centre, present at the meeting.

9.192 **MOTIONS TO VARY ORDER OR WAIVE PROCEDURE**

Vary the order of proceedings of Council:

July 25, 2006:

Mayor Miller in the Chair.

Mayor Miller, with the permission of Council, at 10:15 a.m., moved that Council vary the order of its proceedings to first consider the following matters on the Order Paper for this meeting of Council, in the following order, which carried:

- (a) Notice of Motion J(5), moved by Mayor Miller, seconded by Councillor Soknacki, regarding the issuance of Debentures;
- (b) Audit Committee Report 1, Deferred Clause 4d, headed "Audit Work Plan";
- (c) Policy and Finance Committee Report 5, Deferred Clause 25a, headed "City of Toronto 2007-2010 Capital Plan and Debt Service Guideline";
- (d) Motion F(1), moved by Councillor Soknacki, seconded by Mayor Miller, regarding the funding of Major Strategic Capital Infrastructure Projects;
- (e) Policy and Finance Committee Report 6, Clause 24, headed "New Council and Committee Meeting Procedures (All Wards)"; and
- (f) new urgent items.

Mayor Miller, at 10:24 a.m., moved that Council vary the order of its proceedings to consider Policy and Finance Committee Report 6, Clause 57, headed "Compensation Review: Elected Officials", on Thursday, July 27, 2006, at 9:30 a.m., the vote upon which was taken as follows:

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

Carried by a majority of 16.

Councillor Pitfield, at 6:50 p.m., moved that Council vary the order of its proceedings to vote on Policy and Finance Committee Report 6, Clause 8, headed "Toronto Waterfront Revitalization Initiative Five-Year Business Plan/Ten Year Forecast (2006-2015)", on Wednesday, July 26, 2006, the vote upon which was taken as follows:

| |
|--|
| Yes - 22 Councillors: Ashton, Bussin, Cho, Davis, Del Grande, Di Giorgio, Ford, Grimes, Holyday, Jenkins, Kelly, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Walker, Watson |
| No - 11 Mayor: Miller Councillors: Carroll, Cowbourne, De Baeremaeker, Fletcher, Giambrone, Lindsay Luby, Mihevc, Milczyn, Moscoe, Silva |

Carried by a majority of 11.

July 26, 2006:

Councillor Thompson, at 10:24 a.m., moved that Council vary the order of its proceedings to defer the vote on Policy and Finance Committee Report 6, Clause 8, headed "Toronto Waterfront Revitalization Initiative Five-Year Business Plan/Ten Year Forecast (2006-2015)", until Councillor Pitfield is present in the Council Chamber, the vote upon which was taken as follows:

| | |
|--------------|--|
| Yes - 24 | |
| Councillors: | Ainslie, Augimeri, Bussin, Cho, Del Grande, Di Giorgio, Feldman, Ford, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Saundercook, Shiner, Silva, Thompson, Walker |
| No - 5 | |
| Councillors: | Carroll, Cowbourne, De Baeremaeker, Giambrone, Hall |

Carried by a majority of 19.

Councillor Shiner, at 10:30 a.m., moved that Council vary the order of its proceedings to consider North York Community Council Report 6, Clause 25, headed “OMB Direction Report - Rezoning Application - 05 128488 NNY 24 OZ - Daniels HR Corporation - Kirkor Architects & Planners - 603-615 Sheppard Avenue East & 9-17 Rean Drive & 6-10 Dervock Crescent (Ward 24 - Willowdale)”, on Thursday, July 27, 2006, which carried.

Councillor Hall, at 2:18 p.m., moved that Council vary the order of its proceedings to consider Etobicoke York Community Council Report 6, Clause 10, headed “Refusal and Directions Report - Official Plan Amendment and Rezoning Application; Applicant: Eros Fiacconi, EGF Associates, Lot 35 Westmore Drive - West Side of Westmore Drive, north of Finch Avenue (Ward 1 - Etobicoke North)”, as a ‘time sensitive’ matter, the vote upon which was taken as follows:

| | |
|--------------|--|
| Yes - 37 | |
| Mayor: | Miller |
| Councillors: | Ainslie, Ashton, Augimeri, Barron, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Stintz, Thompson, Walker |
| No - 1 | |
| Councillor: | Holyday |

Carried by a majority of 36.

Councillor Milczyn, at 3:26 p.m., moved that Council vary the order of its proceedings to consider Motion J(30), respecting the Site Plan Bump-Up Report - 252, 270, 272 and 276 Bering Avenue, as a ‘time sensitive’ matter, the vote upon which was taken as follows:

| |
|--|
| Yes - 30 |
| Mayor: Miller |
| Councillors: Ainslie, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Stintz, Thompson, Watson |
| No - 8 |
| Councillors: Barron, Feldman, Ford, Holyday, Moscoe, Pitfield, Soknacki, Walker |

Carried by a majority of 22.

Deputy Mayor Bussin in the Chair.

Councillor Saundercook, at 4:20 p.m., moved that Council vary the order of its proceedings to consider Policy and Finance Committee Report 6, Clause 23, headed “Hosting the 2007 Walk21 International Conference in Toronto (All Wards)”, as a ‘time sensitive’ matter, which carried.

Councillor Nunziata, at 4:25 p.m., moved that Council vary the order of its proceedings to consider Etobicoke York Community Council Report 6, Clause 10, headed “Refusal and Directions Report - Official Plan Amendment and Rezoning Application; Applicant: Eros Fiacconi, EGF Associates, Lot 35 Westmore Drive - West Side of Westmore Drive, north of Finch Avenue (Ward 1 - Etobicoke North)”, immediately following consideration of Community Services Committee Report 5, Clause 3, headed “Toronto EMS Safe Driving Awards Program”, the vote upon which was taken as follows:

| |
|--|
| Yes - 29 |
| Councillors: Ashton, Augimeri, Bussin, Cowbourne, De Baeremaeker, Del Grande, Filion, Ford, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Soknacki, Thompson, Walker, Watson |
| No - 7 |
| Councillors: Ainslie, Carroll, Davis, Holyday, Saundercook, Shiner, Stintz |

Carried by a majority of 22.

Deputy Mayor Pantalone in the Chair.

Deputy Mayor Bussin, at 5:15 p.m., moved that Council vary the order of its proceedings to consider Notice of Motion J(57), moved by Deputy Mayor Bussin, seconded by Councillor Li Preti, respecting the limit on Municipal Election Campaign Expenses, as a 'time sensitive' matter, which carried.

Councillor Augimeri, at 5:16 p.m., moved that Council vary the order of its proceedings to consider Notice of Motion J(56), moved by Deputy Mayor Pantalone, seconded by Councillor Minnan-Wong, respecting authority to enter into an Agreement with the Owner of 2737 Keele Street under Section 45(9) of the *Planning Act*, as a 'time sensitive' matter, which carried.

Councillor Mammoliti, at 5:18 p.m., moved that Council vary the order of its proceedings to now consider Etobicoke York Community Council Report 6, Clause 6, headed "Emery Village Business Improvement Area (BIA) Proposed Installation of 'Gateway' signs in Public Road Allowance (Ward 7 - York West)", which carried.

Councillor Augimeri, at 6:20 p.m., moved that Council vary the order of its proceedings to vote on Economic Development and Parks Committee Report 5, Clause 10, headed "Preliminary Feasibility Investigation of Adding a Second Storey to the New Branch Library at 1900 Sheppard Avenue West for Recreational Programming Space (Ward 9 York Centre)", on Thursday, July 27, 2006, which carried.

Councillor Davis, at 6:25 p.m., moved that Council vary the order of its proceedings to vote on Planning and Transportation Committee Report 5, Clause 12, headed "City of Toronto Court Applications", on Thursday, July 27, 2006, which carried.

Councillor Shiner, at 7:00 p.m., moved that Council vary the order of its proceedings to consider North York Community Council Report 6, Clause 28, headed "Final Report - Application to Amend the Official Plan and Zoning By-law - 05 198002 NNY 09 OZ and Application for Site Plan Control Approval - 05 198004 NNY 09 SA - Blandford Gates (Fleiss Gates McGowan Easton Architects Inc.) - 1900 Sheppard Avenue West (Ward 9 - York Centre)", on Thursday, July 27, 2006, which carried.

July 27, 2006:

Mayor Miller in the Chair.

Councillor Moscoe, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, the vote upon which was taken as follows:

| | |
|--------------|---|
| Yes - 23 | |
| Mayor: | Miller |
| Councillors: | Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Moscoe, Ootes, Pantalone, Watson |
| No - 17 | |
| Councillors: | Ainslie, Barron, Ford, Grimes, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Palacio, Pitfield, Rae, Saundercook, Shiner, Silva, Stintz, Walker |

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

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

July 25, 2006:

Mayor Miller, with the permission of Council, at 10:23 a.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. adjournment on Thursday, July 27, 2006, and that Council continue in session until 9:00 p.m. on that day, in order to conclude consideration of all matters remaining on the Order Paper for this meeting of Council, the vote upon which was taken as follows:

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

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

Mayor Miller, at 5:02 p.m., proposed that Council now recess for the Special Meeting of Council to fill the vacancy in Ward 35, Scarborough Southwest, and reconvene immediately thereafter. Council concurred in the proposal by Mayor Miller, recessed at 5:02 p.m. and reconvened at 6:02 p.m.

July 26, 2006:

Deputy Mayor Pantalone in the Chair.

Councillor Soknacki, at 7:24 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. recess, and that Council continue in session, in order to conclude consideration of Administration Committee Report 2, Deferred Clause 6d, 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”, the vote upon which was taken as follows:

| | |
|--------------|---|
| Yes - 21 | |
| Councillors: | Ainslie, Ashton, Cowbourne, Davis, Del Grande, Filion, Ford, Giambrone, Grimes, Holyday, Kelly, Mammoliti, Mihevc, Milczyn, Nunziata, Palacio, Rae, Saundercook, Soknacki, Thompson, Walker |
| No - 7 | |
| Councillors: | De Baeremaeker, Hall, Jenkins, Li Preti, Lindsay Luby, Minnan-Wong, Pantalone |

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

Deputy Mayor Pantalone, at 8:05 p.m., proposed that Council now recess and reconvene at 9:30 a.m. on Thursday, July 27, 2006. Council concurred in the proposal by Deputy Mayor Pantalone.

July 27, 2006:

Deputy Mayor Bussin in the Chair.

Councillor Giambrone, at 12:30 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, and that Council continue in session, in order to permit Councillor Ford to conclude his remarks on Policy and Finance Committee Report 6, Clause 57, headed “Compensation Review: Elected Officials”, which carried, more than two-thirds of Members present having voted in the affirmative.

Mayor Miller in the Chair.

Mayor Miller, at 7:00 p.m., due to a disturbance in the Council Chamber, proposed that Council now recess and reconvene in approximately 20 minutes. Council concurred in the proposal by Mayor Miller, recessed at 7:00 p.m. and reconvened at 7:25 p.m.

Councillor Nunziata, at 8:45 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 9:00 p.m. adjournment, and that Council continue in session, in order to complete all matters remaining on the Order Paper for this meeting of Council, which carried, more than two-thirds of Members present having voted in the affirmative.

9.193 **ATTENDANCE**

Councillor Rae, seconded by Deputy Mayor Bussin, moved that the absence of Councillor McConnell from the regular meeting of Council on July 25, 26 and 27, 2006, be excused, which carried.

| July 25, 2006 | 9:40 a.m. to 12:30 p.m.* | 2:10 p.m. to 5:02 p.m.* | 6:02 p.m. to 7:30 p.m.* |
|----------------|--------------------------|-------------------------|-------------------------|
| Miller | x | x | - |
| Ainslie | x | x | x |
| Ashton | x | x | x |
| Augimeri | x | x | - |
| Bussin | x | x | x |
| Carroll | x | x | x |
| Cho | x | x | x |
| Cowbourne | x | x | x |
| Davis | x | x | x |
| De Baeremaeker | x | x | x |
| Del Grande | x | x | x |
| Di Giorgio | x | x | x |
| Feldman | x | x | - |
| Filion | x | x | x |
| Fletcher | x | x | x |
| Ford | x | x | x |
| Giambrone | x | x | x |
| Grimes | x | x | x |
| Hall | - | - | - |
| Holyday | x | x | x |
| Jenkins | x | x | x |

Minutes of the Council of the City of Toronto
July 25, 26 and 27, 2006

| July 25, 2006 | 9:40 a.m. to 12:30 p.m.* | 2:10 p.m. to 5:02 p.m.* | 6:02 p.m. to 7:30 p.m.* |
|---------------|--------------------------|-------------------------|-------------------------|
| Kelly | x | x | x |
| Li Preti | x | x | - |
| Lindsay Luby | x | x | x |
| Mammoliti | x | x | - |
| McConnell | - | - | - |
| Mihevc | x | x | x |
| Milczyn | x | x | x |
| Minnan-Wong | x | x | x |
| Moscoe | x | x | x |
| Nunziata | x | x | x |
| Ootes | x | x | x |
| Palacio | x | x | x |
| Pantalone | x | x | x |
| Pitfield | x | x | x |
| Rae | x | x | x |
| Saundercook | x | x | x |
| Shiner | x | x | - |
| Silva | x | x | x |
| Soknacki | x | x | x |
| Stintz | x | x | x |
| Thompson | x | x | x |
| Walker | x | x | x |
| Watson | x | x | x |
| Total | 42 | 42 | 36 |

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

| July 26, 2006 | 9:40 a.m. to 12:30 p.m.* | 2:10 p.m. to 8:05 p.m.* | Roll Call 3:44 p.m. | Roll Call 6:18 p.m. | Roll Call 8:00 p.m. |
|---------------|--------------------------|-------------------------|---------------------|---------------------|---------------------|
| Miller | - | x | - | - | - |
| Ainslie | x | x | - | x | x |

Minutes of the Council of the City of Toronto
July 25, 26 and 27, 2006

| July 26, 2006 | 9:40 a.m. to 12:30 p.m.* | 2:10 p.m. to 8:05 p.m.* | Roll Call 3:44 p.m. | Roll Call 6:18 p.m. | Roll Call 8:00 p.m. |
|----------------|-----------------------------|----------------------------|------------------------|------------------------|------------------------|
| Ashton | x | x | - | x | - |
| Augimeri | x | x | x | - | - |
| Barron | x | x | x | - | - |
| Bussin | x | x | x | x | - |
| Carroll | x | x | x | x | - |
| Cho | x | x | x | - | - |
| Cowbourne | x | x | x | x | x |
| Davis | x | x | x | - | x |
| De Baeremaeker | x | x | - | x | x |
| Del Grande | x | x | x | x | x |
| Di Giorgio | x | x | - | - | - |
| Feldman | x | x | - | - | - |
| Filion | - | x | - | - | - |
| Fletcher | x | x | - | - | - |
| Ford | x | x | x | - | x |
| Giambrone | - | x | x | x | x |
| Grimes | x | x | - | x | x |
| Hall | x | x | x | - | x |
| Holyday | x | x | x | x | x |
| Jenkins | x | x | - | x | - |
| Kelly | x | x | x | x | - |
| Li Preti | x | x | x | x | x |
| Lindsay Luby | x | x | - | x | x |
| Mammoliti | x | x | x | x | x |
| McConnell | - | - | - | - | - |
| Mihevc | x | x | - | - | x |
| Milczyn | x | x | x | x | x |
| Minnan-Wong | x | x | - | - | - |
| Moscoe | x | x | x | - | - |
| Nunziata | x | x | - | x | x |

Minutes of the Council of the City of Toronto
July 25, 26 and 27, 2006

| July 26, 2006 | 9:40 a.m. to 12:30 p.m.* | 2:10 p.m. to 8:05 p.m.* | Roll Call 3:44 p.m. | Roll Call 6:18 p.m. | Roll Call 8:00 p.m. |
|---------------|--------------------------|-------------------------|---------------------|---------------------|---------------------|
| Ootes | x | x | x | - | - |
| Palacio | x | x | x | x | x |
| Pantalone | x | x | - | x | x |
| Pitfield | - | x | x | - | - |
| Rae | x | x | - | x | x |
| Saundercook | x | x | x | x | x |
| Shiner | x | x | x | - | - |
| Silva | x | x | x | x | - |
| Soknacki | - | x | x | x | x |
| Stintz | x | x | x | - | - |
| Thompson | x | x | - | x | x |
| Walker | x | x | x | - | - |
| Watson | x | x | x | - | - |
| Total | 39 | 44 | 27 | 24 | 22 |

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

| July 27, 2006 | 9:40 a.m. to 12:37 p.m.* | 2:10 p.m. to 7:00 p.m.* | Roll Call 3:38 p.m. | 7:25 p.m. to 9:52 p.m.* |
|----------------|--------------------------|-------------------------|---------------------|-------------------------|
| Miller | x | x | - | x |
| Ainslie | x | x | - | x |
| Ashton | x | x | - | x |
| Augimeri | x | x | - | x |
| Barron | x | x | x | x |
| Bussin | x | x | x | x |
| Carroll | x | x | x | x |
| Cho | x | x | x | - |
| Cowbourne | x | x | x | x |
| Davis | x | x | - | x |
| De Baeremaeker | x | x | - | x |
| Del Grande | x | x | x | x |

Minutes of the Council of the City of Toronto
 July 25, 26 and 27, 2006

| July 27, 2006 | 9:40 a.m. to 12:37 p.m.* | 2:10 p.m. to 7:00 p.m.* | Roll Call 3:38 p.m. | 7:25 p.m. to 9:52 p.m.* |
|---------------|--------------------------|-------------------------|---------------------|-------------------------|
| Di Giorgio | x | x | x | x |
| Feldman | x | x | x | x |
| Filion | x | - | - | - |
| Fletcher | x | x | x | x |
| Ford | x | x | x | x |
| Giambrone | x | x | - | x |
| Grimes | x | x | x | x |
| Hall | x | x | x | x |
| Holyday | x | x | x | x |
| Jenkins | x | x | x | x |
| Kelly | x | x | x | x |
| Li Preti | x | x | x | x |
| Lindsay Luby | x | x | x | x |
| Mammoliti | x | x | x | x |
| McConnell | - | - | - | - |
| Mihev | x | x | - | x |
| Milczyn | x | x | - | x |
| Minnan-Wong | x | x | x | x |
| Moscoe | x | x | x | x |
| Nunziata | x | x | x | x |
| Ootes | x | x | x | x |
| Palacio | x | x | x | x |
| Pantalone | x | x | x | x |
| Pitfield | x | x | x | x |
| Rae | x | x | x | x |
| Saundercook | x | x | x | x |
| Shiner | x | x | x | x |
| Silva | x | x | x | x |
| Soknacki | x | x | x | x |
| Stintz | x | x | - | x |
| Thompson | x | x | x | x |

Minutes of the Council of the City of Toronto
July 25, 26 and 27, 2006

| July 27, 2006 | 9:40 a.m. to 12:37 p.m.* | 2:10 p.m. to 7:00 p.m.* | Roll Call 3:38 p.m. | 7:25 p.m. to 9:52 p.m.* |
|---------------|--------------------------|-------------------------|---------------------|-------------------------|
| Walker | x | x | x | x |
| Watson | - | x | - | - |
| Total | 43 | 44 | 32 | 42 |

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

Council adjourned on July 27, 2006, at 9:52 p.m.

