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Theres Minutes were confirmed by City Council on November 6, 2001.

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**MINUTES OF THE COUNCIL
OF THE
CITY OF TORONTO**

**TUESDAY, OCTOBER 2, 2001,
WEDNESDAY, OCTOBER 3, 2001, AND
THURSDAY, OCTOBER 4, 2001**

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

CALL TO ORDER

- 8.1 Deputy Mayor Ootes took the Chair and called the Members to order.

The meeting opened with renditions of ‘O Canada’ and ‘The Star Spangled Banner’, performed by Constable Melissa Silva of the Toronto Police Service.

8.2 **CONFIRMATION OF MINUTES**

Councillor Berardinetti, seconded by Councillor Sutherland, moved that the Minutes of the Council meetings held on the 26th, 27th and 28th days of June, 2001, and the 24th, 25th and 26th days of July, 2001, be confirmed in the form supplied to the Members, which carried.

8.3 **PETITIONS**

The following Petitions were filed with the City Clerk:

- (a) from Mrs. Charles Wilks, signed by 182 community members, regarding the erection of a memorial plaque at the entrance of Earl Bales Park in honour of Morry Smith, filed by Councillor Filion.

Motion:

Councillor Filion, with the permission of Council, moved that Council adopt the following recommendation:

“It is recommended that the petition from the community requesting that the City of Toronto erect a memorial plaque at the entrance to Earl Bales Park, in honour of Morry Smith, be referred to the Commissioner of Economic Development Culture and Tourism, for report thereon to the Economic Development and Parks Committee.”

Vote:

The motion by Councillor Filion carried.

- (b) (October 1, 2001) from Enza Anderson, submitting comments on the proposed registration fee increase to run for the offices of Mayor and Councillor, and forwarding a Petition signed by 512 persons, filed by Councillor Rae.
- (c) (September 29, 2001) from F. Lee, forwarding a Petition signed by 107 persons, pertaining to Clause No. 31 of Report No. 7 of The Toronto East York Community Council, entitled “Ontario Municipal Board Appeal – South-East Spadina Part II Plan Amendment and Rezoning – 245 College Street and 39 Glasgow Street (Metro Credit Union) (Trinity-Spadina, Ward 20)”, filed by Councillor Walker.

8.4 ENQUIRIES AND ANSWERS

- (1) Council had before it the following regarding position titles and salary ranges in the Mayor’s Office:
 - (a) Enquiry dated June 15, 2001, from Councillor Walker (See Attachment No. 1, Page 188); and
 - (b) Answer to the foregoing Enquiry dated July 16, 2001, from the Acting Chief Administrative Officer and Acting Chief Financial Officer (See Attachment No. 2, Page 189).

Motion:

Councillor Walker moved that the foregoing Enquiry and Answer be received for information.

Vote:

The motion by Councillor Walker carried.

- (2) Council had before it the following regarding negotiations to bring Wrestle Mania XXVIII to Toronto in 2002:
- (a) Enquiry dated August 27, 2001, from Councillor Walker (See Attachment No. 3, Page 190); and
 - (b) Answer to the foregoing Enquiry dated October 2, 2001, from Mayor Lastman (See Attachment No. 4, Page 191).

Motion:

Councillor Walker moved that the foregoing Enquiry and Answer be received for information.

Vote:

The motion by Councillor Walker carried.

- (3) Council had before it the following regarding the Waste Disposal Contract with Republic and discussions pertaining to the Adams Mine:
- (a) Enquiry dated August 27, 2001 from Councillor Walker (See Attachment No. 5, Page 192); and
 - (b) Answer to the foregoing Enquiry dated September 10, 2001, from the Commissioner of Works and Emergency Services (See Attachment No. 6, Page 193).

Motion:

Councillor Walker moved that the foregoing Enquiry and Answer be received for information.

Vote:

The motion by Councillor Walker carried.

PRESENTATION OF REPORTS

8.5 Councillor Altobello presented the following Reports for consideration by Council:

Report No. 9 of The Community Services Committee,
Report No. 8 of The Economic Development and Parks Committee,
Report No. 9 of The Planning and Transportation Committee,
Report No. 13 of The Works Committee,
Report No. 6 of The Board of Health,
Report No. 12 of The Policy and Finance Committee,
Report No. 10 of The Community Services Committee,
Report No. 9 of The Economic Development and Parks Committee,
Report No. 10 of The Planning and Transportation Committee,
Report No. 14 of The Works Committee,
Report No. 13 of The Administration Committee,
Report No. 14 of The Administration Committee,
Joint Report No. 1 of The Policy and Finance and Community Services Committees,
Report No. 7 of The Toronto East York Community Council,
Report No. 9 of The Scarborough Community Council,
Report No. 7 of The Midtown Community Council,
Report No. 7 of The North York Community Council,
Report No. 8 of The Humber York Community Council,
Report No. 8 of The Etobicoke Community Council, and
Report No. 8 of The Audit Committee,

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

8.6 Councillor Altobello, with the permission of Council, presented the following Report for the consideration of Council:

Report No. 7 of The Striking Committee,

and moved, seconded by Councillor Balkissoon, that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived in connection with this Report, and that Council now give consideration to such Report, which carried, more than two-thirds of Members present having voted in the affirmative.

8.7 DECLARATIONS OF INTEREST

Councillor Altobello declared his interest in Clause No. 23 of Report No. 9 of The Scarborough Community Council, headed “City-Initiated Technical Amendments to Various Zoning By-laws in Various (Scarborough) Wards – SC-WPS 2000 0009”, in that he owns property in the Centennial Community; and in Clause No. 26 of such Report, headed “Disposition of Surplus Vacant Land Located between 197 and 205 Raleigh Avenue (Ward 35 - Scarborough Southwest)”, in that his parents own property on Raleigh Avenue.

Councillor Augimeri declared her interest in Motion J(29), moved by Councillor Disero, seconded by Councillor Silva, in regard to 1465 Lawrence Avenue West and the Amesbury Park Landfill, in that her mother owns a condominium in the subject area.

Councillor Chow declared her interest in Clause No. 31 of Report No. 7 of The Toronto East York Community Council, headed “Ontario Municipal Board Appeal - Southeast Spadina Part II Plan Amendment and Rezoning - 245 College Street and 39 Glasgow Street (Metro Credit Union) (Trinity-Spadina, Ward 20)”, in that she lives in the vicinity of the proposed development.

Councillor Disero declared her interest in Motion J(33), moved by Councillor Pantalone, seconded by Councillor Shiner, in regard to a Litigation Matter related to the Toronto Port Authority, in that she is one of the parties named in the litigation.

Councillor Johnston declared her interest in Motion J(25), moved by Councillor Walker, seconded by Councillor Korwin-Kuczynski, in regard to a grant to the 77 Davisville Tenants’ Association, in that she is a resident of 77 Davisville Avenue.

Mayor Lastman declared his interest in Clause No. 3 of Report No. 10 of The Planning and Transportation Committee, headed “Parc Downsview Park Inc. Operating Protocol Agreement, File UD03 PDP (Ward 9 - York Centre)”, only as it relates to the land east of Allen Road and south of Sheppard Avenue, in that his son owns property within the subject area.

Councillor Layton declared his interest in Clause No. 31 of Report No. 7 of The Toronto East York Community Council, headed “Ontario Municipal Board Appeal - Southeast Spadina Part II Plan Amendment and Rezoning - 245 College Street and 39 Glasgow Street (Metro Credit Union) (Trinity-Spadina, Ward 20)”, in that he lives in the vicinity of the proposed development.

Councillor McConnell declared her interest in Clause No. 31 of Report No. 7 of The Toronto East York Community Council, headed “Ontario Municipal Board Appeal - Southeast Spadina Part II Plan Amendment and Rezoning - 245 College Street and 39 Glasgow Street

(Metro Credit Union) (Trinity-Spadina, Ward 20)", in that she is a member of the Metro Credit Union.

Councillor Moscoe declared his interest in Clause No. 1 of Report No. 10 of The Planning and Transportation Committee, headed "Harmonization of the Sign By-law Concerning Posters on Public Property, Including Signs on Utility Poles", in that he is a supplier of election signs.

Councillor Shaw declared her interest in Clause No. 24 of Report No. 9 of The Scarborough Community Council, headed "Final Report - Zoning By-law Amendment Application TF ZBL 2001 0002, The Governing Council of The University of Toronto Scarborough Campus, Northeast Corner of Ellesmere Road and Morningside Avenue, Highland Creek Community (Ward 44 - Scarborough East)", in that she teaches part-time at the Centennial College of Applied Arts and Technology.

Councillor Walker declared his interest in Motion J(33), moved by Councillor Pantalone, seconded by Councillor Shiner, in regard to a Litigation Matter related to the Toronto Port Authority, in that he is one of the parties named in the litigation.

CONSIDERATION OF REPORTS CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION

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

Report No. 9 of The Community Services Committee, Clauses Nos. 1 and 2.

Report No. 8 of The Economic Development and Parks Committee, Clauses Nos. 1 and 2.

Report No. 9 of The Planning and Transportation Committee, Clauses Nos. 1 and 2.

Report No. 13 of The Works Committee, Clauses Nos. 1, 2 and 3.

Report No. 6 of The Board of Health, Clause No. 1.

Report No. 12 of The Policy and Finance Committee, Clauses Nos. 1, 2, 3, 5, 6, 7, 9, 11, 12, 13, 15, 17 and 19.

Report No. 10 of The Community Services Committee, Clauses Nos. 2, 3, 4, 12 and 17.

Report No. 9 of The Economic Development and Parks Committee, Clauses Nos. 1, 2 and 6.

Report No. 10 of The Planning and Transportation Committee, Clauses Nos. 1, 2, 3, 4, 5, 6, 7 and 9.

Report No. 14 of The Works Committee, Clauses Nos. 4, 5, 8, 9, 12 and 14.

Report No. 13 of The Administration Committee, Clauses Nos. 1, 2, 3, 4, 8, 10, 11, 12, 15 and 16.

Report No. 14 of The Administration Committee, Clause No. 1.

Joint Report No. 1 of The Policy and Finance and Community Services Committees, Clause No. 1.

Report No. 7 of The Toronto East York Community Council, Clauses Nos. 1, 7, 14, 26, 28, 31, 44, 70 and 72.

Report No. 7 of The Midtown Community Council, Clauses Nos. 2 and 35.

Report No. 7 of The North York Community Council, Clause No. 15.

Report No. 8 of The Humber York Community Council, Clauses Nos. 1, 3, 7, 8, 11, 21 and 30.

Report No. 8 of The Etobicoke Community Council, Clauses Nos. 7 and 14.

Report No. 8 of The Audit Committee, Clauses Nos. 1 and 4.

Report No. 7 of The Striking Committee, Clauses Nos. 1 and 4.

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

Report No. 9 of The Community Services Committee, Clause No. 2.

Report No. 12 of The Policy and Finance Committee, Clauses Nos. 6, 7 and 17.

Report No. 14 of The Works Committee, Clauses Nos. 4, 12 and 14.

Report No. 13 of The Administration Committee, Clauses Nos. 4, 8 and 11.

Report No. 8 of The Humber York Community Council, Clauses Nos. 7 and 8.

Report No. 8 of The Audit Committee, Clause No. 4.

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 the Council Procedural By-law.

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

8.9 Clause No. 17 of Report No. 10 of The Community Services Committee, headed “Ontario Disability Support Program Impacts”.

Motion:

Councillor Mihevc moved that the Clause be amended by adding thereto the following:

“It is further recommended that Recommendation No. (2) of the Disability Issues Committee embodied in the communication dated October 1, 2001, from the City Clerk, Disability Issues Committee, be adopted, viz.:

‘The Disability Issues Committee:

- (2) recommended that the Commissioner of Community and Neighbourhood Services be requested to undertake an analysis and report not only on the problems of accessing the ODSP but also the many restrictions and issues affecting people who are already on the program.’ ”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

8.10 Clause No. 4 of Report No. 10 of The Planning and Transportation Committee, headed “City Centre West (Kipling-Islington) - Secondary Directions Report”.

Motion:

Councillor Jones moved that the Clause be amended in accordance with the following recommendation of the Etobicoke Community Council embodied in the communication dated September 17, 2001, from the City Clerk:

“The Etobicoke Community Council reports, for the information of Council, having concurred in the consolidated Recommendations of the Planning and Transportation Committee, subject to amending Recommendation No. (9) by deleting the words ‘give equal consideration to’ and inserting in lieu thereof the words, ‘consider the pros and cons of’, so that Recommendation No. (9) shall now read as follows:

- ‘(9) the Commissioner of Urban Development Services, in consultation with the appropriate staff, be directed to consider the pros and cons of both the Westwood Theatre site and the Islington Subway site as potential locations for a municipal government building;’.”

Votes:

The motion by Councillor Jones carried.

The Clause, as amended, carried.

8.11 Clause No. 9 of Report No. 10 of The Planning and Transportation Committee, headed “Appointments to the Toronto Cycling Committee”.

Motion:

Councillor Chow moved that the Clause be amended in accordance with the recommendation of the Nominations Sub-Committee of the Toronto Cycling Committee, as embodied in the confidential communication dated September 27, 2001, from the City Clerk, Toronto Cycling Committee, so that the citizen appointees to the Toronto Cycling Committee shall now be as follows:

Ms. Nina Koskenoja;
Mr. Ole Calderone;
Mr. Ron Hart;
Mr. Kenneth Cromie;
Mr. Steve Crossman;
Ms. Liane Gillies;
Mr. Robert Gordon;
Mr. Paul Klein;
Mr. Dave Meslin;
Mr. Allan Stokell;
Mr. Michael Wilson;
Mr. Donald Jantz;
Mr. Stephen Fisher;
Mr. Firoz Khan; and
Ms. Jessica Tivy.

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

- 8.12 **Clause No. 5 of Report No. 14 of The Works Committee, headed “Installation of Traffic Control Signals - Dovercourt Road at Hepbourne Street (Ward 19 –Trinity-Spadina, Ward 18 - Davenport)”.**

Motion:

Councillor Silva moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on November 6, 2001.

Vote:

The motion by Councillor Silva carried.

- 8.13 **Clause No. 9 of Report No. 14 of The Works Committee, headed “Designation of New Subject Sectors and Designation of Sector-Specific Pollution Prevention Plan and Plan Summary Forms”.**

Motion:

Councillor Disero moved that the Clause be struck out and referred back to the Works Committee for further consideration at its next meeting scheduled to be held on October 17, 2001, and the hearing of deputations.

Vote:

The motion by Councillor Disero carried.

- 8.14 **Clause No. 26 of Report No. 7 of The Toronto East York Community Council, headed “Installation of Pay and Display Machines - Queen Street East, from Herbert Avenue to Neville Park Boulevard (Beaches-East York, Ward 32)”.**

Motion:

Councillor Rae moved that the Clause be amended by deleting the words “Schedule A of the City of Toronto By-law No. 912-1998”, wherever they occur in the Clause, and inserting in lieu thereof the words “Schedule 1 to Chapter 910 of the new City of Toronto Municipal Code”.

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

Councillor Bussin requested that her opposition to this Clause be noted in the Minutes of this meeting.

8.15 **Clause No. 28 of Report No. 7 of The Toronto East York Community Council, headed “Endorsement of Paragliding Event, Microsoft Windows XP Press Launch - City Core Golf and Driving Range, 2 Spadina Avenue (Trinity-Spadina, Ward 20)”.**

Motion:

Councillor Chow moved that, having regard that iPrimate Communications have advised that they have changed the paragliding event to a kite-flying event, the recommendation of the Toronto East York Community Council be amended to now read as follows:

“The Toronto East York Community Council recommends that City Council advise Transport Canada, Aviation Services that it is aware of the Microsoft Windows XP Press Launch to be held at the City Core Golf and Driving Range, 2 Spadina Avenue, from 10:00 a.m. to 11:00 a.m. on October 25, 2001, at which from one to three kites, 2.0 metres by 6.0 metres in size, with 1.5-metre by 10-metre banners attached, will be flown no higher than 200 feet within the perimeters of the driving range for no more than one hour, and has no objection to its taking place.”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

8.16 **Clause No. 44 of Report No. 7 of The Toronto East York Community Council, headed “Proposed Closing and Conveyancing of a Portion of Stafford Street, Between Canniff Street and Wellington Street West (Trinity-Spadina, Ward 19)”.**

Motion:

Councillor Pantalone moved that the Clause be amended in accordance with the report dated September 28, 2001, from the Commissioner of Corporate Services, embodying the following recommendations:

“It is recommended that, subject to City Council approving the stopping up and closing of the portion of Stafford Street, shown as Part 1 on Sketch No. PS-2001-008 (the ‘Highway’), for the sake of completeness and to implement minor amendments to the Toronto East York Community Council recommendations, Recommendations (1) to (7) inclusive, contained in Clause 44 of Toronto East York Community Council Report No. 7 now before Council be replaced as follows:

- ‘(1) the Highway be declared surplus to the City’s requirements;
- (2) Council declare the proposed conveyance of the Highway to be in compliance with the requirements of the former City of Toronto Part 1, Official Plan (Section 3.3);
- (3) notice of the proposed sale of the Highway be given to the public in accordance with the requirements of Chapter 213 of the City of Toronto Municipal Code and notice of the proposed by-law to close and convey the Highway be given to the public in accordance with the requirements of the Municipal Act;
- (4) the Toronto-East York Community Council hold a public hearing concerning the proposed by-law if any person who claims that the person’s land will be prejudicially affected by the proposed by-law applies to be heard, in accordance with the requirements of the Municipal Act;
- (5) the sale price for the fee in the Highway be set at \$310.00 per square metre;
- (6) following the stopping up and closing of the Highway, the Highway be conveyed to the abutting owner at 800 Wellington Street West, provided Plazacorp Investments Limited and the said abutting owner:
 - (a) indemnify the City, together with such other persons as the City Solicitor may require, against all loss cost, damage or action arising as a result of the closing and conveyance;
 - (b) obtain the written consent to the closing and conveyance of the Highway from the other registered owners of land abutting the Highway, together with a release from such owners of all liability, including injurious affection which might arise from said closing and conveyance, all in a form satisfactory to the City Solicitor;

- (c) pay the price for the fee in the land comprising the Highway to be closed, having an area of 907 square metres, at the rate of \$310.00 per square metre, for a total of \$281,170.00;
- (d) pay the cost of the four (4) weeks of statutory advertising, and the requirement under the Municipal Class Environmental Assessment Act (the “Class EA”) to advertise a road closing twice, during two separate phases of the closing process, estimated to be \$6,300.00, and agree that any such money expended will not be refunded in the event that the transaction is not completed;
- (e) accept the lands comprising the highway, subject to restrictive covenant, “to be registered on title on closing prohibiting the use of the Highway for any purpose other than as an accessory use to the use and enjoyment of the adjoining lands at Premises Nos. 720 and 800 Wellington Street West and for greater certainty, prohibiting the use of the Highway for the purposes of a separate building lot, either by itself or together with some portion of the lands adjoining on either side, or for the purposes of a building or structure, other than fences, gates, landscaping, an underground parking garage, bicycle storage areas, locker rooms, utility rooms, transformer vault(s) and associated equipment, on the condition that such structure(s) or the construction does not interfere with or encroach into the below grade easements”;
- (f) accept the land comprising the Highway subject to easements in favour of:
 - (i) the City, Toronto Hydro and Enbridge Consumers Gas, 15 metres wide by a length of 45 metres from the east limit of Premises Nos. 800 Wellington Street West, and to a depth of 5 metres; and
 - (ii) Bell Canada, an easement measuring 4.5 metres wide, 8 metres long and 6 metres deep at the southeast corner of the Highway;

all of the easements referred to above are for access, operation, use, inspection, repair, maintenance, reconstruction or alteration of the existing services, and for the construction of additional or new services, with the City’s easement subject to the following terms and conditions:

- (i) the City shall have the right at all times without notice to enter the easement lands for the purpose of constructing, inspecting, maintaining, servicing, altering, repairing and reconstructing a sewer, maintenance hole or any other municipal service upon, under, through, over and along the lands;
 - (ii) no work shall be carried out and no building or structure, temporary or permanent shall be erected or any other encumbrance placed on or over the easement lands without the prior written approval of the Commissioner of Works and Emergency Services;
 - (iii) the owner shall have no claim against the City for the loss of occupancy of the lands subject to the easement when the City is exercising its easement rights; and
 - (iv) the City shall not be responsible for loss or damage to persons or private property caused by the existence of any services and/or the easement, except loss or damage caused by the City's negligence;
- (g) pay the cost of adjustments to the City's public works facilities, estimated to be \$72,000.00, and consisting of:
- (i) relocating one fire hydrant;
 - (ii) constructing two catch basins and a concrete curb at the north limit of the street closure; and
 - (iii) reconstructing the road pavement, sidewalks and curbs at Stafford Street and Wellington Street West;
- and such funds to be deposited in Account No. CTP800-1;
- (h) pay the cost of adjustment to the services of Toronto Hydro, estimated to be \$5,500.00, and consisting of:
- (i) removing poles 2 and 4 and associated overhead lines from Stafford Street;
 - (ii) removing street lighting plant; and

- (iii) providing alternative service to the temporary sales office at Premises No. 800 Wellington Street West and Premises No. 805 Wellington Street West;
- and such funds to be deposited in Account No. CTP800-1;
- (i) protect City-owned trees located within the proposed street closing, in accordance with City specifications for construction near City trees;
 - (j) pay for the registration of the above-noted Easement Agreements, authorizing By-law and usual closing documents, upon closing;
 - (k) provide a Strata Plan of Survey, integrated with the Ontario Co-ordinate System, delineating thereon, by separate PARTS, the portion of the highway to be closed, the easements, and the remainder of the site; and
 - (l) comply with such other terms and conditions as the City Solicitor may deem advisable to protect the City's interests;
- (7) the City Solicitor, in consultation with the Director of Real Estate Services, be authorized to complete this transaction on behalf of the City, including making payment of any necessary expenses; and
 - (8) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing.' ”

Votes:

The motion by Councillor Pantalone carried.

The Clause, as amended, carried.

Motion to Re-Open:

Councillor Pantalone, 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 Pantalone moved that the Clause be further amended by adding thereto the following:

“It is further recommended that the report dated September 26, 2001, from the Commissioner of Urban Development Services, embodying the following recommendation, be adopted:

‘It is recommended that, in the event that Council adopts the recommendation of the Toronto East York Community Council respecting the closure of the south portion of Stafford Street, that the City Solicitor be instructed to ensure that no density rights accrue from the closed right-of-way.’ ”

Votes:

The motion by Councillor Pantalone carried.

The Clause, as further amended, carried.

8.17 **Clause No. 70 of Report No. 7 of The Toronto East York Community Council, headed “Requests for Endorsement of Events for Liquor Licensing Purposes”.**

Motions:

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

“It is further recommended that Council, for liquor licensing purposes, declare the Royal Agricultural Winter Fair at Exhibition Place to be held on November 2 to 11, 2001, with special events on October 31 and November 1, 2001, to be an event of community/municipal significance, and the Alcohol and Gaming Commission of Ontario be advised that it does not object to the request for a Special Occasion Permit for a licensed area within Halls A, B, C and D, within the National Trade Centre, the Coliseum, Heritage Court and the East and West Annexes, to be in operation from 11:00 a.m. to 1:00 a.m. daily, for the duration of the Fair.”

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

“It is further recommended that Council, for liquor licensing purposes, advise the Alcohol and Gaming Commission of Ontario that it is aware of the 150th Anniversary and Homecoming weekend being held at De La Salle College on Saturday, October 13, 2001, on its campus, at which alcohol will be served free of charge at indoor and outdoor gated venues that will only be open to individuals who are 19 years of age and older, and has no objection to such event taking place.”

Votes:

Motion (a) by Councillor Silva carried.

Motion (b) by Councillor Walker carried.

The Clause, as amended, carried.

8.18 **Clause No. 72 of Report No. 7 of The Toronto East York Community Council, headed “Establishment of Construction Staging Area - 1 and 5 King Street West (The Optima - City Place - Building E) (Toronto Centre-Rosedale, Ward 28)”.**

Motion:

Councillor McConnell moved that the Clause be amended by deleting Recommendation No. (3) of the Toronto East York Community Council and inserting in lieu thereof the following:

- “(3) the curb lane ice cream vendor, Licence No. CLV-00008, presently on Melinda Street be temporarily relocated to the north side of Wellington Street East at the first parking stall west of Scott Street and the second vending location, Licence No. CLV-0013, on Melinda Street, be maintained, each subject to the provisions of the former City of Toronto Municipal Code respecting curb lane vending;”.

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

8.19 **Clause No. 2 of Report No. 7 of The Midtown Community Council, headed “Request for an Exemption from Chapter 400 of the Former City of Toronto Municipal Code to Permit Joint Angled Front Yard Parking at 63 and 65 Ellsworth Avenue (St. Paul’s – Ward 21)”.**

Motion:

Councillor Mihevc moved that the Clause be struck out and referred back to the Midtown Community Council for further consideration, following further community consultation by the Ward Councillor, with the assistance of the appropriate staff of the Works and Emergency Services Department.

Vote:

The motion by Councillor Mihevc carried.

8.20 **Clause No. 35 of Report No. 7 of The Midtown Community Council, headed “Other Items Considered by Community Council”.**

Motion:

Councillor Mihevc moved that the Clause be received as information, subject to striking out and referring Item (g), entitled “Pathway in Humewood Park (St. Paul’s - Ward 21)”, embodied therein, back to the Midtown Community Council for further consideration.

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, was received as information.

8.21 **Clause No. 11 of Report No. 8 of The Humber York Community Council, headed “Final Report - 1751 and 1753 Keele Street, Application to Amend Zoning By-law No. 1-83 of the Former City of York; Leopoldo Gallo (York South-Weston, Ward 12)”.**

Motion:

Councillor Di Giorgio moved that the Clause be amended by deleting from the recommendation of the Humber York Community Council the reference to Recommendation No. (3)(d) embodied in the report dated August 23, 2001, from the Director, Community Planning, West District, so that the recommendation of the Humber York Community Council shall now read as follows:

“The Humber York Community Council recommends the adoption of Recommendations Nos. (1), (2) and (3)(c) embodied in the report (August 23, 2001) from the Director, Community Planning, West District.”

Votes:

The motion by Councillor Di Giorgio carried.

The Clause, as amended, carried.

8.22 **Clause No. 30 of Report No. 8 of The Humber York Community Council, headed “Installation/Removal of On-Street Parking Spaces for Persons With Disabilities (York South-Weston, Ward 11, Parkdale High-Park, Ward 13, Davenport, Ward 17, and Davenport, Ward 18)”.**

Motion:

Councillor Silva moved that the Clause be amended by adding to the last entry of Table “A” appended to the report dated August 16, 2001, from the Director, Transportation Services, District 1, the words “further west thereof”, so that such entry now reads as follows”:

“Ward Location

18 Lappin Avenue, north side, between a point 62 metres west of Dufferin Street and a point 5.5 metres further west thereof”.

Votes:

The motion by Councillor Silva carried.

The Clause, as amended, carried.

- 8.23 **Clause No. 14 of Report No. 8 of The Etobicoke Community Council, headed “Final Report - Application to Amend the Etobicoke, Official Plan and Zoning Code, 1500 Royal York Road Limited, 1500 Royal York Road, File No. CMB 2000 0004 (Ward 4 - Etobicoke Centre)”.**

Motion:

Councillor Jones moved that the Clause be received.

Vote:

The motion by Councillor Jones carried.

- 8.24 **Clause No. 1 of Report No. 8 of The Audit Committee, headed “Investment Policy Compliance”.**

Motion:

Councillor Sutherland moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Auditor be requested to submit a report to the Audit Committee on the respective rate of return on investments between the City and the agencies, boards and commissions in the past three years.”

Votes:

The motion by Councillor Sutherland carried.

The Clause, as amended, carried.

8.25 Clause No. 1 of Report No. 9 of The Community Services Committee, headed “Survey of Toronto Shelters”.

Motions:

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

(1) striking out and referring Recommendations (a) and (b) of the Community Services Committee back to the Community Services Committee for consideration with the staff reports on shelter issues to be submitted to the November 15, 2001 meeting of the Committee; and

(2) adding thereto the following:

“It is further recommended that the Provincial Government be requested to pay its full 80 percent share of the actual cost of shelter beds.”

(b) Councillor Duguid moved that the Clause be amended by:

(1) striking out Recommendation (c) of the Community Services Committee, viz.:

“City Council:

(c) take no action with respect to Council Fire, given the lack of hostel beds for single men, until such time as the Commissioner of Community and Neighbourhood Services reports directly to Council on June 26, 2001, on the feasibility of Council Fire being able to continue to provide shelter beds.”; and

(2) adding thereto the following:

“It is further recommended that Recommendations Nos. (2) and (3) embodied in the report dated June 25, 2001, from the Commissioner of Community and Neighbourhood Services, be adopted, viz.:

(2) the Shelter, Housing and Support Division be directed to begin immediate discussions with Council Fire and its Board of Directors around the need to develop a plan to address issues and explore options; and

(3) the appropriate City officials be authorized to take the necessary action to give effect thereto.’ ”

(c) Councillor Kelly moved that the Clause, together with the report dated June 25, 2001, from the Commissioner of Community and Neighbourhood Services, be received.

Votes:

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

Yes - 15	Councillors: Altobello, Di Giorgio, Disero, Ford, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Ootes, Shaw, Shiner, Soknacki
No - 21	Councillors: Augimeri, Bussin, Cho, Chow, Duguid, Filion, Flint, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Silva, Walker

Lost by a majority of 6.

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

Adoption of motion (c) by Councillor Kelly:

Yes - 9	Councillors: Altobello, Ford, Holyday, Kelly, Li Preti, Mammoliti, Minnan-Wong, Ootes, Shiner
No - 27	Councillors: Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki, Walker

Lost by a majority of 18.

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

Yes - 32

Councillors:	Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Ford, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Walker
No - 4	Councillors: Altobello, Holyday, Kelly, Ootes

Carried by a majority of 28.

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

Yes - 33	Councillors: Altobello, Augimeri, Bussin, Cho, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Walker
No - 1	Councillor: Ford

Carried by a majority of 32.

Adoption of Clause, as amended:

Yes - 32	Councillors: Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Walker
No - 3	Councillors: Altobello, Ford, Holyday

Carried by a majority of 29.

In summary, Council amended this Clause by:

- (1) striking out Recommendation (c) of the Community Services Committee, viz.:

“City Council:

- (c) take no action with respect to Council Fire, given the lack of hostel beds for single men, until such time as the Commissioner of Community and Neighbourhood Services reports directly to Council on June 26, 2001, on the feasibility of Council Fire being able to continue to provide shelter beds.”; and
- (2) adding thereto the following:
- “It is further recommended that:
- (a) the Provincial Government be requested to pay its full 80 percent share of the actual cost of shelter beds; and
 - (b) Recommendations Nos. (2) and (3) embodied in the report dated June 25, 2001, from the Commissioner of Community and Neighbourhood Services, be adopted, viz.:
 - ‘(2) the Shelter, Housing and Support Division be directed to begin immediate discussions with Council Fire and its Board of Directors around the need to develop a plan to address issues and explore options; and
 - (3) the appropriate City officials be authorized to take the necessary action to give effect thereto.’ ”
- 8.26 **Clause No. 5 of Report No. 12 of The Policy and Finance Committee, headed “City of Toronto Submission Regarding the Review of Property Tax Classifications (Phase 2 of the Province's Review of the Assessment System)”.**

Motion:

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

“It is further recommended that a copy of the Clause be forwarded to the Association of Municipalities of Ontario (AMO), with a request that AMO support City Council’s position in this regard.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

8.27 **Clause No. 2 of Report No. 10 of The Community Services Committee, headed “Toronto Emergency Medical Services - 2001 Capital Works Program - Purchase of Monitor Defibrillators”.**

Motion:

Councillor Jones moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services and the General Manager, Toronto Emergency Medical Services, be requested to submit a joint report to the Community Services Committee on any quality management programs that are in place, or being planned, such report to discuss staff morale, punctuality, professionalism, incident reporting on events that resulted in poor service to patients and what is being used as quality indicators.”

Votes:

The motion by Councillor Jones carried.

The Clause, as amended, carried.

8.28 **Clause No. 3 of Report No. 10 of The Community Services Committee, headed “Toronto Emergency Medical Services - Response Time Reduction Strategy”.**

Motion:

Councillor Jones moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services and the General Manager, Toronto Emergency Medical Services, be requested to submit a joint report to the Community Services Committee on any quality management programs that are in place, or being planned, such report to discuss staff morale, punctuality, professionalism, incident reporting on events that resulted in poor service to patients and what is being used as quality indicators.”

Votes:

The motion by Councillor Jones carried.

The Clause, as amended, carried.

8.29 **Clause No. 3 of Report No. 13 of The Administration Committee, headed “Sheppard Subway - Continuation of Business Loss Payments (Wards 23 and 24 - Willowdale)”.**

Vote:

The Clause was adopted without amendment.

Councillor Johnston requested that her opposition to this Clause be noted in the Minutes of this meeting.

8.30 Clause No. 15 of Report No. 12 of The Policy and Finance Committee, headed “Funding Strategies to Mitigate Social Housing Devolution Risks”.

Motions:

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

“It is further recommended that, should there be surplus funds arising out of the social housing subsidy costs, the Acting Chief Administrative Officer and the Acting Chief Financial Officer be requested to submit a report to the Community Services Committee, on an annual basis, on whether such funds can be used in the Social Housing Stabilization Reserve Fund or under the Corporate Surplus Management Policy.”

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

“It is further recommended that any surplus from the social housing subsidy costs be transferred to the Social Housing Stabilization Reserve Fund.”

Withdrawal of Motion:

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

Councillor Lindsay Luby in the Chair.

Votes:

Motion (b) by Councillor Johnston carried.

The Clause, as amended, carried.

Deputy Mayor Ootes in the Chair.

Motion to Re-Open:

Councillor Chow, 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 Chow moved that the Clause be amended by adding thereto the following:

“It is further recommended that, effective in 2001, any in-year surplus resulting from lower than budgeted Social Housing mortgage renewal costs be transferred to the Social Housing Stabilization Reserve, subject to such transfer not resulting in an overall deficit in the Social Housing subsidy program.”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

8.31 Clause No. 3 of Report No. 13 of The Works Committee, headed “510 Spadina Streetcar: Closure of Unsafe Unsignalized Opening at Baldwin Street”.

Motion:

Councillor Altobello moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on November 6, 2001.

Vote:

The motion by Councillor Altobello carried.

8.32 Clause No. 8 of Report No. 14 of The Works Committee, headed “Supply and Delivery of Water Meters - Request for Quotation No. 0713-01-0067”.

Motion:

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

“It is further recommended that the Acting Chief Financial Officer be requested to submit a report to the October 25, 2001 meeting of the Policy and Finance Committee on the status of the business case to provide the new water meter reading technology.”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

8.33 Clause No. 21 of Report No. 8 of The Humber York Community Council, headed “Traffic Control Restrictions, Subdivision Application UDSB-1232, Trethewey Drive at Jane Street (York South-Weston, Ward 12)”.

Motion to Re-Open:

Councillor Di Giorgio, 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 Di Giorgio moved that the Clause be amended by deleting from Recommendation No. (9) embodied in the report dated July 31, 2001, from the Director, Transportation

Services, District 3, the words “Centre Park Drive”, and inserting in lieu thereof the words “Centrepark Drive”.

Votes:

The motion by Councillor Di Giorgio carried.

The Clause, as amended, carried.

8.34 **Clause No. 1 of Report No. 7 of The Toronto East York Community Council, headed “Installation of Traffic Control Signals - O’Connor Drive at Taylor Drive (Beaches-East York, Ward 31)”.**

Motion:

Councillor Bussin moved that the Clause be amended by adding thereto the following:

“It is further recommended that the report dated September 20, 2001, from the Commissioner of Works and Emergency Services, embodying the following recommendations, be adopted:

‘It is recommended that:

- (1) coincident with the introduction of the northbound left-turn prohibition associated with installation of traffic control signals on O’Connor Drive at Taylor Drive, a northbound through prohibition be introduced at O’Connor Drive from Glebemount Avenue to Taylor Drive;
- (2) coincident with the installation of traffic control signals on O’Connor Drive at Taylor Drive, pedestrians be prohibited from crossing O’Connor Drive from the west curb line of Glebemount Avenue to a point 30.5 metres further east of the east curb line of Glebemount Avenue; and
- (3) the appropriate City officials be requested to take whatever action is necessary to give effect thereto, including the introduction in Council of any Bills that are required.’ ”

Votes:

The motion by Councillor Bussin carried.