**DAVID R. MILLER,
Mayor**

**ULLI S. WATKISS,
City Clerk**

ATTACHMENT 1 [Notice of Motion F(1)]

Report (June 26, 2006) from the Deputy City Manager and Chief Financial Officer, entitled “Funding of Major Strategic Capital Infrastructure Projects”. (See Minute 9.116, Page 143):

Purpose:

To seek Council approval for a strategy for financing strategic tax-supported capital expenditures undertaken in partnership with other orders of government and strategic environmental tax-supported capital projects undertaken with external financial partners through the utilization of the proceeds of monetization of the City’s Toronto Hydro Corporation Promissory Note.

Financial Implications and Impact Statement:

Council adoption of the recommended strategies will assist in managing the City’s indebtedness, contribute to the containment of the City’s debt service costs and the debt service ratio and thereby enhance the City’s credit rating.

Recommendations:

It is recommended that:

- (1) one time proceeds from the divestiture of the City’s investment in the Toronto Hydro Corporation Promissory Note be contributed to a reserve fund account solely to offset capital costs associated with major tax-supported strategic infrastructure projects funded in partnership with other orders of governments and major strategic tax-supported environmental projects undertaken with external financial partners;
- (2) Council establish a reserve fund account called the “Strategic Infrastructure Partnership Reserve Fund Account”, within the Corporate Discretionary Reserve Fund to fund the City’s major tax-supported strategic infrastructure projects in partnership with other orders of governments and major tax-supported environmental projects undertaken with external financial partners as specified in Attachment 1;
- (3) Municipal Code Chapter 227 (Administration of Reserves and Reserve Funds) be amended by adding the “Strategic Infrastructure Partnership Reserve Fund Account” to Schedule ‘3’ –Corporate Discretionary Reserve Fund; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, and that leave be granted for the introduction of any necessary bills in Council to give effect thereto.

Background:

Council, at its meeting on June 9-11, 1999, approved a recommendation in a report, entitled “Incorporation of Toronto Hydro Corporation”, Clause 1, Report 10 of the Strategic Policies and Priorities Committee, that stated “... all proceeds of the debt and dividends from Toronto Hydro be used toward the existing City capital obligations and not be used to increase City operating expenses”.

Council, at its meeting of April 12, 13 and 14, 2005, approved a recommendation in a report, entitled “Capital Financing Strategy – 2004”, Clause 1e, Report 8 (2004) of the Policy and Finance Committee, reaffirming “its policy direction to apply all returns on the City’s investments in Toronto Hydro Corporation to fund City’s capital program requirements”.

A related in-camera report, titled “Interest Rate on Toronto Hydro Corporation Promissory Note”, is also being presented to Policy and Finance Committee for its consideration, along with this report.

Furthermore, Council, at its meeting of December 12, 2005, as part of the City’s 2006 capital budget, approved the Budget Advisory Committee (BAC) recommendation that the Deputy City Manager and Chief Financial Officer report through the BAC to the Policy and Finance Committee and Council by June 2006 on a recommended 2007-2010 Capital Plan in accordance with the Council approved debt guideline. The report, entitled “City of Toronto 2007 – 2010 Staff Recommended Capital Plan” is also before the Policy and Finance Committee for its consideration.

Comments:

A. Toronto Hydro Corporation Promissory Note

The City holds a large investment in the Promissory Note of Toronto Hydro Corporation. This note matures in May of 2013, at which time the principal must be repaid to the City in full. The City also has certain options to access the principal in the meantime, if it so chooses.

In recent years the interest payments from this investment have been allocated to the operating budget on an exception basis. The principal amount of the note, \$980 million, is a different matter. The principal amount of the Promissory note does not represent a potential revenue, but is in fact an asset in the City’s Financial Statements. Prudent application of the proceeds on monetization would mean reinvestment of the asset value in other financial assets, or long term physical assets via funding of capital expenditures, as per the Council policy adopted when the note was originally established in 1999.

The convergence of the need for non-debt financing to fund major strategic capital infrastructure projects and the ultimate/eventual monetization of the Toronto Hydro Promissory Note create the opportunity for a refinement to Council's previous decisions regarding the application of proceeds from the THC debt.

Therefore, it is recommended that large strategic or extraordinary projects to be developed in partnership with the other orders of government not add to the City's debt burden, but rather be funded from one time proceeds such as Toronto Hydro Corporation Promissory Note which matures in 2013.

B. Requirement for Capital Funding for Strategic Projects

The 2007 – 2010 capital plan report outlines the challenges the City faces in managing its capital expenditure pressures relative to the Council approved debt targets and resulting debt service impacts.

As a result, it is important that the City continue to press for relief from its fiscal imbalance. Measures such as access to new growth revenues (Provincial and/or federal sales and/or income tax) and enhanced, sustainable and ongoing provincial and federal cost sharing for transportation needs will help fund the capital plan.

Strategic infrastructure projects like the Spadina Subway and the City's share of the waterfront redevelopment are major expansion initiatives as opposed to ongoing program responsibilities like state of good repair and normal growth related initiatives, which should be funded from within affordability guidelines and recurring revenue sources. Strategic projects also differ in that they require significant amounts of capital, and are often induced through partnerships with the other two orders of government. Similarly, environmental projects often feature external financial inducements. Expenditures of this nature clearly cannot be accommodated within the targets, and use of additional debt financing would drive up the debt service ratio and debt service cost impacts well above the recommended levels.

C. Establishing a Reserve Fund Account

The timing of the proceeds from the monetization of THC Promissory Note and the cashflow funding requirements for infrastructure programs may not coincide, resulting in a need to establish an appropriate reserve fund account. The parameters for the recommended account are shown in Attachment 1.

Conclusions:

The report recommends a strategy for funding major new tax-supported strategic infrastructure projects, such as the Spadina Subway Extension and Waterfront redevelopment projects, and tax-supported strategic environmental projects, from the proceeds of monetization of the Toronto Hydro Corporation Promissory Note, currently scheduled to mature May of 2013. It is also recommended that a Strategic Infrastructure Partnership

Reserve Fund Account be established to hold the proceeds of monetization should there be timing differences between the receipt of proceeds and the requirement to funds strategic infrastructure projects.

Contact:

Len Brittain, Director, Corporate Finance
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E-mail: lbrittai@toronto.ca

List of Attachments:

Strategic Infrastructure Partnership Reserve Fund Account – Attachment 1

Attachment 1

Strategic Infrastructure Partnership Reserve Fund Account

It is recommended that a Strategic Infrastructure Partnership Reserve Fund Account be established with the following considerations:

- (a) Location within the Consolidated Reserve Fund Schedule
 - Fund Account within Schedule #3 – Corporate Discretionary Reserve Fund.
- (b) Statement of Purpose
 - This reserve fund account will be used to fund the City's major tax-supported strategic infrastructure programs (such as Spadina Subway Extension and Waterfront Redevelopment), in partnership with other orders of governments, and major strategic tax-supported environmental capital projects with external funding partners.
- (c) Service Area or Beneficiary Program
 - The Deputy City Manager/Chief Financial Officer shall have primary administrative responsibility for the reserve fund account.
- (d) Initial Contribution:
 - n/a
- (e) Contribution Policy
 - Contributions will be made from the principal value of the Toronto Hydro Corporation Promissory Note, currently scheduled to be monetized upon maturity no later than May 2013.
- (f) Withdrawal Policy:
 - Funds may be withdrawn to fund City projects consistent with the purpose of the

reserve fund account, as part of the budget process.

(g) Review Cycle

- The reserve fund account will be closed when the funds have been depleted.

ATTACHMENT 2 [Notice of Motion J(5)]

Report (July 17, 2006) from the Deputy City Manager and Chief Financial Officer, entitled "Issuance of Debentures". (See Minute 9.126, Page 171):

Purpose:

This report requests that the necessary Bills be introduced in Council at its meeting on July 25, 2006, to give effect to the issuance of debentures of \$300 million that were syndicated in the domestic capital market on July 11, 2006.

Financial Implications and Impact Statement:

Debenture issuance in the Canadian domestic market of \$300 million is required to finance previously approved capital expenditures, the majority of which are related to transportation and transit requirements. The debt charges associated with this issue have been included in the City's 2006 operating budget in corporate non-program and will be included in the 2007 budget on an annualized basis.

Recommendations:

It is recommended that:

- (1) authority be granted for the introduction of the necessary Bills in Council on July 25, 2006, to give effect to the issuance of debentures as described in this report; and
- (2) the appropriate officials be authorized to take the necessary actions to give effect thereto.

Background:

By-law No. 83-2006 was enacted by Council on February 2, 2006 and authorized the Mayor and the Deputy City Manager and Chief Financial Officer, acting in his capacity as treasurer appointed under the *Municipal Act, 2001* (the "Treasurer") to enter into agreements for the issuance and sale of debentures during the year 2006 to provide an aggregate amount not exceeding \$550,000,000.00 for purposes of the City and the former municipality of Metropolitan Toronto.

Under the *City of Toronto Act, 1997 (No. 2)*, any such agreement must be reported to Council not later than the second regular meeting of Council after the agreement is signed and Council is required to pass all necessary money by-laws required to carry out the agreement.

Comments:

Acting in accordance with the aforementioned authorities and the unanimous advice of our investment syndicate lead managers CIBC World Markets Inc., RBC Dominion Securities Inc. and Scotia Capital Inc., negotiations were completed on July 11, 2006 for a public issuance of debentures in the Canadian domestic market. This transaction is the City's first debenture issued in 2006 and received a solid reception in an attractive and stable bond market. Sinking fund debentures were issued with a par value of \$300 million and a 10 year term-to-maturity.

The total all-in-cost of financing the \$300 million issue is 4.98 percent. The issue's term-to-maturity blends current capital market conditions with the matching of the economic life of various capital expenditures to their financing terms. The structure and pricing of the transaction achieved the lowest cost of funds available relative to other potential structures, markets and currencies as permitted by provincial legislation.

Delivery of the debentures and the receipt of proceeds will occur on July 28, 2006. The issue will be book-based with no physical definitive certificates as were previous debenture issues. This process continues to generate savings for the City related to the printing, registration and distribution of the securities since The Canadian Depository for Securities Limited (CDS) administers the interest and principal payments to the debenture holders at no cost to the City.

Conclusion:

The City has issued \$300 million in debentures for settlement on July 28, 2006, as authorized under by-law No. 83-2006 as enacted by Council on February 2, 2006. As the capital projects to be financed with the proceeds of this issue were previously approved and are either completed or in the process of being completed, it is now appropriate to approve the issuance of debentures to permanently finance these undertakings, given current favourable capital market conditions.

Contacts:

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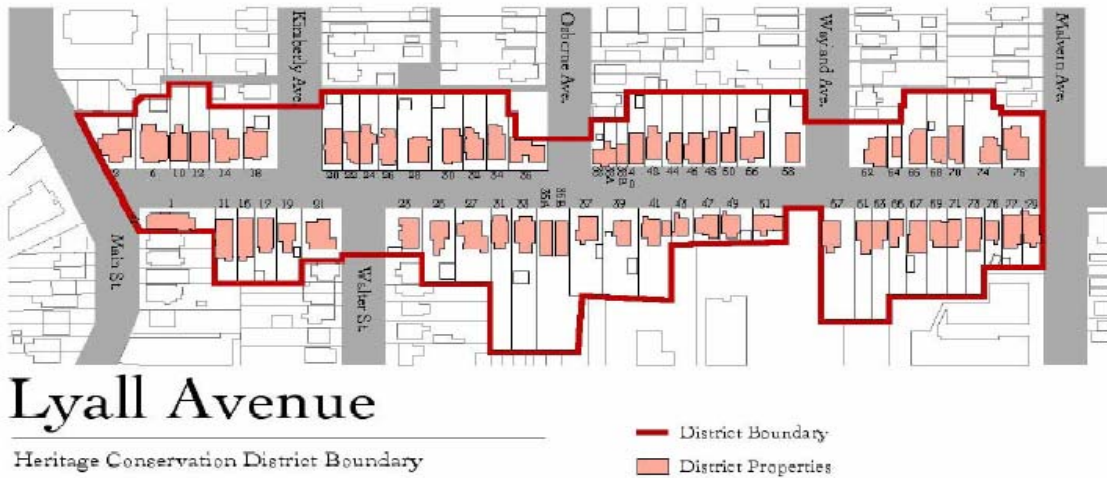
Martin Willschick, Manager, Capital Markets
Tel: 416-392-8072, Fax: 416-397-4555
E-mail: mwillsch@toronto.ca

ATTACHMENT 3 [Notice of Motion J(6)]

Schedule “A” to Motion J(6). (See Minute 9.127, Page 173):

Schedule “A”

LYALL AVENUE HERITAGE CONSERVATION DISTRICT BOUNDARY ATTACHMENT 1



ATTACHMENT 4 [Notice of Motion J(7)]

Confidential communication (July 14, 1006) from the Board of Directors, Hummingbird Centre for the Performing Arts. This communication is now public, with the exception of the attachment, which remains confidential in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about an identifiable individual (See Minute 9.128, Page 174):

Please find enclosed a copy of a résumé of Lewis T. Reford, nominee for appointment to the Board of Directors of the Hummingbird Centre for the Performing Arts.

The Board of Directors, at its meeting on July 13, 2006, endorsed the nomination of Mr. Lewis T. Reford to the Board of Directors for the Hummingbird Centre for the Performing Arts to replace Mr. Fred Sorkin.

ATTACHMENT 5 [Notice of Motion J(8)]

Appendix to Notice of Motion J(8), entitled “Terms of Reference - Establishment of Task Force: Property Assessment Reform Task Force (PART)”. (See Minute 9.129, Page 176):

This Task-Force will deal with reform of the property assessment system by investigating other property assessment systems in use in other provinces and other countries to create new options for property assessment systems that may be used by the City of Toronto to collect municipal property taxes in a more fair, equitable, predictable and affordable manner, and such Task-Force will lobby the provincial government for Property Tax Assessment Reform.

This Task-Force will report to the December 2007 meeting of the Executive Committee and will have a sunset date of December 2008.

This Task-Force will have a membership of four Councillors and five members of the public, for a total of nine members.

This Task-Force will report to the Executive Committee.

This Task-Force is needed to focus attention on this issue as no standing committee has shown interest and our system of property assessment is presently under an increasing amount of scrutiny and criticism.

This Task-Force will be supported by staff from Clerks, Economic Development and Finance divisions.

ATTACHMENT 6 [Notice of Motion J(8)]

Communication (July 26, 2006) from the City Clerk, entitled “City Clerk’s Impact Statement – Proposed Property Assessment Reform Task Force (PART) – Notice of Motion J(8) by Councillor Walker, to be considered by City Council on July 26, 2006”. (See Minute 9.129, Page 176):

Proposal set out in Notice of Motion J(8):

This Motion will establish a Property Assessment Reform Task Force, consisting of 9 members (4 Members of Council and 5 Citizen Members), with meeting support and member appointments provided by the City Clerk’s Office. The City Clerk’s Office does not currently have the staff resources to support this task force.

Cost of Provision of Meeting Support and Member Appointment Services:

The proposed Terms of Reference state that the Task Force work will be completed by December 2008. Assuming 6 meetings per year, it is anticipated that meeting support costs will be \$6,630.00 per year, with an additional one time cost of \$4,550.00 in appointment costs. Additional net new funding would be required to provide support to this Task Force.

Compliance with Section 108 of Chapter 27 of the Municipal Code, Council Procedures:

The table below sets out whether the proposed Terms of Reference satisfy Section 108 of Council’s Procedures By-law. As noted, staffing resources are not available within present budgets and would require net new additional funding.

| Compliance with Section 108 of Chapter 27 of the Municipal Code, Council Procedures | | |
|---|---|--|
| Terms of Reference submitted to City Council setting out: | | |
| ✓ the matters to be dealt with | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| ✓ a reporting date and a sunset date, beyond which Council approval is required for its continuation | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| ✓ the membership | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| ✓ the standing committee to which the body shall report to | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| ✓ the reason why the work cannot be undertaken by an existing standing committee | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| ✓ identification of staff and other resources required to support the body, and a determination that they are available within existing resources | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

City Clerk’s Recommendation regarding Meeting and Appointment Services Support:

The City Clerk’s Office does not have the resources to support this additional Task Force.