The Clause, as amended, carried.

8.35 **Clause No. 2 of Report No. 13 of The Administration Committee, headed “Licensing of an Underground Pedestrian Connection Between 5000 Yonge Street and the North York Civic Centre (Ward 23 - Willowdale)”.**

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Filion moved that Council adopt the following recommendation:

“It is recommended that the report dated September 27, 2001, from the Commissioner of Corporate Services, embodying the following recommendations, be adopted:

‘It is recommended that:

- (1) authority be granted, subject to the approval of the Toronto Board of Education, for the City to enter into a license agreement with the Licensee for the improvement, maintenance and operation of the Tunnel situated between 5000 Yonge Street and the Civic Centre (from the south limit of North York Boulevard to the south limit of the Civic Centre), subject to the terms and conditions negotiated with the Licensee and in a form acceptable to the City Solicitor;
- (2) the Licensee shall also be required to obtain the proper approval from the Commissioner of Works and Emergency Services to construct and maintain a proposed encroachment within the North York Boulevard road allowance for a connection it intends to construct from its office building to the Tunnel beneath its lands; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Votes:

The motion by Councillor Filion carried.

The Clause, as amended, carried.

8.36 **Clause No. 5 of Report No. 10 of The Planning and Transportation Committee, headed “Development of a City-Wide Sign By-law”.**

Motion:

Councillor Hall moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Motion by Councillor Hall, as embodied in the Clause, be referred to the Commissioner of Urban Development Services, with a request that consideration be given to the inclusion of the actions recommended therein in the draft harmonized sign by-law.”

Votes:

The motion by Councillor Hall carried.

The Clause, as amended, carried.

8.37 The following Clauses were considered concurrently by Council:

Policy and Finance Committee, Report No. 12:

- Clause No. 1** - **“Implementation Plan for a Three-Stream System and Other Recommendations of the Waste Diversion Task Force 2010 (All Wards)”**; and
- Clause No. 2** - **“Award of Contract for Tender Call No. 95-2001 for Collection, Transportation and Delivery of Curbside Waste, Bulky Items, Yard Waste, Recyclables and Waste and Recyclables from Public Receptacles and Other Optional Items, from Various Locations in District 2, Etobicoke Community”**.

Motion:

(a) Councillor Lindsay Luby moved that:

- (1) Clause No. 1 of Report No. 12 of the Policy and Finance Committee be amended by adding thereto the following:

“It is further recommended that:

- (a) Council encourage maximum buy-in and participation from all residents involved in this program and undertake any measures to enhance the acceptability and success of this program;
- (b) an evaluation of the program be undertaken in one year;

- (c) the evaluation committee consist of all members of Etobicoke Community Council, a ratepayer representative from each Ward (if possible) and members of City staff;
 - (d) the evaluation criteria include the amount of waste diverted; areas for improvement/change; the number and types of complaints received; and that any recommendations from the evaluation be forwarded to the Works Committee for incorporation into the City-wide program;
 - (e) when other parts of the City come on to the Source Separation Organics (SSO) Program, should there be changes in their methodology or approach, such changes also be made in the Etobicoke Community Council area, so that the City will have a harmonized approach;
 - (f) in addition to a communications strategy which would include Etobicoke Community Council at an early stage, a Hot Line be established by the Works and Emergency Services Department, to run for a one-year period, to assist residents with their enquiries and issues;
 - (g) the SSO container have one set of wheels, to enable the easy portability of the container to the curbside;
 - (h) since Turtle Island is presently on contract in the former York Community area, the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee, in November 2001, on the possibility of extending the SSO program to the former York Community area at the same time as initiating it in the Etobicoke Community Council area; and
 - (i) since the City of Toronto can anticipate an increased amount of recycling materials as residents adapt to the SSO program, City Council approve once-a-week recycling for the area covered by this program (these costs would be approximately \$300,000.00 to \$500,000.00 in the Etobicoke Community Council area).”; and
- (2) Clause No. 2 of Report No. 12 of The Policy and Finance Committee be amended by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to ensure that the Turtle Island contract has maximum flexibility with minimum penalty should changes be deemed necessary.”

Extension to Question:

Councillor Shaw, having questioned for a period of five minutes, Councillor Mammoliti, seconded by Councillor Johnston, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived and that Councillor Shaw be granted a further period of five minutes in order to permit the conclusion of her questions, the vote upon which was taken as follows:

Yes - 33	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Feldman, Flint, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moeser, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland
No - 2	
Councillors:	Filion, Ootes

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

Motion:

- (b) Councillor Holyday moved that Clauses Nos. 1 and 2 of Report No. 12 of The Policy and Finance Committee be struck out and referred back to the Commissioner of Works and Emergency Services for further consideration; and the Commissioner of Works and Emergency Services be directed to select one Ward in the Etobicoke Community Council area to conduct a test project in this regard and report thereon to the Works Committee, as soon as possible.

Vote on Referral:

Adoption of motion (b) by Councillor Holyday:

Yes - 8	
Councillors:	Cho, Feldman, Holyday, Kelly, Lindsay Luby, Nunziata, Shaw, Sutherland
No - 28	
Mayor:	Lastman

Councillors: Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Di Giorgio, Disero, Duguid, Flint, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Milczyn, Moeser, Moscoe, Ootes, Pantalone, Rae, Shiner, Silva, Soknacki, Walker

Lost by a majority of 20.

Motions:

- (c) Councillor Soknacki moved that Clause No. 1 of Report No. 12 of The Policy and Finance Committee be amended by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to establish one neighbourhood liaison committee (NLC) for each of the Morningside and Centennial Park sites, such committees to be comprised of local residents, local Councillors and staff, the meetings of such committees to be co-chaired by a neighbourhood member and a staff member, and shall take place quarterly, or at the Call of one of the co-chairs; the NLC will meet during the site design process and continue through the operational stage and will work with staff to develop a protocol to respond to complaints prior to the start of composting at either site.”

- (d) Councillor Moeser moved that Clause No. 1 of Report No. 12 of The Policy and Finance Committee be amended by inserting in Recommendation (c) of the Budget Advisory Committee embodied in Recommendation (I) of the Policy and Finance Committee, between the words “and” and “yard”, the word “minimal”, so that such recommendation shall now read as follows:

“(c) the Morningside Avenue and Centennial Park compost sites only being used for composting leaf and minimal yard waste, including Christmas trees, and under no circumstances will other organic material, such as food waste and grass clippings, be accepted at the site;”.

- (e) Councillor Moscoe moved that:

- (1) Clause No. 2 of Report No. 12 of The Policy and Finance Committee be amended by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to meet with Ward Councillors of the Humber York community to review curbside waste and yard waste contract pickup, in order to make refinements to the routes and minor modifications to the pickup schedule.”;

- (2) Part (1)(h) of motion (a) by Councillor Lindsay Luby be referred to the Commissioner of Works and Emergency Services for consideration; and
 - (3) motion (d) by Councillor Moeser be amended by inserting the words “and permitted yard waste”, after the word “leaf”.
- (f) Councillor Jones moved that Clause No. 1 of Report No. 12 of The Policy and Finance Committee be amended to provide that residents be allowed to enhance their blue and grey boxes with special recycling bags or see-through blue bags for excess materials.

Councillor Lindsay Luby in the Chair.

- (g) Councillor Disero moved that:
- (1) Part (1)(i) of motion (a) by Councillor Lindsay Luby be referred to the Budget Advisory Committee for consideration during the 2002 Budget process;
 - (2) Part (1)(g) of motion (a) by Councillor Lindsay Luby be amended to provide that the SSO container Request for Proposals include a scenario for various wheel options and costs related thereto;
 - (3) Clause No. 1 of Report No. 12 of The Policy and Finance Committee be amended by amending Recommendation (II) of the Policy and Finance Committee by deleting Recommendation No. (1)(a) of the Works Committee embodied therein and inserting in lieu thereof the following:
 - “(1)(a) amending Recommendation No. (2) contained in the report to provide authority for the issuance of Requests for Proposals for the organic containers, if required;”; and
 - (4) in the event Clause No. 1 of Report No. 12 of The Policy and Finance Committee is not adopted, Clause No. 2 of Report No. 12 of The Policy and Finance Committee be amended to provide that the contract be awarded to Turtle Island to provide waste collection services under the present waste management collection system in place and the contract amount be adjusted accordingly.

Deputy Mayor Ootes in the Chair.

- (h) Councillor Layton moved that Clause No. 1 of Report No. 12 of The Policy and Finance Committee be amended by adding thereto the following:

“It is further recommended that:

- (1) City Council extend its appreciation and thanks to Councillor Betty Disero for her exemplary efforts as the Chair of the Waste Diversion Task Force and to Mayor Mel Lastman for his initiative in selecting Councillor Disero for the position; and
 - (2) with a view to attempting to achieve an accelerated implementation of the waste diversion program, the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee, in November 2001, on timetable options that could phase in the entire City of Toronto by the Fall of 2003, such report to include commentary on the implications of such timetables.”
- (i) Councillor Di Giorgio moved that Clause No. 1 of Report No. 12 of The Policy and Finance Committee be amended to provide that the former City of North York area of the City of Toronto be the last to be converted to the Three-Stream system when the program is implemented City-wide.
 - (j) Councillor McConnell moved that Clause No. 1 of Report No. 12 of The Policy and Finance Committee be amended to provide that Phase One of the Three-Stream system include two simultaneous implementation areas, one in the Etobicoke Community Council area, using private sector services, and one in the Scarborough Community Council area, using City of Toronto staff, and the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee, after one year, on the relative benefits of each delivery system.

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of Part (3) of motion (e) by Councillor Moscoe, ruled such Part out of order.

Votes on Clause No. 1 of Report No. 12 of The Policy and Finance Committee:

Motion (d) by Councillor Moeser carried.

Part (3) of motion (g) by Councillor Disero carried.

Motion (f) by Councillor Jones carried.

Adoption of motion (j) by Councillor McConnell:

Yes - 14

Councillors: Augimeri, Bussin, Chow, Fillion, Johnston, Jones, Layton, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Rae, Silva

No - 26	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Shiner, Soknacki, Sutherland

Lost by a majority of 12.

Adoption of motion (i) by Councillor Di Giorgio:

Yes - 7	
Councillors:	Augimeri, Di Giorgio, Feldman, Filion, Johnston, Li Preti, Minnan-Wong
No - 33	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Cho, Chow, Disero, Duguid, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki, Sutherland, Walker

Lost by a majority of 26.

Adoption of Part (1)(a) of motion (a) by Councillor Lindsay Luby:

Yes - 33	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Disero, Duguid, Feldman, Filion, Hall, Holyday, Johnston, Kelly, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Silva, Soknacki, Sutherland, Walker
No - 8	
Councillors:	Bussin, Di Giorgio, Flint, Jones, Korwin-Kuczynski, McConnell, Rae, Shiner

Carried by a majority of 25.

Adoption of Part (1)(b) of motion (a) by Councillor Lindsay Luby:

Yes - 38	
Mayor:	Lastman

Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Johnston, Jones, Kelly, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Soknacki, Sutherland
No - 3	
Councillors:	Korwin-Kuczynski, Silva, Walker

Carried by a majority of 35.

Adoption of Part (1)(c) of motion (a) by Councillor Lindsay Luby:

Yes - 20	
Mayor:	Lastman
Councillors:	Berardinetti, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Jones, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Moeser, Moscoe, Nunziata, Ootes, Shaw, Sutherland
No - 21	
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Johnston, Kelly, Korwin-Kuczynski, Layton, McConnell, Mihevc, Minnan-Wong, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Walker

Lost by a majority of 1.

Adoption of Part (1)(d) of motion (a) by Councillor Lindsay Luby:

Yes - 39	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Johnston, Jones, Kelly, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 2	
Councillors:	Korwin-Kuczynski, McConnell

Carried by a majority of 37.

Adoption of Part (1)(e) of motion (a) by Councillor Lindsay Luby:

Yes - 32	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Shiner, Soknacki, Sutherland, Walker
No - 9	
Councillors:	Augimeri, Bussin, Chow, Kelly, Mihevc, Moscoe, Pantalone, Rae, Silva

Carried by a majority of 23.

Part (1)(f) of motion (a) by Councillor Lindsay Luby carried.

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

Part (1)(g) of motion (a) by Councillor Lindsay Luby carried, as amended.

Deputy Mayor Ootes, having regard to the foregoing decision of Council, declared Part (2) of motion (e) by Councillor Moscoe, redundant.

Adoption of Part (1)(h) of motion (a) by Councillor Lindsay Luby:

Yes - 21	
Councillors:	Berardinetti, Cho, Chow, Disero, Duguid, Feldman, Flint, Hall, Johnston, Jones, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moeser, Rae, Shaw, Silva, Walker
No - 20	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Di Giorgio, Filion, Holyday, Kelly, Korwin-Kuczynski, Layton, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shiner, Soknacki, Sutherland

Carried by a majority of 1.

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

Yes - 35	
Mayor:	Lastman

Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Walker
No - 6	
Councillors:	Filion, Milczyn, Minnan-Wong, Moscoe, Shaw, Sutherland

Carried by a majority of 29.

Motion (c) by Councillor Soknacki carried.

Adoption of Part (2) of motion (h) by Councillor Layton:

Yes - 28	
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Duguid, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Walker
No - 13	
Mayor:	Lastman
Councillors:	Di Giorgio, Disero, Feldman, Filion, Flint, Holyday, Kelly, Mammoliti, Minnan-Wong, Shiner, Soknacki, Sutherland

Carried by a majority of 15.

Part (1) of motion (h) by Councillor Layton carried unanimously.

Adoption of Clause No. 1 of Report No. 12 of The Policy and Finance Committee, as amended:

Yes - 40	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker

No - 1 Councillor: Holyday

Carried by a majority of 39.

In summary, Council amended Clause No. 1 of Report No. 12 of The Policy and Finance Committee:

- (1) by inserting in Recommendation (c) of the Budget Advisory Committee embodied in Recommendation (I) of the Policy and Finance Committee, between the words “and” and “yard”, the word “minimal”, so that such recommendation shall now read as follows:

“(c) the Morningside Avenue and Centennial Park compost sites only being used for composting leaf and minimal yard waste, including Christmas trees, and under no circumstances will other organic material, such as food waste and grass clippings, be accepted at the site;”;

- (2) by amending Recommendation (II) of the Policy and Finance Committee by deleting Recommendation No. (1)(a) of the Works Committee embodied therein and inserting in lieu thereof the following:

“(1)(a) amending Recommendation No. (2) contained in the report to provide authority for the issuance of Requests for Proposals for the organic containers, if required;”;

- (3) to provide that residents be allowed to enhance their blue and grey boxes with special recycling bags or see-through blue bags for excess materials; and

- (4) by adding thereto the following:

“It is further recommended that:

- (a) Council encourage maximum buy-in and participation from all residents involved in this program and undertake any measures to enhance the acceptability and success of this program;
- (b) an evaluation of the program be undertaken in one year;
- (c) the evaluation criteria include the amount of waste diverted; areas for improvement/change; the number and types of complaints received; and that any recommendations from the evaluation be forwarded to the Works Committee for incorporation into the City-wide program;

- (d) when other parts of the City come on to the Source Separation Organics (SSO) Program, should there be changes in their methodology or approach, such changes also be made in the Etobicoke Community Council area, so that the City will have a harmonized approach;
- (e) in addition to a communications strategy which would include Etobicoke Community Council at an early stage, a Hot Line be established by the Works and Emergency Services Department, to run for a one-year period, to assist residents with their enquiries and issues;
- (f) the SSO container Request for Proposals include scenarios for various wheel options and costs related thereto, to enable the easy portability of the container to the curbside;
- (g) since Turtle Island is presently on contract in the former York Community area, the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee, in November 2001, on the possibility of extending the SSO program to the former York Community area at the same time as initiating it in the Etobicoke Community Council area;
- (h) the Commissioner of Works and Emergency Services be requested to establish one neighbourhood liaison committee (NLC) for each of the Morningside and Centennial Park sites, such committees to be comprised of local residents, local Councillors and staff, the meetings of such committees to be co-chaired by a neighbourhood member and a staff member, and shall take place quarterly, or at the Call of one of the co-chairs; the NLC will meet during the site design process and continue through the operational stage and will work with staff to develop a protocol to respond to complaints prior to the start of composting at either site;
- (i) with a view to attempting to achieve an accelerated implementation of the waste diversion program, the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee, in November 2001, on timetable options that could phase in the entire City of Toronto by the Fall of 2003, such report to include commentary on the implications of such timetables; and
- (j) City Council extend its appreciation and thanks to Councillor Betty Disero for her exemplary efforts as the Chair of the Waste Diversion Task Force and to Mayor Mel Lastman for his initiative in selecting Councillor Disero for the position; and

- (k) the following motion be referred to the Budget Advisory Committee for consideration during the 2002 Budget process:

Moved by Councillor Lindsay Luby:

‘It is further recommended that, since the City of Toronto can anticipate an increased amount of recycling materials as residents adapt to the SSO program, City Council approve once-a-week recycling for the area covered by this program (these costs would be approximately \$300,000.00 to \$500,000.00 in the Etobicoke Community Council area.’ ”

Votes on Clause No. 2 of Report No. 12 of The Policy and Finance Committee:

Deputy Mayor Ootes, having regard to the decision of Council with respect to Clause No. 1 of Report No. 12 of The Policy and Finance Committee, declared Part (4) of motion (g) by Councillor Disero, redundant.

Part (2) of motion (a) by Councillor Lindsay Luby carried.

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

Adoption of Clause No. 2 of Report No. 12 of The Policy and Finance Committee, as amended:

Yes - 35	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 6	
Councillors:	Chow, Holyday, Layton, McConnell, Mihevc, Nunziata

Carried by a majority of 29.

In summary, Council amended Clause No. 2 of Report No. 12 of The Policy and Finance Committee by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to:

- (1) ensure that the Turtle Island contract has maximum flexibility with minimum penalty should changes be deemed necessary; and
- (2) meet with Ward Councillors of the Humber York community to review curbside waste and yard waste contract pickup, in order to make refinements to the routes and minor modifications to the pickup schedule.”

8.38 **Clause No. 1 of Report No. 8 of The Humber York Community Council, headed “Supplementary Report - 1400 Weston Road, Application to Amend the Official Plan and Zoning By-law No. 1-83 of the former City of York, B.G. Schikendanz Central Inc. (York South-Weston, Ward 11)”.**

Having regard that the Clause was submitted without recommendation:

Motions:

(a) Councillor Nunziata moved that Council adopt the following recommendation:

“It is recommended that the report dated August 28, 2001, from the Director, Community Planning, West District, be adopted, subject to:

- (1) deleting Recommendation No. (2), conditional on confirmation that the Applicant will withdraw his appeal to the Ontario Municipal Board if the application does not proceed to an Ontario Municipal Board Hearing on the basis of any other appeal regarding an adopted revised Official Plan Amendment and an enacted revised Official Plan Amendment and an enacted revised Zoning By-law Amendment, both of which provide for a 100 unit reduction;
- (2) incorporating within the draft Official Plan Amendment any further provisions or revisions to account for a unit reduction of 100 units, including, but not limited to, revisions to the maximum number of dwelling units permitted on the lands, the maximum density for Blocks 4(D) and 5(E), and the maximum bonus units allowed;
- (3) incorporating within the draft Zoning By-law Amendment any further provisions or revisions to account for a unit reduction of 100 units including, but not limited to, revisions to the maximum number of dwelling units permitted on the lands, the maximum floor space index, the maximum unit density for Blocks 4(D) and 5(E), and the maximum bonus units allowed; and
- (4) incorporating within the amended subdivision agreement any further provisions or revisions, as necessary, to account for a unit reduction of 100 units;
- (5) the appropriate City staff be authorized to take the necessary action to give effect thereto; and

- (6) having regard that amendments are to be made to the draft Official Plan Amendment and the draft Zoning By-law to incorporate a 100-unit reduction in the maximum number of units to be developed, and having regard that these amendments are to be made subsequent to the public meeting and are deemed to be minor, City Council, under Section 34(17) of the Planning Act, determine that no further notice to the public of this change is required and that no further public meeting be held in this regard.”

(b) Councillor Moscoe moved that Council adopt the following recommendations:

“It is recommended that:

- (1) Council eliminate the use of balconies in the calculation of recreational space;
- (2) all Parks and Recreation amenities be secured by a letter of credit to the full amount; and
- (3) parks facilities must be constructed prior to the occupancy of the first building.”

Votes:

Motion (a) by Councillor Nunziata carried.

Motion (b) by Councillor Moscoe carried.

The Clause, as amended, carried.

8.39 **Clause No. 15 of Report No. 7 of The North York Community Council, headed “Keele Employment Area Study - Summary of Study Findings and Recommendations - UD03 KEA, Ward 8 - York West, and Ward 9 - York Centre”.**

Motion:

Councillor Augimeri moved that the Clause be amended:

- (1) to provide that the Clause also include reference to Ward 9 – York Centre; and
- (2) by deleting all the words after the word “received” in Recommendation No. (1) embodied in the report dated August 23, 2001, from the Director, Community Planning, North District, Urban Development Services, so that such recommendation shall now read as follows:

“(1) the Keele Employment Area Study be received.”

Votes:

The motion by Councillor Augimeri carried.

The Clause, as amended, carried.

8.40 **Clause No. 1 of Report No. 14 of The Administration Committee, headed “Further Report on Moving Ahead With the Master Accommodation Plan (MAP) and Disposition of Metro Hall”.**

Motions:

- (a) Councillor Moscoe moved that the Clause be amended by striking out the recommendations of the Administration Committee and inserting in lieu thereof the following:

“It is recommended that:

- (1) the Clause be received;
- (2) Metro Hall not be sold; and
- (3) the Commissioner of Corporate Services be directed to develop an alternative plan for the accommodation of staff.”

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

“It is further recommended that:

- (1) child care centres be built at 140 Borough Drive and 5050 Yonge Street, in the event the City of Toronto proceeds to purchase these two buildings; and
- (2) the South District Service Centre include meeting room spaces accessible to Members of Council, staff and the public, that is comparable to existing public spaces at Metro Hall, if the City of Toronto proceeds to acquire or build an Annex facility to City Hall.”

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

“It is further recommended that the Commissioner of Corporate Services be requested to submit a report to the Administration Committee on how the square footage of empty space on the second floor level of City Hall is going to be used.”

Councillor Lindsay Luby in the Chair.

Deputy Mayor Ootes in the Chair.

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

“It is further recommended that Council also consider, at the same time as the offer is received for the purchase of Metro Hall, any private sector proposals for an Annex to City Hall, and further that:

- (1) the real estate market be made aware of this additional recommendation;
 - (2) consideration of any such proposals be considered as non-binding, preliminary expressions of interest, completely independent from any offers received for the purchase of Metro Hall, which will not preclude other participants; and
 - (3) consideration of such proposals not preclude consideration of whether or not an Annex will be built or whether or not a Class ‘B’ building will be acquired, and, if the decision is made to construct the Annex, consideration be given as to whether it shall be done by the City of Toronto’s own forces, contracted out by the City of Toronto, or constructed by a third party.”
- (e) Councillor Kelly moved that motion (b) by Councillor Chow be referred to the Commissioner of Corporate Services for further consideration and report thereon to the Administration Committee.
- (f) Councillor Li Preti moved that the Clause be amended by adding thereto the following:
- “It is further recommended that the Commissioner of Corporate Services be requested to provide one copy of an inventory list of all City-owned properties, such inventory to be filed in the Office of the City Clerk.”
- (g) Councillor Bussin moved that the Clause be amended to provide that a portion of the proceeds from the sale of Metro Hall be dedicated towards the provision of the required accommodation for the south district.

- (h) Councillor Nunziata moved that motion (d) by Councillor Pantalone be referred to the Commissioner of Corporate Services for further consideration and report thereon to the Administration Committee.

Withdrawal of Motion:

Councillor Nunziata, with the permission of Council, withdrew her motion (h).

Votes:

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

Yes - 6 Councillors:	Cho, Chow, Hall, Johnston, Layton, Moscoe
No - 33 Mayor: Councillors:	Lastman Altobello, Balkissoon, Berardinetti, Bussin, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker

Lost by a majority of 27.

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

Yes - 6 Councillors:	Cho, Chow, Hall, Johnston, Layton, Moscoe
No - 33 Mayor: Councillors:	Lastman Altobello, Balkissoon, Berardinetti, Bussin, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker

Lost by a majority of 25.

Deputy Mayor Ootes, having regard to the foregoing decisions of Council, declared Part (3) of motion (a) by Councillor Moscoe, redundant.

Adoption of motion (g) by Councillor Bussin:

Yes - 14	
Mayor:	Lastman
Councillors:	Balkissoon, Bussin, Chow, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Moscoe, Pantalone, Rae, Shaw, Walker
No - 25	
Councillors:	Altobello, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Johnston, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Shiner, Silva, Soknacki, Sutherland

Lost by a majority of 11.

Adoption of motion (e) by Councillor Kelly, insofar as it pertains to Part (1) of motion (b) by Councillor Chow:

Yes - 22	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland
No - 17	
Councillors:	Bussin, Cho, Chow, Di Giorgio, Disero, Johnston, Jones, Layton, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Rae, Shaw, Silva, Walker

Carried by a majority of 5.

Adoption of motion (e) by Councillor Kelly, insofar as it pertains to Part (2) of motion (b) by Councillor Chow:

Yes - 25	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Cho, Disero, Duguid, Feldman, Flint, Hall, Holyday, Johnston, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland
No - 14	
Councillors:	Bussin, Chow, Di Giorgio, Ford, Jones, Layton, McConnell, Mihevc, Moscoe, Pantalone, Rae, Shaw, Silva, Walker

Carried by a majority of 11.

Motion (c) by Councillor Pitfield carried.

Adoption of motion (d) by Councillor Pantalone:

Yes - 22	
Mayor:	Lastman
Councillors:	Balkissoon, Bussin, Chow, Di Giorgio, Disero, Duguid, Hall, Johnston, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Nunziata, Pantalone, Rae, Shaw, Silva, Walker
No - 17	
Councillors:	Altobello, Berardinetti, Cho, Feldman, Flint, Ford, Holyday, Jones, Li Preti, Milczyn, Minnan-Wong, Moscoe, Ootes, Pitfield, Shiner, Soknacki, Sutherland

Carried by a majority of 5.

Motion (f) by Councillor Li Preti carried.

Adoption of Clause, as amended, save and except Recommendation No. (1)(c) embodied in the joint report dated September 20, 2001, from the Acting Chief Administrative Officer and the Commissioner of Corporate Services:

Yes - 32	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Holyday, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 7	
Councillors:	Cho, Chow, Hall, Johnston, Layton, Li Preti, Moscoe

Carried by a majority of 25.

Adoption of Recommendation No. (1)(c) embodied in the joint report dated September 20, 2001, from the Acting Chief Administrative Officer and the Commissioner of Corporate Services:

Yes - 12	
Councillors:	Bussin, Chow, Di Giorgio, Johnston, Korwin-Kuczynski, Layton, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Rae
No - 26	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Cho, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Jones, Kelly, Li Preti, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Pitfield, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker

Lost by a majority of 14.

In summary, Council amended this Clause by:

- (1) amending the joint report dated September 20, 2001, from the Acting Chief Administrative Officer and the Commissioner of Corporate Services by striking out Recommendation No. (1)(c), embodied therein, having regard that the vote to adopt such Recommendation lost, viz.:

“(c) \$0.5 million for the Nathan Phillips Square design competition;” and

- (2) adding thereto the following:

“It is further recommended that:

- (a) Council also consider, at the same time as the offer is received for the purchase of Metro Hall, any private sector proposals for an Annex to City Hall, and further that:
- (i) the real estate market be made aware of this additional recommendation;
 - (ii) consideration of any such proposals be considered as non-binding, preliminary expressions of interest, completely independent from any offers received for the purchase of Metro Hall, which will not preclude other participants; and

- (iii) consideration of such proposals not preclude consideration of whether or not an Annex will be built or whether or not a Class 'B' building will be acquired, and, if the decision is made to construct the Annex, consideration be given as to whether it shall be done by the City of Toronto's own forces, contracted out by the City of Toronto, or constructed by a third party;
- (b) the Commissioner of Corporate Services be requested to:
 - (i) submit a report to the Administration Committee on how the square footage of empty space on the second floor level of City Hall is going to be used; and
 - (ii) provide one copy of an inventory list of all City-owned properties, such inventory to be filed in the Office of the City Clerk; and
- (c) the following motion be referred to the Commissioner of Corporate Services for further consideration and report thereon to the Administration Committee:

Moved by Councillor Chow:

'It is recommended that:

- (i) child care centres be built at 140 Borough Drive and 5050 Yonge Street, in the event the City of Toronto proceeds to purchase these two buildings; and
- (ii) the South District Service Centre include meeting room spaces accessible to Members of Council, staff and the public, that is comparable to existing public spaces at Metro Hall, if the City of Toronto proceeds to acquire or build an Annex facility to City Hall.' "

8.41 Clause No. 7 of Report No. 8 of The Etobicoke Community Council, headed "Designation of Property Under Part IV of the Ontario Heritage Act: 2245 Lawrence Avenue West (Humber Heights Consolidated School) (Ward 2 – Etobicoke North)".

Motion:

Councillor Jones moved that the Clause be amended to provide that the Long and Short Statements for Reasons of Designation not include the interior features and that the interior be the subject of further discussion and re-use.

Votes:

The motion by Councillor Jones carried.

The Clause, as amended, carried.

8.42 **Clause No. 13 of Report No. 12 of The Policy and Finance Committee, headed “Update on the Provincial Community-Based Long-Term Care System in Toronto”.**

Motion:

Councillor Jones moved that the Clause be amended by adding to Recommendation No. (3) embodied in the report dated September 7, 2001, from the Acting Commissioner of Community and Neighbourhood Services, as embodied in the Clause, the words “and the 19 Community Agencies currently receiving Community Services Grants Program funds be given priority in applying for the purchase of service application process through Homemakers and Nurses Services”, so that such recommendation shall now read as follows:

- “(3) Toronto Council direct staff to revise the financial eligibility process and policies of HMNS to ensure community needs are met appropriately and the 19 Community Agencies currently receiving Community Services Grants Program funds be given priority in applying for the purchase of service application process through Homemakers and Nurses Services;”.

Votes:

The motion by Councillor Jones carried.

The Clause, as amended, carried.

8.43 **Clause No. 1 of Report No. 8 of The Economic Development and Parks Committee, headed “Naming of the Pierre Elliott Trudeau Pedestrian Bridge and Establishment of a Process to Approve Official Gifts”.**

Motions:

- (a) Councillor Silva moved that the Clause be amended by deleting Recommendation (a) of the Economic Development and Parks Committee and Recommendation No. (1) embodied in the report dated June 8, 2001, from the Chief Administrative Officer, and inserting in lieu thereof the following new Recommendation No. (1):

“(1) a memorial monument to the Right Honourable Pierre Elliot Trudeau be erected on University Avenue and the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Urban Development Services be requested to submit a joint report back to the November 2001 meeting of the Economic Development and Parks Committee thereon, such report to include the criteria for a competition to select the artist and design, location, funding and maintenance process (including grant applications to other levels of government, utilization of City funds, public donations), and, further, that the Trudeau Ad-Hoc Committee be consulted in the process;”.

(b) Councillor Moscoe moved that:

(1) motion (a) by Councillor Silva be amended by:

- (a) deleting the word “monument”;
- (b) deleting the words “on University Avenue”, and inserting in lieu thereof the words “in a prominent public place”; and
- (c) adding thereto the words “subject to the Public Art Policies of the City of Toronto, which includes reference to the Art Committee for Public Places”; and

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

“It is further recommended that, in addition to the Memorial, the restructured pedestrian bridge over Dufferin Street for the westward extension of the Kay Gardner Trail be named after Pierre Elliot Trudeau, and that a federal contribution to this bridge be sought.”

(c) Councillor Berardinetti, seconded by Councillor Chow, moved that the Clause be amended by adding thereto the following:

“It is further recommended that:

(1) the following motion be adopted:

‘**WHEREAS** the Olympic Legacy Plan focused on:

- (a) re-energizing and revitalizing sports, recreation and physical activity in Canada;

- (b) providing a strong foundation for sport leadership for youth; and
- (c) celebrating the diversity of the City of Toronto's culture; and

WHEREAS Pierre Elliott Trudeau envisioned a just and compassionate society which promoted multiculturalism, celebrated Canada's youth and promoted a love of sports; and

WHEREAS Toronto City Council seeks to recognize the contributions of former Prime Minister Trudeau, through the development a site in his honour; and

WHEREAS a World Youth Centre, as proposed by the Toronto Olympic Bid Committee, would capture both the Olympic spirit and the ideals of The Right Honourable Pierre Elliott Trudeau;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council:

- (a) support, in principle, the establishment of a World Youth Centre on the Waterfront, in consultation with the Trudeau family; and
- (b) the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Urban Development Services be requested to submit a joint report to the Economic Development and Parks Committee on:
 - (i) the conceptual plan, as presented by the Toronto Olympic Bid Committee;
 - (ii) the possibility of obtaining funding for this project from other levels of government; and
 - (iii) the potential involvement of members of the Toronto Olympic Bid Committee.';
- (2) the report dated July 12, 2001, from the Acting Chief Administrative Officer, be referred to the Economic Development and Parks Committee and the Waterfront Reference Group for further discussion; and
- (3) the following recommendation be referred to the Economic Development and Parks Committee and the Waterfront Reference Group for further discussion:

‘It is recommended that Toronto City Council establish a Committee of interested Members of Council to explore the potential for building a World Youth Centre to be named after the former Prime Minister, The Right Honourable Pierre Elliott Trudeau.’ ”

- (d) Councillor Duguid moved that motion (a) by Councillor Silva be amended by inserting, after the words “public donations”, the words “such memorial to be of significant stature befitting the respect and admiration of the majority of Canadians for the life, contributions and legacy of Pierre Elliott Trudeau”.
- (e) Councillor Holyday moved that motion (a) by Councillor Silva be amended by deleting the words “utilization of City funds”, and adding at the end thereof the words “with no City funds to be contributed”.
- (f) Councillor Minnan-Wong moved that motion (a) by Councillor Silva be amended to provide that the funding for the memorial be one-third from the City of Toronto, one-third raised through public donations and the Federal Government be requested to provide the remaining one-third.
- (g) Councillor Korwin-Kuczynski moved that the Clause be amended adding thereto the following:

“It is further recommended that Toronto City Council request the Federal Government to rename the Trans Canada Trail the ‘Pierre Elliot Trudeau Trans Canada Trail’.”

Councillor Lindsay Luby in the Chair.

Deputy Mayor Ootes in the Chair.

Withdrawal of Motion:

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

Votes:

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

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

Yes - 22
Councillors: Altobello, Augimeri, Di Giorgio, Duguid, Feldman, Filion, Flint, Hall, Holyday, Johnston, Kelly, Korwin-Kuczynski, Layton, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pitfield, Shiner, Soknacki
No - 17

Mayor:	Lastman
Councillors:	Balkissoon, Berardinetti, Bussin, Cho, Chow, Ford, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Pantalone, Rae, Shaw, Silva, Sutherland, Walker

Carried by a majority of 5.

Motion (d) by Councillor Duguid carried.

Adoption of motion (e) by Councillor Holyday:

Yes - 4	
Councillors:	Augimeri, Ford, Holyday, Minnan-Wong
No - 35	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Feldman, Filion, Flint, Hall, Johnston, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker

Lost by a majority of 31.

Adoption of motion (f) by Councillor Minnan-Wong:

Yes - 12	
Mayor:	Lastman
Councillors:	Augimeri, Hall, Holyday, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Soknacki
No - 27	
Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Feldman, Filion, Flint, Ford, Johnston, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, Mihevc, Miller, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Sutherland, Walker

Lost by a majority of 15.

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

Adoption of motion (a) by Councillor Silva, as amended:

Yes - 37	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Feldman, Filion, Flint, Hall, Johnston, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 35.

Adoption of motion (c) by Councillor Berardinetti, seconded by Councillor Chow:

Yes - 35	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Feldman, Filion, Hall, Johnston, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 4	
Councillors:	Flint, Ford, Holyday, Minnan-Wong

Carried by a majority of 31.

Adoption of motion (g) by Councillor Korwin-Kuczynski:

Yes - 34	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Feldman, Filion, Holyday, Johnston, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 5	
Councillors:	Flint, Ford, Hall, Kelly, Pitfield

Carried by a majority of 29.

Adoption of Clause, as amended:

Yes - 37	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Feldman, Filion, Flint, Hall, Johnston, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 33.

In summary, Council amended this Clause by:

- (1) deleting Recommendation (a) of the Economic Development and Parks Committee and Recommendation No. (1) embodied in the report dated June 8, 2001, from the Chief Administrative Officer, and inserting in lieu thereof the following new Recommendation No. (1):

“(1) a memorial to the Right Honourable Pierre Elliott Trudeau be erected in a prominent public place and the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Urban Development Services be requested to submit a joint thereon to the November 2001 meeting of the Economic Development and Parks Committee, such report to include the criteria for a competition to select the artist and design, location, funding and maintenance process (including grant applications to other levels of government, utilization of City funds, public donations), such memorial to be of significant stature befitting the respect and admiration of the majority of Canadians for the life, contributions and legacy of Pierre Elliott Trudeau, and further, that the Trudeau Ad-Hoc Committee be consulted in the process and the memorial be subject to the Public Art Policies of the City of Toronto, which includes reference to the Art Committee for Public Places;” and

- (2) adding thereto the following:

“It is further recommended that:

- (a) Toronto City Council request the Federal Government to rename the Trans Canada Trail the 'Pierre Elliot Trudeau Trans Canada Trail';
- (b) the following motion be adopted:

‘WHEREAS the Olympic Legacy Plan focused on:

- (i) re-energizing and revitalizing sports, recreation and physical activity in Canada;
- (ii) providing a strong foundation for sport leadership for youth; and
- (iii) celebrating the diversity of the City of Toronto’s culture; and

WHEREAS Pierre Elliott Trudeau envisioned a just and compassionate society which promoted multiculturalism, celebrated Canada’s youth and promoted a love of sports; and

WHEREAS Toronto City Council seeks to recognize the contributions of former Prime Minister Trudeau, through the development a site in his honour; and

WHEREAS a World Youth Centre, as proposed by the Toronto Olympic Bid Committee, would capture both the Olympic spirit and the ideals of The Right Honourable Pierre Elliott Trudeau;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council:

- (i) support, in principle, the establishment of a World Youth Centre on the Waterfront, in consultation with the Trudeau family; and
- (ii) the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Urban Development Services be requested to submit a joint report to the Economic Development and Parks Committee on:
 - (1) the conceptual plan, as presented by the Toronto Olympic Bid Committee;
 - (2) the possibility of obtaining funding for this project from other levels of government; and
 - (3) the potential involvement of members of the Toronto Olympic Bid Committee.’;

- (c) the report dated July 12, 2001, from the Acting Chief Administrative Officer, be referred to the Economic Development and Parks Committee and the Waterfront Reference Group for further discussion; and
- (d) the following recommendation be referred to the Economic Development and Parks Committee and the Waterfront Reference Group for further discussion:

‘It is recommended that Toronto City Council establish a Committee of interested Members of Council to explore the potential for building a World Youth Centre to be named after the former Prime Minister, The Right Honourable Pierre Elliott Trudeau.’ ”

8.44 Clause No. 2 of Report No. 8 of The Economic Development and Parks Committee, headed “Council Appointment to Toronto Track and Field Centre Advisory Council (Ward 8 York West)”.

Motions:

- (a) Councillor Augimeri moved that the Clause be struck out and referred to the Track and Field Centre Advisory Council for further consideration and the Commissioner of Economic Development, Culture and Tourism be requested to submit a revised report in this regard to the Advisory Council.
- (b) Councillor Li Preti moved that the Clause be amended to provide that:
 - (1) the Toronto Track and Field Centre Advisory Council be requested to increase its membership by one additional Member of City Council;
 - (2) the Striking Committee be requested to give consideration to the appointment of Councillor Li Preti to the Advisory Council; and
 - (3) the names of both Councillors Li Preti and Augimeri be referred to the Striking Committee for consideration.

Vote:

Adoption of motion (a) by Councillor Augimeri:

Yes - 18	Councillors: Augimeri, Chow, Flint, Ford, Hall, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Pitfield, Shaw, Soknacki, Walker
No - 7	Councillors: Balkissoon, Cho, Feldman, Li Preti, Mammoliti, Ootes, Sutherland

Carried by a majority of 11.

Having regard to the foregoing decision of Council, motion (b) by Councillor Li Preti was not put to a vote.

8.45 **Clause No. 14 of Report No. 7 of The Toronto East York Community Council, headed “Settlement of Outstanding Issues - 405 Sherbourne Street; 25, 55, 101, 135, 149 and 159 Bleecker Street; 484-510, 530, 550, 560 and 562-584 Ontario Street and 209, 215 and 225 Wellesley Street East (Winchester Square) (Toronto Centre-Rosedale, Ward 28)”.**

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor McConnell moved that Council adopt the following recommendation:

“It is recommended that the report dated September 30, 2001, from the Commissioner of Urban Development Services, embodying the following recommendations, be adopted:

‘It is recommended that City Council:

- (1) amend the previous authorization concerning a draft Zoning By-law for Winchester Square (Urban Development Services report dated September 22, 1997):
 - (a) to remove the restrictions on the use of non-residential gross floor area on the first storey of any building on Parcel A, so that the 750 square metres of non-residential gross floor area dedicated to “community services and facilities” and the 340 square metres of non-residential gross floor area dedicated to “education services” may be used for any otherwise permitted non-residential use;
 - (b) to delete the permission for an additional 750 square metres of non-residential gross floor area on Parcel A and an additional 500 square metres on Parcel B that would be dedicated to the purposes of “public library”, “community centre”, “community health centre”, “municipal community centre” or “education services” and located at the first level below grade; and
 - (c) to revise the provisions regarding unit mix to remove the requirement for each of Parcels A, B, and C that the aggregate area of the “dwelling units” containing two or more bedrooms

equals at least 55 percent of the aggregate area of all the “dwelling units”; and

- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.’ ”

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

8.46 **Clause No. 3 of Report No. 12 of The Policy and Finance Committee, headed “2002 Budget Process and Schedule (All Wards)”.**

Motions:

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

“It is further recommended that the decisions and recommendations of each session of review of the 2002 budgets by the Budget Advisory Committee be reported to City Councillors within two days of each review session.”

- (b) Councillor Shiner moved that the Clause be amended by adding to Recommendation No. (2) of the Policy and Finance Committee, the words “with the exception of the proposed dates for Council approval of February 27 – March 1.”

Votes:

Motion (a) by Councillor Rae carried.

Motion (b) by Councillor Shiner carried.

The Clause, as amended, carried.

8.47 **Clause No. 11 of Report No. 12 of The Policy and Finance Committee, headed “June 2001 Operating Variance Report”.**

Motion:

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

“It is further recommended that the Acting Chief Financial Officer be requested to submit a report to the next meeting of the Policy and Finance Committee on what the projected deficit is as of September 30, 2001, and on what plans are in place to adjust the budget in order to prevent a deficit by year-end.”

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

8.48 **Clause No. 12 of Report No. 13 of The Administration Committee, headed “Accounts Receivable - Largest Debtors With Tax Arrears Greater Than \$500,000.00”.**

Motion:

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

“It is further recommended that the City Auditor be requested to submit a report to the Audit Committee on the City’s Financial Information Returns (1999 or 2000) as compared to other Canadian Municipalities (i.e., Calgary, Montreal, Ottawa).”

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

Motion to Re-Open:

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

“It is further recommended that the Acting Chief Administrative Officer and Acting Chief Financial Officer be requested to submit quarterly reports to the Administration Committee on property tax accounts with outstanding receivables of \$500,000.00 or more.”

Votes:

The motion by Councillor Shiner carried.

The Clause, as further amended, carried.

- 8.49 **Clause No. 3 of Report No. 8 of The Humber York Community Council, headed “Supplementary Report - 2322-2400 Eglinton Avenue W., Westside Developments Ltd., Application to Amend the Official Plan and Zoning By-law No. 1-83 of the former City of York; Maintenance of the Proposed Community Space or Other Options for the Provision of Community Facilities in the Area (York South-Weston, Ward 12)”.**

Motion:

Councillor Moscoe moved that the Clause be amended by amending Recommendation No. (1) of the Humber York Community Council by:

- (a) deleting the amount of “\$60,000.00” and inserting in lieu thereof the amount of “\$100,000.00”; and
- (b) deleting the word “space” and inserting in lieu thereof the word “amenities”,

so that such recommendation shall now read as follows:

- “(1) the applicant being required to contribute an amount in excess of \$100,000.00 for the provision of community amenities.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

- 8.50 **Clause No. 1 of Joint Report No. 1 of The Policy and Finance Committee and the Community Services Committee, headed “Shareholder Direction to the Toronto Community Housing Corporation (TCHC)”.**

Motion:

- (a) Councillor Moscoe moved that the Clause be amended:
 - (1) in accordance with the report dated September 28, 2001, from the Acting Chief Administrative Officer;
 - (2) to provide that:
 - (a) the TCHC shall adhere to an eviction policy that is consistent with the Council policy on evictions; and the Acting Chief Administrative Officer be requested to forward to Council a draft policy for approval that shall be incorporated into the Shareholder Direction or in the by-laws of the Corporation, as appropriate;

- (b) the TCHC shall adhere to a human rights and harassment policy that is consistent with the Council policy; and the Acting Chief Administrative Officer be requested to forward to Council a draft policy for approval that shall be incorporated into the Shareholder Direction or in the by-laws of the Corporation, as appropriate;
- (c) the TCHC shall adhere to a property standards policy that is consistent with the property standards enforced by the City; and the Acting Chief Administrative Officer be requested to forward to Council a draft policy for approval that shall be incorporated into the Shareholder Direction or in the by-laws of the Corporation, as appropriate;
- (d) the TCHC shall adhere to a conflict of interest policy that is consistent with the Council policy; and the Acting Chief Administrative Officer be requested to forward to Council a draft policy for approval that shall be incorporated into the Shareholder Direction or in the by-laws of the Corporation, as appropriate;
- (e) the TCHC shall adhere to a purchasing and financial accountability policy that is consistent with the Council policy on transparency of financial transaction, tendering and open and accountable public spending; and the Acting Chief Administrative Officer be requested to forward to Council a draft policy for approval that shall be incorporated into the Shareholder Direction or in the by-laws of the Corporation, as appropriate;
- (f) the Shareholder Direction, Section 3.2.1, under the heading 'Shareholder Objectives', be amended to read as follows:
 - “TCHC will employ City staff and, subject to the terms of this direction, be responsible for the management of its housing portfolio;”;
- (g) there be no further privatization or contracting out of programs, services or property management functions;
- (h) programs, services and property management functions currently performed by private contractors be re-examined with a view to in-sourcing them for greater accountability, quality and control;
- (i) the TCHC be required to report to Council on any plans it has to privatize and/or contract-out work, including the use of private

- property management firms and the contracting-out of work currently performed by City employees;
 - (j) the City provide a detailed analysis of the benefits and liabilities of incorporating under the Social Housing Reform Act, and how it will impact on Council's ability to make decisions regarding the Housing Company and the provision of housing services;
 - (k) the TCHC be required to report to Council immediately if the Corporation is no longer able to comply with the requirements of the Shareholder Direction;
 - (l) the Shareholder Direction specifically require Council approval for the creation of any subsidiary companies;
 - (m) the Shareholder Direction include a requirement to establish an independent Ombudsperson to accept tenant complaints and act on behalf of tenants to resolve issues;
 - (n) the Shareholder Direction require the TCHC to maintain the current commitment to promoting and facilitating tenant involvement, including a commitment to fund these efforts to at least the current level; and
 - (o) the Board of the Board of Directors of the Toronto Community Housing Corporation:
 - (i) recognize that housing is a right and a basic need, as recognized by the United Nations Declaration on Human Rights;
 - (ii) recognize that public housing is a public service and should be publicly administered and publicly delivered; and
 - (iii) recognize that resident driven participation in decision-making is the key to successful delivery; and
- (3) by adding thereto the following:
- “It is further recommended that:
- (a) the recommendations of the Striking Committee embodied in the communication dated October 1, 2001, from the City Clerk, be adopted; and

- (b) the recommendations of the Nominating Committee embodied in the communication dated October 2, 2001, from the City Clerk, be adopted.”
- (b) Councillor Mihevc moved that the Clause be amended by adding thereto the following:
- “It is further recommended that:
- (1) the report on the protocol for enforcement of property standards described in Recommendation No. (3) of the report dated September 28, 2001, from the Acting Chief Administrative Officer, be developed by the Commissioner of Urban Development Services within four months; and
 - (2) City Council strongly recommend to the new Board of Directors of the Toronto Community Housing Corporation the adoption of:
 - (a) a Fair Wage policy consistent with that of the City of Toronto;
 - (b) Human Rights and Harassment Policies and Procedures consistent with that of the City of Toronto;
 - (c) a Conflict of Interest policy consistent with that of the City of Toronto; and
 - (d) a purchasing policy consistent with that of the City of Toronto.”

Councillor Lindsay Luby in the Chair.

- (c) Councillor Silva moved that the Clause be amended by adding thereto the following:
- “It is further recommended that:
- (1) Council amend the membership of the new Board of Directors of the TCHC by:
 - (a) adding four more tenants; and
 - (b) adding one representative of organized labour; and
 - (2) Social Housing Connections not be transferred to the TCHC, pending a report from the Acting Chief Administrative Officer on the disposition of this service.”

Deputy Mayor Ootes in the Chair.

- (d) Councillor Soknacki moved that the Clause be amended by deleting from Recommendation No. (2) embodied in joint report dated September 12, 2001, from the Acting Chief Administrative Officer and the City Solicitor, as embodied in the Clause, the figure “\$500.00”, and inserting in lieu thereof the figure “\$250.00”, so that such recommendation shall now read as follows:

“(2) Council approve the remuneration of TCHC Directors in the amount of \$250.00 per Board meeting, and the remuneration of the Chair at \$10,000.00 per annum plus \$250.00 per Board meeting;”.

- (e) Councillor Duguid moved that the Clause be amended by amending Shareholder Direction 8.2(a), under the heading “Employment and Related Matters”, by inserting, after the words “fair wages for contracted services”, the words “consistent with that of the City of Toronto”.

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of motion (c) by Councillor Silva, ruled such motion out of order.

Withdrawal of Motions:

Councillor Silva, with the permission of Council, withdrew his motion (c).

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

Rulings by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of Part (2)(a) of motion (a) by Councillor Moscoe, ruled such Part out of order.

Councillor Moscoe challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 25	
Mayor:	Lastman
Councillors:	Balkissoon, Berardinetti, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shaw, Shiner, Soknacki, Sutherland
No - 15	

Minutes of the Council of the City of Toronto
October 2, 3 and 4, 2001

Councillors:	Altobello, Bussin, Cho, Chow, Johnston, Jones, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Silva, Walker
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Carried by a majority of 10.

Deputy Mayor Ootes, having regard to the nature of Part (2)(b) of motion (a) by Councillor Moscoe, ruled such Part out of order.

Councillor Moscoe challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 22	
Mayor:	Lastman
Councillors:	Balkissoon, Berardinetti, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shiner, Sutherland
No - 16	
Councillors:	Altobello, Bussin, Cho, Fillion, Johnston, Jones, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Shaw, Silva, Walker

Carried by a majority of 6.

Deputy Mayor Ootes, having regard to the nature of Part (2)(c) of motion (a) by Councillor Moscoe, ruled such Part out of order.

Councillor Moscoe challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 23	
Mayor:	Lastman
Councillors:	Berardinetti, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shiner, Soknacki, Sutherland
No - 14	

Councillors:	Altobello, Chow, Filion, Johnston, Jones, Layton, McConnell, Mihevc, Miller, Pantalone, Rae, Shaw, Silva, Walker
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Carried by a majority of 9.

Request to Withdraw Portion of Motion:

Councillor Moscoe requested the permission of Council to withdraw, from Part (2)(d) of his motion (a), all of the words after the word “Council policy”, the vote upon which was taken as follows:

Yes - 32	
Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Feldman, Filion, Flint, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Walker
No - 7	
Mayor:	Lastman
Councillors:	Duguid, Holyday, Kelly, Moeser, Ootes, Sutherland

Carried by a majority of 25.

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of the balance of Part (2)(d) of motion (a) by Councillor Moscoe, ruled such Part out of order.

Mayor Lastman challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 23	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Moeser, Nunziata, Ootes, Shiner, Soknacki, Sutherland
No - 14	
Councillors:	Bussin, Chow, Filion, Johnston, Jones, Layton, McConnell, Milczyn, Moscoe, Pantalone, Rae, Shaw, Silva, Walker

Carried by a majority of 9.

Request to Withdraw Portion of Motion:

Councillor Moscoe, with the permission of Council, withdrew, from Part (2)(e) of his motion (a), all of the words after the word “spending”.

Rulings by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of the balance of Part (2)(e) of motion (a) by Councillor Moscoe, ruled such Part out of order.

Mayor Lastman challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 25	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Moeser, Nunziata, Ootes, Shaw, Shiner, Soknacki, Sutherland
No - 14	
Councillors:	Bussin, Chow, Filion, Johnston, Jones, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Silva, Walker

Carried by a majority of 9.

Deputy Mayor Ootes, having regard to the nature of Parts (2)(f), (g), (h) and (i) of motion (a) by Councillor Moscoe, ruled such Parts out of order.

Mayor Lastman challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 23	
Mayor:	Lastman
Councillors:	Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Milczyn, Moeser, Nunziata, Ootes, Shiner, Soknacki, Sutherland
No - 15	
Councillors:	Altobello, Bussin, Chow, Johnston, Jones, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Shaw, Silva, Walker

Carried by a majority of 8.

Request to Amend Motion:

Councillor Moscoe requested the permission of Council to amend Parts (2)(o)(i), (ii) and (iii) of his motion (a) to be a request to the Board of Directors of the TCHC.

Council concurred in the request of Councillor Moscoe.

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of Part (2)(o)(ii) of motion (a) by Councillor Moscoe, ruled such Part out of order.

Mayor Lastman challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 23	
Mayor:	Lastman
Councillors:	Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Ootes, Shaw, Shiner, Soknacki, Sutherland
No - 15	
Councillors:	Altobello, Bussin, Chow, Filion, Johnston, Jones, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Silva, Walker

Carried by a majority of 8.

Vote:

Adoption of Parts (2)(o)(i) and (iii) of motion (a) by Councillor Moscoe, as amended:

Yes - 31	
Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Filion, Flint, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 7	
Mayor:	Lastman
Councillors:	Duguid, Feldman, Holyday, Kelly, Mammoliti, Ootes

Carried by a majority of 24.

Request to Withdraw Portion of Motion:

Councillor Moscoe, with the permission of Council, withdrew Part (2)(j) of his motion (a).

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of Part (2)(l) of motion (a) by Councillor Moscoe, ruled such Part out of order.

Councillor Miller challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 23	
Mayor:	Lastman
Councillors:	Balkissoon, Berardinetti, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Milczyn, Moeser, Nunziata, Ootes, Shaw, Shiner, Soknacki, Sutherland
No - 16	
Councillors:	Altobello, Bussin, Cho, Chow, Filion, Johnston, Jones, Layton, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Walker

Carried by a majority of 7.

Vote:

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

Yes - 39	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 1	
Councillor:	Kelly

Carried by a majority of 38.

Request to Amend Motion:

Councillor Moscoe requested the permission of Council to amend Part (2)(m) of his motion (a) to be a request to the Board of Directors of the TCHC.

Council concurred in the request of Councillor Moscoe.

Vote:

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

Yes - 32	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Walker
No - 7	
Councillors:	Filion, Ford, Hall, Kelly, Li Preti, Moeser, Ootes

Carried by a majority of 25.

Request to Amend Motion:

Councillor Moscoe requested the permission of Council to amend Part (2)(n) of his motion (a) by deleting the word “require” and inserting in lieu thereof the word “request”.

Council concurred in the request of Councillor Moscoe.

Votes:

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

Yes - 39	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker

No - 1 Councillor: Holyday

Carried by a majority of 38.

Adoption of motion (e) by Councillor Duguid:

Yes - 27 Mayor: Lastman Councillors: Altobello, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Filion, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Rae, Shaw, Silva, Walker

No - 14 Councillors: Balkissoon, Disero, Feldman, Flint, Ford, Holyday, Kelly, Milczyn, Minnan-Wong, Moeser, Ootes, Shiner, Soknacki, Sutherland

Carried by a majority of 13.

Adoption of Part (1) of motion (a) by Councillor Moscoe, as amended:

Yes - 32 Mayor: Lastman Councillors: Altobello, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland
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No - 9 Councillors: Bussin, Ford, Johnston, Jones, McConnell, Miller, Pantalone, Rae, Walker

Carried by a majority of 23.

Adoption of motion (d) by Councillor Soknacki:

Yes - 18 Mayor: Lastman Councillors: Altobello, Balkissoon, Cho, Filion, Ford, Hall, Holyday, Jones, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Pantalone, Soknacki

No - 23

Councillors:	Berardinetti, Bussin, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Johnston, Kelly, Layton, Li Preti, McConnell, Mihevc, Miller, Moscoe, Ootes, Rae, Shaw, Shiner, Silva, Sutherland, Walker
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Lost by a majority of 5.

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

Yes - 37	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 3	
Councillors:	Feldman, Kelly, Li Preti

Carried by a majority of 34.

Adoption of Part (3)(a) of motion (a) by Councillor Moscoe:

Yes - 36	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Shaw, Shiner, Silva, Soknacki, Sutherland
No - 5	
Councillors:	Johnston, McConnell, Miller, Rae, Walker

Carried by a majority of 31.

Adoption of Part (3)(b) of motion (a) by Councillor Moscoe:

Yes - 39	
Mayor:	Lastman

Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 2	
Councillors:	Li Preti, Moeser

Carried by a majority of 37.
Adoption of Clause, as amended:

Yes - 31	
Mayor:	Lastman
Councillors:	Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Shaw, Shiner, Soknacki, Sutherland
No - 9	
Councillors:	Altobello, Bussin, Ford, Johnston, Jones, Pantalone, Rae, Silva, Walker

Carried by a majority of 22.

In summary, Council amended this Clause:

- (1) by amending Shareholder Direction 8.2(a), under the heading “Employment and Related Matters”, by inserting, after the words “fair wages for contracted services”, the words “consistent with that of the City of Toronto”, so that such section shall now read as follows:

“8.2 Employment and Related Matters

The Shareholder expects that:

- (a) TCHC will abide by all relevant employment and occupational health and safety legislation in the conduct of its operations, and will develop appropriate policies in areas such as, but not limited to fair wages for contracted services consistent with that of the City of Toronto and employee compensation to address these objectives;”;

- (2) to provide that TCHC be required to report to City Council immediately, if the Corporation is no longer able to comply with the requirements of the Shareholder Direction;
- (3) in accordance with the report dated September 28, 2001, from the Acting Chief Administrative Officer, embodying the following recommendations:

“It is recommended that:

- (1) the Shareholder Direction to the Board of the Toronto Community Housing Corporation be approved subject to:
 - (i) amending section 3.3.2, under the heading ‘Principles’, by adding thereto:
 - ‘(k) recognize that social housing primarily serves tenants of low and moderate incomes and accommodates their needs where possible.’;
 - (ii) amending paragraph 6.3.1(c) by inserting after the words ‘rent-gear-to-income units’, the words ‘,including changes to targeting plans,’ so that the paragraph reads:
 - ‘(c) subject to Section 9 of this Direction proceed with re-development projects, or material changes in the number or distribution of rent-gear-to-income units, including changes to targeting plans, without prior approval of the Shareholder.’;
 - (iii) amending the introductory clause in section 8.1.1 so that it reads:

‘Prior to September 30, 2002, TCHC and the tenants will develop a democratic system of active tenant participation and involvement that will.’;
 - (iv) amending paragraph 8.3.1(c) by inserting after the word ‘transparent’ the words ‘,that advocates on behalf of tenants to seek a solution to their complaints,’ so that it reads:
 - ‘(c) implement in the first year of operation a complaint process that is accessible, transparent, that advocates

on behalf of tenants to seek a solution to their complaints, and that respects the management accountabilities within TCHC and allows for the review of operational decisions at a senior level within TCHC.’;

(v) amending section 8.3.1 by adding thereto:

‘(d) put in place tendering and purchasing practices that ensure that the TCHC will manage all financial transactions in a transparent and open manner;’;

(vi) amending section 8.4 in the Shareholder Direction by adding the following sentence thereto:

‘The TCHC will advocate on behalf of the TCHC and other social housing providers on issues related to the supply, quality and affordability of housing in the community.’;

(vii) amending section 9.2, under the heading ‘Annual Report’, by adding thereto the following:

‘(g) information regarding the number of evictions each year, the rationale and the cost of these evictions;’;

(2) the following motion, which was moved by Councillor McConnell at the joint meeting of the Policy and Finance and Community Services Committees held on September 20, 2001, be referred to the Board of the Toronto Community Housing Corporation to take into consideration when developing the complaints process:

‘That Section 8.3 under the heading “Other Matters” be amended to provide that the Shareholder Direction include a requirement to establish an independent Ombudsperson to accept tenant complaints and act on behalf of tenants to resolve issues.’;

(3) the Commissioner of Urban Development Services be requested to develop a protocol for enforcement of property standards and other bylaws in City owned agencies including the TCHC, in consultation with those agencies affected;

- (4) Recommendation No. (8) in the joint report, dated September 12, 2001, from the Acting Chief Administrative Officer and the City Solicitor be amended by:
- (i) adding after the words 'at the earliest possible time', the following words: ', taking into consideration relevant policies and processes in the THC, MTHC, the social housing sector and the City of Toronto, ' ; and
 - (ii) deleting the words 'at the earliest possible time' and inserting in lieu thereof the words 'by April 2002',

so that the recommendation now reads:

'the Board of Directors of TCHC be immediately requested by the Acting Chief Administrative Officer to develop the policies and processes on eviction prevention, a tenant complaints process, fair wages for contracted services, and employment matters by April 2002, taking into consideration relevant policies and processes in the THC, MTHC, the social housing sector and the City of Toronto. ' ;

- (5) Council recommend to the Board of Directors of the Toronto Community Housing Corporation that a committee be established to outline options and protocols for conversion to housing co-operatives; that the TCHC Board be requested to consider inviting the Co-op Housing Federation and other housing organizations to be members or advisors to such a committee; and further that the Board of Directors report back to Council on this issue as part of the Community Management Plan; and
- (6) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing recommendations. ' ' ; and

- (4) by adding thereto the following:

"It is further recommended that:

- (a) the Board of Directors of the Toronto Community Housing Corporation be requested to:
 - (i) recognize that housing is a right and a basic need, as recognized by the United Nations Declaration on Human Rights;

- (ii) recognize that resident driven participation in decision-making is the key to successful delivery;
 - (iii) establish an independent Ombudsperson to accept tenant complaints and to act on behalf of tenants to resolve issues; and
 - (iv) maintain the current commitment to promoting and facilitating tenant involvement, including a commitment to fund these efforts to at least the current level;
- (b) the report on the protocol for enforcement of property standards described in Recommendation No. (3) of the report dated September 28, 2001, from the Acting Chief Administrative Officer, be developed by the Commissioner of Urban Development Services within four months;
- (c) the recommendations of the Striking Committee embodied in the communication dated October 1, 2001, from the City Clerk, be adopted, viz.:

‘The Striking Committee on October 1, 2001, recommended to Council:

- (1) the appointment of Members of Council to the Board of Directors of the Toronto Community Housing Corporation, as follows:
- (a) that the following Member of Council be appointed as the Mayor’s designate on the Board of Directors of the Toronto Community Housing Corporation:

N. Kelly;

- (b) that the following Members of Council also be appointed to such Board of Directors:

O. Chow
B. Duguid
G. Mammoliti;

- (2) that should Council approve the Shareholder Direction, Members be appointed for a term of office to expire November 30, 2003, and until their successors are appointed; and

- (3) that the appropriate officials be authorized and directed to take the necessary action to give effect thereto.’;
- (d) the recommendations of the Nominating Committee embodied in the communication dated October 2, 2001, from the City Clerk, be adopted:

‘The Nominating Committee, at its meetings held on September 17 and 24, and October 2, 2001, recommended to City Council:

- (1) the appointment of citizens and tenant representatives to the Board of Directors of the Toronto Community Housing Corporation, as listed in the confidential communication dated October 2, 2001, from the City Clerk, such communication now public in its entirety, viz.:

“The Nominating Committee, at its meetings held on September 17 and 24, and October 2, 2001, recommended to City Council the appointment of citizens and tenant representatives to the Board of Directors of the Toronto Community Housing Corporation, in accordance with the provisions of the Shareholder Direction, as follows:

- (i) that the following be appointed as citizen members:

(7 persons to be appointed)

John Brewin
 John Metson
 Penny Milton
 Wendy Porter
 Elaine Todres
 Nicholas Volk
 David Zimmer

and further that David Zimmer be appointed as Chair; and

- (ii) that the following, who were elected by tenants, be appointed as tenant representatives:

Sushil Bajpai

Vance Latchford.”;

- (2) that:
 - (a) should City Council approve the Shareholder Direction, which gives Council the authority to appoint the Chair of the Board from among the members appointed to the Board, and
 - (b) should City Council wish to appoint a citizen member as Chair,

the citizen named in the aforementioned confidential transmittal dated October 2, 2001, from the City Clerk be appointed Chair of the Board; and
- (3) that citizens and tenant representatives be appointed for a term of office expiring December 31, 2003, and until their successors are appointed, in accordance with the term specified in the Shareholder Direction; and
- (4) that the appropriate officials be authorized and directed to take the necessary actions to give effect thereto.’ ”

8.51 **Clause No. 6 of Report No. 10 of The Planning and Transportation Committee, headed “Sign Permit and Variance Application Fee Harmonization”.**

Motion:

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

“It is further recommended that the Commissioner of Urban Development Services be requested to submit, to the Planning and Transportation Committee, a harmonized sign permit fee schedule that reflects full cost recovery and service delivery efficiencies in the various process areas, such as sign permit plan review, inspections of new sign installations and sign variance application processes, and provides for proactive sign enforcement for illegal signs.”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

8.52 **Clause No. 1 of Report No. 10 of The Planning and Transportation Committee, headed “Harmonization of the Sign By-law Concerning Posters on Public Property, Including Signs on Utility Poles”.**

Motion:

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

- (1) Recommendations Nos. (3), (4) and (5) embodied in the confidential report dated September 5, 2001, from the City Solicitor, be adopted, such report to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, having regard that it contains information related to litigation or potential litigation; and

- (2) the balance of the Clause, together with Recommendations Nos. (1) and (2) embodied in the confidential report dated September 5, 2001, from the City Solicitor, be struck out and referred back to the Commissioner of Urban Development Services, together with all communications and the following motion by Councillor Rae, with a request that she, in conjunction with the City Solicitor, submit a report to the Planning and Transportation Committee on:
- (a) a review of the “Ramsden” decision regarding postering, to determine a minimum allowable level of postering which would meet the requirements of the decision;
 - (b) options to simplify the proposed by-law, including use of collars or kiosks;
 - (c) alternative enforcement strategies and cost recovery options;
 - (d) options to encourage and mobilize a public effort to remove illegal posters; and
 - (e) potential protection and support for groups and individuals who may remove illegal signs and posters:

Moved by Councillor Rae:

‘WHEREAS the Bloor-Yorkville Business Improvement Area has installed over 200 decorative lamp posts on the City boulevards in their community; and

WHEREAS an expression of concern has been received from the Bloor-Yorkville Business Improvement Area concerning the possibility that the new by-law will permit posters to be placed on their privately-owned poles located on the City boulevard;

NOW THEREFORE BE IT RESOLVED THAT the draft by-law be amended, as necessary, to prohibit the placement of posters on any pole which is clearly identified as private property and owned by a local Business Improvement Area.’ ”

Votes:

The motion by Councillor Duguid carried.

The Clause, as amended, carried.

8.53 **Clause No. 4 of Report No. 10 of The Community Services Committee, headed “Update on Transfer of Care Delays on Toronto Emergency Medical Services”.**

Motion:

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

“It is further recommended that the Commissioner of Works and Emergency Services and the General Manager, Toronto Emergency Medical Services, be requested to submit a joint report to the Community Services Committee on activities and actions that should be taken to allow ambulances to be released from Emergency Departments expeditiously.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

8.54 **Clause No. 9 of Report No. 12 of The Policy and Finance Committee, headed “Education Development Charges, Administrative Costs”.**

Vote:

The Clause was received, having regard that it was submitted without recommendation and was subsequently released by Council.

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

8.55 **Clause No. 6 of Report No. 9 of The Economic Development and Parks Committee, headed “Other Items Considered by the Committee”.**

Motion:

Councillor Walker moved that the Clause be received as information, subject to striking out and referring Item (e), entitled “Support for Canada’s Olympians”, embodied therein, back to the Economic Development and Parks Committee for further consideration.

Votes:

The motion by Councillor Walker carried.

The Clause, as amended, was received as information.

- 8.56 **Clause No. 7 of Report No. 7 of The Toronto East York Community Council, headed “Site Plan, Tree Permit and Demolition Applications and Consolidation of Appeals to the Ontario Municipal Board - 321 Bloor Street West (University of Toronto) (Trinity-Spadina, Ward 20)”.**

Motion:

Councillor Chow moved that the Clause be amended by adding thereto the following:

“It is further recommended that the documents and agreement between the University of Toronto and Campus Co-op Daycare be entered into the files pertaining to this application.”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

- 8.57 **Clause No. 16 of Report No. 13 of The Administration Committee, headed “Other Items Considered by the Committee”.**

Motion:

Councillor Walker moved that the Clause be received as information, subject to striking out and referring Item (f), entitled “Political Activities of Grant Recipients”, embodied therein, back to the Administration Committee for further consideration.

Votes:

The motion by Councillor Walker carried.

The Clause, as amended, was received as information.

- 8.58 **Clause No. 1 of Report No. 7 of The Striking Committee, headed “Appointments - Liberty Village Business Improvement Area, Working Group on the Elimination of Hate Activity, Working Group on Employment Equity, Working Group on Immigration and Refugee Issues, and Working Group on Language Equity and Literacy”.**

Motion:

Councillor Miller moved that the Clause be amended by deleting the name “N. Kelly” for appointment to the Immigration and Refugee Issues Work Group, and inserting in lieu thereof the name “D. Miller”.

Votes:

The motion by Councillor Miller carried.

The Clause, as amended, carried.

8.59 **Clause No. 19 of Report No. 12 of The Policy and Finance Committee, headed “Activation of Emergency Operations Centre on September 11, 2001, and City of Toronto Emergency Plan”.**

Motions:

- (a) Mayor Lastman moved that the Clause be amended by adding thereto the following:

“It is further recommended that Mayor Lastman, the Chief of Police, the Fire Chief and the General Manager of Emergency Medical Services be requested to meet with the Premier and the Prime Minister, with a view to obtaining the necessary funding for the actions outlined in the joint presentation dated October 3, 2001, from the City of Toronto’s Emergency Services, entitled ‘Enhanced Emergency Management for the City of Toronto’, and Mayor Lastman be requested call a special meeting of City Council to discuss the report implementation once the meetings have taken place.”

- (b) Councillor Lindsay Luby moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services, in consultation with the appropriate City officials, be requested to discuss with the Toronto Police Service, and any other appropriate authority, how to improve security at Toronto City Hall, and to report thereon to the Administration Committee in November 2001.”