Additional net new funding is required to provide support to this Task Force, other changes to

the City's governance structure (i.e., adding two new standing committees and perhaps additional community councils), the impact of Justice Bellamy's recommendations, and the new *City of Toronto Act*. Council has requested a report for the 2007 budget process on the budget impact resulting from the various governance changes underway, as well as a report on criteria for providing meeting support for the numerous advisory committees established by Council.

It is premature for the City Clerk's Office to support this Task Force until such time as the new Council decides on the number and scope of committees, advisory bodies, and task forces to be established in the new term, and the funding requirements to support these bodies.

ATTACHMENT 7 [Notice of Motion J(27)]

Communication (July 27, 2006) from Councillor Brian Ashton, Ward 36, Scarborough Southwest, entitled “Sewer Construction on Pine Ridge Drive” (See Minute 9.148, Page 208):

Please let me first apologize for not providing sufficient information to permit the passage of Motion J(27) at yesterday’s meeting. In a faulty attempt to use Council’s time wisely, I underestimated your need for more information.

Councillor De Baeremaeker has agreed to request a re-opening of Revised J(27) to permit consideration during this Council meeting.

Pine Ridge Drive is a street on the Scarborough Bluffs comprised of estate sized lots and homes. The large lots have been served by septic tanks since the development of these homes decades ago. New Building Code standards and environmental concerns have predicated the need for sanitary sewers.

Some homeowners are faced with the costly question of whether to replace aged septic tanks, or wait to hook-up to new sanitary sewers. This is a poor option for the homeowners, and a bad situation for the environment.

Council’s 2006 Capital Budget contains funding for this project. The Ontario Municipal Board has approved the project. It is expected the project can commence this coming fall.

This project is being funded under the *Local Improvement Act*. Under this Act, each affected homeowner is required to pay a charge, adjusted over a period of time and added to their property tax, based on a rate applied against the frontage of their lot. Under the Act, affected homeowners have the right to appeal the costing formula.

Traditionally this appeal process is met by a Court of Revision established under the auspices of the respective municipality. Members of the Court are appointed by the municipality, and the members must be qualified electors.

The purpose of Revised J(27) is to constitute a Court of Revision to meet the above requirements. I am proposing three Members of Council for expediency, and further that the Court of Revision be constituted for the sole purpose of meeting the statutory requirements to proceed with the Pine Ridge Drive sanitary sewer project.

This backgrounder has been reviewed by the City Solicitor.

ATTACHMENT 8 [Notice of Motion J(29)]

Report (July 25, 2006) from the Chief Planner and Executive Director, City Planning, entitled “Request for approval of variances from Chapter 297, Signs, of the former City of Toronto Municipal Code to permit, for identification purposes, an illuminated awning sign on the front elevation of the building at 421 (423, 425 & 427) Danforth Avenue, 06-157591 ZSV, Ward 30, Toronto-Danforth”. (See Minute 9.150, Page 215):

Purpose:

To review and make recommendations on a request by Paul Roberts of Roberts Awnings and Signs Ltd. on behalf of Astoria Holdings Ltd. for approval of variances from Chapter 297, Signs, of the former City of Toronto Municipal Code to permit, for identification purposes, an illuminated awning sign on the front elevation of the building at 421 (423, 425 & 427) Danforth Avenue.

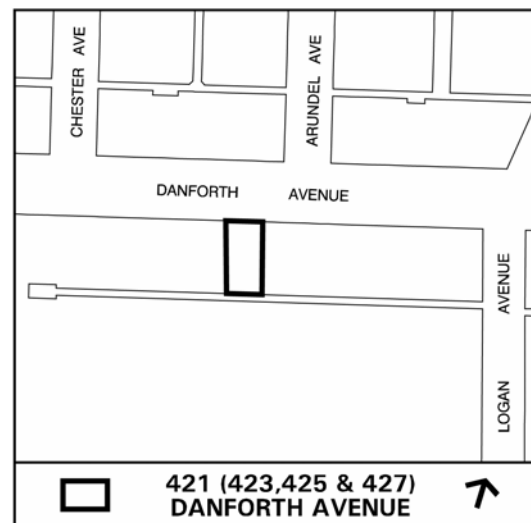
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) the request for variances to permit, for identification purposes, an illuminated awning sign on the front elevation of the building at 421 (423, 425 & 427) Danforth Avenue be approved; and
- (2) the applicant be advised, upon approval of variances, of the requirement to obtain the necessary sign permits from the Chief Building Official.

Background:

The property is located east of Broadview Avenue on the south side of Danforth Avenue in a “CR” zone. The property contains a two-storey building with retail uses at the grade level. An existing retail store “It’s My Party” has expanded its operation to include the unit to the east. The dividing wall has been removed and what had been 2 units has turned into a single unit. The applicant is seeking permission to extend the awning sign east over the entire frontage. The proposed extension of the sign is 7.62m wide and 1.22m high with an area of 9.30m². The existing sign is 7.62m wide and 1.22m high with an area of 9.30m².

Comments:

The sign does not comply with Chapter 297, Signs, of the former City of Toronto Municipal Code in the in the following way:

| Sign By-law Section and Requirements | Applicant's Proposal | Required Variance |
|--------------------------------------|---|---|
| Chapter 297-10D (1)(a)1 | A portion of the sign would slightly extend above the bottom sill of the second floor window of the building. | A sign extending above the bottom sill of a second floor window is not permitted. |

With respect to the variance, it is not the proposed sign but a portion of the existing sign that slightly extends above the bottom sill of a second floor window. The sign is consistent with other existing awning signs located in this part of Danforth Avenue. The sign has been sized and designed to complement the building façade and the streetscape. Also the second floor tenants can still display their signage on the wall of their business unit frontage.

Conclusions:

Staff recommends approval of this application. The requested variance is minor and within the general intent and purpose of the sign provisions of the Municipal Code.

Contact:

Norm Girdhar, Assistant Planner, East Section
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E-mail: ngirdhar@toronto.ca

Applicant's Information:

Paul Roberts
Roberts Awnings and Signs Ltd.
40 Belvia Road
Toronto, Ontario
M8W 3R3

Telephone: 416-252-7394 x 222
Fax: 416-252-0268

List of Attachments:

Attachment 1: Elevation
Attachment 2: Sign Details

Attachment 1: Elevation



Elevation

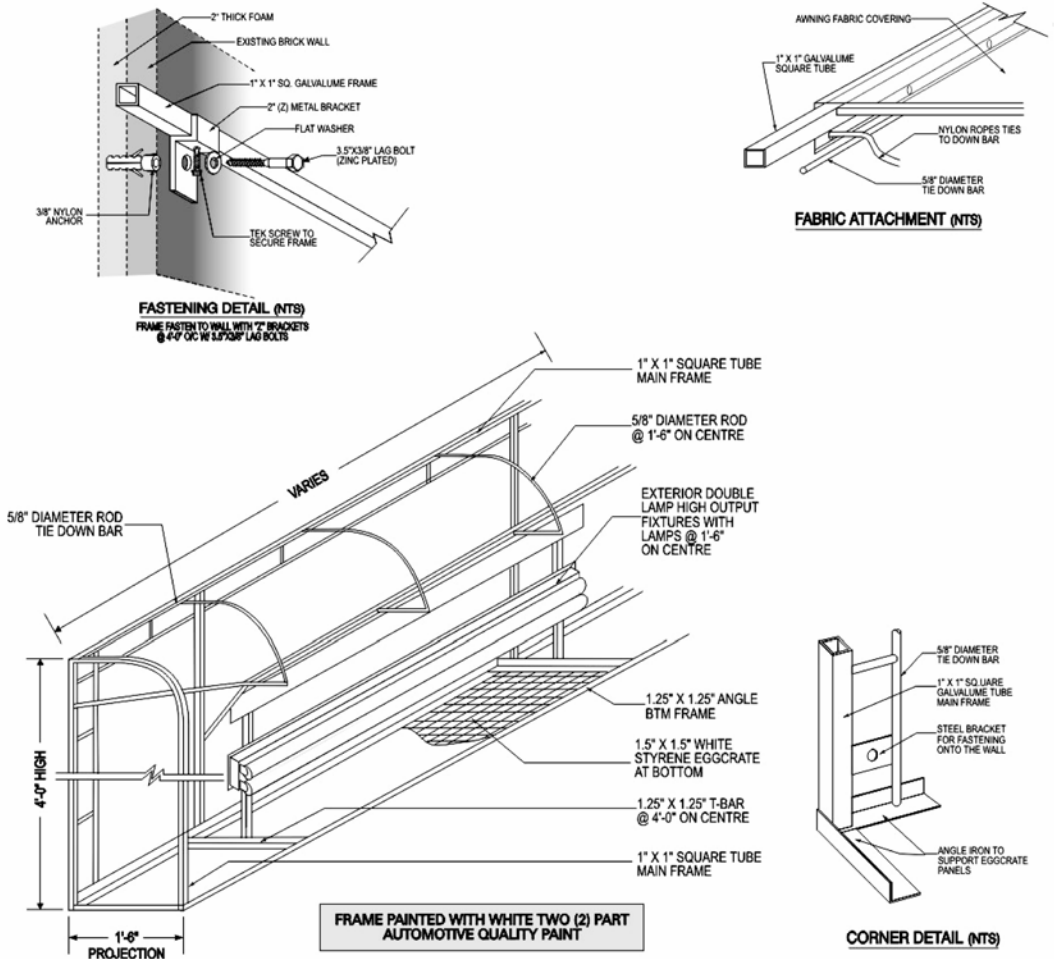
Applicant's Submitted Drawing

Not to Scale
07/24/06

421 (423,425 & 427) Danforth Avenue

File # 06_157591

Attachment 2: Sign Details



Sign Details

421 (423,425 & 427) Danforth Avenue

Applicant's Submitted Drawing

Not to Scale
 07/24/06

File # 06_157591

ATTACHMENT 9 [Notice of Motion J(30)]

Report (July 25, 2006) from the Chief Planner and Executive Director, City Planning, entitled "Site Plan Bump Up Report Site Plan Approval Application 05 151123 WET 05 SA, Applicant: Tom Giancos, Zanini Developments 252, 270, 272 and 276 Bering Avenue, Ward 5 - Etobicoke-Lakeshore". (See Minute 9.151, Page 216):

Purpose:

To report on a site plan control application for the subject site. On June 14, 2006, City Council approved, subject to certain amendments, the Official Plan and Rezoning application for the proposal and directed the Director, Community Planning, Etobicoke York District to complete and report on a Site Plan Approval, based substantially on the plans submitted by the applicant to staff on January 30, 2006 to the July 25, 26 and 27 City Council meeting.

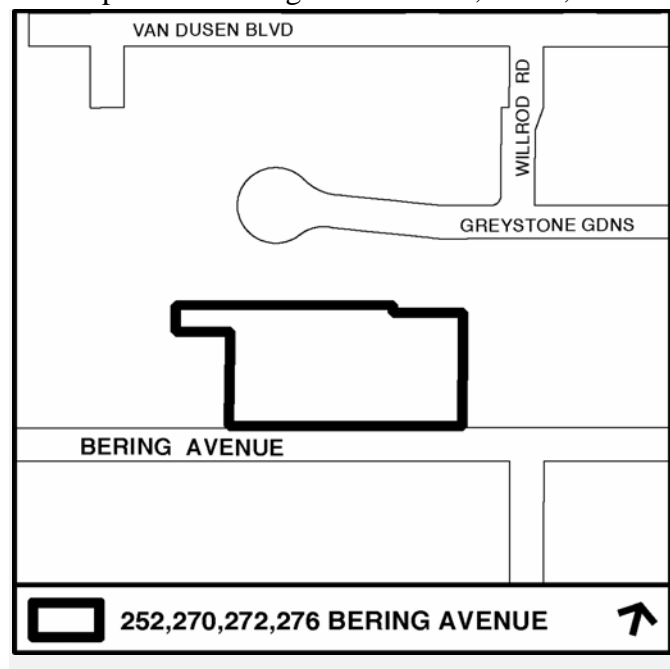
Financial Implications and Impact Statement:

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

Recommendations:

Pursuant to Report 3, Clause 57 of the Etobicoke York Community Council, as amended by the motion adopted by City Council at its Special Meeting on June 14, 2006, it is recommended that City Council:

- (1) approve in principle, subject to any required revisions and resubmission of information as outlined in the conditions set out in Attachment 6 to this report, the proposal for 73 townhouse units at 252, 270, 272 and 276 Bering Avenue as indicated on the plans listed in Attachment 6 to this report;
- (2) delegate back to the Chief Planner or his designate the authority to issue Site Plan Approval and that final Site Plan Approval not be issued until the amending Zoning By-law No. 569-2006 is in effect;



- (3) direct the City Solicitor to prepare and register any necessary site plan agreement(s); and
- (4) authorize the District Director, Community Planning to execute the agreement.

Background:

City Council at its Special Meeting of June 14, 2006, approved, subject to certain amendments, the application for amendments to the Etobicoke Official Plan and Etobicoke Zoning Code and modifications to the Toronto Official Plan to permit the development of 74 townhouses on the site. City Council also exempted the townhouse proposal from the Development Infrastructure Policy and Standards (DIPS).

On June 29, 2006, City Council enacted by By-law No. 568-2006, Amendment No. 141-2006 to the former Etobicoke Official Plan and enacted Zoning By-law No. 569-2006 to implement the development proposal. The By-laws are currently in the appeal period. The last date for persons to file an appeal to the Ontario Municipal Board pertaining to the By-laws is July 31, 2006. Any approval of the site plan is subject to the amending zoning by-law becoming final and binding.

Should Council wish to ask for conditions of approval, they should either be satisfied prior to site plan approval or inserted into the site plan agreement for post-approval satisfaction.

Comments:

On April 12, 2006, the applicant submitted revised plans in response to the Etobicoke York Community Council's recommendation to approve the development applications for the proposal. However, these plans contained lands that were not owned by the applicant. On July 14, 2006, a revised set of plans and engineering report were submitted. These plans included a reduction in the number of units from 74 to 73 due to the removal of lands not owned by the applicant and addressed the Technical Services Division comments on the April 12, 2006 plans. Staff review of the revised plans and engineering report received on July 14, could not be completed in time for consideration in this report. Attachment 1 to this report is the proposed site plan submitted on July 14, 2006. The Technical Services Division comments in this report are based on the review of the April 12, 2006 submission of plans.

Proposal

Although the applicant has received approval for 74 townhouse units, the applicant proposes to construct 73 townhouses within eight townhouse blocks on the site. The applicant has removed one unit (in Block B) from the approved proposal in order to address City staff comments with respect to vehicular access to certain townhouse units. Three townhouse blocks containing 24 townhouse units in total will have frontage along Bering Avenue. The remaining 49 townhouse units will be located in the other 5 townhouse blocks within the interior of the site. Vehicular access to the townhouse units will be from Bering Avenue. A

private road will extend through the site and intersect with Bering Avenue at two locations providing access to the townhouses. A total of 161 parking spaces will be provided on site, of which 15 parking spaces will be for visitors. Twelve lay-by visitor parking spaces are proposed to be provided on the City-owned lands on the Bering Avenue right-of-way.

Site Description

The site is located on the north side of Bering Avenue, west of Islington Avenue. The site is generally rectangular and flat. A portion of the site located in the northwest corner is situated between semi-detached dwellings to the north and detached dwellings to the south and is bounded on the west by a City of Toronto Works Yard, a joint operation facility used by a number of City divisions.

The surrounding uses are as follows:

North: semi-detached residential dwellings on Graystone Gardens

South: industrial uses across Bering Avenue

East: detached and semi-detached residential dwellings on Bering Avenue

West: three detached residential dwellings and a City of Toronto Works Yard

Agency Circulation/Comments

The application has been circulated to all appropriate agencies and City Divisions. Where responses have requested additional information or revisions to the proposal, conditions have been included in the conditions section contained in Attachment No. 6 to this report.

Development Infrastructure Policy and Standards (DIPS)

In its decision of June 14, 2006, City Council exempted the proposal from the recently adopted policies and standards of DIPS. The application proposes private streets that do not meet the DIPS standards.

Technical Services

Comments in this report may have been addressed in the July 14, 2006 revision. They are included for completeness to advise the applicant and assist in completing any final required revisions.

Technical Services staff has recommended that the applicant revise the Site Plan drawings for transportation matters. These revisions relate to technical matters, such as:

- (a) redesign the proposed vehicle access to the attached garages on Lots 21 and 22 of the Site Plan to the satisfaction of the Technical Services Division;

- (b) relocate the west curb radius for the proposed west driveway from Bering Avenue entirely within the site or the applicant is to provide a copy of the written consent from the adjacent owner that they do not object to the proposed encroachment;
- (c) eliminate the proposed parking lane along the Bering Avenue frontage of the site with the exception of the 4 stalls directly abutting Lots 51 to 54 to provide adequate turning sight distance at the proposed driveways;
- (d) illustrate and provide a “pay and display” machine at these 4 stalls along the Bering Avenue frontage to the satisfaction of the Toronto Parking Authority;
- (e) provide an interior garage area of 18 square metres and a minimum interior width of 3.0 metres for units with one parking stall in an attached garage;
- (f) illustrate a disabled parking stall in the visitors parking area with a minimum perpendicular dimension of 3.65 metres in width by 6.0 metres in length with a minimum 6.0 metre wide aisle, and illustrate the disabled sign according to Section 183-23 of the Etobicoke Municipal Code; and
- (g) submit typical garage floor plans for units with two vehicle parking stalls showing the dimensions required by the enacted zoning bylaw – at least 3.0 metres in width by 12.0 metres in length.