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

“It is further recommended that the Greater Toronto Airports Authority be requested to advise Council on the possibility of having the Royal Canadian Mounted Police (RCMP) handle airport security, and on airport security measures currently in place.”

- (d) Councillor Bussin moved that motion (a) by Mayor Lastman be amended to provide that the Mayor consider having the Medical Officer of Health and the Commissioner of Works and Emergency Services also attend the meetings with the Premier of Ontario and the Prime Minister.

Votes:

Motion (d) by Councillor Bussin carried.

Adoption of motion (a) by Mayor Lastman, as amended:

Yes - 31	
Mayor:	Lastman
Councillors:	Altobello, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Walker
No - 0	

Carried, without dissent.

Adoption of motion (b) by Councillor Lindsay Luby:

Yes - 26	
Mayor:	Lastman
Councillors:	Altobello, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Shaw, Shiner, Silva, Soknacki
No - 8	
Councillors:	Bussin, Disero, Layton, McConnell, Mihevc, Nunziata, Rae, Walker

Carried by a majority of 18.

Motion (c) by Councillor Silva carried.

Adoption of Clause, as amended:

Yes - 36	
Mayor:	Lastman
Councillors:	Altobello, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 0	

Carried, without dissent.

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

“It is further recommended that:

- (1) Mayor Lastman, the Chief of Police, the Fire Chief and the General Manager of Emergency Medical Services, together with the Medical Officer of Health and the Commissioner of Works and Emergency Services, if deemed appropriate, be requested to meet with the Premier and the Prime Minister, with a view to obtaining the necessary funding for the actions outlined in the joint presentation dated October 3, 2001, from the City of Toronto’s Emergency Services, entitled ‘Enhanced Emergency Management for the City of Toronto’, and Mayor Lastman be requested call a special meeting of City Council to discuss the report implementation once the meetings have taken place;
- (2) the Commissioner of Works and Emergency Services, in consultation with the appropriate City officials, be requested to discuss with the Toronto Police Service, and any other appropriate authority, how to improve security at Toronto City Hall, and to report thereon to the Administration Committee in November 2001; and
- (3) the Greater Toronto Airports Authority be requested to advise Council on the possibility of having the Royal Canadian Mounted Police (RCMP) handle airport security, and on airport security measures currently in place.”

8.60 **Clause No. 31 of Report No. 7 of The Toronto East York Community Council, headed “Ontario Municipal Board Appeal - South-East Spadina Part II Plan Amendment and Rezoning -245 College Street and 39 Glasgow Street (Metro Credit Union) (Trinity-Spadina, Ward 20)”.**

Motion:

- (a) Councillor Walker moved that the Clause be amended by striking out the recommendation of the Toronto East York Community Council and inserting in lieu thereof the following:

“It is recommended that the City Solicitor and appropriate City officials be authorized to appear at the Ontario Municipal Board to request a deferral with respect to 245 College Street and 39 Glasgow Street (Metro Credit Union) until the City of Toronto processes the Official Plan Amendment and rezoning application and, in the

event a deferral is not granted, the City Solicitor be authorized to appear before the consolidated hearing to uphold the Committee of Adjustment decision.”

Councillor Disero in the Chair.

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

“It is further recommended that the Commissioner of Urban Development Services be requested to provide some direction to Members of Council on how progress can be achieved with respect to rezoning applications when there are no public Community Council meetings within four weeks of the 90-day time limit as described in the Planning Act.”

Deputy Mayor Ootes in the Chair.

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

“It is further recommended that:

- (1) there be a community consultation session at the Ontario Municipal Board, during the hearing, in the evening, and Chinese translation services be provided; and
- (2) the City Solicitor be instructed to convey, to the Ontario Municipal Board, the concerns of City Council as to the lack of due process in this application.”

Votes:

Adoption of motion (a) by Councillor Walker:

Yes - 19	Councillors: Balkissoon, Bussin, Cho, Di Giorgio, Filion, Flint, Ford, Holyday, Johnston, Jones, Korwin-Kuczynski, Lindsay Luby, Mihevc, Moscoe, Nunziata, Pitfield, Soknacki, Sutherland, Walker
No - 9	Councillors: Disero, Duguid, Feldman, Hall, Milczyn, Ootes, Pantalone, Rae, Shiner

Carried by a majority of 10.

Motion (b) by Councillor Flint carried.

Motion (c) by Councillor Bussin carried.

The Clause, as amended, carried.

In summary, Council amended this Clause by striking out the recommendation of the Toronto East York Community Council and inserting in lieu thereof the following:

“It is recommended that:

- (1) the City Solicitor be instructed to convey, to the Ontario Municipal Board, the concerns of City Council as to the lack of due process in this application;
- (2) the City Solicitor and appropriate City officials be authorized to appear at the Ontario Municipal Board to request a deferral with respect to 245 College Street and 39 Glasgow Street (Metro Credit Union) until the City of Toronto processes the Official Plan Amendment and rezoning application and, in the event a deferral is not granted, the City Solicitor be authorized to appear before the consolidated hearing to uphold the Committee of Adjustment decision;
- (3) there be a community consultation session at the Ontario Municipal Board, during the hearing, in the evening, and Chinese translation services be provided; and
- (4) the Commissioner of Urban Development Services be requested to provide some direction to Members of Council on how progress can be achieved with respect to rezoning applications when there are no public Community Council meetings within four weeks of the 90-day time limit as described in the Planning Act.”

8.61 **Clause No. 3 of Report No. 10 of The Planning and Transportation Committee, headed “Parc Downsview Park Inc. Operating Protocol Agreement File UD03 PDP (Ward 9 - York Centre)”.**

Motion:

Councillor Moscoe moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on November 6, 2001, and, in the interim, the Commissioner of Works and Emergency Services and the City Solicitor be requested to meet Members of Council representing Wards in the surrounding area (Councillors Augimeri, Feldman, Li Preti and Moscoe), in order to review this matter further, prior to its consideration by City Council.

Vote:

The motion by Councillor Moscoe carried.

8.62 Clause No. 4 of Report No. 7 of The Striking Committee, headed “2002 Schedule of Meetings”.

Motions:

- (a) Councillor Mihevc moved that the Clause be amended to provide that in order to accommodate World Youth Day commencing on July 23, 2002, the Standing Committee, Community Council and City Council meetings for the months of May, June and July, 2002, be advanced by one week.
- (b) Councillor Shiner moved that the Clause be amended by:
- (1) deleting Friday, March 1, 2002, as a meeting date for the Special City Council meeting for final budget approval; and
 - (2) by striking out and referring back to the City Clerk, that portion of the 2002 Schedule of Meetings pertaining to October, November and December, 2002, with a request that the City Clerk, in consultation with the Acting Chief Financial Officer, establish dates for the 2003 budget deliberations and report thereon to the next meeting of Council, through the Striking Committee.
- (c) Councillor Layton moved that the Clause be amended to provide that:
- (1) in order to accommodate the National Board of Directors’ meeting of the Federation of Canadian Municipalities being held from February 27 to March 2, 2002, the meeting of Council to consider the 2002 Capital and Operating Budgets be held from March 4 to 8, 2002; and
 - (2) the meeting of City Council scheduled to be held on December 3, 4 and 5, 2002, be rescheduled to December 9, 10 and 11, 2002, to accommodate the National Board of Directors’ Meeting of the Federation of Canadian Municipalities being held from December 4 to 8, 2002.

Votes:

Motion (a) by Councillor Mihevc carried.

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

Yes - 10 Councillors: Altobello, Cho, Feldman, Ford, Holyday, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes
No - 21

Councillors: Berardinetti, Bussin, Chow, Di Giorgio, Duguid, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Shaw, Soknacki, Sutherland
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Lost by a majority of 11.

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

Part (2) of motion (b) by Councillor Shiner carried.

Proposed Disposition of Motion:

Councillor Shiner, with the permission of Council, proposed that Part (2) of motion (c) by Councillor Layton also be referred to the City Clerk for further consideration with the balance of the Schedule of Meetings for 2002.

Council concurred in the proposal by Councillor Shiner.

The Clause, as amended, carried.

In summary, Council amended this Clause:

- (1) to provide that:
 - (a) in order to accommodate World Youth Day commencing on July 23, 2002, the Standing Committee, Community Council and City Council meetings for the months of May, June and July, 2002, be advanced by one week; and
 - (b) in order to accommodate the National Board of Directors' meeting of the Federation of Canadian Municipalities being held from February 27 to March 2, 2002, the meeting of Council to consider the 2002 Capital and Operating Budgets be held from March 4 to 8, 2002; and
- (2) by striking out and referring back to the City Clerk, that portion of the 2002 Schedule of Meetings pertaining to October, November and December, 2002, together with the following motion, with a request that the City Clerk, in consultation with the Acting Chief Financial Officer, establish dates for the 2003 budget deliberations and report thereon to the next meeting of Council, through the Striking Committee:

Moved by Councillor Layton:

“That the Clause be amended to provide that the meeting of City Council scheduled to be held on December 3, 4 and 5, 2002, be

rescheduled to December 9, 10 and 11, 2002, to accommodate the National Board of Directors' Meeting of the Federation of Canadian Municipalities being held from December 4 to 8, 2002.”

8.63 **Clause No. 2 of Report No. 10 of The Planning and Transportation Committee, headed “Enactment of a Municipal Shelter By-law”.**

Motion:

Councillor Soknacki moved that the Clause, together with the report dated September 28, 2001, from the Commissioner of Urban Development Services, be struck out and referred to a joint meeting of the Community Services and Planning and Transportation Committees, for consideration with the following reports to be submitted by the Acting Commissioner of Community and Neighbourhood Services, in consultation with the Advisory Committee on New Emergency Shelter Sites:

- (1) a report providing a review of the existing guidelines for the selection of emergency shelter sites, including internal safety and school issues, such report to include formal guidelines to be used in the selection of emergency shelter sites;
- (2) a report providing a review of the existing Protocol for Community Notification and Public Input for the Establishment and Development of Emergency Shelter sites;
- (3) a report incorporating the issues raised in Recommendation No. (3) embodied in the report dated September 28, 2001, from the Commissioner of Urban Development Services, such issues being those to include guidelines for the selection of sites within areas regulated by the Toronto and Region Conservation Authority, within the City of Toronto’s natural heritage system and within industrial areas; and
- (4) a report addressing the issue of the appropriate minimum separation between municipal shelters.

Votes:

The motion by Councillor Soknacki carried.

Motion to Re-Open:

Councillor Pantalone, 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, the vote upon which was taken as follows:

Yes - 16	
Councillors:	Ashton, Bussin, Chow, Holyday, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Milczyn, Moeser, Moscoe, Pantalone, Pitfield, Rae, Shaw
No - 17	
Councillors:	Altobello, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Johnston, Kelly, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Shiner, Soknacki

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

Procedural Motion:

Deputy Mayor Ootes moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal be waived to permit introduction and debate of the following Notices of Motions, which carried, more than two-thirds of Members present having voted in the affirmative:

- (a) Motion J(29), moved by Councillor Disero, seconded by Councillor Silva, respecting 1465 Lawrence Avenue West and the Amesbury Park Landfill; and
- (b) Motion J(33), moved by Councillor Pantalone, seconded by Councillor Shiner, respecting a litigation matter related to the Toronto Port Authority.

8.64 **IN-CAMERA MEETING SESSION OF THE COMMITTEE OF THE WHOLE**

October 4, 2001:

Motion:

Deputy Mayor Ootes, at 5:57 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matters on the Order Paper for this meeting of Council, in accordance with the provisions of the Municipal Act:

- (a) Motion J(29), moved by Councillor Disero, seconded by Councillor Silva, respecting 1465 Lawrence Avenue West and the Amesbury Park Landfill, having regard that the confidential report appended thereto contains information related to the security of property interests of the municipality or local board; and
- (b) Motion J(33), moved by Councillor Pantalone, seconded by Councillor Shiner, respecting a litigation matter related to the Toronto Port Authority, having regard that the confidential report appended thereto contains information related to litigation or potential litigation.

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 5:59 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 6:52 p.m., and met in public session in the Council Chamber.

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

8.65 **1465 Lawrence Avenue West and Amesbury Park Landfill**

Deputy Mayor Ootes called upon Motion J(29):

Moved by: Councillor Disero

Seconded by: Councillor Silva

“WHEREAS City Council at its meeting held on April 23, 24, 25, 26, 27 and its special meeting held on April 30, May 1 and 2, 2001, adopted the recommendations in a confidential report from the Commissioner of Works and Emergency Services, and in doing so, directed that a further report be made directly to City Council on the outcome of negotiations with a landowner; and

WHEREAS staff have undertaken further negotiations as directed; and

WHEREAS, as a result of the negotiations, the landowner has made an offer to settle to the City; and

WHEREAS this is the last City Council meeting scheduled prior to the commencement of litigation on this matter; and

WHEREAS the City Solicitor is seeking Council’s instructions on how to proceed with this litigation;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the confidential report dated September 27, 2001, from the City Solicitor, and adopt the recommendations set out therein.”

Report of the Committee of the Whole:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that no motions had been moved in Committee of the Whole for consideration by Council in conjunction with Motion J(29).

Vote:

Adoption of Motion J(29), without amendment:

Yes - 19	
Councillors:	Altobello, Bussin, Chow, Disero, Duguid, Feldman, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Mihevc, Moeser, Ootes, Pantalone, Pitfield, Shiner, Soknacki
No - 8	
Councillors:	Ashton, Cho, Di Giorgio, Flint, Johnston, Li Preti, Nunziata, Shaw

Carried by a majority of 11.

Council, by its adoption of Motion J(29), without amendment, adopted, without amendment, the confidential report dated September 27, 2001, from the City Solicitor, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that such report contains information related to the security of property interests of the municipality or local board, save and except the following Recommendations Nos. (1) and (3), embodied therein:

“It is recommended that:

- (1) the terms and conditions of the offer to settle presented by the owner of 1465 Lawrence Avenue West, set out in the body of this report, be accepted by Council; and
- (3) appropriate City staff be authorized and directed to take the action necessary to give effect hereto.”

8.66 **Toronto Port Authority – Litigation Matter.**

Deputy Mayor Ootes called upon Motion J(33):

Moved by: Councillor Pantalone

Seconded by: Councillor Shiner

“**WHEREAS** the Toronto Port Authority has commenced litigation against the City of Toronto, the Toronto Economic Development Corporation (‘TEDCO’) and a number of individual defendants; and

WHEREAS the City of Toronto, TEDCO and the other defendants need to defend the

litigation commenced by the Toronto Port Authority;
NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the confidential report dated October 2, 2001, from the City Solicitor, and that the recommendations as contained in the report be adopted.”

Council also had before it, during consideration of Motion J(33), a communication dated October 4, 2001, from Councillor Miller, a copy of which is on file in the Office of the City Clerk.

Report of the Committee of the Whole:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that the following motion had been moved in Committee of the Whole for consideration by Council in conjunction with Motion J(33):

Moved by Councillor Pantalone:

“That Motion J(33) be adopted, subject to adding thereto the following new Operative Paragraph:

‘**AND BE IT FURTHER RESOLVED THAT** the City of Toronto request the Federal Government to enter into mediation/negotiation with respect to this litigation in order to seek a resolution of the issues.’ ”

Votes:

The motion by Councillor Pantalone carried.

Motion J(33) as amended, carried.

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, further reported that Council, at the in-camera portion of its meeting, had also issued confidential instructions to staff, such instructions to remain confidential, in accordance with the provisions of the Municipal Act, having regard that they pertain to litigation or potential litigation.

Council, by its adoption of Motion J(33), as amended, adopted the confidential report dated October 2, 2001, from the City Solicitor, subject to the confidential instructions issued to staff, referred to above, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to litigation or potential litigation, save and except the following Recommendations Nos. (1) and (2) embodied therein:

“It is recommended that:

- (1) City Council approve the retention of Alan Lenczner of the firm of Lenczner,

Slaght, Royce, Smith, Griffin to defend the City, TEDCO and the individual defendants in the Toronto Port Authority litigation;

- (2) City Council instruct both the City Solicitor and the Lenczner, Slaght firm to vigorously defend the litigation and to take all steps necessary to protect the defendants' interests."

8.67 ADDITIONAL MATTER CONSIDERED BY COUNCIL:

Confirmation of Appointment of Councillor Chow as Alternate to Councillor Layton on the Greater Toronto Services Board:

Councillor Disero, on October 3, 2001, during the afternoon session of the meeting, with the permission of Council, moved that Council adopt the following recommendation:

"It is recommended that the City Clerk be requested to advise the Secretary of the Greater Toronto Service Board that Councillor Olivia Chow has been appointed by City Council as alternate to Councillor Jack Layton in order that Councillor Chow can attend meetings of the Greater Toronto Service Board."

Vote:

The motion by Councillor Disero carried.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

8.68 Parc Downsview Park Fall Fair Festival

Councillor Augimeri moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(1), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Augimeri

Seconded by: Councillor Feldman

"**WHEREAS** a request has been received from the organizers of the Parc Downsview Park Fall Festival for a special occasion permit to hold a community event, Fall Fair 'A Little Bit of The Country in the Heart of the City', at 35 Carl Hall Road, on Sunday, October 14, 2001, from 11:00 a.m. to 6:00 p.m.; and

WHEREAS the festival is to take place outdoors on the Parc Downsview Park property and food and drinks are to be served; and

WHEREAS it provides an opportunity for all community members to come out and participate in the numerous events and activities; and

WHEREAS the time sensitive nature of this request requires the endorsement of Toronto City Council;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council, for liquor licensing purposes, declare this to be an event of municipal and/or community significance, and that it has no objection to the event taking place, and that the Alcohol and Gaming Commission of Ontario be so advised;

AND BE IT FURTHER RESOLVED THAT Council vary the order of its proceedings to have this motion heard on the first day of Council, which is scheduled for October 2, 2001.”

Vote:

Motion J(1) was adopted, without amendment.

8.69 Proposed Amendment to Council Procedures - Staff Permitted on Floor of Council

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 J(2), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Walker

Seconded by: Councillor Johnston

“**WHEREAS** up until 1998, it was the practice of Toronto City Council not to allow political staff from the Mayor’s and Councillors’ offices onto the floor of Council; and

WHEREAS since 1998, it has been commonplace to observe political staff from the Mayor’s office, specifically, circulating on the floor of Council, lobbying and sometimes harassing Members of Council or, even worse, during debate and on many occasions, while a vote is taking place; and

WHEREAS this practice is extremely disruptive to any Councillor who is voting, speaking or trying to ask questions and to those who are trying to follow the debate; and

WHEREAS there is ample opportunity before Council meetings and during the regularly scheduled intervals during the Council meeting for the Mayor to dispatch his troops to lobby Councillors on issues that are of importance to him; and

WHEREAS the practices and procedures of our two senior levels of government do not allow the Prime Minister's or Premier's staff onto the floor of Parliament or the Legislature during debate; and

WHEREAS City Council at its meeting held on July 24, 25 and 26, 2001, referred this motion for consideration to the Administration Committee; and

WHEREAS after the usual arm twisting by the Mayor's staff, Councillor Nunziata eagerly moved to receive this motion, supported by Councillors Berardinetti, Ford, Holyday and Soknacki, and vigorously opposed by Councillor Sandra Bussin; and

WHEREAS Councillor Sandra Bussin, as a member of the Administration Committee, requested that this motion be forwarded to City Council in a manner to allow for the 'full Council' to debate its merits which was shamelessly refused by Councillors Berardinetti, Ford, Holyday and Soknacki;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council debate this Motion with the intent to amend its Procedural By-law, Chapter 27 of the City of Toronto Municipal Code, to allow that only Members of Council, necessary City Staff (i.e., the Clerk's staff and Security) and senior staff who are there to provide information or answer questions be permitted on the floor of Council while meetings are in session."

Advice by Deputy Mayor:

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

Procedural Vote:

The vote to waive referral of Motion J(2) to the Administration Committee was taken as follows:

Yes – 17	
Councillors:	Augimeri, Bussin, Cho, Chow, Filion, Hall, Jones, Layton, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Rae, Walker
No – 21	

Councillors:	Altobello, Balkissoon, Berardinetti, Disero, Duguid, Flint, Ford, Holyday, Johnston, Korwin-Kuczynski, Li Preti, McConnell, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Shiner, Silva, Soknacki
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Lost, less than two-thirds of Members present having voted in the affirmative.

Having regard to the foregoing decision of Council, Motion J(2) was referred to the Administration Committee.

Motion to Re-Open:

Councillor Jones, with the permission of Council, moved that, in accordance with Chapter 27 of the City of Toronto Municipal Code, the vote on waiving the referral of Motion J(2) be re-opened, and that the vote thereon be again taken, the vote upon which was taken as follows:

Yes – 24
Councillors: Altobello, Augimeri, Balkissoon, Bussin, Chow, Disero, Filion, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Silva, Sutherland, Walker
No - 17
Councillors: Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Flint, Ford, Holyday, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Ootes, Shiner, Soknacki

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

Having regard to the foregoing decision of Council, the vote to waive the referral of Motion J(2) was not re-opened for further consideration.

8.70 Harmonization of the Division Fence By-law

Councillor Walker 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 J(3), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Walker

Seconded by: Councillor Johnston

“WHEREAS City Council at its meeting held on May 30, 31 and June 1, 2001, adopted, with amendment, Planning and Transportation Committee Report No. 5,

Clause No. 3, headed 'Harmonization of the Division Fence By-law'; and

WHEREAS the amendments passed created a new system in the former municipalities of Scarborough, North York, Etobicoke, East York and York while retaining a separate system for the former City of Toronto as prescribed by Chapter 182 of the Toronto Municipal Code; and

WHEREAS Chapter 182 of the former Toronto Municipal Code states, 'Where the owners of adjoining land are unable to agree as to what constitutes a just proportion of the erection, repair, replacing or maintenance of a division fence...the matters of dispute shall be settled by a Board of Arbitrators...' appointed by the City of Toronto; and

WHEREAS Chapter 182 of the former Toronto Municipal Code also states that a nominal fee of \$100.00 shall be charged for arbitration of a division fence dispute; and

WHEREAS Chapter 182 of the former Toronto Municipal Code states in terms of decision that, 'In the case of an equal division of opinion between the members of the Board of Arbitrators, the decision of the City Surveyor shall prevail', and 'In all other cases, the decision of a majority of the Board shall prevail, and the award shall be made accordingly'; and

WHEREAS Chapter 182 of the former Toronto Municipal Code states that the Board of Arbitrators shall, 'Examine the premises, and, if required by either party, hear evidence and may examine the parties or their witnesses on oath...' and, 'Make an award in writing...' and, 'consider the proportion in which the respective parties will benefit or have benefited from the work and reduce accordingly the amount payable by any party whom the Board considers will not benefit or has not benefited to the same extent as the other party'; and

WHEREAS Chapter 447 of the current City of Toronto By-law makes no reference to arbitration of a division fence by the City of Toronto; and

WHEREAS Chapter 447 of the current City of Toronto By-law does not make any references to any means of arbitration; and

WHEREAS under the current City of Toronto By-law No. 472-2000, disputes regarding a division fence are ultimately a private matter needing resolution by the courts, even though the by-law is silent on this matter; and

WHEREAS the costs of such court proceedings are prohibitive in comparison to the former \$100.00 charge for City Arbitration; and

WHEREAS the end result of such procedures are citizen frustration instead of resolution;

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 No. 5, Clause No. 3, headed 'Harmonization of the Division Fence By-law', be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT Council adopt the arbitration process, as embodied in Chapter 182 of the former Toronto Municipal Code, as the arbitration process for the entire City of Toronto, and the Board of Arbitrators handle all disputes regarding division fences in all of the former Municipalities in the new City of Toronto;

AND BE IT FURTHER RESOLVED THAT the necessary Bill be introduced to give effect to the foregoing."

Vote:

Adoption of first Operative Paragraph embodied in Motion J(3):

Yes - 24	
Councillors:	Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Duguid, Filion, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, Mammoliti, Mihevc, Miller, Moscoe, Pitfield, Rae, Shaw, Silva, Soknacki, Sutherland, Walker
No - 17	
Councillors:	Altobello, Di Giorgio, Disero, Feldman, Flint, Ford, Holyday, Li Preti, Lindsay Luby, McConnell, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Shiner

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

Having regard to the foregoing decision, Council did not re-open Clause No. 3 of Report No. 5 of The Planning and Transportation Committee, headed "Harmonization of the Division Fence By-law", for further consideration.

8.71 **Through-way Lanes for Truck Traffic on Highway 401**

Councillor Moscoe moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(4):

Moved by: **Councillor Moscoe**

Seconded by: Councillor Mihevc

“WHEREAS there are increasing numbers of tractor trailers on Highway 401; and

WHEREAS the safety of motorists is often jeopardized by excessive volumes of large trucks during daytime hours traversing Toronto via this highway; and

WHEREAS the establishment of Highway 407 as a toll road has further exaggerated the volumes of heavy truck traffic on Highway 401 through Toronto; and

WHEREAS some American cities have restricted heavy truck traffic to a single lane of freeways; and

WHEREAS Highway 401 through Toronto is uniquely structured to allow for the establishment of truck through-lanes on separated rights-of-way;

NOW THEREFORE BE IT RESOLVED THAT the City consider recommending to the Province that the inside through-lanes of Highway 401, in both directions, be established as truck through-ways;

AND BE IT FURTHER RESOLVED THAT the truck through-ways be separated from the rest of the highway by jersey barriers which allow for entry and exit at the east and west borders of Toronto;

AND BE IT FURTHER RESOLVED THAT the off ramps on the balance of the highway be prohibited for use by heavy trucks from 7:00 a.m. to 7:00 p.m.;

AND BE IT FURTHER RESOLVED THAT this matter be referred to the appropriate staff for a report back to the Planning and Transportation Committee in not less than two months.”,

the vote upon which was taken as follows:

Yes - 28	
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Feldman, Filion, Flint, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Pantalone, Rae, Shaw, Soknacki, Walker
No - 12	

Councillors: Berardinetti, Ford, Kelly, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Ootes, Pitfield, Shiner, Silva, Sutherland
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Carried, more than two-thirds of Members present having voted in the affirmative.

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(4) to the Planning and Transportation Committee would have to be waived, in order to now consider such Motion.
Motion:

Councillor Moscoe, with the permission of Council, moved that Motion J(4) be referred to the Planning and Transportation Committee.

Vote:

The motion by Councillor Moscoe carried.

8.72 **Public Audit of Toronto's 2008 Olympic Bid**

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 J(5), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Walker

Seconded by: Councillor Balkissoon

“WHEREAS on July 13, 2001, the 2008 Olympics were awarded to Beijing, China; and

WHEREAS TO Bid needed \$6 million from the Federal and Provincial governments to complete this initiative; and

WHEREAS in the aftermath of Toronto's 1996 Olympic Bid it was discovered that its financial records were not properly maintained and a complete financial accounting was not provided to the public, through City Council; and

WHEREAS Members of Toronto City Council were promised by the Commissioner of Economic Development, Culture and Tourism, Mr. Joe Halstead, as Co-Chair of the TO-Bid Committee, that the 2008 Olympic Bid process would be open and

transparent and there would be full and complete financial reporting; and

WHEREAS the extent of this expected audit, contracted to TD - Waterhouse, should encompass full disclosure of the sources and uses of all funds, details of the contributions - both cash and value-in-kind by all entities, and detailed disclosure of all spending undertaken;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to report to the first meeting of the Audit Committee in 2002, providing a financial statement outlining all spending (out-of-pocket as well as staff resources) by all departments, agencies, boards, and commissions, relating to Toronto's 2008 Olympic Bid and that the City Auditor be requested to audit the financial statement provided by the Commissioner of Economic Development, Culture and Tourism;

AND BE IT FURTHER RESOLVED THAT the Toronto Olympic Bid Corporation be requested to provide a copy of their Audited Financial Statements to the first meeting of the Audit Committee in 2002."

Advice by Deputy Mayor:

Deputy Mayor Ootes 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 Audit Committee would have to be waived, in order to now consider such Motion.

Procedural Vote:

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

Yes - 20	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Chow, Flint, Jones, Layton, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pitfield, Rae, Shaw, Soknacki, Sutherland, Walker
No - 20	
Councillors:	Berardinetti, Cho, Disero, Duguid, Feldman, Filion, Ford, Hall, Holyday, Johnston, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Shiner, Silva

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

Council also had before it, for consideration with Motion J(5), a communication dated September 18, 2001, from the Vice President of Finance and Operation, Toronto 2008 Olympic Bid, submitted by the Commissioner of Economic Development, Culture and Tourism, a copy of which is on file in the office of the City Clerk.

Having regard to the foregoing decision of Council, Motion J(5) was referred to the Audit Committee.

8.73 Ontario Municipal Board Hearing – Consent and Variances to Create A Lot on Devonridge Crescent

Councillor Moeser 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 J(6), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Moeser

Seconded by: Councillor Duguid

“**WHEREAS** the Committee of Adjustment, East District, refused consent application B66/00SC and minor variance application A223/00SC, Cimas Construction Ltd., to create a single family building lot fronting on Devonridge Crescent; and

WHEREAS City Council on July 24, 25 and 26, 2001, adopted the recommendation of the Scarborough Community Council, which adopted the recommendations in the report of July 4, 2001, from the Director of Community Planning, East District, that the City Solicitor make representation to the Ontario Municipal Board in support of the Committee of Adjustment’s refusal of the applications; and

WHEREAS the primary basis for the Director of Community Planning’s concern respecting the applications is that the remainder blocks east and west of the proposed building lot might not be developed in substantial conformity with the Highland Creek Secondary Plan adopted by former Scarborough Council on April 15, 1997, including a tertiary plan required such blocks to be developed in conjunction with abutting lands in order to provide for lots that would have a compatible lotting pattern with other lots within Plan 66M-2286; and

WHEREAS this Notice of Motion is brought on an urgent basis, because the Ontario Municipal Board hearing for this matter commenced at 10:00 a.m. on October 1, 2001 and was deferred to the afternoon of October 2, 2001, to enable this Council to consider a settlement proposal provided by the applicant; and

WHEREAS the applicant proposes to register a development agreement on title to the proposed remainder blocks providing that they may only be developed in substantial conformity with the Highland Creek Secondary Plan adopted by former Scarborough Council on April 15, 1997, including a tertiary plan required such blocks to be developed in conjunction with abutting lands in order to provide for lots that would have a compatible lotting pattern with other lots within Plan 66M-2286; and

WHEREAS the covenant in the development agreement provides a further layer of support for the existing zoning by-law and official plan provisions guiding the development of these remainder blocks in a manner that is compatible with existing lots in the neighbourhood and operates as a current affirmation that the policies of the Highland Creek Secondary Plan continue to represent good planning principles; and

WHEREAS settlement of the Ontario Municipal Board hearing on this basis is supported by the Director of Community Planning, East Division, there are no neighbours in opposition to the application and the settlement proposal is in the interests of the City, because the City may not be able to obtain such a covenant in the event of a contested hearing;

NOW THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor to settle the appeals to the Ontario Municipal Board of consent application B66/00SC and minor variance application A223/00SC, Cimas Construction Ltd., to create a single family building lot fronting on Devonridge Crescent on the basis that the applicant register a development agreement on title to each of the east and west remainder blocks providing that they will not be developed except in substantial conformity with the Highland Creek Secondary Plan adopted by former Scarborough Council on April 15, 1997, including a tertiary plan required such blocks to be developed in conjunction with abutting lands in order to provide for lots that would have a compatible lotting pattern with other lots within Plan 66M-2286.”

Vote:

Motion J(6) was adopted, without amendment.

8.74 **Parking Fees – Toronto Waterfront Parks (Woodbine Beach and Ashbridge’s Bay Parks)**

Councillor 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 J(7):

Moved by: Councillor Bussin

Seconded by: Councillor Korwin-Kuczynski

“**WHEREAS** City Council at its regular meeting held on April 23, 24, 25, 26 and 27, 2001, and its special meeting held on April 30, May 1 and 2, 2001, adopted, as amended, Policy and Finance Committee Report No. 5, Clause No. 2, headed ‘City of Toronto 2001 Operating Budget’; and

WHEREAS City Council at its meeting held on June 26, 27 and 28, 2001, in its consideration of Motion J(13) re-opened Policy and Finance Committee Report No. 5, Clause No. 2, headed 'City of Toronto 2001 Operating Budget', for further consideration, only insofar as it pertained to the charging of fees for parking at Toronto's Waterfront Parks and referred the balance of Motion J(13) to the Policy and Finance Committee for consideration; and

WHEREAS the Policy and Finance Committee, at its meeting held on July 12, 2001, had before it the aforementioned Motion and a report dated July 3, 2001, from the Commissioner of Economic Development, Culture and Tourism, regarding the operation of paid parking at waterfront park locations; and

WHEREAS the Policy and Finance received the Motion and report, and Council, at its meeting held on July 24, 25 and 26, 2001, subsequently referred the matter back to the Policy and Finance Committee for further consideration; and

WHEREAS the Policy and Finance Committee at its meeting held on September 20, 2001, again received the staff report on the charging fees for parking at Toronto's Waterfront Parks, a report that failed to address the serious impairment of traffic flow at the entrance of Woodbine Beach Park on Lake Shore Boulevard East caused by the collecting of parking fees (Policy and Finance Committee Report No. 12, Clause 20(g)); and

WHEREAS a provision in the pilot project agreement to direct a portion of the parking revenues for park improvements at Woodbine Beach and Ashbridges Bay Park has not been carried forward in the new policy;

NOW THEREFORE BE IT RESOLVED THAT Council waive the provisions of Chapter 27 of the City of Toronto Municipal Code, in order to give consideration to Item (g), entitled 'Paid Parking at Waterfront Locations', as embodied in Policy and Finance Committee Report No. 12, Clause No. 20;

AND BE IT FURTHER RESOLVED THAT City Council request the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Works and Emergency Services to develop, in concert with the local City Councillor and relevant stakeholders, a traffic plan that addresses the serious traffic impacts on Lake Shore Boulevard East caused by parking fee collection at the main gate of Woodbine Beach Park."

AND BE IT FURTHER RESOLVED THAT the principle of returning a portion of the parking revenues to the host park, as contained in Woodbine Beach/Ashbridges Bay paid parking pilot project agreement, be reinstated in the Parking Fees - Toronto Waterfront Parks policy."

the vote upon which was taken as follows:

Yes - 19 Councillors: Altobello, Augimeri, Balkissoon, Bussin, Di Giorgio, Disero, Duguid, Flint, Johnston, Korwin-Kuczynski, Layton, McConnell, Milczyn, Miller, Moscoe, Pitfield, Shaw, Silva, Walker
No - 23 Mayor: Lastman Councillors: Berardinetti, Cho, Chow, Feldman, Filion, Ford, Hall, Holyday, Jones, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Rae, Shiner, Soknacki, Sutherland

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

Having regard that the motion to waive notice did not carry, Councillor Bussin gave Notice of the foregoing Motion was given to permit consideration at the next regular meeting of City Council scheduled to be held on November 6, 2001.

8.75 Vacancy - Ward 31, Beaches-East York

Councillor Berardinetti 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 J(8), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Berardinetti

Seconded by: Councillor Ootes

“WHEREAS Councillor Prue was the successful candidate in the Provincial by-election in Beaches-East York held on Thursday, September 20, 2001; and

WHEREAS the results of the Provincial by-election were published in the Ontario Gazette on Saturday, September 29, 2001, at which time Councillor Prue was deemed to have resigned his seat on City Council; and

WHEREAS the Municipal Act requires City Council to pass a by-law to declare the position of Councillor, Ward 31 - Beaches-East York, vacant; and

WHEREAS the Municipal Act requires City Council to determine whether to fill the

vacancy through the conduct of a by-election or by way of the appointment of a qualified elector; and

WHEREAS City Council adopted a policy at its meeting of February 1, 2 and 3, 2000 to provide that any vacancy in the office of a Member of Council occurring prior to November 30th in the year preceding a regular election would be filled through the conduct of a by-election;

NOW THEREFORE BE IT RESOLVED THAT City Council give consideration to the attached report dated October 1, 2001, from the City Clerk, entitled 'Council Vacancy - Ward 31 -Beaches-East York';

AND BE IT FURTHER RESOLVED THAT Recommendations Nos. (1), (2)(b)(i) to (iv), (3), (4) and (5) contained in the aforementioned report be adopted, to declare the office of Councillor, Ward 31 - Beaches-East York vacant; to provide for the conduct of a by-election on Monday, December 3, 2001 to fill the vacancy in the office of Councillor; to provide that the necessary funds be allocated from the Corporate Contingency Account; and to provide that the current Ward 31 Councillor staff continue to serve the constituents of Ward 31 – Beaches-East York, until such time that a new Councillor is elected and a decision is made by Council or the new Councillor with respect to staffing.”