In addition, the applicant’s changes shall be revised to contain a number of City standard details related to transportation aspects of the proposal.

The Technical Services Division has also made the following comments regarding revisions required by the applicant to the site plan regarding fire services, solid waste services, site servicing and grading and stormwater management:

- (i) the fire access route must be located within 3 to 15 metres of the ‘principal’ entrance;
- (ii) the fire access route must be located within 3 to 15 metres of every building face having access openings (unsprinklered buildings);
- (iii) identify which internal roadways are providing the Fire Access Route and illustrate them on the plan;
- (iv) modify the proposed road network to allow City curbside door-to-door garbage pick up for townhouse units located at Lots 67 and 68;
- (v) connect all down pipes from all townhouse units to the storm sewer, and include additional volume into the stormwater management calculations or confirm that the additional volume does not impact on the current calculations;

- (vi) add three catchbasins for proper drainage: one at the southwest corner of Block H, one at the rear, southeast corner, of Block H, and another one at the rear, in the middle, of Block H and also illustrate the ponding limit;
- (vii) revise the engineering report dated October 2005 to incorporate the changes illustrated on the Site Plan and additional stormwater from all down pipes;
- (viii) require Level 1 protection for stormwater quality (80 percent TSS removal), and not Level 2 protection as proposed;
- (ix) re-size the proposed oil/grit separator based on items (vii) & (viii);
- (x) delete paragraphs 1, 2 and 3 on page 7 of the engineering report since it appears that these paragraphs are related to a Lansdowne Avenue project and not this one.
- (xi) revise the Site Servicing Plan to incorporate the changes required on the Site Plan and down pipe connections;
- (xii) connect water and sanitary connections for Blocks E, F and G townhouse units fronting onto Bering Avenue to the existing watermain and sanitary sewer along Bering Avenue, and not to the proposed services along a private road located in the rear of the townhouse units;
- (xiii) evaluate the option of providing water and sanitary services to Blocks C and D from a main and sewer located within the private road between Blocks A and B and Blocks C and D;
- (xiv) delete the proposed watermain and sanitary sewer along the proposed private road located in the rear of Blocks E and F;
- (xv) use City Standard No. T-1108.01-1 for water meter chamber, Watts Series 709 or approved equivalent for double check valve, and City Standard No. T-1107.02 for by-pass option if selected (this requirement is for both water connections to a main located within the private road that services Blocks A, B, C, D and H townhouse units);
- (xvi) use electromagnetic water meters for both water connections to a main located within the private road that services Blocks A, B, C, D and H townhouse units;
- (xvii) eliminate all proposed catchbasin/manhole units (not allowed); and
- (xviii) provide a slope of 2 percent for all sewer connections to the municipal services.

The Fire Services revisions are based on the proposal being considered a 3-storey building classification. Should it be determined that the proposed buildings are greater than 3 storeys, then additional Fire Services requirements will be required.

The applicant should address these revisions to the plans and engineering report prior to final site plan approval.

Outstanding Technical Services Issues

The applicant has advised staff that the July 14, 2006 resubmission of plans has addressed the comments on the April 12, 2006 plans from Technical Services, with the exception of matters related to:

- (a) reducing the lay-by parking along Bering Avenue from 12 to 4 parking stalls in front of lots 51 to 54 (Lots 50 to 53 of the July 14, 2006 site plan);
- (b) modifying the proposed road network to allow City curbside door-to-door garbage pick-up for townhouse units located at Lots 67 and 68 (Lots 66 and 67 of the July 14, 2006 site plan); and
- (c) connecting water and sanitary connections for the townhouse units fronting onto Bering Avenue (Blocks E, F and G) to the existing watermain and sanitary sewer along Bering Avenue, and not to the proposed private services along a private road located in the rear of the townhouse units.

The July 14, 2006 site plan submission from the applicant does not address the above comments from Technical Services.

In regard to the parking lay-by, the reduction from 12 lay-by parking spaces to 4 was recommended by staff due to safety concerns regarding vehicles exiting from the site from the proposed driveways to Bering Avenue. The parking of vehicles in the lay-by would impact a driver's ability to see oncoming traffic while trying to exit the site. This would result in an unsafe condition. The applicant will be required to obtain a road access permit from the City to allow the construction of the parking lay-by. At that time, the applicant will be required to post securities with the City to secure the construction of the lay-by.

Since the applicant was unable to provide for curbside collection of garbage for Lots 66 and 67 on his July 14, 2006 site plan submission, Technical Services staff have consulted with Solid Waste Services and can confirm that City collection will be provided to Lots 66 and 67.

In regard to sanitary and water service connections, Technical Services staff have advised that the applicant is required to provide all service connections (i.e. water and sanitary) to each unit that fronts onto Bering Avenue from the existing municipal watermain and sanitary sewer along Bering Avenue.

Parks, Forestry and Recreation

Parks, Forestry and Recreation Urban Forestry (Street Trees) has advised that the plans indicate the removal of certain street trees while preserving certain other trees. The existing boulevard area along Bering Avenue is being removed which eliminates the potential for City street tree planting. Urban Forestry (Street Trees) recommends the collection of a planting security deposit to plant trees on the private lawn area of the townhouse units in Blocks E and F. If the number of lay-by parking spaces is reduced as recommended by the Technical Services Division, Urban Forestry (Street Trees) would prefer to retain certain existing boulevard street trees, as well as, plant four new City trees on the boulevard.

Parks, Forestry and Recreation (Private Tree By-law) has advised that trees significantly enhance all new development and renewal projects, both in terms of quality and value of our environment. The planting of large shade trees on both public and private lands should be an important objective for all developments. There are 14 trees located on or within 6 metres of the site that are over 30 centimetres in diameter and qualify for protection under the private tree by-law. Where it is not possible to retain or adequately protect trees on private property that qualify for protection under the private tree by-law, the applicant is required to submit an Application for Permit to Injure/Destroy Private Trees to Urban Forestry. The submission of an application does not guarantee a permit will be issued. A minimum of three replacement trees should be planted on private property or common areas for every tree that is to be removed.

At this time, Parks, Forestry and Recreation (Private Tree By-law) staff cannot recommend the approval of the application until the above noted matters are addressed. Furthermore, the most recent landscape plans received on July 14, 2006 from the applicant are required to be reviewed by Private-Tree By-law staff to ensure that they are satisfactory.

Other Circulation Comments

The Toronto District School Board (TDSB) has requested that as a condition of approval, the applicant/developer enter into an agreement to erect and maintain signs advising that accommodation might not be locally available and that the signs shall be to the Board's specifications and be erected prior to registration or the issuance of any building permit. The TDSB also requests warning clauses pertaining to the inability to accommodate students locally and bussing procedures in all offers of purchase and sale of residential units.

The Toronto Catholic District School Board (TCDSB) has requested that the developer insert in their Agreements of Purchase and Sale, or Lease, a clause with respect to the availability of school accommodation and a requirement for the placement of a sign on the site as per the wording of the TCDSB.

Canada Post, Enbridge Gas Distribution, Bell Canada, Toronto Hydro and the Toronto Transit Commission have no objections to the proposal.

Site Plan Design

The proposal does not promote the City's objectives of increasing the overall tree canopy and City beautification along the Bering Avenue boulevard. The proposal does not maintain the landscaped City boulevards that are in existence in front of the subject site and along Bering Avenue due to the proposed on-street parking lay-by along Bering Avenue. If the lay-by was eliminated from the site plan proposal, the opportunity to maintain large existing street trees adjacent to the site and also plant new City trees would enhance the City's aforementioned tree canopy. The street trees would provide for a buffer between the proposed residential and the existing industrial lands across the street to the south. The Bering Avenue boulevard in front of the existing residential homes on the street have mature street trees. Trees should be planted within the municipal boulevard and on the front lawns of the townhouses facing Bering Avenue to achieve a double row of trees to improve and enhance the landscaped front yards along the street and the public right-of-way. This would provide consistency to the existing streetscape. The Technical Services Division has requested the removal of the on-street parking lay-by, with the exception of 4 lay-by parking spaces in front of lots 51 to 54 (lots 50 to 53 of the July 14, 2006 Site Plan) because of safety concerns. The reduction of parking spaces as recommended by Technical Services staff would preserve trees along Bering Avenue and provide an opportunity to enhance the streetscape through increased street trees.

City Council's approval of the Official Plan and Zoning amendments required the applicant to eliminate a portion of the private open space proposed at the northwest corner of the property in order to increase the number of visitor parking spaces on the site. The applicant's current proposal has removed the private open space from the site and has provided only visitor parking spaces in the northwest corner of the site. A private common outdoor open space is a convenient and desirable amenity on-site since there is no existing public amenity space in the immediate vicinity of the site.

In terms of privacy, views and sunlight, the amending zoning by-law limits the easterly end unit of Block G to 10 metres in height. The proposed building elevation for the end townhouse unit of Block G is required to comply with this height restriction.

In addition to the above noted comments, Community Planning has previously identified design concerns with respect to the townhouse proposal in its report dated March 21, 2006 from the Director, Community Planning, Etobicoke York District. Community Planning is still of the opinion that its comments in the report cited above on the proposal's Site Plan Design are still applicable.

Conclusions:

On July 14, 2006, Community Planning received from the applicant revised plans, an engineering report and a letter responding to City staff's requested revisions. The revised plans and engineering report were circulated to the relevant commenting Divisions. To date, Community Planning has not received all the comments from the most recent circulation.

This report recommends approval, in principle, but outlines revisions required to the plans and engineering report and puts forward Notice of Approval Conditions for the site plan application for 252, 270, 272 and 276 Bering Avenue as directed by City Council.

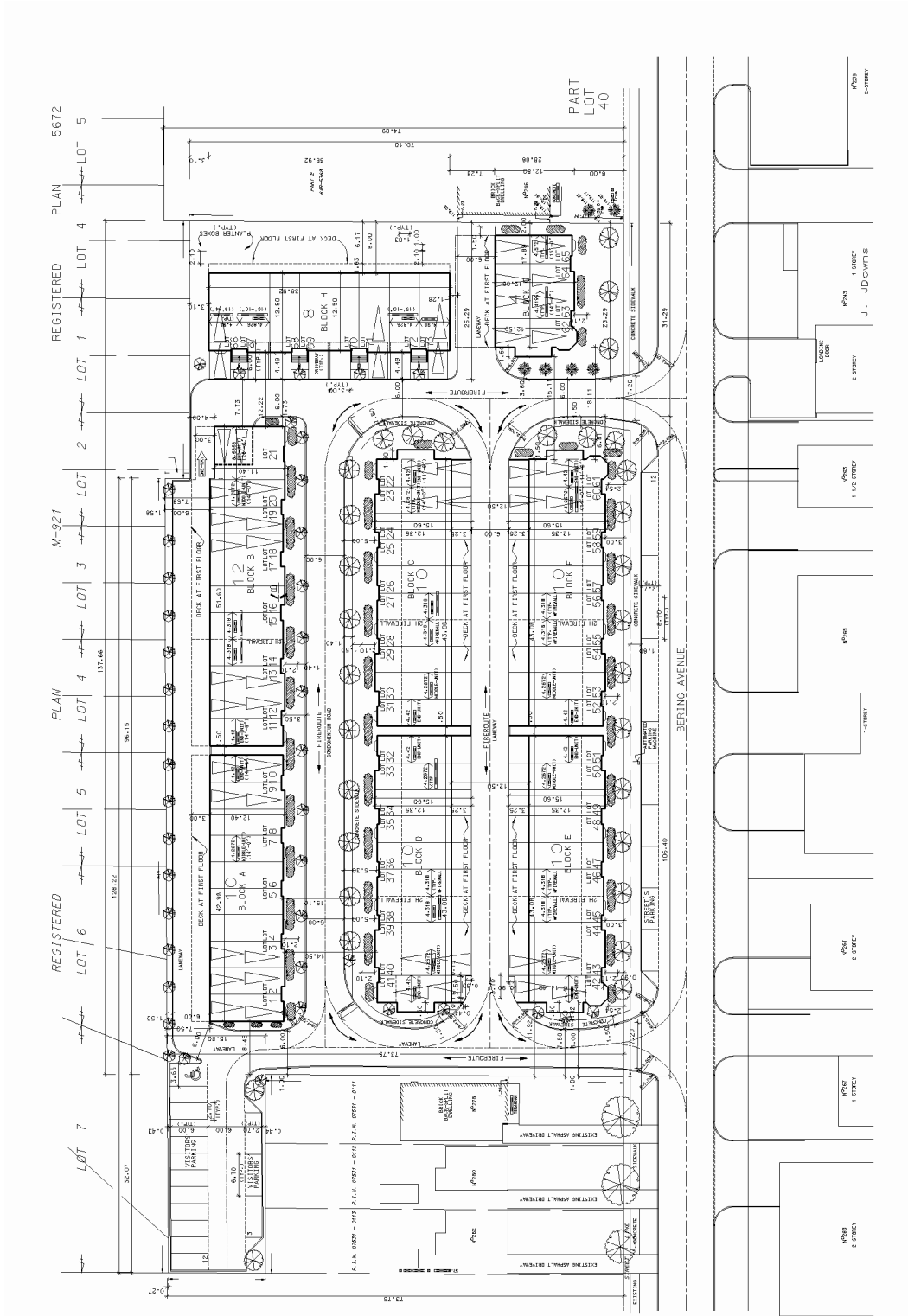
Contact:

Greg Hobson-Garcia, Planner
Tel: (416) 394-2615; Fax: (416) 394-6063
Email: ghobson@toronto.ca

List of Attachments:

Attachment 1: Site Plan
Attachment 2: Elevation 1
Attachment 3: Elevation 2
Attachment 4: Elevation 3
Attachment 5: Elevation 4
Attachment 6: Site Plan Approval
Attachment 7: Application Data Sheet

Attachment 1: Site Plan

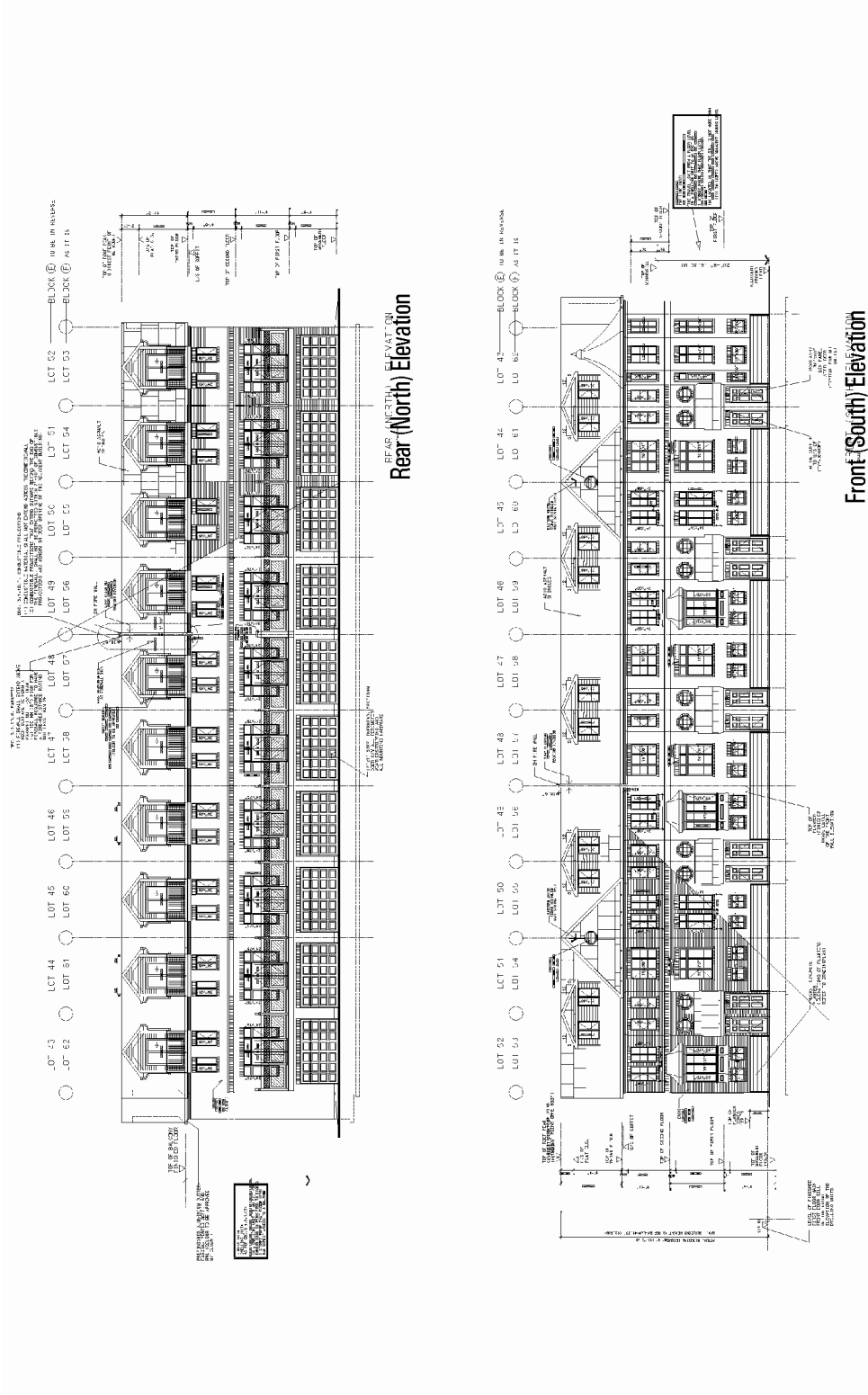


Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 07/19/06

252, 270, 272 & 276 Bering Avenue

File # 05_151123

Attachment 2: Elevation 1



252, 270, 272 & 276 Bering Avenue

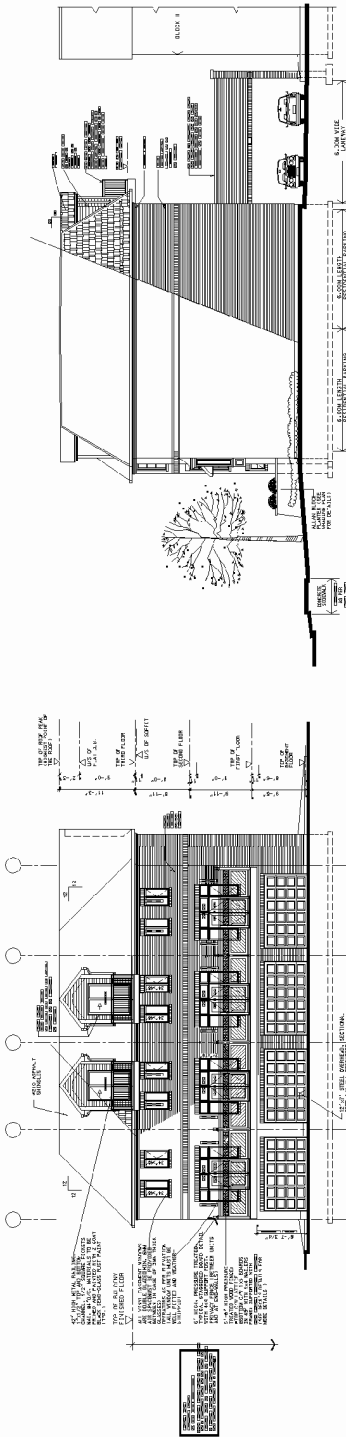
Elevations (Blocks E & F)