Council also had before it, during consideration of Motion J(8), a report dated October 1, 2001, from the City Clerk, entitled “Council Vacancy – Ward 31 – Beaches-East York”. (See Attachment No. 7, Page 196).

Motions:

- (a) Councillor Hall moved that Motion J(8) be adopted, subject to amending the second Operative Paragraph by adding the words “subject to amending Recommendation No. (4) embodied in the report dated October 1, 2001, from the City Clerk, by adding the words ‘and report to Council Services’, after the words ‘Beaches-East York’ ”.
- (b) Councillor Berardinetti moved that Motion J(8) be adopted, subject to amending the second Operative Paragraph by adding the words “subject to amending Recommendation No. (4) embodied in the report dated October 1, 2001, from the City Clerk, by adding the words ‘subject to their agreement’ after the word ‘continue’ ”.

Votes:

Motion (a) by Councillor Hall carried.

Motion (b) by Councillor Berardinetti carried.

Motion J(8), as amended, carried.

Council, by its adoption of the Motion, as amended, adopted the report dated October 1, 2001, from the City Clerk, embodying the following recommendations, as amended:

“It is recommended that:

- (1) the office of Councillor, Ward 31 – Beaches-East York be declared vacant; and
- (2) (b) Option 2 – By-Election
 - (i) the vacancy be filled by means of a by-election;
 - (ii) Council authorize advance votes to be conducted as indicated in the attached draft Bill No. 1;
 - (iii) Council authorize the payment of campaign contribution rebates to person who make contributions to candidates in this by-election, similar to the provisions in the 2000 municipal election, and as outlined in the attached draft Bill No. 2; and
 - (iv) the new Councillor when elected, be urged to give first consideration to retaining the current staff;
- (3) the Acting Chief Financial Officer be authorized to transfer the necessary funds from the 2001 Corporate Contingency Account to cover the costs of either Option 1 or Option 2;
- (4) in the interim, the current staff continue, subject to their agreement, to serve the constituents of Ward 31 – Beaches-East York, and report to Council Services, until the new Councillor is appointed or elected and a decision is made by Council or the new Councillor with respect to staffing; and
- (5) leave be granted to introduce the necessary Bills in Council and the appropriate City Officials be authorized to take the necessary action to give effect thereto.”

8.76 **Child Care Worker Appreciation Day**

Councillor Chow 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 J(9), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Chow**

Seconded by: **Councillor Soknacki**

“WHEREAS thirty years of research confirms the benefits of high quality child care for young children’s intellectual, emotional, social and physical development and later life outcomes; and

WHEREAS child care promotes the well-being of children and responds to the needs of parents, child care workers and the broader community by supporting quality of life so that citizens can fully participate in and contribute to the economic and social life of their community; and

WHEREAS recent studies clearly show trained and knowledgeable child care workers are the most important element in quality child care, and further that good wages and working conditions are associated with higher job satisfaction, morale, and lower staff turnover, all of which predict higher quality care;

NOW THEREFORE BE IT RESOLVED THAT October 24th be designated ‘Child Care Worker Appreciation Day’, in recognition of the influence, dedication and commitment of child care workers to children, their families and quality of life of the community.”

Advice by Deputy Mayor:

Deputy Mayor Ootes 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 Community Services Committee would have to be waived, in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(9) to the Community Services Committee was taken as follows:

Yes – 38	
Mayor:	Lastman
Councillors:	Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Fillion, Flint, Ford, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Walker
No – 5	
Councillors:	Altobello, Balkissoon, Holyday, Kelly, Sutherland

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

Vote:

Motion J(9) was adopted, without amendment.

8.77 **Decision of Alcohol Gaming Commission - 2446-2448 Bloor Street West**

Councillor Miller 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 J(10), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Miller

Seconded by: Councillor Rae

“WHEREAS the establishment at 2446-2448 Bloor Street West, known as ‘The Fan’, ‘Billy Bob’s’ and the ‘Wedgewood Restaurant’ applied to the Alcohol and Gaming Commission for an application for a roof top patio liquor licence; and

WHEREAS City Council at its meeting held on February 29, March 1 and 2, 2000, adopted a motion, moved by former Councillor Saundercook, and seconded by Councillor Miller, which requested staff of City Legal to be in attendance at the Alcohol and Gaming Commission hearing to provide clarity and act as a resource to the community; and

WHEREAS the Alcohol and Gaming Commission of Ontario at the hearing scheduled on March 29 and March 30, 2000, supported the wishes of the community and refused the application for a roof top patio licence; and

WHEREAS the establishment known as ‘The Fan’, ‘Billy Bob’s’ and the ‘Wedgewood Restaurant’ is appealing the decision of the Alcohol and Gaming Commission of Ontario dated August 8, 2000;

NOW THEREFORE BE IT RESOLVED THAT City Council instruct the City Solicitor to attend the appeal on behalf of the City and support the residents of the community and the decision of the Alcohol and Gaming Commission.”

Advice by Deputy Mayor:

Deputy Mayor Ootes 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 Humber York Community Council would have to be waived, in order to now consider such Motion.

Procedural Vote:

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

Vote:

Motion J(10) was adopted, without amendment.

8.78 **Ontario Municipal Board Hearing Respecting 84 Cameron Avenue**

Councillor Filion 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 J(11), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Filion

Seconded by: Councillor Moscoe

“WHEREAS the Committee of Adjustment for the City of Toronto (North District) refused an application by Al Gatto, 558178 Ontario Limited, the owner of 84 Cameron Avenue, for the consent to sever one residential property fronting onto the north side of Cameron Avenue into two residential properties having frontages of 7.62m each; and

WHEREAS the Committee of Adjustment for the City of Toronto (North District) refused the two associated variance applications requesting variances for lot frontage and width, east and west side yard setbacks, length of dwelling, below grade garages, finished first floor elevation and front yard hard surface;

NOW THEREFORE BE IT RESOLVED THAT Council direct the City Solicitor to authorize City legal staff to attend the Ontario Municipal Board hearing on November 5, 2001, to uphold the City’s By-law and defend the Committee of Adjustments’ decision.”

Advice by Deputy Mayor:

Deputy Mayor Ootes 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 North York Community Council would have to be waived, in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(11) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(11) was adopted, without amendment.

8.79 Meeting of the Committee of the Whole Regarding the Rental Crisis in the City of Toronto

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 J(12), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Walker

Seconded by: Councillor Korwin-Kuczynski

“**WHEREAS** City Council at its meeting held on July 24, 25 and 26, 2001 adopted, as amended, Community Services Committee Report No. 7, Clause No. 1, headed ‘Provincial Legislation for Rent Roll Back’; and

WHEREAS City Council in adopting the foregoing Clause directed that a special evening session of the Committee of the Whole of City Council be held in the Fall of 2001, to hear from the public respecting the rental crisis in the City of Toronto; and

WHEREAS the Tenant Defence Sub-Committee met on September 26, 2001, and discussed options for the meeting date of the Committee of the Whole of Council; and

WHEREAS The Tenant Defence Sub-Committee recommends that the Committee of the Whole of Council be held on Sunday, December 2, 2001, at 12:30 p.m. in the Council Chamber, City Hall; and further recommends that the procedures be varied to allow the reduction of quorum for said meeting;

NOW THEREFORE BE IT RESOLVED THAT the recommendation from the Tenant Defence Sub-Committee be adopted; that a Committee of the Whole of Council meeting be held on Sunday, December 2, 2001, at 12:30 p.m. in the Council Chamber, City Hall; and that the procedures be varied to allow the reduction of quorum for said meeting.”

Advice by Deputy Mayor:

Deputy Mayor Ootes 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 Community Services Committee would have to be waived, in order to now consider such Motion.

Procedural Vote:

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

Motion:

Councillor Korwin-Kuczynski moved that Motion J(12) be adopted, subject to deleting the Operative Paragraph embodied therein and inserting in lieu thereof the following new Operative Paragraph:

“NOW THEREFORE BE IT RESOLVED THAT a Tenant Forum on the Rental Crisis in the City of Toronto be held on a week day and the Acting Commissioner of Community and Neighbourhood Services, in consultation with the Chair of the Tenant Defence Sub-Committee be requested to make arrangements for such Forum on an appropriate day during the week.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that having regard to the nature of the foregoing motion by Councillor Korwin-Kuczynski, the previous decision of Council in this regard would need to be re-opened for further consideration.

Procedural Vote:

Deputy Mayor Ootes, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 1 of Report No. 7 of the Community Services Committee, headed “Provincial Legislation for Rent Roll Back”, be re-opened for further consideration, only insofar as it pertains to a special evening session of the Committee of the Whole, which carried, more than two-thirds of Members present having voted in the affirmative.

Votes:

The motion by Councillor Korwin-Kuczynski, carried.

Motion J(12), as amended, carried.

8.80 Site Plan Application Neptune Drive and Bathurst Street

Councillor Moscoe moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(13), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Moscoe

Seconded by: Councillor Feldman

“WHEREAS Site Plan Application No. UDSP-96-095, which is a development at the

northwest intersection of Neptune Drive and Bathurst Street specifies, as a condition of site plan, that Neptune Drive be converted to a two-way street; and

WHEREAS this has been a matter of some controversy within the community; and

WHEREAS the resolution of this matter is preventing the condominium, already constructed, from being registered; and

WHEREAS the Works and Emergency Services Department, Transportation Division, has expressed some concerns about the safety of a two-way street at this intersection; and

WHEREAS I have received a letter dated September 28, 2001, that the condominium wishes to be relieved of the site plan requirement that the intersection be a two-way;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto hereby eliminate the site plan requirement that Neptune Drive be made a two-way street and that Baycrest be so advised.”

Advice by Deputy Mayor:

Deputy Mayor Ootes 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 Humber York Community Council would have to be waived, in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(13) to the Humber York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(13), a communication dated September 28, 2001, from Mr. Stephen W. Herbert, President and Chief Executive Officer, Baycrest Centre for Geriatric Care, a copy of which is on file in the office of the City Clerk.

Vote:

Motion J(13) was adopted, without amendment.

8.81 Remittance of Cheque by Board of Management of the Swansea Town Hall

Councillor Miller 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 J(14), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Miller

Seconded by: Councillor Korwin-Kuczynski

“WHEREAS the Swansea Town Hall serves as a multi-faceted community centre for residents and businesses in the area of the west end of Toronto that was an incorporated Village from 1926 to 1966; and

WHEREAS the Swansea Town Hall is home to the Swansea Memorial Branch of the Toronto Public Library, a Public Health Dental Clinic, the Swansea Area Seniors Association, the Swansea Area Ratepayers’ Association, the Swansea Historical Society, the Swansea Horticultural Society and the Bloor West Eco-Village; and

WHEREAS the Board of Management of the Swansea Town Hall presented the City of Toronto Treasurer on September 19, 2001, with a cheque in the amount of \$10,134.00; and

WHEREAS this money represents the surplus operating funds from 1996, 1998 and 1999, and results from the scrupulous management of the Swansea Town Hall;

NOW THEREFORE BE IT RESOLVED THAT the City Council thank the Board of Management of the Swansea Town Hall for its prudent management of this City owned facility on behalf of the City of Toronto.”

Advice by Deputy Mayor:

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

Procedural Vote:

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

Vote:

Motion J(14) was adopted, without amendment.

8.82 **Definition of Student Pick-up and Drop-off Zones**

Councillor Miller 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 J(15), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Miller

Seconded by: Councillor Korwin-Kuczynski

“WHEREAS on January 16, 2001 the Humber York Community Council requested

staff of the Works and Emergency Services, Transportation Division, to report on possible amendments to the former City of Toronto By-law regarding student pick-up and drop-off zones to allow five minutes to pick-up and drop-off students by April 3, 2001; and

WHEREAS this report has not been received by the Humber York Community Council; and

WHEREAS parents of young children who drive, need for safety reasons, to get out of their car and walk their child to school; and

WHEREAS the current definition of student pick-up and drop-off zones prohibits this, as it requires the driver to remain in the vehicle; and

WHEREAS hundreds of parents are again being ticketed when dropping-off and picking-up their young children; and

WHEREAS the definition of student pick-up and drop-off zones in the former City of Toronto needs to be amended to allow a five-minute period for parents to leave their vehicles; and

WHEREAS this matter requires addressing urgently;

NOW THEREFORE BE IT RESOLVED THAT the definition of student pick-up and drop-off zone in the former City of Toronto By-law be amended to allow for parking of a vehicle for five minutes for the purpose of picking-up and dropping-off a student;

AND FURTHER BE IT RESOLVED THAT the Toronto Police Service and the Toronto Public and Separate School Boards be immediately advised of this change;

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 Deputy Mayor:

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

Procedural Vote:

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

Motion:

Councillor Miller moved that Motion J(15) be adopted, subject to:

- (1) referring the first Operative Paragraph embodied therein to the Commissioner of Works and Emergency Services with a request that the Commissioner report thereon, in consultation with the School Boards, to the Works Committee for its meeting on November 14, 2001, viz.:

“NOW THEREFORE BE IT RESOLVED THAT the definition of student pick-up and drop-off zone in the former City of Toronto By-law be amended to allow for parking of a vehicle for five minutes for the purpose of picking-up and dropping-off a student;” and

- (2) adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the parking restrictions on Mountview Avenue, in the vicinity of Keele Street Public School, be amended to allow for ten-minute parking in the student pick-up and drop-off zone, between 7:30 a.m. and 9:30 a.m. and 3:00 p.m. and 5:00 p.m.”

Votes:

The motion by Councillor Miller carried.

Motion J(15) as amended, carried.

8.83 Hiring of Additional Fire Fighters

Councillor Augimeri moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(16), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Augimeri

Seconded by: Councillor Johnston

“WHEREAS on any given day the Toronto Fire Services has up to twelve trucks out of service due to insufficient staffing; and

WHEREAS another 20 to 30 trucks are short-staffed with only three staff; and

WHEREAS the National Fire Protection Association (NFPA) and Coroners Jury recommended a minimum of four fire fighters on all trucks and staffing of up to five or six fire fighters in high risk or high incident areas; and

WHEREAS the Fire Chief has been requesting an additional 55 fire fighters since 1999; and

WHEREAS the hiring of 55 additional fire fighters has been recommended by the Community Services Committee;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with § 27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 2 of Report No. 5 of The Policy and Finance Committee, headed ‘City of Toronto 2001 Operating Budget’, be re-opened for further consideration, only insofar as it pertains to the operating budget for Fire Services;

AND BE IT FURTHER RESOLVED THAT Toronto City Council approve the hiring of 55 additional fire fighters, commencing December 3, 2001, at a cost not to exceed \$204,000.00 in budget year 2001, and that this money be paid from the Corporate Contingency Account.”

Procedural Vote:

Adoption of first Operative Paragraph embodied in Motion J(16):

Yes – 30	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Filion, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Pantalone, Rae, Shaw, Silva, Walker
No – 13	
Councillors:	Chow, Feldman, Flint, Ford, Holyday, Kelly, Lindsay Luby, Moeser, Ootes, Pitfield, Shiner, Soknacki, Sutherland

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of the balance of Motion J(16) to the Policy and Finance Committee would have to be waived, in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of the balance of Motion J(16) to the Policy and Finance Committee was taken as follows:

Yes - 30	
Mayor:	Lastman
Councillors:	Augimeri, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Filion, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Silva, Sutherland, Walker
No - 13	
Councillors:	Altobello, Balkissoon, Chow, Feldman, Flint, Ford, Holyday, Kelly, Minnan-Wong, Moeser, Ootes, Shiner, Soknacki

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

Motion:

Councillor Johnston moved that the balance of Motion J(16) be referred to the Chief, Toronto Fire Services, for a report thereon to the next meeting of the Community Services Committee scheduled to be held on October 18, 2001, for subsequent report to Council at its next meeting scheduled to be held on November 6, 2001, addressing the immediate need for 55 fire fighters.

Vote:

The motion by Councillor Johnston carried.

8.84 Victims of the Attacks of September 11, 2001

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 J(17), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Mihevc**

Seconded by: **Councillor Shaw**

“WHEREAS the City of Toronto remembers the victims of the attacks of September 11, 2001 in New York and Washington and expresses the deepest condolences and sympathies to the people of the United States; and

WHEREAS the City of Toronto has adopted as its corporate motto the words: ‘diversity our strength’; and

WHEREAS the City of Toronto is committed to showing the world how the people of Toronto of different races, cultures and faiths can live and work in harmony; and

WHEREAS the City of Toronto is committed to the elimination of all forms of racism, hate activities and all barriers to human and civil rights; and

WHEREAS the Council of the City of Toronto expresses its dismay and concern, as the Toronto Police report, of a recent increase in hate incidents against residents of Arab and Muslim origin;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto call on all its residents to exercise, in both attitude and behaviour, respect and understanding towards our Arab and Muslim neighbours;

AND BE IT FURTHER RESOLVED THAT the Council of the City of Toronto direct the appropriate City Departments and special purpose bodies including the Toronto Police Service, to continue to reassure and work with members of the Arab and Muslim communities to ensure that any and every incident of hate will be met with all the power and resources the City of Toronto has available to it;

AND BE IT FURTHER RESOLVED THAT the Council of the City of Toronto urge the Prime Minister of Canada to strengthen Canada’s international humanitarian aid efforts, to continue to provide asylum to bona fide refugees, and to use whatever international influence Canada has to continue to caution against any unnecessary escalation of vengeful rhetoric and global violence in the process of bringing the perpetrators of the terrorist attacks of September 11, 2001 to justice.”

Advice by Deputy Mayor:

Deputy Mayor Ootes 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 Policy and Finance Committee would have to be waived, in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(17) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Mihevc moved that Motion J(17) be adopted, subject to deleting all the words after the word “refugees” in the third Operative Paragraph so that such Operative Paragraph shall now read as follows:

“AND BE IT FURTHER RESOLVED THAT the Council of the City of Toronto urge the Prime Minister of Canada to strengthen Canada’s international humanitarian aid efforts and to continue to provide asylum to bona fide refugees.”

Votes:

The motion by Councillor Mihevc carried.

Motion J(17) as amended, carried.

8.85 Appointment of Chief Building Official

Councillor 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 J(18), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Pantalone

Seconded by: Councillor Ootes

“WHEREAS the Commissioner, Urban Development Services has submitted a confidential report dated October 2, 2001 with respect to a personnel matter pertaining to the appointment of a Chief Building Official;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the aforementioned confidential report dated October 2, 2001, from the Commissioner, Urban Development Services, and that such confidential report be adopted.”

Advice by Deputy Mayor:

Deputy Mayor Ootes 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 Administration Committee would have to be waived, in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(18) to the Administration Committee carried, more

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

Council also had before it, during consideration of Motion J(18), a confidential report dated October 2, 2001, from the Commissioner of Urban Development Services, entitled "Appointment – Chief Building Official". (See Attachment No. 8, Page 203).

Vote:

Adoption of Motion J(18), without amendment:

Yes - 22	
Councillors:	Altobello, Balkissoon, Chow, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, Mihevc, Miller, Moscoe, Ootes, Pantalone, Shiner, Soknacki
No - 1	
Councillor:	Walker

Carried by a majority of 21.

By its adoption of Motion J(18), without amendment, Council adopted, without amendment, the confidential report dated October 2, 2001, from the Commissioner, Urban Development Services, embodying the following recommendations, such report now public, save and except the curriculum vitae referred to therein, such document to remain confidential, in its entirety, in accordance with the provisions of the Municipal Act, having regard that it contains personal information about an identifiable individual:

"It is recommended that:

- (1) Ann Borooh be appointed to the position of Chief Building Official and that such appointment be effective November 5, 2001;
- (2) the Commissioner, Urban Development Services be authorized to negotiate terms and conditions of employment based on the employment provisions previously approved and consistent with other third level senior management of the City;
- (3) By-law No. 201-2001 being 'A By-law ... to appoint Paula Dill as Chief Building Official on an interim basis' be amended to provide that such appointment will remain in full force and effect until a by-law appointing a new Chief Building Official comes into effect; and
- (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 necessary bills.”

8.86 Lakeshore Village Business Improvement Area

Councillor Jones 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 J(19), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Jones

Seconded by: Councillor Chow

“**WHEREAS** the Lakeshore Village Business Improvement Area was designated by By-law No. 1987-20 of the former City of Etobicoke; and

WHEREAS City Council at its meeting held on March 6, 7 and 8, 2001, by adoption of Economic Development and Parks Committee Report No. 2, Clause No. 5, headed ‘Appointments to Business Improvement Area (BIA) Boards of Management (All Wards)’, appointed the 2001-2003 Board of Management of the Lakeshore Village Business Improvement Area; and

WHEREAS the Board of Management of the Lakeshore Village Business Improvement Area submitted its budget for approval by City Council on September 12, 2001;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the 2001 budget for the Lakeshore Village Business Improvement Area in the amount of \$34,953.00, as submitted by the Board of Management of the Lakeshore Village Business Improvement Area;

AND BE IT FURTHER RESOLVED THAT Council enact a By-law to levy the amount of \$34,953.00 for the purposes of the Lakeshore Village Business Improvement Area;

AND BE IT FURTHER RESOLVED THAT authority be granted for the introduction of the necessary Bill in Council.”

Advice by Deputy Mayor:

Deputy Mayor Ootes 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 Economic Development and Parks Committee would have to be waived, in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(19) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(19) was adopted, without amendment.

8.87 Maintenance of Flankage City Properties

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 J(20), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Di Giorgio

Seconded by: Councillor Moscoe

“WHEREAS City residents are generally responsible for maintenance on City property abutting private property; and

WHEREAS flankage City property typically presents a greater maintenance problem for residents; and

WHEREAS there are City programs in place to provide maintenance assistance for seniors at their expense; and

WHEREAS not all flankage properties are similar in size and contour; and

WHEREAS some City flankage properties are characterized by large grade differentials that would normally require retaining walls; and

WHEREAS these sloped boulevards are normally wider and unevenly graded; and

WHEREAS special equipment is usually required to maintain these sloped boulevards; and

WHEREAS the City may be ultimately liable for any injuries or accidents on City property;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Works and Emergency Services be requested to prepare a report outlining the financial implications for the maintenance of flankage City properties that are clearly atypical in size and grade and which requires special equipment.”

Advice by Deputy Mayor:

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

Procedural Vote:

The vote to waive referral of Motion J(20) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(20) was adopted, without amendment.

8.88 **Report from the Board of Directors, Federation of Canadian Municipalities**

Councillor Layton 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 J(21), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Layton

Seconded by: Councillor Hall

“**WHEREAS** the Federation of Canadian Municipalities (FCM) Board of Directors met in September 2001; and

WHEREAS the FCM Board adopted a significant number of motions of great importance to municipalities across Canada, especially Toronto; and

WHEREAS the attached report by Councillor Jack Layton entitled ‘Report from FCM Board of Directors Meeting September, 2001 and Report on FCM President’s Activities and Report, June – September 2001’ dated September 11, 2001 contains recommendations that Councils across Canada are being asked to adopt in support of the work of the FCM Board of Directors; and

WHEREAS the recommendations focus on Federal Government decisions which are

all imminent and require Council action prior to end of October; and

NOW THEREFORE BE IT RESOLVED THAT Council adopt the following recommendations in support of the work of the FCM Board of Directors;

- (A) that the Mayor, Members of Council and senior municipal staff use the information contained in the FCM report 'Early Warnings' and the FCM 2002 Budget Proposals (both available on the FCM web site) and positions adopted by the FCM Board of Directors to reinforce the city's efforts to raise awareness of the financial inequalities between Canadian municipalities and those in countries with whom Canada must compete and to seek new relationships with the Provincial and Federal Governments;
- (B) that Council endorse the FCM Budget Submission to the Federal Government, entitled 'A Better Quality of Life Through Sustainable Community Development: Priorities and Investment Plan' and that the senior municipal staff, the Mayor and all Members of Council be encouraged to communicate directly with Members of the Cabinet and Members of Parliament in support of federal investment in cities to be included in the next federal budget;
- (C) that Council encourage the Federal Government to ratify the Kyoto Commitment under the Framework on Climate Change Convention;
- (D) that the Council urge all Ministers of Housing in Canada to approve a national affordable rental housing construction program to assist in addressing the growing affordable housing crisis in so many communities across Canada at their meeting to be held in Quebec City in November 2001;
- (E) that Council endorse the position of the Federation of Canadian Municipalities in rejecting the surcharges on softwood lumber and derivative products which has been imposed by the U.S. because this charge is seriously damaging the economies of communities across this country and will, inevitably lead to increased costs of lumber and housing;
- (F) that Council endorse the FCM actions concerning the General Agreement on Trade in Services (GATS) as these are consistent with the Chief Administrator Officer's recommendations to Council through the Policy and Finance Committee; and
- (G) that Council endorse the FCM position that the Government of Canada provide matching capital funding along with provincial/territorial governments and municipalities for urban transit;

AND BE IT FURTHER RESOLVED THAT City Council urge the Federal Government to follow through on an earlier commitment they made, to cities, to provide funding for public transit now that the Province of Ontario has come to the table and offered matching funds for the funding of public transit;

AND BE IT FURTHER RESOLVED THAT Council receive the attached report from Councillor Layton entitled ‘Report from FCM Board of Directors Meeting September, 2001 and Report on FCM President’s Activities and Report, June – September 2001’ dated September 11, 2001.”

Advice by Deputy Mayor:

Deputy Mayor Ootes 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 such Motion.

Procedural Vote:

The vote to waive referral of Motion J(21) to the Policy and Finance Committee was taken as follows:

Yes - 36	
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Fillion, Ford, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki, Walker
No - 4	
Councillors:	Flint, Kelly, Minnan-Wong, Sutherland

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

Council also had before it, during consideration of Motion J(21), a report dated September 10, 2001, from Councillor Layton, entitled “Report from FCM Board of Directors Meeting September, 2001 and Report on FCM President’s Activities and Report, June – September 2001”, a copy of which is on file in the office of the City Clerk.

Motion:

Councillor Lindsay Luby moved that Part F embodied in Motion J(21) be struck out and referred to the Policy and Finance Committee for consideration at such time as the Committee gives consideration to the forthcoming report from the Acting Chief Administrative Officer in regard thereto, viz.:

“F. that Council endorse the FCM actions concerning the General Agreement on Trade in Services (GATS) as these are consistent with the CAO’s recommendations to Council through the Policy and Finance Committee;”.

Votes:

Adoption of motion by Councillor Lindsay Luby:

Yes - 12	
Councillors:	Altobello, Duguid, Feldman, Flint, Ford, Holyday, Kelly, Lindsay Luby, Ootes, Shiner, Soknacki, Sutherland
No - 15	
Councillors:	Cho, Chow, Di Giorgio, Hall, Johnston, Jones, Layton, McConnell, Mihevc, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw

Lost by a majority of 3.

Motion J(21), save and except Part F embodied therein, carried.

Adoption of Part F embodied in Motion J(21):

Yes - 19	
Councillors:	Bussin, Cho, Chow, Di Giorgio, Feldman, Flint, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Shaw, Shiner
No - 11	
Councillors:	Duguid, Ford, Holyday, Kelly, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Ootes, Soknacki, Sutherland

Carried by a majority of 8.

In summary, Council adopted Motion J(21), without amendment.

8.89 Change to Schedule of Meetings

Councillor Layton 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 J(22), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Layton

Seconded by: Councillor Moscoe

“WHEREAS City Council at its meeting held on December 5, 6 and 7, 2000, in its adoption of The Striking Committee Report No. 1, Clause 2, headed ‘2001 Schedule of Meetings’, scheduled a City Council meeting for December 4, 5 and 6, 2001; and

WHEREAS both the former City of Toronto Council and the former Metropolitan Toronto Council had official positions preventing Council meetings from occurring in conflict with Federation of Canadian Municipalities (FCM) Board Meetings; and

WHEREAS the FCM Board of Directors is scheduled to meet in Dawson City, Yukon Territory on December 5, 6, 7 and 8, 2001; and

WHEREAS it will take FCM Board members from the City of Toronto two days to travel to Dawson City; and

WHEREAS any potential changes to the Council meeting schedule should be made, as quickly as possible, to allow all affected people to revise their plans;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Striking Committee Report No. 1, Clause No. 2, headed ‘2001 Schedule of Meetings’, be re-opened for further consideration, insofar as it pertains to the meeting of Council scheduled for December 2001;

AND BE IT FURTHER RESOLVED THAT the City Council meeting schedule for December 4, 5 and 6, 2001, be rescheduled for December 11, 12 and 13, 2001.”

Procedural Vote:

Adoption of first Operative Paragraph embodied in Motion J(22):

Yes - 30	
Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Holyday, Johnston, Jones, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Soknacki, Walker
No - 9	
Councillors:	Ford, Kelly, Korwin-Kuczynski, Miller, Moeser, Ootes, Shiner, Silva, Sutherland

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

Consideration of the balance of this Motion was deferred to the next regular meeting of Council scheduled to be held on November 6, 2001.

8.90 Suspension of Provincial Sales Tax/Goods and Services Tax

Mayor Lastman 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 J(23), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Mayor Lastman

Seconded by: Councillor Pantalone

“WHEREAS a number of American states have given their residents a tax holiday as an incentive to encourage purchasing; and

WHEREAS we must encourage spending and stimulate the economy as one way of avoiding slipping into a recession and it is important to create more jobs; and

WHEREAS this is also a way of helping low income families of Toronto manage better during expensive times of the year like winter and back-to-school periods;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto request the Provincial and the Federal governments to suspend collecting PST and/or GST on all clothing items below \$75.00 and school supplies below \$20.00, including Canadian books, at least twice a year – the whole month of November and the whole month of

August for the beginning of the school year; a higher dollar amount and a longer time period would be preferable;

AND BE IT FURTHER RESOLVED THAT retail companies must at least match this, giving residents of Toronto a 30 percent or more reduction on these items;

AND BE IT FURTHER RESOLVED THAT this Resolution be forwarded for endorsement to all Ontario municipalities.”

Advice by Deputy Mayor:

Deputy Mayor Ootes 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 Economic Development and Parks Committee would have to be waived, in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(23) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(23) was adopted, without amendment.

8.91 **Feasibility of Closing the South End of Replin Road**

Councillor Moscoe moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(24), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Moscoe**

Seconded by: **Councillor Feldman**

“WHEREAS Lawrence Heights is the second largest public housing development in Canada; and

WHEREAS Council has allocated and approved \$50,000.00 within the current capital budget to design and construct a basketball park within Lawrence Heights; and

WHEREAS the recent transfer of properties from MTHA to the City has now, for the first time, made available an ideal site on which to locate this facility; and

WHEREAS in order to meet reasonable deadlines the City must make a determination of the feasibility of locating this site at the foot of Replin Road;

NOW THEREFORE BE IT RESOLVED THAT Council request the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Works and Emergency Services to jointly review and report, to the Humber York Community Council, on the feasibility of closing the south end of Replin Road in order to facilitate the creation of a site for a basketball park.”

Advice by Deputy Mayor:

Deputy Mayor Ootes 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 Humber York Community Council would have to be waived, in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(24) to the Humber York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(24) was adopted, without amendment.

8.92 **Grant to 77 Davisville Tenants Association**

Councillor Walker 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 J(25), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Walker

Seconded by: Councillor Korwin-Kuczynski

“**WHEREAS** City Council created the Tenant Support Grants Program and the Tenant Defence Fund to assist tenants of Toronto in disputing above guideline rent increases, participating in Ontario Municipal Board Appeals affecting condominium conversion and demolition applications and in making appeals to Divisional Court, in defence of tenants interests; and

WHEREAS City Council established the Tenant Defence Sub-Committee to monitor the Tenant Support Grants Program and to recommend to the Community Services Committee actions in defence of tenants in the City of Toronto; and

WHEREAS the Tenant Defence Sub-Committee met on September 26, 2001, and discussed the matters raised in the communication (September 24, 2001) from Mr. Sandy Bandhu of 77 Davisville Avenue Tenants Association, including the request for a special grant; and

WHEREAS the Tenant Defence Sub-Committee has a concern that there are issues common to all tenants concerning possible violations of the Tenant Protection Act; arising from the 77 Davisville Tenants Association appeal to Divisional Court; and

WHEREAS the Divisional Court appeal relates to improper notice to tenants of the original hearing as required by the Tenant Protection Act and subsequent issues of process, including the allowance of additional evidence submitted by the landlord after a Tribunal deadline, and will have wide ranging impacts for all tenants facing the Ontario Rental Housing Tribunal process; and

WHEREAS the tenant representative served and filed a Notice of Appeal in the Divisional Court and subsequently Mr. Harold L. Sclochnik, Barrister and Solicitor, filed a Supplementary Notice of Appeal on behalf of the tenants, which expanded on the grounds of appeal, clarified that the appeal was filed on behalf of all of the tenants affected by the order under appeal and clarified that the appeal was in respect of both the original order and the review order; and

WHEREAS at the present time there is a motion pending to be heard October 12, 2001, in the Divisional Court whereby the landlord is attempting to strike out the Supplementary Notice of Appeal, in an apparent attempt to limit the appeal to only the tenant who actually filed the original Notice of Appeal and to limit the appeal to the review order only; and

WHEREAS the tenants who did not sign the review request have been denied the privilege of that appeal and tenants in other buildings could be likewise excluded; and

WHEREAS the Tenant Defence Sub-Committee requested the Acting Commissioner of Community and Neighbourhood Services and the City Solicitor to report to Council regarding the application from the 77 Davisville Tenants Association; and

WHEREAS the Acting Commissioner of Community and Neighbourhood Services and the City Solicitor notes that, based on staff review, the 77 Davisville Tenants Association application is not eligible for a grant under the Tenant Support Grants Program, as an insufficient number of the units have rents that meet qualifying rents; and

WHEREAS the Tenant Defence Sub-Committee has an interest in ensuring that the proceedings of the Ontario Rental Housing Tribunal are conducted in a fair and non-

discriminatory manner; and

WHEREAS there is an opportunity for the Tenant Defence Sub-Committee to recommend to Council that a tenant group receive a grant despite the fact that staff have determined that the group does not meet the eligibility criteria set by Council in the By-law; and

WHEREAS the Tenant Defence Sub-Committee requested its Chair to submit a Notice of Motion to City Council for its meeting on October 2, 2001, regarding this matter; and

WHEREAS there are sufficient funds in the Tenant Defence Fund to provide a grant of \$10,000.00 to the 77 Davisville Tenants Association to assist in their appeal to Divisional Court;

NOW THEREFORE BE IT RESOLVED THAT Council approve the application from 77 Davisville Tenants Association for a grant of up to \$10,000.00 to carry out their appeal in Ontario Divisional Court on October 12, 2001, to be allocated from the Tenant Support Grants Program, and deem such grant to be in the municipal interest.”

Council also had before it, during consideration of Motion J(25), a joint report dated October 1, 2001, from the Acting Commissioner of Community and Neighbourhood Services and the City Solicitor, entitled “77 Davisville Avenue Tenant Defence Fund Grant Application”. (See Attachment No. 9, Page 205).

Vote:

Adoption of Motion J(25), without amendment:

Yes - 22	
Councillors:	Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Flint, Jones, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shiner, Soknacki, Walker
No - 7	
Councillors:	Filion, Ford, Holyday, Kelly, Milczyn, Ootes, Sutherland

Carried by a majority of 15.