Applicant's Submitted Drawing

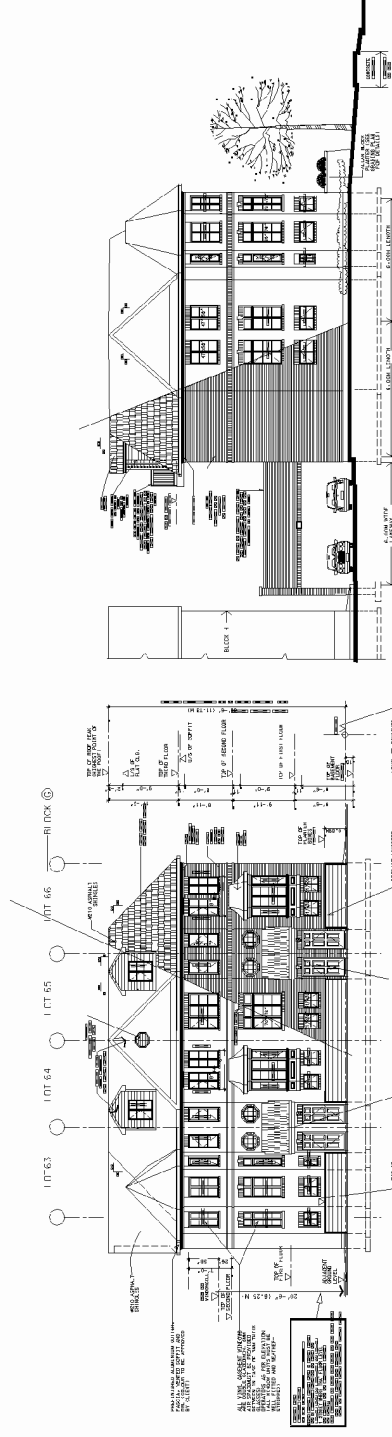
Not to Scale
07/19/06

File # 05_151123

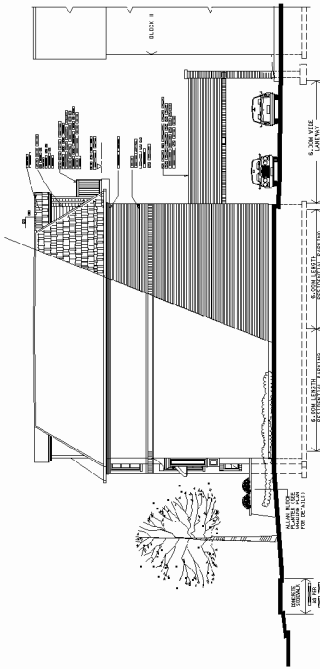
Attachment 3: Elevation 2



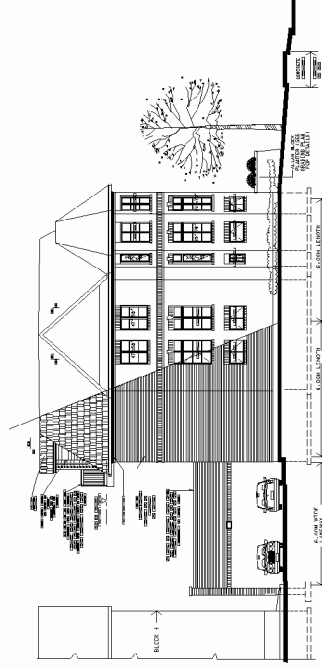
REAR - NORTH SIDE ELEVATION
 (North) Side Elevation



FRONT - SOUTH SIDE ELEVATION
 (South) Side Elevation



EAST SIDE ELEVATION
 (East) Side Elevation



WEST SIDE ELEVATION
 (West) Side Elevation

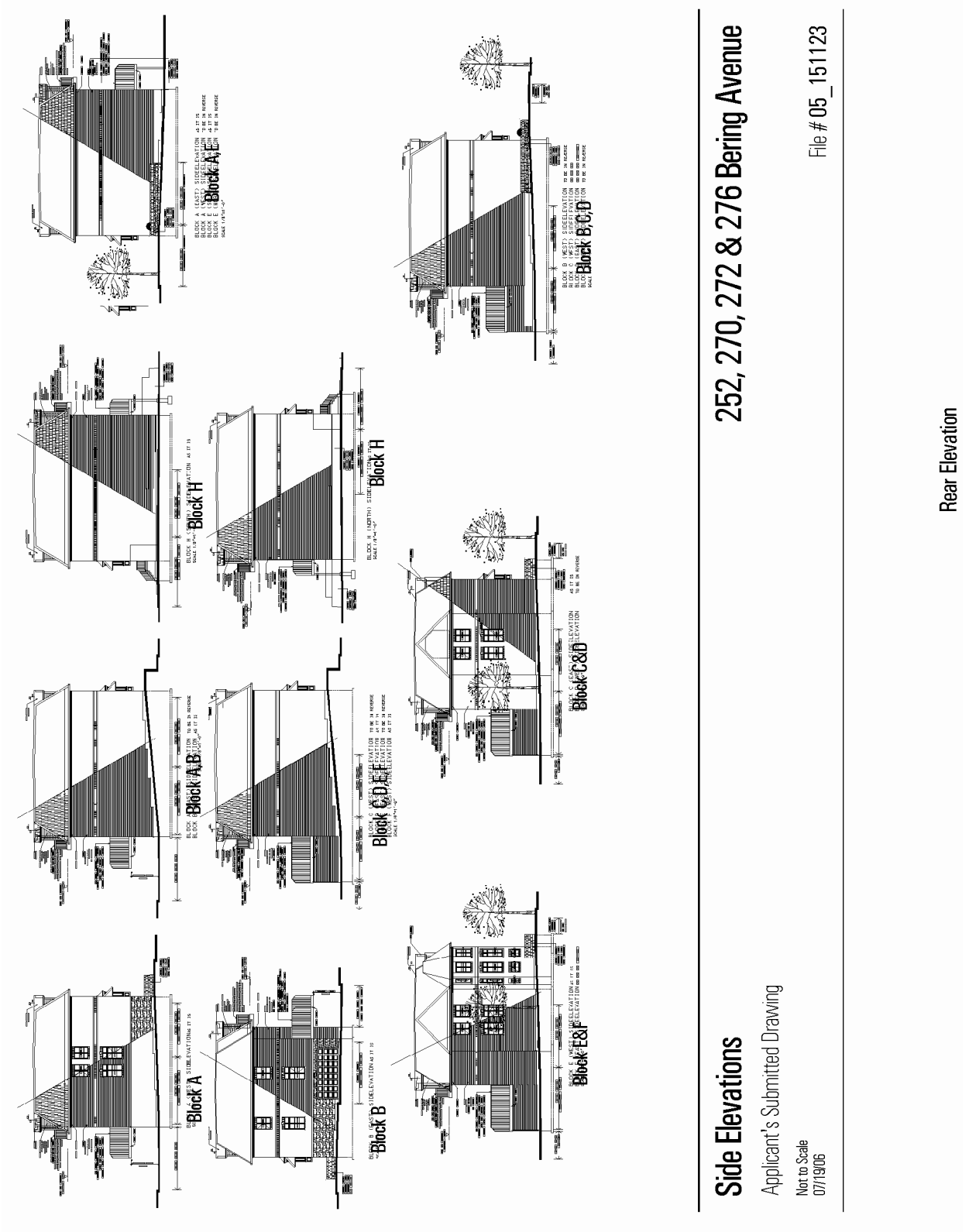
Elevations (Block G)
 Applicant's Submitted Drawing

Not to Scale
 07/19/06

File # 05_151123

252, 270, 272 & 276 Bering Avenue

Attachment 5: Elevation 4



Attachment 6: Site Plan Approval

Draft Notice of Approval Conditions

The following plans and drawings are approved for the construction of 73 townhouses located at 252, 270, 272 and 276 Bering Avenue pursuant to Section 41 of the *Planning Act*, subject to the revisions required to be made to the plans and engineering report by the owner and subsequent resubmission of revised plans and revisions to the engineering report by the owner which address staff's comments prior to Site Plan Approval and/or satisfy the Approval Conditions listed below.

| Plan No.: | Plan Type: | Prepared By: | Date Stamped as Received by City Planning Division |
|------------------|---|---------------------|---|
| A-1 | Site Plan | OP Design Inc. | July 14, 2006 |
| A-2 | Front and Rear Elevations Block A | OP Design Inc. | July 14, 2006 |
| A-3 | Front and Rear Elevations Block B | OP Design Inc. | July 14, 2006 |
| A-4 | Typ. Front and Rear Elevations Block C, D | OP Design Inc. | July 14, 2006 |
| A-5 | Typ. Front and Rear Elevations Block E, F | OP Design Inc. | July 14, 2006 |
| A-6 | Front, Rear and Side Elevations Block G | OP Design Inc. | July 24, 2006 |
| A-7 | Front and Rear Elevations Block H | OP Design Inc. | July 14, 2006 |
| A-8 | Side Elevations Block A, B, C, D, E, F, H | OP Design Inc. | July 14, 2006 |

| | | | |
|------------------|---|---|---|
| A-9 | Typical Garage Floor Plans, Typical 1 st , 2 nd , 3 rd Floor Plans | OP Design Inc. | July 18, 2006 |
| Plan No.: | Plan Type: | Prepared By: | Date Stamped as Received by City Planning Division |
| 1 of 4 | Site Servicing Plan | Odan/Detech Group-Consulting Engineers | July 14, 2006 |
| 2 of 4 | Site Grading & Storm Water Management Plan | Odan/Detech Group-Consulting Engineers | July 14, 2006 |
| 3 of 4 | Notes & Details | Odan/Detech Group-Consulting Engineers | July 14, 2006 |
| 4 of 4 | Notes, Specifications & Details | Odan/Detech Group-Consulting Engineers | July 14, 2006 |
| L1 | Landscape Plan | Alexander Budrevics & Associates Limited Landscape Architects | July 14, 2006 |
| L2 | Landscape Details | Alexander Budrevics & Associates Limited Landscape Architects | July 14, 2006 |
| L3 | Landscape Details | Alexander Budrevics & Associates Limited Landscape Architects | July 14, 2006 |
| VA1 | Existing Vegetation Analysis | Alexander Budrevics & Associates Limited Landscape Architects | July 14, 2006 |
| VA2 | Existing Vegetation Analysis | Alexander Budrevics & Associates Limited Landscape Architects | July 14, 2006 |

Conditions

- (A) Revisions required to the plans and engineering report for Site Plan Approval based on comments from Technical Services on the April 12, 2006 Site Plan submission.

The owner is required to fulfill the following revisions to the acceptance of the Executive Director of Technical Services prior to the issuance of Site Plan Notice of Approval Conditions:

- (a) redesign the proposed vehicle access to the attached garages on Lots 21 and 22 of the Site Plan to the satisfaction of the Technical Services Division;
- (b) relocate the west curb radius for the proposed west driveway from Bering Avenue entirely within the site or the owner is to provide a copy of the written consent from the adjacent owner that they do not object to the proposed encroachment;
- (c) eliminate the proposed parking lane along the Bering Avenue frontage of the site with the exception of the 4 parking stalls directly abutting Lots 51 to 54 to provide adequate turning sight distance at the proposed driveways;
- (d) illustrate and provide a “pay and display” machine at these 4 parking stalls along the Bering Avenue frontage to the satisfaction of the Toronto Parking Authority;
- (e) provide an interior garage area of 18m² and a minimum interior width of 3.0m for units with one parking stall in an attached garage;
- (f) illustrate a disabled parking stall in the visitors parking area with minimum perpendicular dimensions of 3.65 metres in width by 6.0 metres in length with a minimum 6.0 metre wide aisle, and illustrate the disabled sign according to Section 183-23 of the Etobicoke Municipal Code;
- (g) submit typical garage floor plans for units with two vehicle parking stalls showing the dimensions required by the zoning by-law – at least 3.0 metres in width by 12.0 metres in length;
- (h) the fire access route must be located within 3 to 15 metres of the ‘principal’ entrance;
- (i) the fire access route must be located within 3 to 15 metres of every building face having access openings (unsprinklered buildings);
- (j) identify which internal roadways are providing the Fire Access Route and illustrate them on the plan;
- (k) modify the proposed road network to allow City curbside door-to-door pick up for townhouse units located at Lots 67 and 68;

- (l) connect all down pipes from all townhouse units to the storm sewer, and include additional volume into the stormwater management calculations or confirm that the additional volume does not impact on the current calculations;
- (m) add 3 catchbasins for proper drainage: one at the southwest corner of Block H, one at the rear, southeast corner, of Block H, and another one at the rear, in the middle, of Block H; and also illustrate the ponding limit;
- (n) revise the engineering report dated October 2005 to incorporate the changes illustrated on the Site Plan and additional stormwater from all down pipes;
- (o) require Level 1 protection for stormwater quality (80 percent TSS removal), and not Level 2 protection as proposed;
- (p) re-size the proposed oil/grit separator based on items (n) and (o);
- (q) delete paragraphs 1, 2 and 3 on page 7 of the engineering report since it appears that these paragraphs are related to a Lansdowne Avenue project and not this one;
- (r) revise the Site Servicing Plan to incorporate the changes required on the Site Plan and down pipe connections;
- (s) connect water and sanitary connections for Blocks E, F and G townhouse units fronting onto Bering Avenue to the existing watermain and sanitary sewer along Bering Avenue, and not to the proposed services along a private road located in the rear of the townhouse units;
- (t) evaluate the option of providing water and sanitary services to Blocks C and D from a main and sewer located within the private road between Blocks A and B and Blocks C and D;
- (u) delete the proposed watermain and sanitary sewer along the proposed private road located in the rear of Blocks E and F;
- (v) use City Standard No. T-1108.01-1 for water meter chamber, Watts Series 709 or approved equivalent for double check valve, and City Standard No. T-1107.02 for by-pass option if selected (this requirement is for both water connections to a main located within the private road that services Blocks A, B, C, D and H townhouse units);
- (w) use electromagnetic water meters for both water connections to a main located within the private road that services Blocks A, B, C, D and H townhouse units;
- (x) eliminate all proposed catchbasin/manhole units (not allowed);

- (y) provide a slope of 2 percent for all sewer connections to the municipal services;
 - (z) illustrate City Standard No. T-310.010-2 with respect to the proposed municipal sidewalk along the Bering Avenue frontage;
 - (aa) illustrate City Standard No. T-310.010-2 with respect to the proposed municipal sidewalk across the proposed driveways to Bering Avenue;
 - (bb) illustrate City Standard No. T-561.030-1 with respect to a concrete base for the proposed unit paver sidewalk connections extending from each of the units abutting the Bering Avenue frontage to the municipal sidewalk;
 - (cc) illustrate City Standard No. T-600.11-1 with respect to the continuous raised concrete curb bordering the proposed access driveways, internal vehicle circulation aisles and surface parking areas;
 - (dd) illustrate City Standard No. T-600.05-1 with respect to curb and gutter for the sections of depressed curbing along Bering Avenue adjacent to the proposed access driveways; and
 - (ee) illustrate City Standard No. T-350.01 with respect to the proposed full-movement driveways to Bering Avenue.
- (B) Below are Notice of Approval Conditions to be satisfied by the owner prior to final Site Plan Approval:
- (1) The signing of a Site Plan Control Agreement by the owner and payment of any necessary fees associated with the preparation, execution and registration of same and to include the following provisions agreed to by the owner:
 - (a) that the proposed development, including the landscaping, shall be undertaken and maintained substantially in accordance with the approved drawings;
 - (b) the owner shall register the private driveways as a common elements condominium to ensure that it is kept in a state of good repair;
 - (c) submit a Stormwater Management Report, Grading Plan, and Site Servicing Plan for the review and acceptance by the Executive Director of Technical Services;
 - (d) if required, sign a Letter of Undertaking for Work on City's ROW and provide financial security and insurance as required in the Undertaking;

- (e) construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted Stormwater Management Report and Grading Plan;
- (f) construct and maintain site servicing indicated on the accepted Site Servicing Plan;
- (g) provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction that the stormwater management facilities and site grading have been constructed in accordance with the accepted Stormwater Management Report and the accepted Grading Plans;
- (h) provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction, that the site servicing facilities have been constructed in accordance with the accepted drawings;
- (i) satisfy any requirements of Toronto Hydro, Canada Post, Rogers Cable, Bell Canada and Enbridge Gas;
- (j) satisfy any requirements of the Ministry of the Environment;
- (k) comply with any requirements of the Urban Forestry Section of Parks, Forestry and Recreation and submit any required payments as deemed necessary by the Urban Forestry Section;
- (l) post a financial guarantee in the form of a Letter of Credit or certified cheque to ensure landscaping and other related site improvements is achieved in compliance with the approved landscape plan(s);
- (m) prior to registration of the condominium agreement, submit confirmation from the Toronto District School Board that satisfactory arrangements have been entered into with respect to erecting and maintaining signs, at points of egress and ingress of the development site, advising that:

“The Toronto District School Board makes every effort to accommodate students locally. However, due to residential growth, sufficient accommodation may not be available in this area for all students. Students may be accommodated in facilities outside the area until adequate funding or space becomes available. For information regarding the designated school(s), please call (416) 394-7526.”;

- (n) prior to registration of the condominium agreement, submit confirmation from the Toronto District School Board that satisfactory arrangements have been made to include the following warning clauses in all offers of purchase and sale of residential units (prior to registration of the plan and for a period of ten years following registration), that:

“Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the development area and that students may be accommodated in facilities outside the area, and further, that students may later be transferred.

Purchasers agree for the purpose of transportation to school, if bussing is provided by the Toronto District School Board in accordance with the Board’s policy, that students will not be bussed from home to school, but will meet the bus at designated locations in or outside of the area.”;

- (o) the owner agrees to comply with the City’s Fire Services and Ontario Building Code requirements for the subject development;
- (p) the owner agrees to remove all existing accesses, curb cuts, traffic control sign, etc. along the development site frontage that are no longer required and reinstate the boulevard within the right-of-way, in accordance with City standards and to the satisfaction of the Executive Director of Technical Services;
- (q) construct the four parking stalls abutting Lots 51 to 54 along the Bering Avenue frontage and install a ‘pay and display’ machine to the satisfaction of the Toronto Parking Authority;
- (r) maintain, including snow/ice removal, the private street/alley system for mutual use under Common Elements Condominium status;
- (s) provide and maintain sufficient parking spaces to comply with the zoning by-law;
- (t) prohibit the use of the visitor and disabled parking stalls for resident parking purposes; by installing signs indicating that they are for the exclusive use of visitors;
- (u) construct and maintain all facilities necessary to permit City curbside door-to-door collection of solid waste and recyclable materials in

accordance with By-law 235-2001, Waste Collection for Residential Properties;

- (v) the owner must obtain the required final and binding regarding the amendments to the Etobicoke Official Plan and Etobicoke Zoning Code enacted by Council on June 29, 2006 as By-law Nos. 568-2006 and 569-2006 to permit the townhouse development;
- (w) that the owner submit a Noise Study for the 73-unit townhouse proposal and implement the recommendations of the Noise Study;
- (x) the owner agrees that the condominium agreement will require the owner to insert in their Agreements of Purchase and Sale, or Lease, the following clauses regarding the availability of school accommodation (all offers and sale or lease for a period of 10 years after registration of the condominium plan) and a requirement for the placement of a sign on the site as described in the wording below:

“The Toronto Catholic District School Board has plans to accommodate all students from this development area in a Catholic school. If space is not available in the local Catholic school, students will be accommodated in the Catholic school that is closest to this neighbourhood. For information regarding Catholic Schools serving this development, please call the Planning Department at (416) 222-8282, ext. 2277.”; and

“Despite the best efforts of the Toronto Catholic District School Board, sufficient accommodation may not be available in local Catholic schools for students from the development area and students may need to be accommodated in school facilities outside the area. The purchaser or tenant acknowledge that school bus service for students, if required, will be from designated school bus stops located within or outside the development area.”

- (2) The owner submit a Landscape Plan to the satisfaction of the Director, Community Planning, Etobicoke York District.
- (3) The owner submit financial securities in the form of a Letter of Credit or certified cheque to guarantee the provision of landscape works as detailed on the Landscape Plan referred to above.
- (4) The owner satisfy any requirements from Urban Forestry Services and pay any financial securities as requested by Urban Forestry Services.

If these conditions are not fulfilled within two years of the date of Council’s approval of the

Notice of Approval conditions as set out above, then this notice is no longer valid and a new submission is required.

- (C) Conditions following Site Plan Approval which will be incorporated into a site plan agreement:
 - (a) If the building permit for erection, construction or installation of the approved construction has not been issued within two years of the date of approval of the plans and drawings, the approval shall be null and void and the plans and drawings must be resubmitted to the City for approval.
 - (b) That the Chief Building Official for the City, in the case of amendments necessary to satisfy the requirements of the Ontario Building Code, be authorized to consent to minor variations to the approved plans and drawings, and conditions of approval, provided that the general intent of the plans and drawings are maintained.
 - (c) That if required, the owner pay any Development Charges and cash-in-lieu of parkland payment in effect at the time of issuance of the building permit.
- (D) Advisory Comments to the Owner to Form Part of Notice of Approval Conditions and Final Site Plan Approval

The owner is advised of the following comments pertaining to other City Approvals and Requirements:

- (1) Right-of-Way Permits
 - (1.1) The owner is financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above- or below-grade municipal services/utilities that may be necessary for the construction of this project.
 - (1.2) The owner shall obtain building location and access permits and other permits associated with construction activities prior to constructing this project. The applicant is advised to contact the Right-of-Way Management Section (Tamara MacDonald, 416-394-8422) regarding site-specific permit/licence requirements for any work within the public rights-of-way.
 - (1.3) The owner is advised to contact the Right-of-Way Management Section (Don Pardoe, 416-394-8422) for any special landscaped features proposed within the rights-of-way which are subject to maintenance and encroachment agreements.
- (2) Site Servicing Connections and Water Meter/Chamber

(2.1) The owner will be required to submit an application to Toronto Water Division for the installation of any proposed services within the right-of-way after acceptance of the stormwater management report and site servicing plan. The applicant is advised to contact Bruce Grainger, District Operations, Toronto Water, Etobicoke York District at 416-394-8454 for any questions or clarifications.

(2.2) With respect to the type/size of bulk water meters required for the proposed development and associated costs, the applicant is advised to contact Cosmo Donato, Toronto Water, Etobicoke York District at (416) 392-7734 for any questions or clarifications.

(3) Municipal Street Lighting

The owner shall obtain approval from Toronto Hydro Street Lighting Incorporated, THSLI, for removing and/or relocating any utility with attached municipal street lighting and for any upgrades. The applicant is advised to contact THSLI (416 542-3195 or www.torontohydro.com/streetlighting) for comments/cost estimates for required field work.

(4) Construction Management Plan

The owner shall submit a Construction Management Plan for each stage of the construction process provided to the satisfaction of this Division before this Site Plan application is approved. The owner is not allowed to use the rights-of-way for storing construction equipment/materials or for parking purposes. The applicant is advised to contact the Development Engineering Section (Thanh Le, 416-394-8749) regarding detailed requirements.

(5) Solid Waste Management

The owner is required to pay a one-time service charge of \$30.00 per unit for solid waste collection services. The applicant is also required to contact the Solid Waste Management Division to submit the appropriate application and waiver forms prior to City collection commencing (about 75 percent occupied).

(6) Zoning Code Compliance

Notwithstanding this approval, the lands shall be developed in accordance with the applicable Zoning By-law(s) and that it is the responsibility of the owner to ensure that the development is in conformity with the applicable Zoning By-law(s) to the satisfaction of the Chief Building Official.

(7) Signage

Any signage shown on the approved plans must be in compliance with the City's Sign By-law.

(8) Fencing

This Site Plan Notice of Approval Conditions does not constitute any approvals with respect to fencing shown on the plans. All fences must conform to the City's Fence By-law.

(9) Bell Canada

Bell Canada has advised that adequate telecommunication facilities exist within the area. Bell has advised that the owner shall be required to enter into an agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the municipality, and if no such conditions are imposed the owner shall advise the municipality of the arrangement made for such servicing.

Bell has commented that if there are any conflicts with existing Bell Canada facilities or easements, the owner/developer shall be responsible for re-arrangements or relocations.

Attachment 7: Application Data Sheet

Application Type Site Plan Approval Application Number: 05 151123 WET 05 SA
Details Application Date: June 28, 2005
Municipal Address: 252, 270, 272 and 276 BERING AVENUE, TORONTO ON
Location Description: PL 1553 PT LTS 41 42 **GRID W0506
Project Description: The applicant proposes to construct 73 freehold townhouses within eight townhouse blocks on the site. Three townhouse blocks containing 24 townhouse units in total will have frontage along Bering Avenue. The remaining 49 townhouse units will be located in the other 5 townhouse blocks within the interior of the site. Vehicular access to the townhouse units will be from Bering Avenue. A road will extend through the site and intersect with Bering Avenue at two locations providing access to the townhouses located in the interior of the site. A total of 161 parking spaces will be provided on site, of which 15 parking spaces will be for visitors.

PLANNING CONTROLS

Official Plan Designation: Industrial Site Specific Provision: By-laws 127,1351,1508,13,911, 15,699 and 1989-224
 Zoning: Class 1 Industrial Historical Status:
 Height Limit (m): 10 Site Plan Control Area: Y

PROJECT INFORMATION

| | | | | |
|------------------------------------|-----------|-----------------|----------|--------------|
| Site Area (sq. m): | 10,525 | Height: | Storeys: | 3 |
| Frontage (m): | 138 | | Metres: | 12.6 |
| Depth (m): | 74 | | | |
| Total Ground Floor Area (sq. m): | 3,999.48 | | | Total |
| Total Residential GFA (sq. m): | 11,446.64 | Parking Spaces: | | 161 |
| Total Non-Residential GFA (sq. m): | 0 | Loading Docks | | 0 |
| Total GFA (sq. m): | 11,446.64 | | | |
| Lot Coverage Ratio (%): | 38 | | | |
| Floor Space Index: | 1.09 | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| Tenure Type: | Condo | | Above Grade | Below Grade |
|--------------|-------|----------------------------------|-------------|-------------|
| Rooms: | 0 | Residential GFA (sq. m): | 11,446.64 | 0 |
| Bachelor: | 0 | Retail GFA (sq. m): | 0 | 0 |
| 1 Bedroom: | 0 | Office GFA (sq. m): | 0 | 0 |
| 2 Bedroom: | 0 | Industrial GFA (sq. m): | 0 | 0 |
| 3 + Bedroom: | 73 | Institutional/Other GFA (sq. m): | 0 | 0 |
| Total Units: | 73 | | | |

CONTACT: PLANNER NAME: Greg Hobson-Garcia, Planner - Telephone: (416) 394-2615

ATTACHMENT 10 [Notice of Motion J(55)]

Report (July 25, 2006) from the Director, Community Planning, Toronto and East York District, entitled “Supplementary Report regarding the Official Plan and Zoning Review of the West Queen West Triangle Area South District Study 05 199764 SPS 00 TM City initiated, Ward 18 - Davenport”. (See Minute 9.176, Page 265):

Purpose:

To provide additional detail regarding priorities for community benefits under Section 37 in the West Queen West Triangle Area to be included in any future Official Plan Amendments or Zoning By-law Amendments in relation to the West Queen West Triangle Area.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council amend Recommendation (1) of Toronto and East York Community Council Report 5, Clause 5 adopted, as amended by City Council on June 27, 28 and 29, 2006, to include the principles related to Section 37 benefits outlined in this report (Report of the Director, Community Planning, Toronto and East York District, dated July 21, 2006.)

Background:

This report provides additional detail regarding Section 37 community benefits with respect to the Director, Community Planning, Toronto and East York District’s report dated May 30, 2006 entitled “Official Plan and Zoning Review in the West Queen West Triangle Area”.

Comments:*Section 37 of the Planning Act*

Section 37 of the *Planning Act* enables a municipality with appropriate Official Plan provisions to pass zoning by-laws allowing increases in the height and density in return for the provision of community benefits by the property owner. These community benefits must be set out in the Zoning By-law and secured in an agreement.

Both the former and new City of Toronto Official Plans include provisions dealing with height and/density in return for the provision of community benefits. Any application for extra height and/or density will be evaluated on the basis of all relevant Official Plan policies and must constitute good planning. The Section 37 policies of the new Official Plan are not yet in force.

“Community benefits” is a term that is used to reflect the City’s priority on securing Section 37 public benefits within the local community of the development project. Community benefits take the form of capital facilities and/or cash contributions toward specific capital facilities.

Local priorities in the West Queen West Triangle Area

Through the Official Plan and Zoning Review of the West Queen West Triangle Area, City Planning has assessed the needs of the local community in relation to proposed new development in the area. Community benefits were discussed as part of the West Queen West Triangle Working Group, both in relation to specific development applications in the area and in terms of a comprehensive analysis of the impacts of development across the Triangle area.

There is a strong desire and need to support the creative cluster that has developed in the West Queen West Triangle Area which is acknowledged, both locally and nationally, as a critical hub of cultural and creative activity.

In this context, the following priorities have been determined in consultation with appropriate City divisions. City Planning recommends that community benefits secured in relation to increases in height and/or density in the West Queen West Triangle area be focused on arts and cultural facilities, including but not limited to:

- retrofit of the Carnegie Library for use as a performing arts hub;
- relocation of the public health offices (current tenants of the Carnegie Library);
- contribution to a visual arts hub within, or close to, the Triangle;
- suitable and affordable space for the arts industry;
- affordable and accessible indoor community meeting space; and
- public art.

The Section 37 benefits listed above would enrich the proposed development projects by providing cultural, economic and social benefits as well as begin to address the impacts of allowing significant residential development in the area.

Conclusions:

City Planning recommends amending the Secondary Plan for Garrison Common North to include specific priorities for community benefits secured under Section 37 of the *Planning Act* in exchange for increases in height and/or density in the West Queen West Triangle.

Contact:

Elise Hug, Planner, West Section

Telephone: (416) 392-0758

Fax: (416) 392-1330

Email: ehug@toronto.ca

List of Attachments:

None

ATTACHMENT 11 [Notice of Motion J(59)]

Public Appendices “A” and “B” to the confidential report (July 25, 2006) from the City Solicitor. (See Minute 9.180, Page 271):

Appendix “A” – Settlement Offer

The terms of Montevallo’s settlement offer are as follows, all of which shall be secured in the Section 37 Agreement to be entered into between Montevallo and the City and certain of which will be set forth in the amending by-laws and Easement referenced below:

The applications will be revised as follows:

- (1) Changes Nos. 3, 4, 6, 8 and 10 outlined in the March 20, 2006 report from the Director of Community Planning, Toronto and East York District (the “Report”) in this matter are agreed to. For the sake of clarity, Montevallo agrees as follows:
 - (1) to redesign the front yards on Wallace Avenue to reflect the character of front yard landscaping in the area, to the satisfaction of City Planning; to remove the sunken walk-out patios from the units fronting onto Wallace Avenue; and to incorporate soft landscaping at grade into the front yards on Wallace Avenue. (Change 3)
 - (2) to redesign the units facing Wallace Avenue to eliminate the privacy conflict between the front porches and bedroom windows on Block G, such that the residential windows overlooking the front porches belong to the same unit as the porch. (Change 4)
 - (3) to convey to the City at nominal cost, free and clear of encumbrances, a lane widening of 1.98 m along the east property line to the satisfaction of the City Solicitor. (Change 6)
 - (4) to provide bicycle parking at a rate of 1 bicycle parking space per unit, such requirement to be included in the zoning by-law amendment for the site. (Change 8)
 - (5) to indicate and provide large-growing shade trees in the public boulevard along Wallace Avenue; (Change 10).
- (2) Montevallo agrees to changes which to a great extent address the intent of Changes Nos. 1, 2, 5, 7 and 9 set forth in the Report. For the sake of clarity Montevallo agrees as follows, at its expense:
 - (1) to reduce the main floor elevation of the building fronting onto Wallace Avenue such that there will be only 5 risers leading from the sidewalk to the

front doors. This will be achieved through a combination of lowering the building by 0.5 metres and relocating some of the risers to the interior of the building. (responding to requested Change 1)

- (2) to provide a suitable transition in height from the 2 ½ storey building located on Wallace Avenue to the east of the site, by:
 - (a) making significant changes to the most easterly bay of the proposed Block G, including removing the fourth storey and stepping back the 3rd floor from the front façade;
 - (b) on the west side of Block G, the building will be setback at least 2.0 metres at the 4th floor; and
 - (c) on all other blocks, a setback of at least 3.0 metres will be provided at the 4th floor on the long sides (front and back) and no setback will be provided on the short sides (ends). (Responding to requested Change 2)

- (3) to construct and maintain the proposed driveway to City road standards and with a minimum width of 15.9 metres (with the exception of one set of stairs from the underground garage to grade which will be located within the 15.9 metres, on the east side of the Driveway), to have the driveway function as if it were a public road and to enter into a Section 37 Agreement to secure the construction, to allow public access to and over the driveway as if it was a public road, including entering into an Easement with the City satisfactory to the City Solicitor securing such public access and to dedicate the road to the City at nominal cost in the future in the event the lands to the south of the site are redeveloped. For the sake of clarity Montevallo agrees as follows:
 - (a) as part of the construction of the main north/south driveway (the “Driveway”), to remediate the Driveway such that all contaminant levels are in compliance with the generic standards established by the Ministry of the Environment for public roads or, alternatively, if acceptable to the Executive Director of Technical Services, provide a satisfactory risk assessment process and implementation, including paying the City the costs for a peer review;
 - (b) the Driveway shall function as if it is a City-owned and operated public road, including amongst other matters, providing public access to and over the Driveway as if it was a City-owned and operated public road;
 - (c) to construct and thereafter maintain the Driveway to City public road standards, with satisfactory plans and specifications to be approved by

the Executive Director of Technical Services in writing prior to the issuance of site plan approval, such standards to include amongst other matters, storm drainage, street lighting, the road bed, the asphalt and planting (according to the City's Urban Forestry standards to permit healthy growth of such trees to full maturity) and automatic watering of large-growing shade trees on both sides, subject to private services for the development crossing under the road, which services may remain in the event the lands are conveyed to the City for public road purposes in the future;