8.93 Provincial Government Control of GO Transit

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 J(26), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Augimeri**

Seconded by: **Councillor Balkissoon**

“**WHEREAS** the Provincial government, in a recent policy reversal, announced that the Government of Ontario would once again take control of GO Transit; and
WHEREAS GO Transit is a vital component of an integrated inter-regional public transportation network; and

WHEREAS the Government of Ontario is currently entertaining private sector proposals to expand the Greater Toronto Area’s transportation infrastructure; and

WHEREAS it is vital that GO Transit, in order to grow into a fully functioning, affordable, and environmentally responsible public transportation system that moves people on masse, remain a government funded, government run transportation system;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council communicate to the Provincial government, in the strongest possible terms, that GO Transit remain a government funded, government run transportation system.”

Advice by Deputy Mayor:

Deputy Mayor Ootes 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 Planning and Transportation Committee would have to be waived, in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(26) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(26) was adopted, without amendment.

8.94 Liquor Licence - 994 St. Clair Avenue West

Councillor Disero 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 J(27), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Disero**

Seconded by: Councillor Nunziata

“**WHEREAS** the Alcohol and Gaming Commission of Ontario has renewed the Liquor Licence to the owners of 994 St. Clair Avenue West, known as Pisco Sour; and

WHEREAS the present operators of the business currently do not have a City of Toronto Business Licence and have not applied for a licence since May 1999; and

WHEREAS this address has been identified as a source of complaints by surrounding property owners for approximately two years;

NOW THEREFORE BE IT RESOLVED THAT the City co-ordinate and share information with the Alcohol and Gaming Commission of Ontario to determine whether or not to issue or renew a liquor licence under these circumstances;

AND BE IT FURTHER RESOLVED THAT a protocol be established between the City of Toronto and the Alcohol and Gaming Commission of Ontario with respect to the issuance or renewal of a liquor licence as it pertains to a property where a business licence has not been granted.”

Advice by Deputy Mayor:

Deputy Mayor Ootes 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 Administration Committee would have to be waived, in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(27) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(27) was adopted, without amendment.

8.95 **Ontario Municipal Board Hearing Regarding Yonge-Summerhill Lands**

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 J(28), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Rae

Seconded by: Councillor Chow

“**WHEREAS** City Council at its meeting held on July 27, 28, 29 and 30, 1999, adopted, as amended, Policy and Finance Committee Report No. 4, Clause No. 1, headed ‘City-Wide Development Charge By-Law’, and, in doing so, rejected the development charge credit application submitted by Thornville Developments Limited on behalf of Woodcliffe Corporation and 1209011 Ontario Inc.; and

WHEREAS Woodcliffe Corporation appealed City Council’s refusal to recognize its claim for development charge credits to the Ontario Municipal Board; and

WHEREAS Woodcliffe Corporation has made a settlement offer to the City; and

WHEREAS the Ontario Municipal Board hearing is scheduled to begin prior to the next City Council meeting;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the confidential report dated October 1, 2001 from the City Solicitor and adopt the recommendations set out therein.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(28) to the Policy and Finance Committee would have to be waived, in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(28) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(28) was adopted, without amendment, and in so doing, Council adopted, without amendment, the confidential report dated October 1, 2001, from the City Solicitor, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it is subject to solicitor-client privilege, save and except the following recommendations embodied therein:

“It is recommended that:

- (1) the City Solicitor be authorized to accept Woodcliffe Corporation’s offer to settle its development charge credit claim appeal by recognizing a

development charge credit in the amount of \$28,500.00; and

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

8.96 Protection of Toronto's Water Supply – Increased Security for R.C. Harris Water Filtration Plant and other Works and Emergency Service Sites

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 J(30), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Soknacki

Seconded by: Councillor Pitfield

“WHEREAS the City of Toronto has a responsibility to ensure the safety of its potable water supply; and

WHEREAS the Economic Development, Culture and Tourism Department of the City of Toronto in co-operation with Works and Emergency Services Department permits large scale movie filming on the R.C. Harris plant grounds, which in the year 2000 amounted to 25 film shoots with an average span of five days of shooting per shoot and to date in 2001 there has been 22 productions of the same duration; and

WHEREAS these film shoots involve the employment of large numbers of people and the use of large equipment vehicles; and

WHEREAS film company personnel and large equipment vehicles are in close proximity to the water purification facilities and may pose a potential risk to the safety of the plant and its important function; and

WHEREAS the nearly continual filming activity has had a serious negative impact on the quality of life of the neighbouring residents on Nursewood Road and Neville Park Boulevard in Ward 32; and

WHEREAS the Nursewood Road and Neville Park Boulevard neighbourhood is not protected by the provisions of the Economic Development, Culture and Tourism Department's Film Office policy of allowing no more than two film shoots annually in residential neighbourhoods;

NOW THEREFORE BE IT RESOLVED THAT City Council request the Commissioner of Economic Development, Culture and Tourism and Commissioner of Works and Emergency Services, in co-operation, to report to the next sessions of their respective Standing Committees with a plan that will increase security at the R.C. Harris Filtration Plant and other Works and Emergency Services sites, especially with regard to movie filming occurring at the R.C. Harris plant;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism present to the Economic Development and Parks Committee a plan to limit the number of filming permits issued at the R.C. Harris Filtration Plant to greater reflect the current policy of limiting the number of film shoots in residential neighbourhoods.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(30) to the Works Committee and the Economic Development and Parks Committee would have to be waived, in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(30) to the Works Committee and the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(30) was adopted, without amendment.

8.97 Design-Build – Dufferin Mixed Waste Recycling and Organics Processing Facility

Councillor Disero 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 J(31), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Disero

Seconded by: Councillor Jones

“**WHEREAS** Council at its meeting held on July 24, 25 and 26, 2001, adopted Notice of Motion J(21) and, in doing so, adopted the report, dated July 24, 2001, from the Commissioner of Works and Emergency Services in relation to the Design-Build contract for the Dufferin Mixed Waste Recycling and Organics Processing Facility; and

WHEREAS Council, in adopting the report, consented to the request by the contractor, Stone & Webster Canada Limited, for the assignment of the Design-Build contract to a joint venture group led by Canada Composting Inc., subject to the successful negotiation of an amending agreement with the joint venture group to the

satisfaction of the Commissioner of Works and Emergency Services; and

WHEREAS the parties have negotiated an Assignment, Assumption and Release Agreement and an Amendment Agreement which by virtue of their terms, as contained in a report, dated October 2, 2001, from the Commissioner of Works and Emergency Services, requires the further authorization of Council;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the aforementioned report dated October 2, 2001, from the Commissioner of Works and Emergency Services and such report be adopted.”

Advice by Deputy Mayor:

Deputy Mayor Ootes 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 Works Committee would have to be waived, in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(31) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(31), a report dated October 2, 2001, from the Commissioner of Works and Emergency Services, entitled “Assignment of the Design-Build Agreement for the Dufferin Mixed Waste Recycling and Organics Processing Facility”. (See Attachment No. 10, Page 209).

Vote:

Motion J(31) was adopted, without amendment, and in so doing, Council adopted, without amendment, the report dated October 2, 2001, from the Commissioner of Works and Emergency Services, embodying the following recommendations:

“It is recommended that:

- (1) the Commissioner of Works and Emergency Services be authorized to enter into:
 - (a) an assignment, assumption and release agreement in relation to the Design-Build Contract for the Dufferin Mixed Waste Recycling and Organics Processing Facility, on the terms and conditions as described in this report and otherwise on terms and conditions satisfactory to the Commissioner of Works and Emergency Services and in a form satisfactory to the City Solicitor, with the assignees, Canada Composting Inc., BTA Biotechnische Abfallverwertung GmbH & Co.,

KG, Trow Consulting Engineers Ltd., and W. S. Nicholls Construction Inc. and the assignor, Stone & Webster Canada Limited:

- (i) assigning the Design-Build Contract from the assignor to the assignees, and
 - (ii) requiring the assignees to assume the assignor's obligations under the Design-Build Contract and requiring the assignees to provide replacement bonds in accordance with the contract requirements, and
- (b) an associated mutual release in a form satisfactory to the City Solicitor releasing respectively, Toronto, the assignor and its sureties, Chubb Insurance Company of Canada and AXA Pacific Insurance Company, from their obligations under the Design-Build Contract and the currently held performance and labour and material payment bonds;
- (2) the Commissioner of Works and Emergency Services be authorized to enter into an amending agreement to the Design-Build Contract for the Dufferin Mixed Waste Recycling and Organics Processing Facility, on the terms and conditions as described in this report and otherwise on terms and conditions satisfactory to the Commissioner of Works and Emergency Services and in a form satisfactory to the City Solicitor, with the assignees, Canada Composting Inc., BTA Biotechnische Abfallverwertung GmbH & Co., KG, Trow Consulting Engineers Ltd., and W. S. Nicholls Construction Inc.; and
- (3) authority be granted to the Commissioner of Works and Emergency Services to report back to the November 2001 meetings of the Works Committee with the details of an operating agreement with Canada Composting Inc.”

8.98 Youth Peer Program to Mitigate Hate Related Activities

Councillor Chow 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 J(32), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Chow

Seconded by: Councillor Hall

“WHEREAS the tragic events of September 11, 2001, have resulted in misplaced blame and anger; and

WHEREAS some residents of the City of Toronto have experienced hate related hostility; and

WHEREAS Human Resources Development Canada has undertaken to support the City in addressing the impact of hate related hostility on City youth;

NOW THEREFORE BE IT RESOLVED THAT the Acting Commissioner of Community and Neighbourhood Services be authorized to enter into an agreement with Human Resources Development Canada for the provision of a youth peer program to mitigate hate related activities at no net cost to the City.”

Advice by Deputy Mayor:

Deputy Mayor Ootes 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 Community Services Committee would have to be waived, in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(32) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(32) was adopted, without amendment.

8.99 **Signet Developments - Amendment to Zoning By-law – Narrowing of Permitted Uses**

Councillor Hall moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(34), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Hall

Seconded by: Councillor Nunziata

“**WHEREAS** the former City of Etobicoke Council after holding a public hearing, at its meeting of May 1, 1995, approved a development application by Signet Developments on lands at Steeles Avenue and Highway 427 to permit the lands to be used for a home improvement retail warehouse as well as industrial/office uses in accordance with the IC.1 zoning provisions; and

WHEREAS Signet Developments now does not require zoning for a home

improvement retail warehouse and requests the by-law to reflect only the uses permitted by the IC.1 zoning category, save and except for truck terminals; and

WHEREAS Toronto City Council is agreeable to narrowing the permitted uses as requested;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council, directs the proposed By-law amendment to be revised to narrow the permitted uses to those set out in the IC.1 zoning category, save and except for truck terminals;

AND BE IT FURTHER RESOLVED THAT Toronto City Council, under Section 34 (17) of the Planning Act, determines that no further notice to the public is required of that change.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(34) to the Etobicoke Community Council would have to be waived, in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(34) to the Etobicoke Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(34) was adopted, without amendment.

8.100 **Request for Public Inquiry - Anthony (Dudley) George**

Request to Introduce Notice of Motion:

Councillor Walker, on October 3, 2001, requested the permission of Council to introduce a Motion to Council in regard to Dudley George.

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of the request by Councillor Walker, ruled such request out of order.

Councillor Walker challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 17	
Councillors:	Di Giorgio, Disero, Duguid, Flint, Ford, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shiner, Soknacki
No - 20	
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Pitfield, Rae, Shaw, Walker

Lost by a majority of 3.

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 J(35), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Walker

Seconded by: Councillor Bussin

“WHEREAS September 6, 2001 marked the sixth anniversary of the death of Anthony (Dudley) George, the first native Canadian to be killed by police in a land claims dispute; and

WHEREAS Anthony (Dudley) George was shot by an OPP officer at Ipperwash Provincial Park on September 6, 1995, when a group of more than 200 OPP officers assembled to remove 30 unarmed native activists from the park; and

WHEREAS since then, evidence has emerged directly linking the decision to remove protesters from the park with influence at the highest levels of the provincial government, including the Premier, Mike Harris, and members of his office; and

WHEREAS despite repeated demands for a public inquiry from George’s family, the UN Human Rights Committee, the Federal Government, Gerry Phillips - MPP Scarborough – Agincourt, Howard Hampton – leader of provincial opposition, and many social justice groups, Premier Mike Harris has refused to call an impartial investigation into the shooting; and

WHEREAS there has been great public outcry, both in the City of Toronto and across Canada against the procedures and actions of the OPP on September 6, 1995; and

WHEREAS Ontario’s Chief Coroner is presently considering holding a formal

inquest into the shooting of Anthony (Dudley) George; and
WHEREAS the family of Anthony (Dudley) George is taking legal action against Premier Mike Harris, members of his government, and police for wrongful death, but has said the civil suit will be dropped if a public provincial inquiry and a coroner's inquest are carried out; and

NOW THEREFORE BE IT RESOLVED that Toronto City Council formally request a public inquiry into the killing of Anthony (Dudley) George, to release all the facts into the public domain to end future speculation as to political influence and to obtain justice for Anthony George and the George family."

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(35) to the Policy and Finance Committee would have to be waived, in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(35) to the Policy and Finance Committee was taken as follows:

Yes - 16	
Councillors:	Bussin, Chow, Di Giorgio, Duguid, Holyday, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Rae, Silva, Soknacki, Walker
No - 11	
Councillors:	Balkissoon, Disero, Feldman, Flint, Ford, Hall, Kelly, Milczyn, Nunziata, Ootes, Shiner

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

Having regard to the foregoing decision of Council, Motion J(35) was referred to the Policy and Finance Committee.

- 8.101 Deputy Mayor Ootes proposed to Council that consideration of the following matters remaining on the Order Paper for this meeting of Council be deferred to the next regular meeting of City Council scheduled to be held on :

REPORT NO. 9 OF THE PLANNING AND TRANSPORTATION COMMITTEE

Clause No. 1 - "Removal of Bus Bays on City Streets".

Clause No. 2 - "Preliminary Proposal to Expand the Don Valley Parkway".

REPORT NO. 13 OF THE WORKS COMMITTEE

Clause No. 1 - "Classification of Road Salt".

Clause No. 2 - "Traffic Calming Policy".

REPORT NO. 6 OF THE BOARD OF HEALTH

Clause No. 1 - "Strategy to Achieve a Phase Out of Non-Essential Outdoor Uses of Pesticides".

REPORT NO. 12 OF THE POLICY AND FINANCE COMMITTEE

Clause No. 12 - "Toronto Police Service - Annual Report 2000".

REPORT NO. 10 OF THE COMMUNITY SERVICES COMMITTEE

Clause No. 12 - "Social Housing Services Corporation".

REPORT NO. 10 OF THE PLANNING AND TRANSPORTATION COMMITTEE

Clause No. 7 - "Representation of Residents at OMB Hearings".

REPORT NO. 13 OF THE ADMINISTRATION COMMITTEE

Clause No. 1 - "Municipal Elections Act, 1996, - Amendments and Election 2000 Report".

Clause No. 10 - "Retention of Outside Counsel by Agencies, Boards and Commissions".

Clause No. 15 - "Options for Methods to Deal With Decisions on Compliance Audit Applications".

NOTICE OF MOTION

J(22) Change to Schedule of Meetings
Moved by Councillor Layton, seconded by Councillor Moscoe

Council concurred in the proposal by Deputy Mayor Ootes.

BILLS AND BY-LAWS

- 8.102 On October 2, 2001, at 7:32 p.m., Councillor Bussin, seconded by Councillor Di Giorgio, 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. 865	By-law No. 740-2001	To confirm the proceedings of the Council at its Meeting held on the 2nd day of October, 2001,
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the vote upon which was taken as follows:

Yes - 36	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland
No - 1	
Councillor:	Bussin

Carried by a majority of 35.

- 8.103 On October 3, 2001, at 7:02 p.m., Councillor Lindsay Luby, seconded by Councillor Mammoliti, 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. 866	By-law No. 741-2001	To confirm the proceedings of the Council at its Meeting held on the 2nd and 3rd days of October, 2001,
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the vote upon which was taken as follows:

Yes - 34	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Shaw, Shiner, Soknacki, Sutherland
No - 2	
Councillors:	Silva, Walker

Carried by a majority of 32.

- 8.104 On October 3, 2001, at 7:27 p.m., Councillor Soknacki, seconded by Councillor Moscoe, 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. 867	By-law No. 742-2001	To confirm the proceedings of the Council at its Meeting held on the 2nd and 3rd days of October, 2001,
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the vote upon which was taken as follows:

Yes - 25	
Councillors:	Balkissoon, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Layton, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Walker
No - 1	
Councillor:	Ashton

Carried by a majority of 24.

- 8.105 On October 4, 2001, at 5:46 p.m., Councillor Sutherland, seconded by Councillor Shaw, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws:

Bill No. 730	By-law No. 743-2001	To expropriate certain interests in land from the property known as 25 Esandar Drive, (former Borough of East York), for the establishment of two easements
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		required for water main and storm sewer purposes.
Bill No. 731	By-law No. 744-2001	To designate the property at 130 Old Kingston Road (Miller Lash Carriage House) as being of architectural and historical value or interest.
Bill No. 732	By-law No. 745-2001	To repeal By-law No. 151-1999 exempting lands municipally known as 20-22 Hearne Avenue from Part Lot Control.
Bill No. 733	By-law No. 746-2001	To authorize the sale of a part of the closed portion of the highway Wilson Heights Boulevard located on the northwest corner of Wilson Heights Boulevard and Waterloo Avenue.
Bill No. 734	By-law No. 747-2001	To amend By-law No. 31878, as amended, of the former City of North York.
Bill No. 735	By-law No. 748-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 736	By-law No. 749-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 737	By-law No. 750-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 738	By-law No. 751-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 739	By-law No. 752-2001	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.

Bill No. 740	By-law No. 753-2001	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 741	By-law No. 754-2001	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 742	By-law No. 755-2001	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 743	By-law No. 756-2001	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 744	By-law No. 757-2001	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 745	By-law No. 758-2001	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 746	By-law No. 759-2001	To amend further City of Toronto By-law No. 574-2000, a By-law “Respecting the licensing, regulating and governing of trades, businesses and occupations in the City of Toronto”, respecting licensing regulations for Tow Truck Owners and Drivers.
Bill No. 747	By-law No. 760-2001	To layout and dedicate certain land for public highway purposes to form parts of the public highways Havenlea Road, Gramercy Square and Samuel Teitel Court.
Bill No. 748	By-law No. 761-2001	To amend Scarborough Zoning By-law No. 8786, the Birchcliff Community Zoning By-law; and to amend Scarborough Zoning By-law No. 9350, the Bendale Community Zoning

By-law; and to amend Scarborough Zoning By-law No. 10048, the Eglinton Community Zoning By-law; and to amend Scarborough Zoning By-law No. 9276, the Kennedy Park Community Zoning By-law; and to amend Scarborough Zoning By-law No. 9089, the Ionview Community Zoning By-law; and to amend Scarborough Zoning By-law No. 9508, the Dorset Park Community Zoning By-law; and to amend Scarborough Zoning By-law No. 10327, the West Hill Community Zoning By-law; and to amend Scarborough Zoning By-law No. 24982, the Employment Districts Zoning By-law; and to amend Scarborough Zoning By-law No. 13219, the Malvern East Agricultural Holding Zoning By-law.

Bill No. 749	By-law No. 762-2001	To designate certain lands on a registered plan not subject to Part Lot Control in the L'Amoreaux Community.
Bill No. 750	By-law No. 763-2001	To designate certain lands on a registered plan not subject to Part Lot Control in the Sullivan Community.
Bill No. 751	By-law No. 764-2001	To adopt Amendment No. 1072 of the Official Plan for the former City of Scarborough.
Bill No. 752	By-law No. 765-2001	To amend Scarborough Employment Districts Zoning By-law No. 24982, as amended, with respect to the Wexford Employment District.
Bill No. 753	By-law No. 766-2001	To amend Scarborough Zoning By-law No. 24982, as amended, the Employment Districts Zoning By-law (Marshalling Yard) with respect to the

south side of Finch Avenue East and the west side of Markham Road.

Bill No. 754	By-law No. 767-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 755	By-law No. 768-2001	To amend Scarborough Zoning By-law No. 10217, as amended, the Agricultural Holding By-law; and to amend Scarborough Zoning By-law No. 24982, as amended, the Employment Districts Zoning By-law; and to amend the Scarborough Zoning By-law No. 25195, as amended, the L'Amoreaux Community Zoning By-law; and to amend Scarborough Zoning By-law No. 12077, as amended, the Centennial Community Zoning By-law; and to amend Scarborough Zoning By-law No. 14402, as amended, the Malvern Community Zoning By-law; and to amend Scarborough Zoning By-law No. 15907, as amended, the Rouge Community Zoning By-law; and to amend Scarborough Zoning By-law No. 12360, as amended, the Tam O'Shanter Community Zoning By-law; and to amend City of Toronto By-law No. 261-2000; and to repeal City of Toronto By-law No. 158-1999.
Bill No. 756	By-law No. 769-2001	To amend Scarborough Zoning By-law No. 10827, as amended, with respect to the Highland Creek Community.
Bill No. 757	By-law No. 770-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 758	By-law No. 771-2001	To amend By-law No. 31001 of the former City of North York, as amended.

Bill No. 759	By-law No. 772-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 760	By-law No. 773-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 761	By-law No. 774-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 762	By-law No. 775-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 763	By-law No. 776-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 764	By-law No. 777-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 765	By-law No. 778-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 766	By-law No. 779-2001	To amend further By-law No. 23505 of the former City of Scarborough, respecting the speed limits on Toronto Roads.
Bill No. 767	By-law No. 780-2001	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 768	By-law No. 781-2001	To designate the property at 35 Woodlawn Avenue West ("Woodlawn"/William Hume Blake

		House) as being of architectural and historical value or interest.
Bill No. 769	By-law No. 782-2001	To amend the Uniform Parks By-laws of the former Borough of East York, the Cities of Etobicoke, North York, Scarborough, Toronto and York, and the former Municipality of Metropolitan Toronto to allow for the recovery of costs associated with the removal of encroachments in like manner as taxes.
Bill No. 770	By-law No. 783-2001	To amend Municipal Code Chapter 441, Fees, to include preliminary project review fees and to repeal § 178-6 of the former City of Toronto Municipal Code.
Bill No. 771	By-law No. 784-2001	To amend Chapter 910, Parking Machines, of the Municipal Code of the City of Toronto to establish parking machines on certain portions of Queen Street East, Hammersmith Avenue and Maclean Avenue. *amended*
Bill No. 772	By-law No. 785-2001	To amend Chapter 910, Parking Machines, of the Municipal Code of the City of Toronto, to replace parking meters with parking machines on certain highways within the City of Toronto.
Bill No. 773	By-law No. 786-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Marion Street.
Bill No. 774	By-law No. 787-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Davenport Road.

Bill No. 775	By-law No. 788-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Power Street.
Bill No. 776	By-law No. 789-2001	To amend the former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks.

Bill No. 777	By-law No. 790-2001	To amend By-law No. 6752, of the former Borough of East York, in respect of lands municipally known as 80 and 82 Chapman Avenue.
Bill No. 778	By-law No. 791-2001	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.
Bill No. 779	By-law No. 792-2001	To amend further Metropolitan Toronto By-law No. 108-86, designating certain locations on former Metropolitan Roads as Pedestrian Crossovers.
Bill No. 780	By-law No. 793-2001	To amend further Metropolitan By-law No. 108-86, respecting Pedestrian Crossovers on certain former Metropolitan Roads.
Bill No. 781	By-law No. 794-2001	To amend further Metropolitan By-law No. 108-86, respecting Pedestrian Crossovers on certain former Metropolitan Roads.
Bill No. 782	By-law No. 795-2001	To amend Chapters 304 and 320 of the Etobicoke Zoning Code with respect to certain lands located in the north-west quadrant of Horner Avenue and Evans Avenue, municipally known as 300 Evans Avenue.
Bill No. 783	By-law No. 796-2001	To authorize the alteration of Mercer Street near John Street by narrowing the pavement.
Bill No. 784	By-law No. 797-2001	To authorize the alteration of Roylat Street, from Ossington Avenue to Grove Avenue, by the installation of speed humps.

Bill No. 785	By-law No. 798-2001	To authorize the alteration of Grove Avenue, from Foxley Street to Dundas Street West, by the installation of speed humps.
Bill No. 786	By-law No. 799-2001	To authorize the alteration of Aberdeen Avenue, from Ontario Street to Parliament Street, by the installation of speed humps.
Bill No. 787	By-law No. 800-2001	To authorize the alteration of Prospect Street, from Ontario Street to Parliament Street, by the installation of speed humps.
Bill No. 788	By-law No. 801-2001	To authorize the alteration of Rose Avenue, from Winchester Street to Wellesley Street East, by the installation of speed humps.
Bill No. 789	By-law No. 802-2001	To authorize the alteration of Winchester Street, from Ontario Street to Parliament Street, by the installation of speed humps.
Bill No. 790	By-law No. 803-2001	To authorize the alteration of Perth Avenue, from Sterling Road to Dupont Street, by the installation of speed humps.
Bill No. 791	By-law No. 804-2001	To authorize the alteration of Bartlett Avenue, between Hallam Street and Dupont Street, by the installation of speed humps and by the removal of existing road narrowing islands.
Bill No. 792	By-law No. 805-2001	To authorize the alteration of Yorkdale Road at Highway 401 by the installation of a transit lay-by and the widening of Yorkdale Road to permit the addition of an additional lane.

Bill No. 793	By-law No. 806-2001	To authorize the alteration of Atlantic Avenue, between Liberty Street and Hanna Avenue, by narrowing the pavement.
Bill No. 794	By-law No. 807-2001	To authorize the alteration of Roncesvalles Avenue at The Queensway/Queen Street West by narrowing the pavement.
Bill No. 795	By-law No. 808-2001	To authorize the widening of Gabian Way at Eglinton Avenue West and the modification of Eglinton Avenue West east of Gabian Way.
Bill No. 796	By-law No. 809-2001	To authorize the alteration of Gracedale Boulevard between Crimscott Road and Goldsboro Road by the installation of speed humps.
Bill No. 797	By-law No. 810-2001	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 798	By-law No. 811-2001	To amend By-law No. 307, a By-law “To designate certain locations in the Borough of East York as pedestrian crossovers”, being a By-law of the former Borough of East York.
Bill No. 799	By-law No. 812-2001	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.
Bill No. 800	By-law No. 813-2001	To amend further By-law No. 196, entitled “To restrict the speed of motor vehicles”, being a By-law of the former Borough of East York.
Bill No. 801	By-law No. 814-2001	To amend further By-law No. 196, entitled “To restrict the speed of motor

		vehicles”, being a By-law of the former Borough of East York.
Bill No. 802	By-law No. 815-2001	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 803	By-law No. 816-2001	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 804	By-law No. 817-2001	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 805	By-law No. 818-2001	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 806	By-law No. 819-2001	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 807	By-law No. 820-2001	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 808	By-law No. 821-2001	To amend the former City of North York By-law No. 7273, as amended, in respect of 412 Fairlawn Avenue.
Bill No. 809	By-law No. 822-2001	To amend Zoning By-law No. 438-86 of the former City of Toronto respecting lands known as 476, 480 and 490 King Street East.
Bill No. 810	By-law No. 823-2001	To adopt Amendment No. 88-2001 to the Official Plan of the Etobicoke Planning Area in order to implement a site-specific amendment affecting the lands located on the east side of Neilson Drive, north of Dundas Street West,

		municipally known as 11 Neilson Drive.
Bill No. 811	By-law No. 824-2001	To amend the Official Plan of the former City of Toronto respecting lands known as 49 Benlamond Avenue.
Bill No. 812	By-law No. 825-2001	To exempt lands municipally known as 28 and 30 Harrison Garden Boulevard from Part Lot Control.
Bill No. 814	By-law No. 826-2001	To amend further Metropolitan By-law No. 132-93 respecting reserved lanes for designated classes of vehicles on certain former Metropolitan Roads.
Bill No. 815	By-law No. 827-2001	To amend By-law No. 628-1998, “To authorize the alteration of Atlas Avenue and Ava Road in the City of York”; to amend By-law No. 629-1998, “To authorize the alteration of Atlas Avenue and Belvidere Avenue in the City of York”; to amend By-law No. 634-1998, “To authorize the alteration of Ava Road and Winona Drive in the City of York”; and, to amend By-law No. 636-1998, “To authorize the alteration of Belvidere Avenue and Winona Drive in the City of York”, to allow for the removal of existing raised pedestrian walkways set out in those respective By-laws and to authorize the installation of raised intersections in their place, as set out in the new drawings attached to this By-law.
Bill No. 816	By-law No. 828-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.

Bill No. 817	By-law No. 829-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 818	By-law No. 830-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Brookdale Avenue.
Bill No. 819	By-law No. 831-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 820	By-law No. 832-2001	To amend By-law No. 3551-97 of the former City of York, "To authorize the alteration of Glen Cedar Road, in the City of York" to delete the authorization for the road narrowing north of Dewbourne Avenue and to change the type of speed hump to be installed.
Bill No. 821	By-law No. 833-2001	To amend the former Municipality of Metropolitan Toronto By-law No. 118 respecting 279 Yonge Street.
Bill No. 822	By-law No. 834-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Davenport Road.
Bill No. 823	By-law No. 835-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Woodlawn Avenue West.
Bill No. 824	By-law No. 836-2001	To amend further By-law No. 20-96, a By-law "To provide for overnight permit parking on Borough streets", being a By-law of the former Borough of East York.
Bill No. 825	By-law No. 837-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and

		Parking, respecting Ashdale Avenue, Coleman Avenue, Hampton Avenue, Hannaford Street, Larchmount Avenue, Milverton Boulevard, Mountjoy Avenue, Victor Avenue, Walpole Avenue, Withrow Avenue.
Bill No. 826	By-law No. 838-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Boardwalk Drive, Joseph Duggan Road, Northern Dancer Boulevard, Sarah Ashbridge Avenue, Winners Circle.
Bill No. 827	By-law No. 839-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 828	By-law No. 840-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Lukow Terrace, Norton Avenue, Symington Avenue.
Bill No. 829	By-law No. 841-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bartlett Avenue North, Brandon Avenue, Glenlake Avenue, Lappin Avenue, Margueretta Street, Morrison Avenue, Quebec Avenue, Wiltshire Avenue, Windermere Avenue.
Bill No. 830	By-law No. 842-2001	To adopt an amendment to the Official Plan for the former City of Toronto respecting certain lands known as Nos. 230 to 250 Front Street West.
Bill No. 831	By-law No. 843-2001	To amend By-law No. 637-88 of the former City of Toronto respecting lands known as Nos. 230 to 250 Front Street West.

Bill No. 832	By-law No. 844-2001	To adopt Amendment No. 505 of the Official Plan for the former City of North York in respect of lands municipally known as 886, 890, 894 and 898 Sheppard Avenue West.
Bill No. 833	By-law No. 845-2001	To amend City of North York By-law No. 7625 in respect of lands municipally known as 886, 890, 894 and 898 Sheppard Avenue West.
Bill No. 834	By-law No. 846-2001	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".
Bill No. 835	By-law No. 847-2001	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".
Bill No. 836	By-law No. 848-2001	To amend Municipal Code Chapter 441, Fees, respecting fees for certain parking tag operations services.
Bill No. 837	By-law No. 849-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Marion Street.
Bill No. 838	By-law No. 850-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Fort York Boulevard, Jordan Street, Melinda Street, Mutual Street, Ontario Street.
Bill No. 839	By-law No. 851-2001	To amend Chapter 910, Parking Machines, of the City of Toronto Municipal Code regarding parking machines on certain streets within the City of Toronto.
Bill No. 840	By-law No. 852-2001	To amend further Metropolitan By-law No. 109-86, respecting maximum rates

		of speed on certain former Metropolitan Roads.
Bill No. 841	By-law No. 853-2001	To amend City of Toronto Municipal Code Chapter 849, Water and Sewage Services, respecting water rates.
Bill No. 842	By-law No. 854-2001	To enact a By-law pursuant to Chapter 134 of the Etobicoke Municipal Code, a By-law providing for the designation of fire routes in the geographic area of Etobicoke, a By-law of the former City of Etobicoke.
Bill No. 843	By-law No. 855-2001	To amend further By-law No. 271, a By-law “To prohibit parking on certain sides of certain highways”, being a By-law of the former Borough of East York.
Bill No. 844	By-law No. 856-2001	To amend By-law No. 438-86 of the former City of Toronto with respect to lands known as 39 and 65 Sheldrake Boulevard.
Bill No. 845	By-law No. 857-2001	To Provide for the Levy and Collection of Special Charges for the Year 2001 in Respect of Lakeshore Village Business Improvement Area.
Bill No. 846	By-law No. 858-2001	To amend Municipal Code Chapter 27, Council Procedures, to reflect the Nomination Committee’s processing of nominees for the Property Standards Committee.
Bill No. 847	By-law No. 859-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Annette Street.
Bill No. 848	By-law No. 860-2001	To amend Chapter 397, Community Safety Zones, of the City of Toronto Municipal Code, to designate a portion

		of Weston Road as a community safety zone.
Bill No. 849	By-law No. 861-2001	To amend former City of York By-law No. 1-83 (Re: Lands – 1751 and 1753 Keele Street).
Bill No. 850	By-law No. 862-2001	To amend By-law No. 226-1998 to terminate the interim appointment of Paula Dill as the Chief Building Official for the City of Toronto.
Bill No. 851	By-law No. 863-2001	To appoint Ann Borooah as Chief Building Official for the City of Toronto.
Bill No. 852	By-law No. 864-2001	A By-law to adopt an amendment to the Official Plan for the former City of Toronto respecting lands known as 800 Wellington Street West.
Bill No. 853	By-law No. 865-2001	A By-law to amend Zoning By-law No. 438-86 of the former City of Toronto to permit the construction of an apartment building on lands known as 800 Wellington Street West.
Bill No. 854	By-law No. 866-2001	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 855	By-law No. 867-2001	To amend further Metropolitan By-law No. 107-86, respecting parking meters on former Metropolitan Roads.
Bill No. 856	By-law No. 868-2001	To declare the council seat for Ward 31 - Beaches-East York vacant.
Bill No. 857	By-law No. 869-2001	To require a by-election in Ward 31 - Beaches-East York and to establish the dates and times of advance votes.
Bill No. 858	By-law No. 870-2001	To authorize the payment of rebates to persons who make contributions to

		candidates in the by-election in Ward 31 - Beaches-East York.
Bill No. 859	By-law No. 871-2001	To amend Chapters 320 and 324 of the Etobicoke Zoning Code and establish zoning on lands previously under Parkway Belt West Regulations, located west of Highway 427, south of Steeles Avenue.
Bill No. 860	By-law No. 872-2001	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 861	By-law No. 873-2001	To establish a Social Housing Stabilization Reserve Fund and a Housing Property Title Normalization Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds to add the two new reserve funds,

the vote upon which was taken as follows:

Yes - 28	
Councillors:	Altobello, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Feldman, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Soknacki
No - 0	

Carried, without dissent.

8.106 On October 4, 2001, at 5:47 p.m., Councillor Sutherland, seconded by Councillor Berardinetti, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws:

Bill No. 863	By-law No. 874-2001	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".
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Bill No. 864

By-law No. 875-2001

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",

the vote upon which was taken as follows:

Yes - 28 Councillors: Altobello, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Feldman, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Soknacki
No - 0

Carried, without dissent.

- 8.107 On October 4, 2001, at 5:51 p.m., Councillor Minnan-Wong, seconded by Councillor Rae, 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. 868	By-law No. 876-2001	To confirm the proceedings of the Council at its Meeting held on the 2nd, 3rd and 4th days of October, 2001,
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the vote upon which was taken as follows:

Yes - 32 Councillors: Altobello, Ashton, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Johnston, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Soknacki
No - 1 Councillor: Jones

Carried by a majority of 31.

- 8.108 On October 4, 2001, at 6:56 p.m., Councillor Moeser, seconded by Councillor Chow, 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. 869	By-law No. 877-2001	To confirm the proceedings of the Council at its Meeting held on the 2nd, 3rd and 4th days of October, 2001,
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the vote upon which was taken as follows:

Yes - 28	
Councillors:	Altobello, Ashton, Bussin, Cho, Chow, Disero, Duguid, Feldman, Flint, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, Mihevc, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Shiner, Soknacki
No - 1	
Councillor:	Di Giorgio

Carried by a majority of 27.