- (d) to have an engineer inspect as required throughout the construction and certify to the City upon completion of the Driveway that the Driveway has been satisfactorily completed to City public road standards, such that the City may rely upon the certification. The City's Technical Services Division will accordingly waive inspection fees respecting the Driveway construction;
 - (e) to provide a Letter of Credit to the City in the City's standard form from a bank acceptable to the City Treasurer, in an amount satisfactory to the Executive Director of Technical Services to secure the completion of the Driveway to City public road standards, such letter of credit to be provided prior to the issuance of the first above ground building permit for the site such Letter of Credit to be released by the City upon the certification in (d) above being provided;
 - (f) to enter into an Easement with the City satisfactory to the City Solicitor to secure the public access to and over the Driveway and to register such Easement to the satisfaction of the City Solicitor;
 - (g) to enter into a Section 37 Agreement with the City satisfactory to the City Solicitor to secure the above matters and other matters addressed in this settlement letter and to register such Agreement, as a first charge against the site prior to the Board Order issuing in this matter. (Responding to requested Changes 5 and 7)
- (4) to provide public access to and over the walkway to be constructed and maintained by Montevallo on the site which will connect to the adjacent public bicycle path, provided Canadian National Railway permits such connection, including entering into an Easement with the City satisfactory to the City Solicitor and to register such Easement to the City Solicitor's satisfaction prior to the issuance of the first above ground building permit for the site with the understanding that should no solution emerge which meets the objectives of both CN/GO and the City, that the City will compromise regarding the bicycle path connection. (Responding to requested Change 7)

- (5) to address the issue respecting the setback from the rail corridor, to the satisfaction of Canadian National Railway and GO Transit, the Chief Planner and the General Manager of Parks, Forestry and Recreation with the understanding that should no solution emerge which meets the objectives of both CN/GO and the City, that the City will compromise regarding the bicycle path connection. (Responding to requested Change 9)

The City and Montevallo (“the Parties”), will support approval by the OMB of an official plan amendment and zoning by-law amendment that reflect the Settlement Plan, and include the following elements:

- (1) The Parties will work together to finalize the Amending By-laws prior to the August 30, 2006, OMB hearing date. If not complete at that date, the Parties will request the Board to hold its Order pending provision by the City Solicitor of by-laws satisfactory to both Parties to the Board.
- (2) The Section 37 Agreement and Easement will be executed by the City and Montevallo and registered to the City Solicitor’s satisfaction as a first charge and second charge, respectively, against the site, prior to the Board Order issuing and the Parties will request the Board to hold its Order pending notification by the City Solicitor of registration of the Agreement.
- (3) Montevallo acknowledges that additional matters will be secured by the City at the time of site plan approval in the normal course.
- (4) The Parties will work together and commence to negotiate the Section 37 Agreement and Easement within 5 business days of acceptance of this Offer. It is the intention of the Parties to attempt to complete and execute the required agreements prior to the August 30, 2006 OMB hearing date, if possible and to present these documents to the Board at the OMB hearing.
- (5) The Parties agree that the plans and drawings prepared by Attila Burka and dated July 21, 2006 represent an appropriate method of implementing the terms of this offer of settlement.

This offer of settlement is made on a confidential and without prejudice basis provided that should this offer be accepted by the City Council, the offer shall become public. It is intended that this offer be presented to the City Council in camera at its meeting of July 25, 26 and 27, 2006.

Appendix “B”

Changes Requested in City Planning Refusal Report and adopted by City Council

- (1) Lower the main floor elevation of Block G (facing Wallace Avenue) by approximately 1.5 metres such that the main floor elevation is no more than 1.0 metres above grade.
- (2) Set back the fourth storey rooftop access pavilions by at least 3 metres from the front face of all buildings blocks and 2 metres from the side faces of all building blocks.
- (3) Redesign the front yard on Wallace Avenue to reflect the character of front yard landscaping in the area, to the satisfaction of City Planning. The proponent should remove the sunken walk-out patios from the units fronting onto Wallace Avenue. The front yards should incorporate soft landscaping at grade.
- (4) Redesign the units facing Wallace Avenue to eliminate the privacy conflict between the front porches and bedroom windows on Block G, such that the residential windows overlooking the front porches belong to the same unit as the porch.
- (5) Construct the proposed driveway to City road standards with a minimum width of 16.5 metres. Enter into an agreement to allow public access to the road and to dedicate, at the City's future request, the right-of-way to the City.
- (6) Dedicate a lane widening of 1.98 metres along the east property line to the City.
- (7) Enter into an agreement under Section 37 of the *Planning Act* to secure public access to the new street and to the walkway connecting to the adjacent bicycle path.
- (8) Provide bicycle parking at a rate of 1 bicycle parking space per unit.
- (9) Address the required setback from the rail corridor, to the satisfaction of Canadian National Railway and GO Transit, the Chief Planner and the General Manager of Parks, Forestry and Recreation.
- (10) Indicate large-growing shade trees in the public boulevard, to the satisfaction of City Planning and Urban Forestry, including documentation indicating that it is possible to plant trees in the public boulevard without affecting underground utilities.

ATTACHMENT 12 [Notice of Motion J(60)]

Report (July 25, 2006) from the City Solicitor, entitled “The provision to reconstruct Tideswell Boulevard from Rylander Boulevard to approximately 110 metres south. Planning Application Numbers 04 116702 ESC 44 SA and 03 035266 ESC 44 OZ, Ward 44 - Scarborough”. (See Minute 9.181, Page 273):

Purpose:

The purpose of this report is to seek Council authorization to finalize negotiations and enter into a standard financially secured Servicing Agreement with the Sundance (Tideswell) Development Inc. (the Owner) for the reconstruction of Tideswell Boulevard from Rylander Boulevard to the road terminus, approximately 110 meters south, pursuant to a condition of Site Plan Approval as approved by the Council and subsequently approved Ontario Municipal Board.

Financial Implications and Impact Statement:

There will be a financial impact for the City. Pursuant to a decision by the Ontario Municipal Board (OMB) on January 10th, 2005 which approved a negotiated settlement with the City and the applicant and which terms were further mediated on July 17th, 2006, the City is required to pay approximately 60 percent of the reconstruction cost of the subject section of Tideswell Boulevard, which amounts to a total of \$228,000.00 (including a 10 percent contingency). The City is currently holding \$100,000.00 in Technical Services/Development Services Customer Account #56990074 from the previous development on the east side of Tideswell Boulevard. It is proposed that the balance of the City share of the construction cost, estimated at \$128,000.00, be funded from the Local Road Reconstruction Program within the 2006 Transportation Services Capital Works Budget.

Recommendations:

It is recommended that:

- (1) the City enter into a financially secured Servicing Agreement with the Owner to provide further reconstruction of Tideswell Boulevard and Engineering Drawings accepted by Technical Services;
- (2) the terms of the agreement between the City and the Owner be to the satisfaction of the Executive Director, Technical Services and the City Solicitor;
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto;

- (4) the City provide funding to the owner for the City share of the owner's reconstruction in the amount of \$100,000.00 from the Technical Services/Development Services Customer Account #56990074 from the previous development on the east side of Tideswell Boulevard in order to satisfy the OMB decision of July 17, 2006; and
- (5) the City provide funding to the owner for the City share of the owner's reconstruction in the amount of \$128,000.00 from the 2006 Transportation Services Capital Budget in order to satisfy the OMB decision of July 17, 2006.

Background:

The City received Zoning By-law Application 03 035266 ESC 44 OZ in January 2004 and a Site Plan Application 04 116702 ESC 44 SA in March 2004, for the rezoning of lands uses and to permit a residential townhouse development fronting to the west side of Tideswell Boulevard. The development will have two entrances off Tideswell Boulevard to the west to service an internal road network. Tideswell Boulevard from Rylander Boulevard to the south terminus is presently a secondary rural road with no curbs, asphalt surface and ditch drainage. This road is in a poor condition, which requires the performance of regular road repairs by Transportation Services. The development at 4 Tideswell Boulevard presents the opportunity for the City to advance the reconstruction and upgrading of Tideswell Boulevard from the current rural road condition to urban road standards by cost sharing the reconstruction costs with the Owner through the proposed servicing agreement. The road will be fully reconstructed with a full road structure of granular, curb and gutter, and asphalt including a cul-de-sac at the south end for the turning of vehicles.

The Owner appealed to the OMB on the basis that this residential development adopts a more appropriate use compatible with the adjacent residential neighbourhood. City Council at its meeting on November 30, December 1 and 2, 2004, adopted as amended, Scarborough Community Council Report 9, Clause 26. The recommendations adopted by City Council are as follows:

- (1) direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board hearing to represent the City's interests, related to the modified development proposal to give effect to the proposed settlement regarding the proposed Official Plan Amendment and Zoning By-law Amendment;
- (2) direct appropriate staff to continue to negotiate with the applicant as it relates to all outstanding site plan matters and report directly to Council on November 30, 2004 for direction as it pertains to the site plan application appealed to the Ontario Municipal Board; and

- (3) instruct the City Solicitor to request, prior the commencement of the Ontario Municipal Board hearing, a letter of undertaking from the owner's solicitor indicating that the appeal of the new Toronto Official Plan, as it affects the subject lands, will be settled based upon a modification to the new Official Plan upon amendments to the Scarborough Official Plan and the Rouge Community Zoning By-law coming into full force and effect.

This settlement proposal was approved by the Ontario Municipal Board on January 10th, 2005. A copy of this decision is attached as Appendix A.

One of the conditions of Site Plan approval which formed part of the City Solicitor's recommendation was:

- (iv) That the applicant enter into a financially-secured Servicing Agreement with the City, subject to Council approval and the satisfaction of the City Solicitor, for the construction of sidewalk, curb and gutter on the west side of Tideswell Boulevard and the removal and replacement of asphalt from Rylander Boulevard to the proposed southerly driveway, at no cost to the City.

Comments:

A financially secured Servicing Agreement between the City and the Owner is required to fulfil the conditions of Site Plan Approval and to permit the Owner to reconstruct Tideswell Boulevard from Rylander Boulevard to the south terminus and the new driveways to the development to current City standards and specifications by the Owner. The Owner has been working with the Technical Services and Legal Services Divisions of the City to complete the terms of the agreement which are satisfactory to all parties.

The outline below accurately reflects the requirements detailed in the site plan condition for both the Owner and the City.

The 2006 estimated total cost for the reconstruction of Tideswell Boulevard is \$352,899.82. The City's cost share would be \$228,000.00 (including a 10 percent contingency), of which \$128,000.00 is to be obtained from the 2006 Transportation Services Capital Works Program and \$100,000.00 to be obtained from a previous cash-in-lieu settlement from the development on the east side of Tideswell Boulevard. As the construction work will be undertaken by the Owner's contractor, the City share of the cost is to be provided under the sole source requirements of the Purchasing By-law.

The final cost of the reconstruction of the road is to be certified by the Consulting Engineer and verified by the Executive Director of Technical Services in conjunction with the General Manager of Transportation Services. The Consultant is to provide to the Executive Director of Technical Services the following information:

- (a) copy of the Construction tender Documents as well as a certificate that the construction contract has been awarded through an open competitive and fair tendering process;
- (b) a written notification of any cost increase during construction, along with a description of the nature and justification of the same; and
- (c) a copy of the final quantities and unit prices of the construction of the municipal road for review. This document is to be certified by the Consulting Engineer.

Conclusions:

In order to provide the necessary services, access and egress for the proposed residential development, the reconstruction of the subject section of Tideswell Boulevard is required. To satisfy the OMB decision, it is recommended that the City enter into a servicing agreement and that funds of up to \$128,000.00 be allocated from the Transportation Services Capital Works Budget for this purpose.

Contact:

Dawne Jubb
Solicitor
Legal Services
Telephone: (416) 392-1219
Fax: (416) 397-5624
E-mail: djubb@toronto.ca

Attachment:

Appendix A – OMB Decision dated January 10, 2005

(Appendix A, attached to this report, is on file in the City Clerk's Office.)

FISCAL IMPACT STATEMENT SUMMARY
Notices of Motions
Submitted by the Deputy City Manager and Chief Financial Officer
Council Meeting – July 25, 26 and 27, 2006

| Motion # | Title | Operating \$ (net) | Capital \$ (net) | Comments |
|-----------------|---|---------------------------|---------------------------|---|
| F(1) | Funding of Major Strategic Capital Infrastructure Projects | TBD | \$0 | Already Dealt with at City Council on July 25, 2006. |
| I(1) | Investigation by the Integrity Commissioner into the actions and conduct of the Chair of the TTC before, during and after the illegal wildcat strike on May 29 th , including the discussions that took place with the Transit Union | \$0 | \$0 | Consider. |
| I(2) | Sole Source Negotiation with Bombardier Inc. for the Purchase of TTC Subway Cars | \$0 | \$0 | Consider. |
| I(3) | Request of the Auditor General to Investigate TTC Sole Source Contract to Bombardier for Purchase of New Subway Cars | \$0 | \$0 | Consider. |
| I(4) | Involvement of Elected Officials in Negotiations for Procurement of Subway Cars | \$0 | \$0 | Consider. |
| I(5) | Factual Content of Motions Directed at a Member of Council | \$0 | \$0 | Consider. |
| J(1) | Objections to an Article Published in The Toronto Star | \$0 | \$0 | Consider. |
| J(2) | Proposal for Leash-Free Area Pilot Projects | Future Years: \$25,000 | Current Year: \$80,000 | Refer to Economic Development Parks and Culture Committee. |
| J(3) | Immediate Relief for Property Tax Reassessment Appeals | \$75,000+ | \$0 | The financial impact is difficult to estimate until the appeals are processed. Refer to Policy and Finance Committee. |
| J(4) | Request of the Province of Ontario to Declare Transit Services in Toronto an Essential Service | \$0 | \$0 | Consider. |
| J(5) | Issuance of Debentures | \$0 | \$0 | Already Dealt with at City Council on July 25, 2006. |

| Motion # | Title | Operating \$ (net) | Capital \$ (net) | Comments |
|-----------------|---|--|-------------------------|---|
| J(6) | Designation Under Part V of the <i>Ontario Heritage Act</i> – Lyall Avenue Heritage Conservation District | \$0 | \$0 | Consider. See Report Attached to Motion. |
| J(7) | Appointment to the Board of Directors of the Hummingbird Centre for the Performing Arts | | | Confidential. See Confidential Report Attached to Motion. |
| J(8) | Establishment of a Property Assessment Reform Task-Force (PART) | Current: \$25,000 Following Year: \$150,000 | \$0 | 1 position estimated at \$75,000 annually and \$100,000 for professional consulting services. See FIS. |
| J(9) | Maintenance of Trees - Request for Report | \$0 | \$0 | Consider. |
| J(10) | Amendment to Existing Outdoor Café Permit - 484 Danforth Avenue (Alexandros Take-Out) | \$0 | \$0 | Consider. |
| J(11) | Authority to Enter Into an Agreement with the Owner of 770 Bay Street under Section 45(9) of the <i>Planning Act</i> | (\$100,000) | \$0 | Additional revenue of \$100,000 will be generated from the adoption of the notice of motion. See Notice of Decision Attached to Motion. |
| J(12) | Naming of the Gymnasium at the East York Community Centre | \$0 | \$0 | Consider. |
| J(13) | 18 Lower Jarvis Street - Attendance at Ontario Municipal Board Hearing | \$0 | \$0 | Consider. See Report Attached to Motion. |
| J(14) | Follow-up on Report Request of June 2005 respecting Social Services Spending and Reallocation of Funds to Provide Investment to 13 Identified Communities | \$0 | \$0 | Consider. |
| J(15) | Parking Regulations and Intersection Controls - Joe Shuster Way, Laidlaw Street and Machelles Avenue - 1100 King Street West Development (Ward 14 - Parkdale-High Park) | \$0 | \$0 | Consider. |

| Motion # | Title | Operating \$ (net) | Capital \$ (net) | Comments |
|-----------------|---|------------------------------|-------------------------|--|
| J(16) | Request for Removal of Bike Lanes - Cosburn Avenue between Broadview Avenue and Coxwell Avenue | \$0 | \$0 | Consider. |
| J(17) | Encouraging Greater Participation of Scarborough Restaurants in the Winterlicious and Summerlicious Programs | \$0 | \$0 | Consider. |
| J(18) | Amendment to the CanStage Line of Credit Guarantee | Following Year: \$200,000 | \$0 | No immediate impact. Potential increase in City's obligation by \$200,000 bringing the line of credit from \$300,000 to \$500,000 by the end of 2007. See FIS. |
| J(19) | Amendment to the Subdivision Agreement between English Lane Homes Inc. and the City of Toronto for 39 Greenbelt Drive to Delete the Requirement of a Chain Link Fence | \$0 | \$0 | Consider. See Form Letter Attached to Motion. |
| J(20) | Request to the Provincial Government to Provide Funding for Applied Behaviour Analysis Therapy through the Ministry of Education, to all Schools in the Province from Kindergarten through Grade Twelve | \$0 | \$0 | Consider. |
| J(21) | TEDCO's Canpar Facility Project - the First LEED Green Building Owned by the City of Toronto | \$0 | \$0 | Consider. See Memo Attached to Motion. |
| J(22) | Ontario Municipal Board Hearing regarding the former French Avenue Road Allowance | \$0 | \$0 | Consider. See Notice of Decision Attached to Motion. |
| J(23) | West Side Bar BQ Restaurant, 853A Bloor Street West – AGCO Proceeding | \$0 | \$0 | Consider. |

| Motion # | Title | Operating \$ (net) | Capital \$ (net) | Comments |
|-----------------|---|---------------------------|-------------------------|--|
| J(24) | 12:30 Bar/Bar Bloor, 842 Bloor Street West – AGCO Proceedings | \$0 | \$0 | Consider. |
| J(25) | 1465 Lawrence Avenue West – Application for an Official Plan Amendment | \$0 | \$0 | Consider. |
| J(26) | 35 Leuty Avenue - Ward 32 (Beaches East York) - Ontario Municipal Board Hearing | \$0 | \$0 | Consider. See Notice of Decision Attached to Motion. |
| J(27) | Establishment of Court of Revision | \$0 | \$0 | Refer to Policy and Finance Committee for report back. |
| J(28) | Extreme Heat Alerts | TBD | \$0 | The financial implications of creating energy assistance programs are dependant on determining the medical criteria for need which is unknown at this time. Refer to Board of Health and Community Services Committee. |
| J(29) | Sign Variance Application for 421 (423, 425 and 427) Danforth Avenue, Ward 30 Toronto Danforth | \$0 | \$0 | Consider. See Report Attached to Motion. |
| J(30) | Site Plan Bump-Up Report - 252, 270, 272, and 276 Bering Avenue | \$0 | \$0 | Consider. See Report Attached to Motion. |
| J(31) | Request for Report on Heritage Property Standards | \$0 | \$0 | Consider. |
| J(32) | 18-88 Osler Street (formerly 56-86 Osler Street) Ward 18 – Davenport - Construction of Berm at Rear of Property | \$0 | \$0 | Consider. |
| J(33) | Request for Report on the Transfer of Taxicab Licenses to Spouse upon Owner's Death | \$0 | \$0 | Consider. |
| J(34) | Request for Report on the Toronto Transit Commission (TTC) - City of Toronto Relationship Framework | \$0 | \$0 | Consider. |

| Motion # | Title | Operating \$ (net) | Capital \$ (net) | Comments |
|-----------------|---|---------------------------|-------------------------|--|
| J(35) | Proposal to Extend Deadline for the 2005 Flood Damage Grant Program | \$0 | \$0 | Consider. |
| J(36) | 93 Forest Hill Road, Ward 22 (St. Paul's) - Ontario Municipal Board Hearing | \$0 | \$0 | The cost of \$10,000 will be absorbed within the 2006 Approved Operating Budget for Legal Services. See FIS. |
| J(37) | 271 Russell Hill Road, Ward 22 (St. Paul's) - Ontario Municipal Board Hearing | \$0 | \$0 | The cost of \$10,000 will be absorbed within the 2006 Approved Operating Budget for Legal Services. See FIS. |
| J(38) | 3025 Finch Avenue West, Ward 7 (York West) - Ontario Municipal Board Appeals of Site Plan and Zoning | \$0 | \$0 | Consider. |
| J(39) | Significant Gun Violence and Illegal Drug Activity and Potential Connection to the Proliferation of Licensed Restaurants along Weston Road in Ward 11 | \$0 | \$0 | Consider. |
| J(40) | Request to Condemn China's Horrific Crimes Against Humanity | \$0 | \$0 | Consider. See Report Attached to Motion. |
| J(41) | Authority to Lease 4040 Lawrence Avenue East to the Boys and Girls Club of East Scarborough | | | |
| J(42) | Toronto Hydro Purchases of Nuclear Power from the Ontario Power Generation Corporation | \$0 | \$0 | Consider. |
| J(43) | Association of Body Rub Parlours of Toronto Inc. v. City of Toronto Court Application Challenging Licensing By-laws 904-2005 and 1055-2005 | | | Confidential. See Confidential Report Attached to Motion. |

| Motion # | Title | Operating \$ (net) | Capital \$ (net) | Comments |
|-----------------|--|---------------------------|-------------------------|---|
| J(44) | Toronto Computer Leasing Inquiry and Toronto External Contracts Inquiry – Status of Various Matters | | | Confidential. See Confidential Report Attached to Motion. |
| J(45) | Rejection of Poor Contract Performers from Continuing City Business | \$0 | \$0 | Consider. |
| J(46) | Donation of an Outdoor Sports Court in Cornell Park (Ward 43 - Scarborough East) | \$0 | \$0 | Consider. |
| J(47) | Protection of Individually Designated (Part IV) Properties in Heritage Conservation Districts (All Wards) | \$0 | \$0 | Consider. |
| J(48) | 185 Beta Avenue (formerly known as 183 Beta Avenue) Ward 6 (Etobicoke-Lakeshore) Designation of a Property Listed on the City's Inventory of Heritage Properties | \$0 | \$0 | Consider. |

FISCAL IMPACT STATEMENT 1 [NOTICE OF MOTION F(1)]
(See Minute 9.116, Page 143)**Financial Implications:**

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

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

Impacts/Other Comments:

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

Notice of Motion – F(1) – Council adoption of the recommended strategies will assist in managing the City's indebtedness, contribute to the containment of the City's debt service costs and the debt service ratio and thereby enhance the City's credit rating.

- Consider Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: June 28, 2006

FISCAL IMPACT STATEMENT 2 [NOTICE OF MOTION J(2)]
(See Minute 9.123, Page 164)

Financial Implications:

| | |
|---|---|
| <input checked="" type="checkbox"/> Operating | |
| <input type="checkbox"/> Current year impacts: \$ _____ (net) | <input checked="" type="checkbox"/> Future year impacts: \$25,000 _____ (net) |
| | <input type="checkbox"/> Following year |
| | <input checked="" type="checkbox"/> Future years |
| <input type="checkbox"/> Funding sources (specify): | |
| <input type="checkbox"/> Accommodation within approved operating budget | <input type="checkbox"/> Third party funding |
| <input type="checkbox"/> New revenues | <input type="checkbox"/> Tax rate impact |
| <input type="checkbox"/> Reserve/Reserve Fund contributions | <input type="checkbox"/> Other |
| <input type="checkbox"/> Budget adjustments: \$ _____ (net) | |
| <input type="checkbox"/> Impact on staffing levels: _____ (positions) | |

| | |
|--|--|
| <input checked="" type="checkbox"/> Capital | |
| <input checked="" type="checkbox"/> Current year impacts: \$80,000 _____ (net) | <input type="checkbox"/> Future year impacts: \$ _____ (net) |
| | <input type="checkbox"/> Following year |
| | <input type="checkbox"/> Future years |
| <input type="checkbox"/> Funding sources (specify): | |
| <input type="checkbox"/> Accommodation within approved capital budget | <input type="checkbox"/> Third party funding |
| <input type="checkbox"/> New revenues | <input type="checkbox"/> Debt |
| <input type="checkbox"/> Reserve/Reserve Fund contributions | <input type="checkbox"/> Other |
| <input type="checkbox"/> Budget adjustments: \$ _____ (net) | |
| <input type="checkbox"/> Operating Impact: | |
| <input type="checkbox"/> Program costs: \$ _____ (net) | |
| <input type="checkbox"/> Debt service costs: \$ _____ (net) | |

Impacts/Other Comments:

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

Notice of Motion – J(2) – For a typical 300' x 400' leash free zone the initial Capital cost would be approximately \$80,000.00 with ongoing maintenance of approximately \$25,000.00. These cost are not included in the current (2006) Capital and Operating Budgets as the original plan was to implement a user fee for dog walkers to fully support this activity.

- Consider
- Refer to Economic Development Parks and Culture Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: July 26, 2006

FISCAL IMPACT STATEMENT 3 [NOTICE OF MOTION J(3)]

(See Minute 9.124, Page 166)

Financial Implications:

| | |
|---|--|
| <input checked="" type="checkbox"/> Operating | |
| <input checked="" type="checkbox"/> Current year impacts: \$ <u>75,000+</u> (net) | <input type="checkbox"/> Future year impacts: \$ _____ (net) |
| | <input type="checkbox"/> Following year |
| | <input type="checkbox"/> Future years |
| <input type="checkbox"/> Funding sources (specify): | |
| <input type="checkbox"/> Accommodation within approved operating budget | <input type="checkbox"/> Third party funding |
| <input type="checkbox"/> New revenues | <input type="checkbox"/> Tax rate impact |
| <input type="checkbox"/> Reserve/Reserve Fund contributions | <input type="checkbox"/> Other |
| <input type="checkbox"/> Budget adjustments: \$ _____ (net) | |
| <input checked="" type="checkbox"/> Impact on staffing levels: <u>1</u> (positions) | |

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

Impacts/Other Comments:

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

Notice of Motion – J(3) – With regard to extending the appeal deadline for 90-days, there is a potential for increases in the number of assessment appeal reductions and a corresponding decrease in taxation revenues for the City. The financial impact is difficult to estimate until the appeals are processed by the Assessment Review Board. With respect to the Assessment Monitoring Group, staff resources will be required to support this function. Existing staff resources would have to be re-assigned which may require 1 temporarily backfilling position to maintain current service levels. (1 position estimated at \$75,000.00 annually.).

- Consider
- Refer to Policy and Finance Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: July 26, 2006

FISCAL IMPACT STATEMENT 4 [NOTICE OF MOTION J(8)]
(See Minute 9.129, Page 176)

Financial Implications:

| |
|--|
| <input checked="" type="checkbox"/> Operating |
| <input checked="" type="checkbox"/> Current year impacts: \$ <u>25,000</u> (net) |
| <input checked="" type="checkbox"/> Future year impacts: \$ <u>150,000</u> (net) |
| <input checked="" type="checkbox"/> Following year |
| <input type="checkbox"/> Future years |
| <input type="checkbox"/> Funding sources (specify): |
| <input type="checkbox"/> Accommodation within approved operating budget |
| <input type="checkbox"/> New revenues |
| <input type="checkbox"/> Reserve/Reserve Fund contributions |
| <input type="checkbox"/> Third party funding |
| <input type="checkbox"/> Tax rate impact |
| <input type="checkbox"/> Other |
| <input type="checkbox"/> Budget adjustments: \$ _____ (net) |
| <input checked="" type="checkbox"/> Impact on staffing levels: <u>1</u> (position) |

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

Impacts/Other Comments:

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

Notice of Motion – J(8) – Either existing staff resources would have to be re-assigned (and positions will be backfilled to maintain current service levels) or new positions would have to be created to support the Task Force and to conduct research and analysis of options and evaluation of impacts (including financial implications). Additionally, professional services may have to be retained to support City staff's efforts in the evaluation of options or assessment systems (1 position estimated at \$75,000.00 annually + \$100,000.00 for professional consulting services). The current year impact is \$25,000.00 assuming that the staff support is needed starting September 2006. Consulting services are assumed to be needed starting January 2007.

- Consider
- Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: July 26, 2006

FISCAL IMPACT STATEMENT 5 [NOTICE OF MOTION J(11)]
(See Minute 9.132, Page 181)

Financial Implications:

| | |
|---|--|
| <input checked="" type="checkbox"/> Operating | |
| <input checked="" type="checkbox"/> Current year impacts: \$ <u>(100,000)</u> (net) | <input type="checkbox"/> Future year impacts: \$ _____ (net) |
| | <input type="checkbox"/> Following year |
| | <input type="checkbox"/> Future years |
| <input checked="" type="checkbox"/> Funding sources (specify): | |
| <input type="checkbox"/> Accommodation within approved operating budget | <input type="checkbox"/> Third party funding |
| <input checked="" type="checkbox"/> New revenues | <input type="checkbox"/> Tax rate impact |
| <input type="checkbox"/> Reserve/Reserve Fund contributions | <input type="checkbox"/> Other |
| <input type="checkbox"/> Budget adjustments: \$ _____ (net) | |
| <input type="checkbox"/> Impact on staffing levels: _____ (positions) | |

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

Impacts/Other Comments:

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

Notice of Motion – J(11) – The motion is based on the Committee of Adjustment decision and it is time sensitive as to allow the owner of the property to start construction. Additional revenue of \$100,000.00 will be generated from the adoption of the Notice of Motion.

- Consider
- Refer to Standing Committee

Submitted by: _____
 Deputy City Manager and Chief Financial Officer

Date: July 26, 2006

FISCAL IMPACT STATEMENT 6 [NOTICE OF MOTION J(18)]
(See Minute 9.139, Page 192)

Financial Implications:

| |
|--|
| <input checked="" type="checkbox"/> Operating |
| <input type="checkbox"/> Current year impacts: \$ _____ (net) |
| <input checked="" type="checkbox"/> Future year impacts: \$ <u>200,000</u> (net) |
| <input checked="" type="checkbox"/> Following year |
| <input type="checkbox"/> Future years |
| <input type="checkbox"/> Funding sources (specify): |
| <input type="checkbox"/> Accommodation within approved operating budget |
| <input type="checkbox"/> New revenues |
| <input type="checkbox"/> Reserve/Reserve Fund contributions |
| <input type="checkbox"/> Third party funding |
| <input type="checkbox"/> Tax rate impact |
| <input type="checkbox"/> Other |
| <input type="checkbox"/> Budget adjustments: \$ _____ (net) |
| <input type="checkbox"/> Impact on staffing levels: _____ (positions) |

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

Impacts/Other Comments:

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

Notice of Motion – J(18) – No immediate impact. Potential increase in City’s obligation by \$200,000.00 bringing the line of credit from \$300,000.00 to \$500,000.00 by the end of 2007.

- Consider
- Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: July 26, 2006

**FISCAL IMPACT STATEMENT 7 [NOTICE OF MOTION J(28)]
(See Minute 9.149, Page 211)**

Financial Implications:

Operating

Current year impacts: \$ TBD (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

| | |
|---|--|
| <input type="checkbox"/> Accommodation within approved operating budget | <input type="checkbox"/> Third party funding |
| <input type="checkbox"/> New revenues | <input type="checkbox"/> Tax rate impact |
| <input type="checkbox"/> Reserve/Reserve Fund contributions | <input type="checkbox"/> Other |

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

| | |
|---|--|
| <input type="checkbox"/> Accommodation within approved capital budget | <input type="checkbox"/> Third party funding |
| <input type="checkbox"/> New revenues | <input type="checkbox"/> Debt |
| <input type="checkbox"/> Reserve/Reserve Fund contributions | <input type="checkbox"/> Other |

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)

Debt service costs: \$ _____ (net)

Impacts/Other Comments:

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

Notice of Motion – J(28) – The current budget for Cooling Centres is \$30,000.00. Until the impact on increasing the number and hours of operations of Cooling Centres are determined as a result of changes in formula used to call an Extreme Heat Alert and a review of possibly expanding beyond the current four cooling centres, the financial implications cannot be determined at this time. Also, the financial implications of creating energy assistance programs are dependant on determining the medical criteria for need which is unknown at this time.

- Consider Refer to Board of Health and Community Services Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: July 26, 2006

FISCAL IMPACT STATEMENT 8 [NOTICE OF MOTION J(36)]
(See Minute 9.157, Page 228)

Financial Implications:

Operating

Current year impacts: \$ 0 (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

| | |
|--|--|
| <input checked="" type="checkbox"/> Accommodation within approved operating budget | <input type="checkbox"/> Third party funding |
| <input type="checkbox"/> New revenues | <input type="checkbox"/> Tax rate impact |
| <input type="checkbox"/> Reserve/Reserve Fund contributions | <input type="checkbox"/> Other |

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

| | |
|---|--|
| <input type="checkbox"/> Accommodation within approved capital budget | <input type="checkbox"/> Third party funding |
| <input type="checkbox"/> New revenues | <input type="checkbox"/> Debt |
| <input type="checkbox"/> Reserve/Reserve Fund contributions | <input type="checkbox"/> Other |

Budget adjustments: \$ _____ (net)

Operating Impact:

| |
|---|
| <input type="checkbox"/> Program costs: \$ _____ (net) |
| <input type="checkbox"/> Debt service costs: \$ _____ (net) |

Impacts/Other Comments:

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

Notice of Motion – J(36) – If City Solicitor is required to retain an expert witness, the cost will be approximately \$10,000.00. Any costs will be absorbed within the 2006 Approved Operating Budget for Legal Services.

- Consider Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: July 26, 2006

**FISCAL IMPACT STATEMENT 9 [NOTICE OF MOTION J(37)]
(See Minute 9.158, Page 230)**

Financial Implications:

| | |
|--|--|
| <input checked="" type="checkbox"/> Operating | |
| <input checked="" type="checkbox"/> Current year impacts: \$ <u>0</u> (net) | <input type="checkbox"/> Future year impacts: \$ _____ (net) |
| | <input type="checkbox"/> Following year |
| | <input type="checkbox"/> Future years |
| <input checked="" type="checkbox"/> Funding sources (specify): | |
| <input checked="" type="checkbox"/> Accommodation within approved operating budget | <input type="checkbox"/> Third party funding |
| <input type="checkbox"/> New revenues | <input type="checkbox"/> Tax rate impact |
| <input type="checkbox"/> Reserve/Reserve Fund contributions | <input type="checkbox"/> Other |
| <input type="checkbox"/> Budget adjustments: \$ _____ (net) | |
| <input type="checkbox"/> Impact on staffing levels: _____ (positions) | |

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

Impacts/Other Comments:

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

Notice of Motion – J(37) – If City Solicitor is required to retain an expert witness, the cost will be approximately \$10,000.00. Any costs will be absorbed within the 2006 Approved Operating Budget for Legal Services.

- Consider
- Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: July 26, 2006