The following Bills were withdrawn:

Bill No. 813 To exempt lands municipally known as Briarglen Court (new), north of Pinemeadow Blvd in the L'Amoreaux Community from Part Lot Control.

Bill No. 862 To enact a Municipal Shelter By-law.

OFFICIAL RECOGNITIONS:

8.109 **Condolence Motions**

October 3, 2001:

Councillor Korwin-Kuczynski, seconded by Councillor Johnston, moved that:

“WHEREAS the Members of City Council are deeply saddened to learn of the passing of Mrs. Joan Hilda Miller, mother of Councillor David Miller, on Sunday, September 23, 2001;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to Councillor Miller and his family.”

Councillor Johnston, seconded by Councillor McConnell, moved that:

“WHEREAS the Mayor and Members of City Council are deeply saddened to learn of the passing of Mr. Jack Johnstone on September 6, 2001; and

WHEREAS Mr. Johnstone was a well-regarded, long-serving employee of the City of Toronto, having joined the Purchasing Department as a City Stores Clerk in 1979. In 1980, he moved to the City's Transportation Services where he served as a Council chauffeur for 20 years, providing driving services for many Members of Council while serving under four Mayors. Most recently, Mr. Johnstone was working for the Public Health and the Community Services Departments as a courier; and

WHEREAS Mr. Johnstone had a great love for this City and its history, and enjoyed sharing stories of the Toronto of his childhood with Members of Council and staff; and

WHEREAS Mr. Johnstone was a thoughtful man with a quiet demeanour and his own special brand of humour, which was greatly appreciated by Members of Council; and

WHEREAS Mr. Johnstone gave to the City of Toronto, and to City Council, his loyalty and dedicated service for more than 20 years, and he will be sadly missed;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to his wife Frances and the Johnstone family."

Councillor Moeser, seconded by Councillor Mihevc, moved that:

“WHEREAS the Members of City Council are deeply saddened to learn of the sudden and unexpected passing of Patricia Brooks on August 23, 2001; and

WHEREAS Patricia who was 39 years of age at the time of her passing, was born in Montreal, and received her BA in Communications from the University of Windsor and her Masters degree in Communications at Concordia University; and

WHEREAS Patricia Brooks was a talented writer who authored numerous articles, edited books, hosted and co-produced a local cable television program and worked in communications and marketing for the City of Toronto, Deloitte & Touche, Scotia McLeod, the LCBO and the Ministry of Natural Resources, among others; and

WHEREAS Patricia Brooks was a strong supporter of numerous community causes and organizations, including the United Way of Scarborough, Save the Rouge, the Community Liaison Committee with 42 Division of Toronto Police, and a variety of events involving children, and she also found time to be involved in many political campaigns; and

WHEREAS Patricia carried out her many professional and community activities

during a successful three-year battle with cancer;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to the family of Patricia Brooks.”

Councillor Duguid, seconded by Mayor Lastman, moved that:

“**WHEREAS** Canadians of all ages are deeply saddened at the passing of Ernie Coombs, fondly remembered for his alter ego Mr. Dressup, on September 18, 2001, at the age of 73; and

WHEREAS Ernie Coombs was a pioneer of hands-on viewing, admonishing ‘kids - try this at home!’ and a role model for some of Canada’s most talented and well-known performers; and

WHEREAS generations of Canadian kids grew up with Mr. Dressup, a television icon to be remembered and cherished for years to come, who taught the power of imagination through the always-changing contents of a painted steamer trunk; and

WHEREAS Ernie Coombs was a gentle-natured entertainer, with a genius to create an assortment of simple crafts out of common household items and imagination, whose legacy is the generations of young Canadians who display the creativity, playfulness and kindness that his show embodied; and

WHEREAS on the air and off, he was a wonderfully artistic, whimsical man – a consummate performer, artist, writer, musician and storyteller – who never lost touch with the child within and his gift to relate and connect to children of all ages; and

WHEREAS Ernie Coombs logged 32 years as the fun-loving character Mr. Dressup, leaving behind a legacy of 4,000 television shows; and

WHEREAS his timeless show spoke directly to children of all ages with respect and warmth, building their confidence, encouraging them to experiment and dream, opening up their minds and imaginations to unlimited possibilities; and

WHEREAS his show won a Gemini for Best Children’s Programming and the Association for Children and Television’s first Children’s Choice Award; and

WHEREAS he was the recipient of a number of awards and tributes, including the Academy of Canadian Cinema and Television’s prestigious Lifetime Achievement Award and the Order of Canada, and was a long-time spokesperson for Save the Children Canada; and

WHEREAS a public celebration of his life will be held at the Glenn Gould Studio at the CBC Broadcasting Centre on October 15, 2001 at 2:00 p.m.;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to his three children, Christopher, Barry and Cathie, and his six grandchildren, and all the Canadian children and their parents who mourn the passing of this legend of Canadian television.”

Councillor Jones, seconded by Mayor Lastman, moved that:

“**WHEREAS** the Mayor and Members of City Council are deeply saddened to learn of the passing of Mr. Gordon Baycroft on September 18, 2001; and

WHEREAS Mr. Baycroft was a tireless worker for parks and recreation services in the former Town of New Toronto; and

WHEREAS Mr. Baycroft served the Lakeshore community first as a trustee and then as a Town Councillor from 1948 until 1964, when New Toronto was amalgamated into Etobicoke; and

WHEREAS Mr. Baycroft was employed for many years by Sunworthy Wallpaper as an accountant and brought his financial experience and integrity to his role as School Trustee and Councillor;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to the Baycroft family.”

Councillor Filion, seconded by Councillor Moscoe, moved that:

“**WHEREAS** the Mayor and Members of City Council are deeply saddened to learn of the passing of Mr. Morry Smith on Friday, September 7, 2001; and

WHEREAS Mr. Smith was an active and dedicated member of his community, serving as President of both Yorkdowns and Lansing Community Associations, and was a keen advocate for social justice and environmental issues, serving on many associations and committees; and

WHEREAS Mr. Smith was involved in helping to retain the Rose Garden at Yonge and Park Home for the continued enjoyment of the community; and

WHEREAS Mr. Smith will be especially remembered for being instrumental in saving the former York Downs Golf Course from development and preserving it for what is now known as Earl Bales Park; and

WHEREAS in 1992 Mr. Smith received the Commemorative Medal for the 125th Anniversary of Confederation to honour his contributions to his fellow citizens, his community and to Canada;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of members of City Council, our sincere sympathy to the Smith family.”

Leave to introduce the Motions was granted and the Motions were adopted unanimously.

Council rose and observed a Moment of Silence in memory of the late Mrs. Joan Hilda Miller, Mr. Jack Johnstone, Ms. Patricia Brooks, Mr. Ernie Coombs, Mr. Gordon Baycroft and Mr. Morry Smith.

October 4, 2001:

Councillor Mihevc, seconded by Councillor Li Preti, moved that:

“**WHEREAS** Ruth Morris was a long time Toronto resident, active in social justice issues, and a true visionary, advocating on behalf of the most vulnerable in our communities; and

WHEREAS she was instrumental in establishing, among her many initiatives, the Toronto Bail Program, Conflict Mediation Training, the Corner Drop-In, and the Community Banking Pilot Project; and

WHEREAS her prophetic voice was recognized on several continents, addressing the issue of transformative justice and prison reform; and

WHEREAS she received the Order of Canada in August of this year, in recognition of her outstanding contributions to our society; and

WHEREAS Ruth passed away several weeks ago at her new home in Salmon Arm, British Columbia, following a battle with cancer, leaving her husband Ray, four children, along with friends and colleagues whose lives have been touched in so many ways by her values and beliefs; and

WHEREAS her life and her faith will be celebrated this evening during a Memorial Service at the Quaker Meeting House here in Toronto; and

WHEREAS the Dr. Ruth Morris Award has been established by Councillor Li Preti, and will be presented at a graduation ceremony next week in Ward 8 to a student who has demonstrated, through her interaction with peers and teachers, that she is committed to promoting justice, being a peacemaker, and doing loving acts of kindness;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council recognize the contributions of Ruth Morris, and express its appreciation for her work and the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to her family.”

Leave to introduce the Motion was granted and the Motion was adopted unanimously.

Council rose and observed a Moment of Silence in memory of the late Dr. Ruth Morris.

8.110 **Presentations/Introductions/Announcements:**

October 2, 2001:

Mayor Lastman, during the morning session of the meeting, called Police Constable Melissa Silva to the podium to sing the American and Canadian national anthems; Constable Silva performed ‘O Canada’ and ‘The Star Spangled Banner’.

Mayor Lastman addressed the Council and extended, on behalf of the Members of Toronto City Council, the condolences and prayers of Council to everyone who had been harmed by the terrorist attacks on the United States on September 11, 2001, and requested all Members of Council and all those present in the Council Chamber to rise and observe a two-minute Moment of Silence.

Mayor Lastman invited the representative of the Consul General of the United States, Mr. High Williams, to the podium to address the Council and to accept books of condolence from the City of Toronto; Mr. Williams addressed the Council and extended the appreciation of the United States to the Mayor, Council and citizens of the City of Toronto for their good wishes and prayers during this time of national mourning.

Mayor Lastman called Rev. Karen Hamilton, St. James-Bond United Church, followed by Iman Faisal, Vice President of The Islamic Council of Imans of Canada to the podium to say prayers advocating peace and racial tolerance.

Firefighter Ken Jackson from the Toronto Fire Service Pipes and Drums performed a rendition of ‘Amazing Grace’ on the bagpipes.

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students of Riverdale Collegiate, present at the meeting.

October 3, 2001:

Mayor Lastman, during the morning session of the meeting, addressed the Council in regard to the 2001 United Way Campaign; acknowledged the diligent work of Councillor Jane Pitfield in her role as Canvasser for Members of Council for the Campaign; and invited Mr. John Tory, 2001 United Way Campaign Chair, and Ms. Paula Dill, Campaign Patron for the City of Toronto Employee Campaign to the podium; Mr. Tory and Ms. Dill addressed the Council in regard to the 2001 United Way Campaign and invited Members of Council to attend the United Way Leadership Breakfast being held in the Members' Lounge at 8:30 a.m. on October 4, 2001.

Mayor Lastman, during the morning session of the meeting, addressed the Council in regard to the 2001 Toronto Youth Games; expressed, on behalf of Council, the congratulations of Council to the winning team - The Tall Pines Community Centre Team; and invited Councillor Augimeri to the podium to address the Council in this regard.

Councillor Augimeri addressed the Council, introduced the following members of the Tall Pines I.N.S. Team, the gold medal winners of the 2001 Toronto Youth Games, present at the meeting; expressed the appreciation of Council to the coaches, parents, friends, volunteers and staff from Toronto Parks and Recreation for their support and encouragement; and invited Candice Brown, Jerome Stephenson and Anthony Sampson to the podium to receive a commemorative scroll to mark the occasion:

Sheldon Addison,
Nicole Asare,
Patrick Bartley,
Quincy Bobb,
Daniel Brown,
Candice Brown,
Natalie Christie,
Keshia Davis,
Nicholas Edwards,
Neesha Frank,
Brandon Greaves,
Jahnoy James,
Ajai Kistnasami,
Nadia Kyerematen,
Terra Kulczycky,
Trevon Lowes,
Tishane Moore,

Gustavo Olmedo,
Revon Obermuller,
Daidra Richards,
Anthony Sampson,
Danny Shivmangal,
Jerome Stephenson,
Nicholas Sue,
Michael Warner, and
Coach Cheryl Brunet.

Councillor Li Preti, during the morning session of the meeting, introduced the following representatives of the Asean Trade and Business Forum, present at the meeting:

Brunei Darussalam:

Ms. DH Nooriyah Plw Yussof, Charge D'Affaires, a.i.;

Indonesia:

H.E. Ambassador Eki Syachrudin; and
Consul General Taufik Effendi;

Malaysia:

H.E. Ambassador Datuk A.W. Omardin;

Myanmar:

H.E. Ambassador U Nyunt Tin;

Philippines:

H.E. Ambassador Francisco L. Benedicto;
Consul General Susan Castrence;
Consul Sylvia Marasigan; and
Ms. Ninette Nanez, Cultural Officer.

Councillor Mammoliti, during the morning session of the meeting, introduced the following representatives of the Asean Trade and Business Forum, present at the meeting:

Singapore:

Consul Richard Grosse;

Thailand:

H.E. Sunai Bunyasiriphant; and

Mr. Sriwat Suwarn, Trade Representative; and

Vietnam:

H.E. Ambassador Trinh Quang Thanh.

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students of Riverdale Collegiate, present at the meeting.

Mayor Lastman, during the morning session of the meeting, invited former Councillor Michael Prue to the podium; extended, on behalf of Council, the best wishes and congratulations of Council to Michael Prue on the occasion of his successful by-election in Beaches-East York; and presented a scroll to former Councillor Prue to mark the occasion.

Michael Prue addressed the Council and extended his appreciation to the Mayor and Members of Council.

October 4, 2001:

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students from the Center for Information and Community Service, present at the meeting.

8.111 MOTIONS TO VARY PROCEDURE

Vary the order of proceedings of Council:

October 2, 2001:

Councillor Chow, at 10:34 a.m., moved that Council vary the order of its proceedings to consider Clause No. 1 of Joint Report No. 1 of The Policy and Finance Committee and the Community Services Committee, headed "Shareholder Direction to the Toronto Community Housing Corporation (TCHC)", on October 3, 2001, at 2:30 p.m., the vote upon which was taken as follows:

Yes - 25 Councillors:	Altobello, Balkissoon, Bussin, Cho, Chow, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, McConnell, Mihevc, Moeser, Moscoe, Pantalone, Pitfield, Rae, Shaw, Silva, Sutherland
No - 14 Mayor:	Lastman

<p>Councillors: Augimeri, Berardinetti, Di Giorgio, Disero, Duguid, Feldman, Kelly, Mammoliti, Minnan-Wong, Nunziata, Ootes, Shiner, Soknacki</p>

Carried by a majority of 11.

Councillor Korwin-Kuczynski, at 10:36 a.m., moved that Council vary the order of its proceedings to consider Clause No. 1 of Report No. 14 of The Administration Committee, headed "Further Report on Moving Ahead With the Master Accommodation Plan (MAP) and Disposition of Metro Hall", on Thursday, October 4, 2001, immediately following Council's consideration of Clause No. 2 of Report No. 9 of The Planning and Transportation Committee, headed "Preliminary Proposal to Expand the Don Valley Parkway", the vote upon which was taken as follows:

<p>Yes - 16 Councillors: Altobello, Berardinetti, Bussin, Cho, Di Giorgio, Ford, Hall, Johnston, Korwin-Kuczynski, Layton, McConnell, Moeser, Pitfield, Shaw, Sutherland, Walker</p>
<p>No - 24 Mayor: Lastman Councillors: Augimeri, Chow, Disero, Duguid, Feldman, Filion, Flint, Holyday, Jones, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shiner, Silva, Soknacki</p>

Lost by a majority of 8.

Councillor Mihevc, at 10:37 a.m., moved that Council vary the order of its proceedings to consider Clause No. 1 of Report No. 6 of The Board of Health, headed "Strategy to Achieve a Phase Out of Non-Essential Outdoor Uses of Pesticides", at 9:30 a.m., on Wednesday, October 3, 2001, the vote upon which was taken as follows:

<p>Yes - 15 Councillors: Bussin, Cho, Chow, Filion, Flint, Johnston, Jones, Layton, McConnell, Mihevc, Moscoe, Pitfield, Rae, Silva, Walker</p>
<p>No - 26 Mayor: Lastman Councillors: Altobello, Augimeri, Balkissoon, Berardinetti, Di Giorgio, Disero, Duguid, Feldman, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Shaw, Shiner, Soknacki, Sutherland</p>

Lost by a majority of 11.

Councillor Sutherland, at 10:39 a.m., moved that Council vary the order of its proceedings to consider Clause No. 2 of Report No. 9 of The Planning and Transportation Committee, headed “Preliminary Proposal to Expand the Don Valley Parkway”, at 9:30 a.m., on Thursday, October 4, 2001, the vote upon which was taken as follows:

Yes - 26	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Ootes, Pitfield, Shaw, Shiner, Soknacki, Sutherland, Walker
No - 13	
Councillors:	Bussin, Chow, Fillion, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Moscoe, Pantalone, Rae, Silva

Carried by a majority of 13.

Waive the provisions of the Procedural By-law related to meeting times:

October 2, 2001:

Councillor Moscoe, at 7:15 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. recess, in order to conclude consideration Clause No. 1 of Report No. 14 of The Administration Committee, headed “Further Report on Moving Ahead With the Master Accommodation Plan (MAP) and Disposition of Metro Hall”, which carried, more than two-thirds of Members present having voted in the affirmative.

October 3, 2001:

Deputy Mayor Ootes at 12:29 p.m., with the permission of Council, moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 12:30 p.m. recess, in order to conclude the presentation by Mayor Lastman to former Councillor Michael Prue, which carried, more than two-thirds of Members present having voted in the affirmative.

October 4, 2001:

Deputy Mayor Ootes, at 3:45 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 6:00 p.m. adjournment, and that Council continue in session, in order to conclude consideration of Clause No. 2 of Report No. 9 of The Planning and Transportation Committee, headed “Preliminary Proposal to Expand the Don Valley Parkway”, and all urgent matters remaining on the Order Paper for this meeting of Council, the vote upon which was taken as follows:

Yes - 21 Councillors:	Altobello, Balkissoon, Berardinetti, Disero, Duguid, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Pitfield, Shaw, Silva, Soknacki, Sutherland
No - 14 Councillors:	Bussin, Cho, Chow, Di Giorgio, Filion, Johnston, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Shiner, Walker

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

Deputy Mayor Ootes, at 5:53 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. adjournment, and that Council continue in session, in order to conclude consideration of the urgent confidential 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.

8.112 ATTENDANCE

October 2, 2001	Roll Call 9:40 a.m.	9:40 a.m. to 12:30 p.m.*	Roll Call 11:45 a.m.	Roll Call 2:15 p.m.	2:15 p.m. to 7:35 p.m.	Roll Call 3:15 p.m.
Lastman	x	x	-	-	x	x
Altobello	x	x	x	x	x	x
Ashton	-	-	-	-	-	-
Augimeri	-	x	x	x	x	-
Balkissoon	x	x	-	x	x	x
Berardinetti	-	x	x	-	-	-
Bussin	x	x	x	x	x	x
Cho	-	x	x	-	x	x

Minutes of the Council of the City of Toronto
October 2, 3 and 4, 2001

October 2, 2001	Roll Call 9:40 a.m.	9:40 a.m. to 12:30 p.m.*	Roll Call 11:45 a.m.	Roll Call 2:15 p.m.	2:15 p.m. to 7:35 p.m.	Roll Call 3:15 p.m.
Chow	-	x	x	x	x	x
Di Giorgio	x	x	x	x	x	x
Disero	-	x	x	x	x	x
Duguid	x	x	x	x	x	-
Feldman	x	x	x	x	x	x
Filion	x	x	x	-	x	x
Flint	x	x	x	x	x	x
Ford	x	x	x	-	-	-
Hall	x	x	x	x	x	-
Holyday	x	x	x	x	x	x
Johnston	x	x	x	x	x	x
Jones	x	x	x	x	x	x
Kelly	-	x	-	x	x	-
Korwin-Kuczynski	x	x	x	x	x	x
Layton	x	x	x	x	x	-
Li Preti	-	x	x	x	x	x
Lindsay Luby	x	x	x	x	x	x
Mammoliti	x	x	-	-	x	x
McConnell	x	x	x	-	x	x
Mihevc	-	x	x	-	x	x
Milczyn	-	x	x	-	x	x
Miller	-	-	-	-	-	-
Minnan-Wong	-	x	-	x	x	-
Moeser	x	x	-	-	x	x
Moscoe	x	x	-	x	x	x
Nunziata	x	x	x	-	x	x
Ootes	x	x	x	x	x	x
Pantalone	x	x	x	x	x	x
Pitfield	x	x	x	x	x	x
Rae	-	x	x	-	x	x
Shaw	x	x	x	-	x	x
Shiner	-	x	x	x	x	x
Silva	x	x	x	x	x	x
Soknacki	-	x	x	x	x	-

Minutes of the Council of the City of Toronto
October 2, 3 and 4, 2001

October 2, 2001	Roll Call 9:40 a.m.	9:40 a.m. to 12:30 p.m.*	Roll Call 11:45 a.m.	Roll Call 2:15 p.m.	2:15 p.m. to 7:35 p.m.	Roll Call 3:15 p.m.
Sutherland	-	x	-	-	x	x
Walker	x	x	x	x	x	-
Total	28	42	34	28	40	32

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

October 3, 2001	Roll Call 9:45 a.m.	9:45 a.m. to 12:40 p.m.*	Roll Call 12:10 p.m.	Roll Call 2:14 p.m.	2:14 p.m. to 7:30 p.m.*	Roll Call 3:45 p.m.
Lastman	x	x	x	-	x	-
Altobello	x	x	-	x	x	-
Ashton	-	-	-	-	-	-
Augimeri	x	x	x	x	x	-
Balkissoon	-	x	x	-	x	-
Berardinetti	-	x	x	x	x	-
Bussin	x	x	x	x	x	x
Cho	x	x	x	x	x	-
Chow	x	x	x	x	x	x
Di Giorgio	x	x	x	x	x	x
Disero	-	x	-	x	x	x
Duguid	x	x	-	x	x	x
Feldman	x	x	x	-	x	x
Filion	-	x	x	-	x	-
Flint	x	x	x	x	x	-
Ford	x	x	x	x	x	-
Hall	-	x	x	x	x	x
Holyday	x	x	x	x	x	x
Johnston	x	x	-	-	x	x
Jones	x	x	x	x	x	x
Kelly	-	x	-	-	x	-
Korwin-Kuczynski	x	x	x	-	x	-
Layton	x	x	-	-	x	x
Li Preti	-	x	-	x	x	-
Lindsay Luby	x	x	x	x	x	x
Mammoliti	x	x	x	x	x	x
McConnell	x	x	x	x	x	x

Minutes of the Council of the City of Toronto
October 2, 3 and 4, 2001

October 3, 2001	Roll Call 9:45 a.m.	9:45 a.m. to 12:40 p.m.*	Roll Call 12:10 p.m.	Roll Call 2:14 p.m.	2:14 p.m. to 7:30 p.m.*	Roll Call 3:45 p.m.
Mihevc	x	x	x	-	x	x
Milczyn	-	x	x	-	x	x
Miller	x	x	-	-	x	x
Minnan-Wong	-	x	x	x	x	-
Moeser	x	x	x	-	x	-
Moscoe	x	x	-	x	x	x
Nunziata	x	x	x	x	x	x
Ootes	x	x	x	x	x	x
Pantalone	x	x	x	x	x	x
Pitfield	x	x	x	x	x	-
Rae	x	x	x	-	x	x
Shaw	-	x	x	-	x	-
Shiner	x	x	x	-	x	-
Silva	x	x	x	x	x	x
Soknacki	x	x	x	x	x	-
Sutherland	x	x	x	-	x	-
Walker	x	x	x	x	x	x
Total	33	43	34	27	43	24

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

October 4, 2001	Roll Call 9:45 a.m.	9:45 a.m. to 12:30 p.m.*	2:15 p.m. to 5:50 p.m.*	Roll Call 4:45 p.m.	Ctte. of the Whole in-Camera 6:30 p.m.	6:50 p.m. to 6:57 p.m.*
Lastman	-	x	x	-	-	-
Altobello	x	x	x	-	-	x
Ashton	-	-	x	-	x	x
Augimeri	-	-	-	-	-	-
Balkissoon	-	x	x	-	-	-
Berardinetti	-	x	x	-	x	-
Bussin	-	x	x	x	x	x
Cho	-	x	x	x	x	x
Chow	x	x	x	x	x	x
Di Giorgio	x	x	x	x	x	x
Disero	-	x	x	x	x	x
Duguid	x	x	x	x	x	x

Minutes of the Council of the City of Toronto
 October 2, 3 and 4, 2001

October 4, 2001	Roll Call 9:45 a.m.	9:45 a.m. to 12:30 p.m.*	2:15 p.m. to 5:50 p.m.*	Roll Call 4:45 p.m..	Ctte. of the Whole in-Camera 6:30 p.m.	6:50 p.m. to 6:57 p.m.*
Feldman	x	x	x	-	x	x
Filion	-	x	x	x	-	-
Flint	x	x	x	x	x	x
Ford	x	x	x	x	x	-
Hall	x	x	x	-	x	x
Holyday	x	x	x	x	x	x
Johnston	x	x	x	-	x	x
Jones	x	x	x	x	x	x
Kelly	x	x	x	x	x	x
Korwin-Kuczynski	x	x	x	x	x	x
Layton	-	x	x	-	x	x
Li Preti	-	x	x	-	x	x
Lindsay Luby	x	x	x	x	x	-
Mammoliti	-	x	x	-	-	-
McConnell	-	x	x	x	x	-
Mihevc	x	x	x	x	x	x
Milczyn	-	x	x	x	x	-
Miller	x	x	x	-	-	-
Minnan-Wong	x	x	x	-	-	-
Moeser	-	x	x	-	x	x
Moscoe	x	x	x	-	-	-
Nunziata	-	x	x	x	x	x
Ootes	x	x	x	x	x	x
Pantalone	x	x	x	x	x	x
Pitfield	-	x	x	x	x	x
Rae	-	x	x	x	x	-
Shaw	-	x	x	-	x	x
Shiner	x	x	x	x	-	x
Silva	-	x	x	-	-	-

Minutes of the Council of the City of Toronto
October 2, 3 and 4, 2001

October 4, 2001	Roll Call 9:45 a.m.	9:45 a.m. to 12:30 p.m.*	2:15 p.m. to 5:50 p.m.*	Roll Call 4:45 p.m..	Ctte. of the Whole in-Camera 6:30 p.m.	6:50 p.m. to 6:57 p.m.*
Soknacki	x	x	x	-	x	x
Sutherland	x	x	x	x	-	-
Walker	x	x	x	x	x	-
Total	24	42	43	25	32	27

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

MEL LASTMAN,
Mayor

Ulli S. Watkiss,
City Clerk

ATTACHMENT NO. 1 [Enquiry No. 1]

Enquiry dated June 15, 2001, from Councillor Walker, regarding position titles and salary ranges in the Mayor's Office. (See Minute No. 8.4, Page 2):

Further to an earlier inquiry to Mayor Lastman dated March 15, 2001, which, in part, requested the salaries paid to members of his staff and to which I received no reply, I am requesting from you, as the Chief Administrative Officer of the Corporation of the City of Toronto, the following information:

- (1) the job or position title for each position in the Mayor's office; and
- (2) the salary range associated with each of these jobs/positions.

ATTACHMENT NO. 2 [Enquiry No. 1]

Answer dated July 16, 2001, from the Acting Chief Administrative Officer and Acting Chief Financial Officer, to the Enquiry dated June 15, 2001, from Councillor Walker, regarding position titles and salary ranges in the Mayor's Office. (See Minute No. 8.4, Page 2):

Purpose:

To respond to an enquiry from a Member of Council.

Financial Implications and Impact Statement:

There are no financial implications.

Recommendation:

It is recommended that this report be received for information.

Background:

This report is in response to an Enquiry from Councillor Michael Walker to the City Clerk's office. The Enquiry was submitted to the City Clerk's Office on June 18, 2001, in accordance with Section 58 of Chapter 27 of the City of Toronto Municipal Code.

Comments:

The following is in response to the request of Councillor Michael Walker in respect of:

- (1) the job or position titles for each position in the Mayor's office, and
- (2) the salary range associated with each of these jobs/positions.

Mayor's Office – Staff Salary Range

Position Title	Salary Range
Chief of Staff	\$113,520 - \$140,765
Deputy Chief of Staff	\$84,314 - \$104,645
Executive Assistant, Council Liaison	\$84,314 - \$104,645
Special Assistant, Council Liaison (2)	\$72,756 - \$90,197
Special Assistant, Communications	\$72,756 - \$90,197
Administrative Assistant/Office Manager	\$46,543 - \$57,689
Secretary to the Mayor	\$46,543 - \$57,689
Special Assistant, Scheduling	\$46,543 - \$57,689
Driver & Special Projects Assistant	\$40,145 - \$49,742
Customer Service Assistant (5)	\$34,882 - \$43,241
Communications Assistant	\$34,882 - \$43,241
Receptionist	\$28,896 - \$35,810
Customer Service Clerk	\$28,896 - \$35,810

ATTACHMENT NO. 3 [Enquiry No. 2]

Enquiry dated August 27, 2001, from Councillor Walker, regarding negotiations to bring Wrestle Mania XXVIII to Toronto in 2002. (See Minute No. 8.4, Page 2):

It has been reported in at least three of Toronto's daily newspapers (Toronto Star, Sun and National Post) that you, on behalf of the City of Toronto and officials of Skydome, have confirmed that you are in negotiations with the World Wrestling Federation to bring Wrestle Mania XXVIII to Toronto in 2002.

I note that your son, Blayne Lastman, is using World Wrestling Federation wrestlers such as "Stone Cold" Steve Austin and the Hardy Boyz in newspaper and television ads promoting his "Bad Boy" chain of stores.

To quote you directly, Mr. Mayor, from an article in the National Post dated July 25, 2001, you state, in part, "...We're talking about a major entertainment event that would have a major impact on our local economy..."

I quote you again, Mr. Mayor, in an article in the National Post dated July 24, 2001 "...Fans of "Stone Cold" Steve Austin, the Hardy Boyz and The Rock will flock to Toronto from around the world if the City wins the event, the Mayor said..."

The question I ask you, Mayor Lastman, is in light of your son's stores' advertising campaign using prominent wrestlers from the World Wrestling Federation and you actively as Mayor negotiating on behalf of the City of Toronto with the World Wrestling Federation to bring Wrestle Mania XXVIII to Toronto in 2002, are you not in a conflict of interest as prescribed by the Municipal Conflict of Interest Act?

I await your answer, and your reasons and arguments for your answer.

ATTACHMENT NO. 4 [Enquiry No. 2]

Answer dated October 2, 2001, from Mayor Lastman, to the Enquiry dated August 27, 2001, from Councillor Walker, regarding negotiations to bring Wrestlemania XXVIII to Toronto in 2002. (See Minute No. 8.4, Page 2):

No.

ATTACHMENT NO. 5 [Enquiry No. 3]

Enquiry dated August 27, 2001, from Councillor Walker, regarding the Waste Disposal Contract with Republic and discussions pertaining to the Adams Mine. (See Minute No. 8.4, Page 2):

I have read that the Mayor of Kirkland Lake, Mr. Bill Enouy and Mr. Gordon McGuinty, the proponent of the Adams Mine Dump, have met with the Chair of the Works Committee at least once to discuss the possibility of reopening the Adams Mine for Toronto garbage plus composting part of Toronto's organic waste.

I also note that the City of Toronto, to quote Mr. Angelos Bacopoulos, has not signed a contract to send our garbage to Michigan and that Kirkland Lake "is available."

The questions I pose to you are:

- (1) Why has a contract not yet been made signed (Republic) to send our garbage to Michigan? It's been 10 months since the Adams Mine fiasco and to not have a contract for the Michigan site after all this time seems strange and is very disturbing to say the least.
- (2) Have you and/or any members of your staff such as Mr. Bacopoulos had talks with either Mayor Bill Enouy, Mr. Gordon McGuinty or another third party concerning reopening the Adams Mine proposal and/or composting part or all of Toronto's organic Waste at or near Kirkland Lake?
- (3) If City Staff have had any discussions as mentioned in 2) above;
 - (a) Who from the City was/is involved in these discussions?
 - (b) Who have City staff been in discussions with on this issue?
 - (c) When have these City staff been in these discussions (dates and locations)?
 - (d) Who granted them the authority to have any discussions on this issue in light of City Councils formal rejection (Jan. 30, 31 & Feb. 1, 2001) of the Adams Mine Dump proposal?

I look forward to your written response.

ATTACHMENT NO. 6 [Enquiry No. 3]

Answer dated September 10, 2001, from the Commissioner of Works and Emergency Services, to the Enquiry dated August 27, 2001, from Councillor Walker, regarding the Waste Disposal Contract with Republic and discussions pertaining to the Adams Mine. (See Minute No. 8.4, Page 2):

I am in receipt of a copy of a letter of inquiry from Councillor Walker, dated August 27, 2001, which was submitted to your office in accordance with section 58 of Chapter 27 of the City of Toronto Municipal Code. Accordingly, I am responding to the questions posed in Councillor Walker's letter, through your office, as requested. My responses are provided below.

Preamble contained in Councillor Walker's letter of August 27, 2001:

"I have read that the Mayor of Kirkland Lake, Mr. Bill Enouy and Mr. Gordon McGuinty, the proponent of the Adams Mine Dump, have met with the Chair of the Works Committee at least once to discuss the possibility of reopening the Adams Mine for Toronto garbage plus composting part of Toronto's organic waste."

"I also note that the City of Toronto, to quote Mr. Angelos Bacopoulos, has not signed a contract to send our garbage to Michigan and that Kirkland Lake 'is available'."

Question No. 1:

"Why has a contract not yet been made (sic) signed (Republic) to send our garbage to Michigan? It's been 10 months since the Adams Mine fiasco and to not have a contract for the Michigan site after all this time seems strange and is very disturbing to say the least."

Response:

City Council at its regular meeting of October 3, 4 and 5, 2000, and its Special Meetings held on October 6, 2000, October 10 and 11, 2000, and October 12, 2000, provided direction to the Commissioner of Works and Emergency Services and the City Solicitor to execute a contract with Republic Services (disposal) and Wilson Logistics Inc. (haulage). This direction was duly followed and a contract was signed with Republic Services and Wilson Logistics Inc. on October 25, 2000.

The contract, as approved by City Council, at its October 2000 meeting, commits the solid waste received by the City from the private sector to Republic Services and

Wilson Logistics Inc. under a five-year contract, with an initial minimum tonnage of 285,000 tonne per year to be provided in 2001 and 2002. The contract does not commit the solid waste collected from the City's residential sector. However, the contract does provide the City with the option of adding solid waste from the residential sector, following a nine-month notice period. A further commitment of tonnage has not been recommended to date because staff were subsequently requested to investigate the potential of rail haul to Michigan and engage in associated public consultation.

A status report on this matter was recently provided to Works Committee (dated June 27, 2001), and is attached for reference purposes.

Question No. 2.

“Have you and/or any members of your staff such as Mr. Bacopoulos had talks with either Mayor Bill Enouy, Mr. Gordon McGuinty or another third party concerning reopening the Adams Mine proposal and/or composting part or all of Toronto's organic Waste at or near Kirkland Lake?”

Response:

Mr. Bacopoulos, General Manager, Solid Waste Management Services, was invited to attend a meeting on August 15, 2001 in Councillor Betty Disero's office with Kirkland Lake Mayor Bill Enouy and Mr. Gordon McGuinty of Notre Development, the owner of the Adams Mine Landfill. The meeting was held as a courtesy on the part of Councillor Disero, in her capacity as the Chair of the Works Committee, following a request by Mayor Enouy for a meeting to advise of his Town Council's continued support for the Adams Mine Landfill and investments the Town of Kirkland Lake was prepared to make in a composting facility to be located at the Adams Mine Landfill. Mr. Bacopoulos was invited to attend the meeting as the subject matter pertained to his managerial responsibilities as General Manager of Solid Waste Management Services.

Question No. 3

“If City Staff have had any discussions as mentioned in 2) above;

- (a) Who from the City was/is involved in these discussions?
- (b) Who have City staff been in discussions with on this issue?
- (c) When have these City staff been in these discussions (date and locations)?
- (d) Who granted them the authority to have any discussions on this issue in light of City Councils formal rejection (Jan. 30, 31 & Feb. 1, 2001)

of the Adams mine dump proposal?”

Responses:

- (a) As noted above, Mr. Angelos Bacopoulos, General Manager, Solid Waste Management Services, attended a meeting on August 15, 2001 in Councillor Disero's office with Mayor Enouy and Mr. Gordon McGuinty.
- b) The August 15, 2001 meeting was held with Mayor Enouy and Mr. Gordon McGuinty and two support staff working with Mr. McGuinty.
- (c) The meeting was held on August 15, 2001 in Councillor Disero's office. No other meetings have been held concerning this latest phase of development of the Adams Mine Landfill, at which staff have been invited to attend, nor are we aware of any other associated meeting taking place.
- (d) Mr. Bacopoulos attended the meeting on the invitation of Councillor Disero, who had convened the meeting as a courtesy to Mayor Enouy following his request for a meeting.

(A copy of the report dated June 27, 2001, from the Commissioner of Works and Emergency Services, addressed to the Works Committee, entitled "Transportation of Residual Solid Waste to Michigan", referred to in the foregoing Answer, is on file in the Office of the City Clerk).

ATTACHMENT NO. 7 [Notice of Motion J(8)]

Report dated October 1, 2001, from the City Clerk, entitled “Council Vacancy – Ward 31 – Beaches-East York”. (See Minute No. 8.75, Page 110):

Purpose:

The purpose of this report is to outline the options available to Council to fill the vacancy occurring in Ward 31 – Beaches-East York as a result of the recent election of Councillor Michael Prue to the Legislative Assembly.

Financial Implications and Impact Statement:

Should Council choose to fill the vacancy through a by-election, the estimated cost of administering the by-election is \$135,000. Should Council decide to approve a campaign contribution rebate program similar to the one approved by Council for the 2000 municipal election, an additional cost of approximately \$25,000 would be incurred by the City.

If Council decides to fill the vacancy by appointment, an estimated amount of \$20,000 will be necessary to cover administration, printing and advertising costs.

It will be necessary to allocate funds from the 2001 Corporate Contingency Account to the City Clerk’s budget for the cost of the by-election or the appointment.

The Acting Chief Financial Officer has reviewed this report and concurs with the financial implications.

Recommendations:

It is recommended that:

- (1) the office of Councillor, Ward 31 – Beaches-East York be declared vacant; and
- (2) Council determine which of the following options is to be adopted to fill the vacancy:
 - (a) Option 1 – Appointment:
 - (i) the vacancy be filled by means of appointment;
 - (ii) the City Clerk be directed to advertise for applications from qualified electors to be considered for appointment as

Councillor, Ward 31 – Beaches-East York;

- (iii) Council at its meeting scheduled for December 5, 2001 at 2:00 p.m. accept nominations and give consideration to the appointment of a qualified elector who has applied and consented to accept the office of Councillor, Ward 31 – Beaches-East York for the remainder of the term of Council;
 - (iv) each nominee be given a maximum of 5 minutes to address Council;
 - (v) questions may be asked of each nominee provided that the total question and answer period shall not exceed 5 minutes times the number of nominees; and
 - (vi) the current staff continue to serve the constituents of Ward 31 – Beaches-East York and the new Councillor when appointed;
- (b) Option 2 – By-Election:
- (i) the vacancy be filled by means of a by-election;
 - (ii) Council authorize advance votes to be conducted as indicated in the attached draft Bill No. 1;
 - (iii) Council authorize the payment of campaign contribution rebates to person who make contributions to candidates in this by-election, similar to the provisions in the 2000 municipal election, and as outlined in the attached draft Bill No. 2; and
 - (iv) the new Councillor when elected, be urged to give first consideration to retaining the current staff;
- (3) the Acting Chief Financial Officer be authorized to transfer the necessary funds from the 2001 Corporate Contingency Account to cover the costs of either Option 1 or Option 2;
- (4) in the interim, the current staff continue to serve the constituents of Ward 31 - Beaches-East York until the new Councillor is appointed or elected and a decision is made by Council or the new Councillor with respect to staffing; and
- (5) leave be granted to introduce the necessary Bills in Council and the appropriate

City Officials be authorized to take the necessary action to give effect thereto.

Council Background/Reference:

On February 1, 2 and 3, 2000, City Council, in adopting Clause No. 1 of Report No. 2 of The Administration Committee (Policy on Filling Vacancies on City Council), approved the following recommendation:

- “(1) any vacancy in the office of the Mayor or a Councillor declared by Council prior to November 30 in the year prior to an election year be filled through the conduct of a by-election; and
- (2) any vacancy in the office of the Mayor or a Councillor declared by Council after November 30 in the year prior to an election year shall be filled through an appointment;”

This policy was developed in response to Council’s stated desire for a policy which would guide its decision making process when deciding how vacancies are to be filled.

Notwithstanding the foregoing policy, the Municipal Act still requires that Council make a formal decision on the method of filling a Council vacancy as each vacancy occurs. In addition, Section 43 of the Municipal Act requires that “Where the seat of a member of council becomes vacant under section 38, the council shall forthwith declare the seat to be vacant.” This declaration of a vacancy must be carried out before Council can make a decision on how the vacancy is to be filled.

Comments:

In the provincial by-election held in the riding of Beaches-East York on September 20, 2001, Councillor Michael Prue, Ward 31- Beaches-East York, was elected to the Legislative Assembly. Section 37(1)3. of the Municipal Act states that a member of the Legislative Assembly is “not eligible to be elected a member of a council or to hold office as a member of council.” Subsection 9 of the Legislative Assembly Act provides that a member of a municipal council is deemed to have resigned his office at the end of the day on which the return of the election is published in the Ontario Gazette. The election return for Beaches-East York was published in the Ontario Gazette on September 29, 2001.

Once Council has formally declared the seat to be vacant, there are two options available for filling the vacancy in the office of Councillor, Ward 31- Beaches-East York. Council’s discretion is only restricted if the vacancy occurs after March 31 in the year of a regular election, in which case Council must fill the vacancy by way of

appointment.

The two options available are: (1) Appointment and (2) By-election.

(1) Appointment:

Section 45 of the Municipal Act states, in part, that “subject to section 46, where a vacancy occurs in the office of a member of the council of a local municipality, the council at a meeting called for that purpose shall appoint a person who has consented to accept the office if he or she is appointed to fill the vacancy and (a) in the case of the office of councillor or alderman, such person is a person qualified to hold office as a member of the council; and ...”.

To be qualified to hold the office, a person must be:

- (i) 18 years of age or older;
- (ii) a Canadian citizen;
- (iii) a resident in the City of Toronto, an owner or tenant of land in the City or the spouse or same-sex partner of such an owner or tenant; and
- (iv) not disqualified under Section 37 of the *Municipal Act*, or any other Act.

Individuals should be given a reasonable period of time to submit a nomination for Council’s consideration. If Council chooses to fill the vacancy by appointment, it is suggested that the Clerk be authorized to advertise to invite applications from qualified electors and that Council give consideration to the appointment at its meeting scheduled for December 5, 2001. (The Administration Committee would consider the matter at its meeting of November 13, 2001.) If staff attempted to have this matter brought to the October 16, 2001 meeting of the Administration Committee for consideration at Council’s November meeting, individuals would only be afforded approximately four days in which to file a nomination for the appointment.

Should Council choose to fill the vacancy through an appointment, the estimated cost for administration, printing and advertising is \$20,000. The necessary funds need to be allocated from the 2001 Corporate Contingency Account to the City Clerk’s budget for the cost of conducting the appointment.

Advantages:

- (1) less costly procedure than conducting a by-election (estimated \$20,000 in administration, printing and advertising costs to seek persons interested in being appointed); and
- (2) less labour intensive and less costly process from a staffing perspective.

Disadvantages:

- (1) could be viewed as a less democratic process; and
 - (2) it could be perceived that Council was affording an advantage to the individual appointed should he or she decide to run in the next municipal election.
- (2) By-election:

Section 46 of the Municipal Act states that “If the office of a member of the council of a local municipality becomes vacant the council may, by by-law, require an election to be held to fill the vacancy, and in that case the clerk shall hold a by-election in accordance with section 65 of the Municipal Elections Act, 1996.”

Under section 65 of the Municipal Elections Act, 1996, if Council determines that a by-election is to be held, the Clerk is responsible for setting the date of nomination day which is to be a day not more than 30 days after the passing of the by-law indicating a by-election is required. Voting day must be 31 days after nomination day.

Should Council proceed with this option and pass the necessary by-law on October 4, 2001, nomination day would be Friday, November 2, 2001 and voting day would be Monday, December 3, 2001. Advance votes would be held on Saturday, November 24, 2001 and Sunday, November 25, 2001.

Should Council choose to fill the vacancy through a by-election, the estimated cost of administering the by-election is \$135,000. Should Council decide to approve a campaign contribution rebate program similar to the one approved by Council for the 2000 municipal election, an additional cost of approximately \$25,000 would be incurred by the City. The necessary funds need to be allocated from the 2001 Corporate Contingency Account to the City Clerk’s budget for the cost of the by-election.

Advantages:

- (1) best ensures a democratic process for constituents; and
- (2) provides an opportunity for election staff to test new procedures and processes in advance of a regular election.

Disadvantages:

- (1) more costly process than an appointment (a single member ward by-election is estimated to cost \$135,000 plus \$25,000 for a campaign contribution rebate program); and
- (2) more labour intensive and costly process from a staffing perspective.

Section 47 of the Municipal Elections Act, 1996 states that “A person appointed or elected to an office under section 45 or 46 shall hold office for the remainder of the term of the person whose place he or she is appointed or elected to fill.” Accordingly the person appointed or elected would hold office until November 30, 2003.

Past Practices in Filling Vacancies:

In reviewing past practices in the former municipalities now making up the City of Toronto, staff researched Council vacancies back to 1984 and found a total of nineteen vacancies that were filled. Of these nineteen vacancies, eleven were filled by appointment and eight through by-elections.

Of the eleven appointments, nine were in a regular election year, six of which were after the mandatory March 31st date as provided by the *Municipal Act*. The remaining two appointments were made in the year preceding an election year. One was made in the month of June and the other in the month of October. In the subsequent municipal election six of the eleven persons who had been appointed ran for office.

Of the eight by-elections, none were in an election year. Four were held in the year preceding an election year. The remaining four by-elections were held in the year immediately following the previous municipal election. In the subsequent municipal election, seven of the eight persons elected ran for office.

During the first term of Toronto City Council, two by-elections were held and two appointments were made. The first by-election (September 24, 1998) was mandated by Provincial legislation to give East York (Ward 1) a third Council member. The second by-election (September 23, 1999) was as a result of Council’s decision to hold a by-election to fill the vacancy in Scarborough Highland Creek (Ward 16). The two appointments occurred in 2000 – a regular election year – the first being North York

Humber (Ward 6) on February 2, 2000; the second being Toronto Davenport (Ward 21) on March 1, 2000.

Other Municipalities:

Elections staff had previously contacted several large Canadian municipalities to determine what, if any, policies and/or practices existed in filling vacancies on municipal council. With the exception of the City of London and the City of Yellowknife, which have a written policy for the filling of vacancies, all other municipalities surveyed follow the provisions of their applicable Acts. Generally, these Acts provide for all vacancies to be filled through a by-election except when the vacancy occurs within a defined time frame before the next general election (usually either six or twelve months). Ontario's *Municipal Act* appears to be unique in giving a council total discretion in filling a vacancy through either the conduct of a by-election or an appointment.

The municipalities surveyed for this purpose were Mississauga, London, Ottawa, Vancouver, Edmonton, Regina, Saskatoon, Winnipeg, Montreal, Fredericton, Halifax, Charlottetown, St. John's, Yellowknife and Whitehorse.

Staffing:

Given the experience and knowledge of the current staff in serving the constituents of Ward 31 – Beaches-East York through the office of Councillor Prue since the beginning of this term of Council, it is recommended that the current staff continue to support the office in the interim until a new Councillor is appointed or elected, and a decision is made by the new Councillor with respect to staffing. It is also recommended that the new Councillor when appointed or elected be urged to give first consideration to retaining the current staff.

Conclusions:

Council must make a determination on whether the vacancy in the office of Councillor, Ward 31 – Beaches-East York, should be filled by appointment or by by-election. If Council deems that a by-election is to be held, a by-law should be passed indicating an election is required to fill the vacancy.

Contact:

Greg Essensa, Director, Election Services
Tel – 416-392-8019; Fax – 416-392-1867
E-mail: gessensa@city.toronto.on.ca

Attachments:

- (1) Schedule "A" – Draft Bill No. 1 to provide for advances votes
- (2) Schedule "B" – Draft Bill No. 2 to authorize a campaign contribution rebate program

(Attachments are on file in the office of the City Clerk).

ATTACHMENT NO. 8 [Notice of Motion J(18)]

Report dated October 2, 2001, from the Commissioner of Urban Development Services, entitled "Appointment – Chief Building Official". (See Minute No. 8.85, Page 125):

Purpose:

The purpose of this report is to recommend to Council an appointment to the position of Chief Building Official.

Financial Implications and Impact Statement:

Funding for the position is included in the divisional operating budget.

The Acting Chief Financial Officer and Treasurer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) Ann Borooh be appointed to the position of Chief Building Official and that such appointment be effective November 5, 2001;
- (2) the Commissioner, Urban Development Services be authorized to negotiate terms and conditions of employment based on the employment provisions previously approved and consistent with other third level senior management of the City;
- (3) By-law No. 201-2001 being "A By-law ... to appoint Paula Dill as Chief Building Official on an interim basis" be amended to provide that such appointment will remain in full force and effect until a by-law appointing a new Chief Building Official comes into effect; and
- (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 necessary bills.

Background:

Yaman Uzumeri, former Chief Building Official for the City of Toronto, retired from the City effective April 27, 2001. To that end, at its meeting held on April 23, 24, 25, 26, 27, 30 and May 1 and 2, 2001, Council enacted By-law No. 201-2001 being a by-

law “to repeal the appointment of Yaman Uzumeri as Chief Building Official for the City of Toronto and to appoint Paula Dill as Chief Building Official on an interim basis” until such time as a recruitment process for a new Chief Building Official could be completed.

Comments:

The recruitment process for the Chief Building Official was initiated in July 2001 and the selection panel has concluded its interviews of the short list of qualified candidates for the position of Chief Building Official referred by the executive search consultant. Reference checks have been conducted. Preliminary discussions have occurred related to salary and other general terms of employment, conditional on Council approval of the recommended candidate.

Ms. Borooah brings with her strong management and technical skills from both the private and public sectors. In her current role as Director, Housing Development and Buildings – Ministry of Municipal Affairs and Housing, Ms. Borooah is the Chief Building Official in areas where Ontario has jurisdiction. She is also responsible for development, policy and regulatory approval for the Ontario Building Code and is leading both the building regulatory reform initiative (known as BRRAG) and the development and introduction of objective based codes. A copy of her curriculum vitae and summary of relevant experience is attached. She will be a great asset to the Urban Development Services Management Team and indeed the Corporation as a whole.

Subject to the finalizing the terms and conditions of employment, the appointment of Ann Borooah as Chief Building Official should come into effect on November 5, 2001.

Conclusion:

The selection process for the Chief Building Official has been thorough and comprehensive, open, fair and objective. The recommendation of the selection panel is presented for the consideration of Council.

Contact:

Paula M. Dill
Commissioner, Urban Development Services
Telephone: 416-397-4154

(The curriculum vitae, referred to in the foregoing report, remains confidential, in its entirety, in accordance with the provisions of the Municipal Act, having regard that it contains personal

information about an identifiable individual).

ATTACHMENT NO. 9 [Notice of Motion J(25)]

Joint Report dated October 1, 2001, from the Acting Commissioner of Community and Neighbourhood Services and the City Solicitor, entitled "77 Davisville Avenue Tenant Defence Fund Grant Application". (See Minute No. 8.92, Page 136):

Purpose:

To respond to the Tenant Defence Sub-Committee's request to review the application for a special grant of up to \$10,000 from 77 Davisville Avenue Tenants Association and report on issues related to the hearings at the Ontario Rental Housing Tribunal.

Financial Implications and Impact Statement:

There are no additional financial implications outside the Tenant Support Grants Program.

Recommendations:

It is recommended that this report be received for information.

Background:

At its meeting on September 26 2001, the Tenant Defence Sub-Committee received a communication from Councillor Michael Walker, the Chair of the Sub-Committee. The communication recommended that a special grant of up to \$10,000 from the Tenant Defence Fund be awarded to the 77 Davisville Avenue Tenants Association for their appeal to Ontario Divisional Court. The Sub-Committee heard a deputation from a tenant representative of the Tenants Association, outlining concerns about the procedure by which the Tribunal adjudicators conducted the hearings with respect to their dispute against the landlord application. The tenant representative also indicated that their appeal to Divisional Court has been scheduled for October 12, 2001.

Following the deputation, the Sub-Committee requested that the Acting Commissioner of Community and Neighbourhood Services and the City Solicitor report to Council at its next meeting on October 2, 2001 on the following matters:

- (a) the matters raised in the communication (September 24, 2001) from Mr. Sandy Bandhu of 77 Davisville Avenue Tenants Association, including the request for a special grant;
- (b) whether there is an issue of law that is common to all tenants or a violation of the Tenant Protection Act; and

- (c) what actions the City may take to ensure that the proceedings of the Ontario Rental Housing Tribunal are conducted in a fair and non-discriminatory manner.

This report responds to the Sub-Committee's request.

Comments:

- (a) Grant Request:

Staff recently received a communication from the Project Coordinator of the Outreach and Organizing Team indicating that 77 Davisville Avenue Tenants Association wishes to apply for an additional grant for obtaining legal representation to appeal a Tribunal decision about their landlord's AGI application before the Ontario Divisional Court. The communication included a petition of 171 signatures from the Davisville tenants and a supplementary notice of appeal filed by their lawyer .

At the Tenant Defence Sub-Committee meeting on September 26, 2001, the tenant representative submitted additional documents to support their application. This included a rent roll containing rent information for all tenants residing in that building, the Tribunal's Order, the original notice of appeal, and documents regarding tenants' request for review of the Order and the Tribunal's response. The landlord's AGI application to the Tribunal was not included in the documents although it is a requirement under the Tenant Support Grants Program. The tenant representative indicated that he had not received it from the landlord.

The Davisville building contains 484 units. The Tenant Support Grants Program By-Law sets out the criteria that the application must have the support of at least 33 percent of all units in the building, and that such support must be evidenced by a petition signed by 33 percent of the tenants, all of whom acknowledge that their rent is at or below the qualifying rent levels set out in the by-law. These rent levels are: \$720 for bachelor units, \$888 for one-bedroom units, and \$1,063 for two-bedroom units. The number of tenant signatures collected for the application meet the By-law requirements, but an insufficient number of them have rents that meet the rent amounts set out above. Furthermore, a review of the rent roll indicates that only 23 percent (111 units) in the Davisville building have rents that meet the qualifying rent requirements. Based on the review by staff, the Davisville application does not meet the eligibility criteria for a grant under the Tenant Support Grants Program.

- (b) Issues:

An appeal to the Superior Court of Justice (Divisional Court) (the “Divisional Court”) has been commenced by a tenant of 77 Davisville Avenue of an Order made by the Ontario Rental Housing Tribunal (the “Tribunal”) for an above-guideline rent increase. The appeal involves various issues including the Tribunal’s discretion to accept evidence after a hearing, the Tribunal’s decision that the applicant landlord not be required to provide disclosure, and determination of tenants that may be parties to the appeal. These issues hinge on the specific facts of this case, but may have relevance, by way of precedent, to tenants elsewhere seeking to appeal a landlord’s above-guideline rent increase. The City has been provided with an incomplete set of documents by the tenants, and has not been privy to the proceedings to date. Accordingly, the City Solicitor is unable to provide an informed opinion with respect to whether any violations of the Tenant Protection Act have occurred.

(c) Analysis of Possible City Options:

The City was not a party to the hearing before the Tribunal of the above-guideline rent increase application by the landlord of 77 Davisville. The various possible options for the City’s involvement in the appeal of the Tribunal’s order by the tenants to Divisional Court are set out below, along with an analysis of the City’s opportunities for success in any involvement:

- (1) Rule 5.03 of the Rules of Civil Procedure allows a court to add as a party “a person who ought to have been joined as a party or whose presence as a party is necessary to enable the court to adjudicate effectively and completely on the issues in the proceeding”. The City as a municipal corporation is a person. As the City is not directly affected by or involved with the facts of the appeal it is doubtful that the Divisional Court would add the City as a party to the appeal.
- (2) Pursuant to Rule 13.01 of the Rules of Civil Procedure, a person may move to intervene if they have an interest in the subject matter, may be adversely affected by the decision, or claim that there exists between themselves and one or more of the parties to the proceeding a question of law or fact in common with one or more of the questions at issue in the proceeding. The matters to be considered on a motion for intervenor status are the nature of the case, the issues that arise, and the likelihood of the moving party being able to make a useful contribution to the resolution of the appeal without causing injustice to the immediate parties. That the decision may be used as a precedent in another action between other parties has been held to be insufficient “interest” to support intervention. The Courts are less likely to grant intervenor status in non-constitutional cases involving private disputes than in public interest cases. As this appeal deals with a private dispute between the landlord and the tenants of 777 Davisville, and as the City itself is not affected by its outcome,

it is again unlikely that the City would be granted intervenor status by the Divisional Court.

- (3) Rule 13.02 of the Rules of Civil Procedure allows a court to permit any person to intervene as a “friend of the court” for the purpose of rendering assistance to the court by way of argument. Again, the present case involves a private issue between a landlord and its tenants, rather than a public matter challenging the validity of legislation. It is unclear what, if anything, the City can bring to the proceedings that the tenant parties cannot. Once again, it is unlikely that the City would be granted friend of the court status in this appeal.
- (4) Furthermore, there is no mechanism by which the City can take action “to ensure that the actions of the Ontario Rental Housing Tribunal are non-discriminatory”. The Tribunal is within provincial jurisdiction and was created by provincial legislation. The City has no role in its operations. Parties to Tribunal orders may request a review of a Tribunal order and may appeal an order on questions of law to the Divisional Court. Any discriminatory action by the Tribunal would be corrected by an order of the Divisional Court. Non-parties cannot initiate any such reviews or appeals. However, as a non-party, the City may wish to advise the Ministry of Municipal Affairs and Housing of any discrimination on the part of the Tribunal of which it is aware.
- (5) Should Council consider that the issues raised by the Davisville tenants have significant implications for other tenants in the City, it can deem the matter to be in the City’s interest, and make a grant to the tenants pursuant to its authority under section 113 of the Municipal Act. The Act provides that “the council of every municipality may, subject to section 111 of the Municipal Act, make grants, on such terms and conditions as to security and otherwise as the council may consider expedient, to any person, institution, association, group or body of any kind or any purpose that, in the opinion of the council, is in the interests of the municipality”. If Council chooses to make a grant to the tenant association there are sufficient funds in the Tenant Defence Fund.

Conclusions:

Council may approve an application from 77 Davisville Tenants Association for a grant to be allocated from the Tenant Support Grants Program, and deem such grant to be in the municipal interest.

Contact:

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ATTACHMENT NO. 10 [Notice of Motion J(31)]

Report dated October 2, 2001, from the Commissioner of Works and Emergency Services, entitled "Assignment of the Design-Build Agreement for the Dufferin Mixed Waste Recycling and Organics Processing Facility". (See Minute No. 8.97, Page 143):

Purpose:

The purpose of this report is to (a) report back to Council on the finalization of negotiations on the substantive terms of an amending agreement with the assignees, Canada Composting Inc., BTA Biotechnische Abfallverwertung GmbH & Co., KG, Trow Consulting Engineers Ltd., and W. S. Nicholls Construction Inc., as described in this report and within the previously authorized total contract amount, (b) obtain authorization to enter into an Assignment, Assumption and Release Agreement as set out in this report, and (c) obtain authorization to enter into an amending agreement as set out in this report.

Financial Implications and Impact Statement:

Funding is available in the 2001–2005 Approved Capital Works Program (CWP) Sub-project Account No. CSW004-5, Mixed Waste Processing Facility #1.

Recommendations:

It is recommended that:

- (1) the Commissioner of Works and Emergency Services be authorized to enter into:
 - (a) an assignment, assumption and release agreement in relation to the Design-Build Contract for the Dufferin Mixed Waste Recycling and Organics Processing Facility, on the terms and conditions as described in this report and otherwise on terms and conditions satisfactory to the Commissioner of Works and Emergency Services and in a form satisfactory to the City Solicitor, with the assignees, Canada Composting Inc., BTA Biotechnische Abfallverwertung GmbH & Co., KG, Trow Consulting Engineers Ltd., and W. S. Nicholls Construction Inc. and the assignor, Stone & Webster Canada Limited,
 - (i) assigning the Design-Build Contract from the assignor to the assignees, and
 - (ii) requiring the assignees to assume the assignor's obligations under the Design-Build Contract and requiring the assignees to provide replacement bonds in accordance with the contract requirements, and

- (b) an associated mutual release in a form satisfactory to the City Solicitor releasing respectively, Toronto, the assignor and its sureties, Chubb Insurance Company of Canada and AXA Pacific Insurance Company, from their obligations under the Design-Build Contract and the currently held performance and labour and material payment bonds;
- (2) the Commissioner of Works and Emergency Services be authorized to enter into an amending agreement to the Design-Build Contract for the Dufferin Mixed Waste Recycling and Organics Processing Facility, on the terms and conditions as described in this report and otherwise on terms and conditions satisfactory to the Commissioner of Works and Emergency Services and in a form satisfactory to the City Solicitor, with the assignees, Canada Composting Inc., BTA Biotechnische Abfallverwertung GmbH & Co., KG, Trow Consulting Engineers Ltd., and W. S. Nicholls Construction Inc.; and
- (3) authority be granted to the Commissioner of Works and Emergency Services to report back to the November 2001 meetings of the Works Committee with the details of an operating agreement with Canada Composting Inc.

Background:

At its meeting held on July 24, 25, 26, City Council adopted Notice of Motion J (21) without amendment and, in doing so, adopted the recommendations contained in the report dated July 24, 2001, entitled, "Assignment of the Design-Build Contract for the Dufferin Mixed Waste Recycling and Organics Processing Facility". The report recommended, among other things, that:

- (1) Council consent to the request by Stone and Webster Canada Limited for the assignment from it to the joint venture group of Canada Composting Inc., Biotechnische Abfallverwertung GmbH & Co KG, Trow Consulting Engineers Ltd. and W. S. Nicholls Construction Inc. of its obligations and benefits (i) under the Design-Build Contract for the Dufferin Mixed Waste Recycling and Organics Processing Facility and (ii) in respect of the operation of the Facility, such consent to be subject to successful negotiation, to the satisfaction of the Commissioner of Works and Emergency Services, of the amending agreement to the Design-Build contract as referred to in recommendation (2) of this report and effective upon written notice from the City Solicitor to Stone and Webster Limited to that effect;
- (2) the Commissioner of Works and Emergency Services be authorized to enter into an amending agreement to the Design-Build Contract for the Dufferin Mixed Waste Recycling and Organics Processing Facility, as described in this

report and otherwise on terms and conditions satisfactory to the Commissioner of Works and Emergency Services and in a form satisfactory to the City Solicitor, with the assignees, Canada Composting Inc., Biotechnische Abfallverwertung GmbH & Co KG, Trow Consulting Engineers Ltd., and W. S. Nicholls Construction Inc., as follows:

- (a) delineating the respective responsibilities of Canada Composting Inc., Biotechnische Abfallverwertung GmbH & Co KG, Trow Consulting Engineering Ltd. and W. S. Nicholls Construction Inc. for the project;
- (b) restructuring the performance test holdbacks and revising the payment breakdown and schedule accordingly, all within the previously authorized total contract amount;
- (c) revising the initial operation and acceptance test protocol to accelerate the performance test phases;
- (d) removing the contractual obligation to supply and install a cogeneration system as part of the Design-Build Contract; and,
- (e) providing for such other provisions in respect of replacement bonds and insurance as necessary to protect the interests of the City;

Comments:

Solid Waste Management Services staff have met with representatives from Canada Composting Inc. (CCI), BTA Biotechnische Abfallverwertung GmbH & Co., KG (BTA), Trow Consulting Engineers Ltd. (Trow) and W. S. Nicholls Construction Inc. (Nicholls) [collectively the assignees] on several occasions since the July, 2001 Council Meeting and have finalized the substantive terms of the Amending Agreement referred to in the July 2001 recommendations. At the same time, the parties have agreed that there should be a formal Assignment, Assumption and Release Agreement and the sureties under the current performance and labour and material bonds have insisted on a formal release.

Given the number of changes to the Amending Agreement which could not be detailed at that time in the July report to Council and the need to formalize an assignment agreement together with associated releases, further Council authority is required.

The assignees will be jointly and severally liable to perform the Contract and therefore are all signatories to the Assignment, Assumption and Release Agreement and the Amending Agreement. All four will be named as principals on the Performance Bond and the Labour and Materials Payment Bond required by the City.

The Assignment, Assumption and Release Agreement assigns the assignor's rights and obligations under the Design-Build Contract to the assignees and the assignees agree to assume all of the obligations under the Contract. It also includes provisions assigning the benefit of all warranties, contains representations and warranties by both Toronto and Stone & Webster Canada Limited ("SWCL") as to the status of the Contract and provides for a mutual release of SWCL and Toronto.

There is also a separate Mutual Release document to be executed by the City, SWCL and SWCL's sureties whereby each releases the other from any past or future claims in relation to the project or the project bonds. The release does not affect any obligations for confidentiality under the Contract.

As indicated in the July 24, 2001 staff report, the assignees required a number of changes to the Design-Build Contract for them to take on the assignment. Now that negotiations have taken place, we can report those changes in more detail. The changes, to be reflected in the Amending Agreement, include:

- The holdback with respect to the initial operations phase has been changed from 10 percent to 5 percent and the holdback with respect to the acceptance testing phase has been changed from 15 percent to 5 percent to allow for the more timely release of monies owed to the contractor for completed work. The 15 percent reduction in the holdbacks (which is better than the 20 percent reduction contemplated in the July 24, 2001 staff report) will enable the project team to increase the cash flow available to the contractor to more equitably cover its project costs, while maintaining the same total contract price.
- The initial operation and acceptance testing phases of the Contract have been modified in an effort to accelerate the project schedule. The initial operation and acceptance testing protocol was originally established during the RFP process when the City's preferred processing technology had yet to be determined. As a result, the duration of the initial operation and acceptance test phases were fairly long to accommodate any number of possible processes. The assignees suggested that the ability of their technology could be demonstrated with shorter initial operation and acceptance testing phases. We reviewed the proposed changes with our project consultant, MacViro Consulting Engineers Ltd. (MacViro) and are comfortable that the proposed changes do not compromise our ability to effectively test the performance of the process.
- The RFP required respondents to guarantee maximum residue rates for mixed waste processing and SSO processing. The RFP also set maximum residue

rates of 40 percent and 10 percent for mixed waste and SSO respectively. Stone & Webster guaranteed maximum residue rates of 30 percent and 10 percent, which are within the specified limits. A table showing the estimated composition of mixed waste was included in the RFP, however, it included a statement that the City would not warrant the accuracy of the table meaning in essence that the guaranteed residue rates had to be met regardless of the composition of the material the City delivered to the facility. The assignees indicated they cannot take on such a sizeable risk, which is not within their control, and have asked that the guaranteed residue rate be tied to the composition table in the RFP documents. Specifically, they asked that the guaranteed residue rate be tied to the amount of non-organic material shown in the table and if the amount of non-organic material in the actual incoming waste stream exceeds the amount shown in the table that they be allowed a corresponding increase in the allowable residue. This is consistent with a note in Stone and Webster's proposal that tied their guaranteed residue rate to the amount of organics in the incoming stream. They also asked that a similar table be developed for SSO material and that a similar provision be made to change the allowable residue if the amount of non-organic material in the actual SSO stream exceeded the amount shown in the SSO table. The proposed changes, however, also provide that the contractor cannot claim any extra costs by virtue of any increase in the residual rate. . We reviewed the proposed changes with MacViro and are comfortable that the proposed changes are reasonable.

- The RFP required the contractor to test emissions from the cogen unit and the flare for a specified list of contaminants and for "additional contaminants if required by the Ministry of the Environment". While the assignees were willing to test for the specified list of contaminants, they indicated that they were not able to take on this open-ended risk and asked that the City cover the cost of the "additional tests" if required. The testing protocol was originally developed during the RFP process when the City's preferred processing technology had yet to be determined. As a result, the protocol was fairly open ended to accommodate any number of possible processes. With the BTA process, it appears unlikely that the MOE will ask for additional contaminants to be tested. We reviewed the proposed changes with MacViro and are comfortable that the proposed changes are reasonable.

- The RFP required the contractor to test odour emissions from each dust and odour control system exhaust. The assignees asked that this be clarified to name the biofilter as the only dust or odour control system. The testing protocol was originally developed during the RFP process when the City's preferred processing technology had yet to be determined. As a result, the protocol was fairly open ended to accommodate any number of possible

processes. With the BTA process, the biofilter is the only dust or odour control system. Any other dust or odour releases would be classified as fugitive and would have to be corrected pursuant to other provisions of the contract. We reviewed the proposed changes with MacViro and are comfortable that the proposed changes are reasonable.

- The RFP required the contractor to meet the material specifications included in the RFP for recovered materials (i.e. aluminium, steel, plastic, etc) and that the recovered material be accepted by end markets. The RFP also indicated that the respondent would be responsible for marketing the recovered materials and that the respondent would keep any revenue received for marketed materials. The assignees correctly noted that it would be very difficult to meet the material specifications included in the RFP when processing a mixed waste stream regardless of the processing technology. They argued that since they retain any revenues, the most important criteria was that the material was accepted by the end market. They therefore asked that the requirement to meet the material specifications in the RFP be dropped. We reviewed the proposed changes with MacViro and are comfortable that the proposed changes are reasonable.

- The Design-Build Contract currently requires that the contractor construct and install a biogas utilization plant on a portion of the site. Stone and Webster had proposed to contract with Toromont Energy for the construction, installation, operation and maintenance of a cogeneration system that would convert the biogas from the anaerobic digestion process into power and heat which would then be used in the facility and/or in other Toronto owned properties. Unfortunately, due to the financial instability of Stone and Webster, the Toromont proposal has not come to fruition. The assignment team has indicated that a cogeneration system as required by the Design-Build Contract cannot be obtained within the project timelines. They therefore asked that the requirement to provide a cogeneration system be deleted from the contract. Instead, temporary heat would be used to heat the digester during acceptance testing and until such time as a cogeneration system can be acquired by the City through discussions/negotiations with Toromont or some other supplier. The cost of the temporary heating system will not exceed \$30,000 and can be accommodated within the existing project budget. Relieving the Contractor of its obligations to supply and install a cogeneration system as part of the Design-Build Contract will accelerate the construction schedule and performance testing phases. This is not to say that we abandon the idea of producing “green power”. It merely provides the project team with the necessary flexibility to commence initial operation and acceptance testing, as early as possible, using temporary heat while we attempt to secure a contract for the supply and installation of a cogeneration system. To this end,

discussions are currently underway with Toronto Hydro to partner with the City in securing a cogeneration system for the Dufferin facility. Therefore, staff support the assignees' request to remove the requirement to supply and install a cogeneration system from the Design-Build Contract.

- The amending agreement also states that Canada Composting Inc. shall negotiate with Toronto in good faith to finalize a contract for the operation of the facility, that such negotiations shall commence within 10 days of the execution of the agreement and that the parties will use reasonable efforts to finalize the contract within 90 days after that time.

While some of the above changes represent additional risk to the City, staff are confident the potential risks are far outweighed by the potential benefits of assigning the contract to the assignees and removing the considerable risk of dealing with the current contractor which has limited resources by virtue of the insolvency of its parent company in the United States.

The City Solicitor has been consulted in the preparation of the necessary documentation and of this report.

Conclusions:

The assignment proposal submitted by Canada Composting Inc. and its joint venture partners in respect of the Design-Build Contract for the Dufferin Mixed Waste Recycling and Organics Processing Facility provides the City with the best opportunity to ensure project continuity, to provide for diligent completion of construction of the plant and timely performance testing. These elements do not exist in the present situation due to the insolvency of SWCL's parent company, and they are crucial to any successful and diligent completion of the project in order to secure the necessary organic processing capacity to begin to roll-out the programs presented in the Task Force 2010 Report.

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